

## II. Future Land Use

**GOAL 1: FUTURE LAND USE MAP.** To maintain and enforce a Future Land Use Map showing the proposed distribution, location, and extent of future land uses by type, density, and intensity in order to protect natural and man-made resources, provide essential services in a cost-effective manner, and discourage urban sprawl. (Amended by Ordinance No. 94-30)

*RESPONSE: The Babcock Mixed Use District (BMXD), as planned under the proposed amendment, will be consistent with the provisions of this goal. The application herein provides a designation and supporting text to delineate density and intensity. The supporting text also provides protection for natural and man-made resources found within land under this designation.*

**OBJECTIVE 1.1: FUTURE URBAN AREAS.** Designate on the Future Land Use Map (Map 1) categories of varying intensities to provide for a full range of urban activities. These designations are based upon soil conditions, historic and developing growth patterns, and existing or future availability of public facilities and services. (The Future Land Use Map series also contains Map 2 and additional maps located in the appendix. A colored wall-size reproduction of Map 1 is also available.)

*RESPONSE: The BMXD will be consistent with this objective. The purpose of the application herein is to create the BMXD as a new Future Land Use category in the Lee Plan. The application also would establish Goal 23 for the Lee Plan, which establishes the vision, development parameters and conditions for the BMXD.*

**POLICY 1.1.1:** The Future Land Use Map contained in this element is hereby adopted as the pattern for future development and substantial redevelopment within the unincorporated portion of Lee County. Map 16 and Table 1(b) are an integral part of the Future Land Use Map series (see Policies 1.7.6 and 2.2.2). They depict the extent of development through the year 2020. No development orders or extensions to development orders will be issued or approved by Lee County which would allow the Planning Community's acreage totals for residential, commercial or industrial uses established in Table 1(b) to be exceeded (see Policy 1.7.6). The cities of Fort Myers, Cape Coral, and Sanibel are depicted on these maps only to indicate the approximate intensities of development permitted under the comprehensive plans of those cities. Residential densities are described in the following policies and summarized in Table 1(a). (Amended by Ordinance No. 94-29, 98-09)

*RESPONSE: The BMXD will be consistent with this policy. The density requested for the BMXD is 1,630 residential units to be developed on site. Commercial land uses will be 80,000 square feet. Allocations for these uses in Table 1(b) for the Alva Planning Community will be reflected in the 2030 update. These allocations will reflect the demonstrated need for the additional residential and commercial use in the Alva Planning Community through the 2030 planning horizon.*

**POLICY 1.1.2:** The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers, and Cape Coral. By virtue of their location, the county's current development patterns, and the available and potential levels of public services, they are well suited to accommodate high densities and intensities. Planned mixed-use centers of high-density residential, commercial, limited light industrial (see Policy 7.1.6), and office uses are

appropriate in these locations. As Lee County moves toward becoming a metropolitan complex of a half-million people, these centrally located urban nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. The standard density range is from seven dwelling units per acre (7 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre). (Amended by Ordinance No. 94-30)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 1.1.3:** The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30, 02-02)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 1.1.4:** The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 1.1.5:** The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed. (Amended by Ordinance No. 94-30)

*RESPONSE: This policy is not applicable to the BMXD.*



**POLICY 1.1.6:** The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area in North Fort Myers east of I-75, a portion of San Carlos Groves in San Carlos/Estero planning community, and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre).

1. For Lots 6 -11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area:
  - a. The property may be developed at a gross density of one dwelling unit per acre; however, a gross density of up to two dwelling units per acre is permitted through the planned development zoning process, in which the residential development is clustered in a manner that provides for the protection of flowways, high quality native vegetation, and endangered, threatened or species of special concern. Clustered development must also connect to a central water and sanitary sewer system.
  - b. A maximum of one hundred and twenty (120) residential dwelling units, along with accessory, and accessory active recreation uses are permitted through the use of clustering and the planned development zoning process. The dwelling units and accessory uses must be clustered on an area not to exceed thirty two ( $\pm 32$ ) acres, which must be located on the northwestern portion of the property. No development may occur in the flowway, with the exception of the improvement of the existing road access from the site to Pine Road. The remainder of the property will be designated as preserve/open space, which can be used for passive recreation, and environmental management and education. In addition, the developer will diligently pursue the sale or transfer of the preserve/open space area, along with development rights for thirty (30) of the maximum one hundred and twenty (120) residential dwelling units, to the State, County, or other conservation entity.

(Amended by Ordinance 91-19, 03-20)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 1.1.7:** The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach. Whereas the other Future Urban Areas will include a broad

combination of residential, commercial, public, and limited industrial land uses, the Industrial Development area is to be reserved mainly for industrial activities per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research, properly buffered recreational uses (except where precluded by airport hazard zone regulations), and office complexes (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. New natural resource extraction (mining) activities and fill dirt operations must be approved through the Industrial Planned Development rezoning process. Retail or wholesale of products manufactured or processed upon the premises may be allowed at a ratio of 1 square foot of commercial uses to 10 square feet of industrial use in association with a Planned Development. Ancillary minor retail commercial uses intended to support the surrounding industrial land uses may not exceed 30,000 square feet per development; and, at buildout, may not exceed more than ten percent (10%) of the total acreage of the lands designated as Industrial Development areas in each community outlined in Map 16. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. (Amended by Ordinance No. 94-30, 98-09, 99-15, 02-02)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 1.1.8:** The Public Facilities areas include the publicly owned lands within the county such as public schools, parks, airports, and other governmental facilities. The allowable uses within these areas are determined by the entity owning each such parcel and the local government having zoning and permitting jurisdiction.

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 1.1.9:** The University Community land use category provides for Florida's 10th University and for associated support development. The location and timing of development within this area must be coordinated with the development of the University and the provision of necessary infrastructure. All development within the University Community must be designed to enhance and support the University. In addition to all other applicable regulations, development within the University Community will be subject to cooperative master planning with, and approval by, the Board of Regents of the State University System.

Prior to development in the University Community land use category, there will be established a Conceptual Master Plan which includes a generalized land use plan and a multi-objective water management plan. These plans will be developed through a cooperative effort between the property owner, Lee County, and South Florida Water Management District.

Within the University Community are two distinct sub-categories: University Campus and the University Village. The University Window overlay, although not a true sub-category, is a distinct component of the total university environment. Together these functions provide the opportunity for a diversity of viable mixed use centers. Overall average density for the University Village will not exceed 2.5 units per acre. Clustered densities within the area may reach fifteen units per acre to accommodate university housing. The overall average intensity of non-residential development within the University Village will be limited to 10,000 square feet of building area per non-residential acre allowed pursuant to Map 16 and Table 1(b). Specific policies related to the University Community are included within the Lee Plan under



Goal 18. (Added by Ordinance No. 92-47, Amended by Ordinance No. 94-30, 98-09, 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 1.2: SOUTHWEST FLORIDA INTERNATIONAL AIRPORT AREA.** Designate on the Future Land Use Map adequate land in appropriate locations to accommodate the projected growth needs of the Southwest Florida International Airport and the business and industrial areas related to it, as well as research and development activities and other non-aviation related development that is not necessarily related to the airport, through the year 2020. The Lee County Port Authority desires to establish non-aviation related uses to provide a supplementary revenue source as well as providing an opportunity for businesses that desire a location on airport property. Designate on the Airport Layout Plan suitable areas to accommodate these desired uses and provide general policy guidance as to how these uses will be developed. These categories are also considered Future Urban Areas. (Amended by Ordinance No. 94-30, 02-02, 04-16)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 1.2.1:** Airport lands include the Southwest Florida International Airport's existing facility and projected growth areas through the year 2020. These areas will include airport and airport-related development as well as non-aviation land uses as proposed in the approved 2003 Airport Master Plan update and as depicted on the Airport Layout Plan sheet (Map 3F) and the Southwest Florida International Airport Proposed Development Schedule (Table 5). This mix of uses is intended to support the continued development of the Southwest Florida International Airport. Future development at the Southwest Florida International Airport will also include non-aviation related land uses such as hotels/motels, light industrial, service stations, ancillary retail/shopping, and office development. Any future airport expansion or development of aviation-related and non-aviation uses will offset environmental impacts through the Airport Mitigation Lands Overlay (Map 3M) or other appropriate mitigation acceptable to the permitting agencies and to Lee County. The physical design of the airport expansion will minimize any degradation of the recharge capability of land being developed. Airport expansion beyond the present boundaries will be subject to necessary amendments to the Lee Plan.

All development on Airport lands must be consistent with Map 3F and Table 5. Map 3F depicts the planned expansion of the Southwest Florida International Airport through 2020. If the airport master planning process precipitates a substantive change to the Airport Layout Plan (Map 3F), then the Port Authority must amend Map 3F prior to obtaining local development approval.

The non-aviation related development areas have been depicted on the approved Airport Layout Plan sheet (Map 3F). These uses will be constructed upon Airport lands with long term leases. All development within the non-aviation land use areas will be subject to mitigation requirements for wetland impacts. Mitigation of wetland impacts will be in accordance with the U.S. Army Corps of Engineers and South Florida Water Management District requirements. To the greatest extent reasonably possible, development of non-aviation land use areas must avoid wetland impacts. All non-aviation land use development will meet the indigenous vegetation requirements set forth in the Lee County Land Development Code. (Amended by Ordinance No. 94-30, 00-22, 04-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 1.2.2:** The Tradeport areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year 2020. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; offices; research and development activities; ground transportation and airport-related terminals or transfer facilities; and hotels/motels, meeting facilities; and retail uses within hotels/motels. Ancillary retail commercial uses, intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development of 10 or more acres in size and are limited to 1,000 square feet per acre of Tradeport land within the Planned Development. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. Caretaker residences are not permitted in the Airport Noise Zone 3. Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. Property in Section 1 and the east ½ of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential public services. During the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be rebuttably presumed to be necessary to protect potential groundwater resources in the area. (Amended by Ordinance No. 94-30, 02-02, 03-04, 04-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 1.2.3:** Airport Noise Zones are subject to varying levels of airport-related noise; see Policy 1.7.1 for details of these overlay zones.

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 1.2.4:** The Airport AOPD zoning resolution must be amended before any non-aviation related uses can be developed at the Southwest Florida International Airport. The intensity of the proposed aviation and non-aviation land uses must be consistent with Lee Plan Table 5. (Added by Ordinance No. 04-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 1.2.5:** Map 3F, as currently incorporated into the Lee Plan, includes transportation improvements that exceed those shown on the balance of the Transportation Map Series maps. The direct access improvements to I-75 depicted on Map 3F, which are being pursued by the Port Authority to benefit the midfield terminal, include an interchange at I-75 and grade separation at Treeline Avenue/Ben Hill Griffin Parkway. These future improvements are the Port Authority's desired access to the airport. The Port Authority will be responsible for achieving consistency between Map 3F and the balance of the Transportation Map Series concerning access to I-75. The Port Authority will serve as the lead agency for achieving direct access to I-75. (Added by Ordinance No. 04-16)



*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 1.2.6:** Any future airport expansion or development of aviation-related or non-aviation related uses will provide appropriate buffer areas, as determined by Lee County, for the protection of groundwater resources in the Southeast and Northeast quadrants of the airport property. (Added by Ordinance No. 04-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 1.2.7:** Future non-aviation areas depicted on the Airport Layout Plan (Map 3F) will be developed, to the greatest extent possible, only within existing upland areas. Impacts to wetlands in the future non-aviation areas will be minimized by site design, whenever possible, in compliance with the Lee County Land Development Code. Development within the future non-aviation area, as designated on Map 3F, is limited to a total of 100 acres. Development of additional acreage will require prior Lee Plan amendment approval. (Added by Ordinance No. 04-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 1.3: INTERSTATE HIGHWAY INTERCHANGE AREAS.** Designate on the Future Land Use Map specialized categories for land adjacent to the interchanges of Interstate 75. It is important to make maximum beneficial use of these critical access points and at the same time avoid irreconcilable conflicts between competing demands, such as through traffic vs. local traffic, conservation vs. development, commercial development vs. industrial development, and tourist commercial facilities vs. general shopping facilities. Development in these areas must minimize adverse traffic impacts and provide appropriate buffers, visual amenities, and safety measures. Each interchange area is designated for a specific primary role: General, General Commercial, Industrial Commercial, Industrial, University Village, and Mixed Use. Residential uses are only permitted in these categories in accordance with Chapter XIII or as provided in Policy 1.3.2. These areas are also considered Future Urban Areas. (Amended by Ordinance No. 94-30, 99-18, 00-22)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 1.3.1:** The Industrial Interchange areas allow combinations of light industry, research, and office uses. In addition, certain visitor-serving commercial uses such as restaurants and hotels are appropriate. (Amended by Ordinance No. 98-09)

*RESPONSE: This policy is not applicable to the BMXD*

**POLICY 1.3.2:** The General Interchange areas are intended primarily for land uses that serve the traveling public: service stations, hotel, motel, restaurants, and gift shops. But because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial and light industrial/commercial. (Amended by Ordinance No. 94-30, 99-18)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 1.3.3:** The General Commercial Interchange areas are intended primarily for general community commercial land uses: retail, planned commercial districts, shopping, office, financial, and business.

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 1.3.4:** The Industrial Commercial Interchange areas are designated to permit a mixture of light industrial and/or commercial uses. This category does not permit heavy industrial uses.

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 1.3.5:** The University Village Interchange land use category is designed to accommodate both interchange land uses and non-residential land uses related to the University. Development within this interchange area may or may not be related to, or justified by the land use needs of the University. Land uses allowed within this area include those allowed in the Industrial Commercial Interchange category and the associated support development allowed in the University Village. The overall average intensity of non-residential development will be limited to 10,000 square feet of building area per non-residential acre allowed pursuant to Map 16 and Table 1(b). See the definition of Associated Support Development in the Glossary. Cooperative master planning and approval by the Board of Regents will be required prior to development within this land use category. Additionally, any development within this land use category which meets or exceeds the Development of Regional Impact thresholds, either alone or through aggregation, must conform to the requirements of Chapter 380 F.S. (Added by Ordinance No. 92-47, Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 1.3.6:** Lee County recognizes that development immediately adjoining the I-75 ramps could render future interchange improvements extremely costly if not prohibitive. To assist the county in evaluating the impacts of specific rezoning proposals located within 1000 feet of I-75 ramps, county staff will estimate the possible right-of-way needs for interchange improvements in that quadrant and present this information during the rezoning process. Where possible, development approvals must be phased to protect land critical for future interchange improvements. (Relocated by Ordinance No. 99-18, Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 1.3.7:** The following access control standards will apply to the interstate interchange areas of Luckett Road, Alico Road, Corkscrew Road, and Bonita Beach Road. The specified turning movements are not to be construed as conveying a property right or creating any expectation that they will be a permanent feature. The County reserves the right to modify or further restrict movements as it deems necessary to address operational and safety issues. Access control issues for Daniels Parkway west of I-75 are governed by the controlled access resolution adopted by the Board of County Commissioners on October 4, 1989, as may be



amended from time to time. The other interchange areas are state roads where access is controlled by the Florida Department of Transportation under the provisions of Rule 14-97.003, FAC. The standard is a strict requirement during the rezoning and development order processes for cases after the effective date of this policy.

#### Access Control Standards for Lockett Road and Bonita Beach Road

1. The distance to the first connection will be at least 880 feet, provided such location is outside the federal limited access right-of-way line. A connection is generally defined as a driveway or roadway, limited to right-in/right-out movements, but can include a directional median opening. This distance will be measured from the end of the upstream interchange ramp or the beginning of the downstream interchange ramp, whichever is farther from the centerline of the interstate. A single connection per property not meeting this connection spacing standard may be provided, pursuant to the connection permit process, if no reasonable access to the property exists, and if permitting authority review of the connection permit application provided by the applicant determines that the connection does not create a safety, operational or weaving hazard.
2. The minimum distance to the first full movement median opening will be at least 1760 feet as measured from the end of the upstream interchange ramp or the beginning of the downstream interchange ramp, whichever is farther from the centerline of the interstate.
3. Connections and median openings consistent with the above spacing standards may still be denied in the location requested when the Lee County Traffic Engineer determines, based on the engineering and traffic information provided in the permit application, that the safety or operation of the interchange or the limited access highway would be adversely affected.
4. Connections and median openings existing prior to 1998 that do not meet the standards are allowed to remain (unless they need to be closed for operational safety reasons), but cannot expand movements, except in the case of County roadway extensions.

#### Access Control Standards for Alico Road

The access on Alico Road is limited to the following movements and locations, from west to east and excluding the area within the interstate limited access right-of-way:

STATION	DISTANCE <sup>(1)</sup>	MEDIAN OPENING	MOVEMENT	CONNECTION
160+59.33	n/a	Yes	All	Oriole Road
170+54.54	995.21 ft.	Yes <sup>(2)</sup>	All	Alico Int. Park DRI
177+74.54	720 ft.	Yes	All	Three Oaks Parkway
222+81	n/a	Yes	EB to NB Left-in <sup>(3)</sup> Rt-in/Rt-out from N&S	Coca-Cola Bottling Co. (N) University Plaza (S)
234+44	1163 ft.	Yes	All	Ben Hill Griffin Pkwy.

<sup>(1)</sup> Distance measured from next connection to the west.

<sup>(2)</sup> Unsignalized only. Subject to future restrictions if traffic signal warranted.

<sup>(3)</sup> A WB to SB left-in may be allowed if sufficient right-of-way is provided and an analysis demonstrating acceptable operation is submitted to and approved by LCDOT.

## Access Control Standards for Corkscrew Road

The access on Corkscrew Road is limited to the following movements and locations, from west to east and excluding the area within the interstate limited access right-of-way:

STATION	DISTANCE <sup>(1)</sup>	MEDIAN		CONNECTION
		OPENING	MOVEMENT	
172+84	n/a	Yes	All	Three Oaks Parkway
179+44	660 ft.	Yes	EB to NB Left-in <sup>(2)</sup> Rt-in/Rt-out from N&S	Corkscrew Crossings (#1)
185+29	585 ft.	Yes	All	Corkscrew Crossings (#2)
187+83	254 ft.	No	Rt-in/Rt-out from N <sup>(3)</sup>	Pic-N-Run Entrance
190+34	253 ft.	Yes	EB to NB Left-in Rt-in/Rt-out from N	Esterio Int. Com. Park (#3)
194+29	395 ft.	Yes	WB to SB Left-in NB to WB Left-out Rt-in/Rt-out from S	Corkscrew Woodlands
221+47	n/a	Yes	U-turns only	None
230+14	867 ft.	Yes	EB to NB Left-in Rt-in/Rt-out from N&S <sup>(4)</sup>	Miromar Outlet Mall
236+73	660 ft.	Yes	All	Ben Hill Griffin Pkwy.

<sup>(1)</sup> Distance measured from next connection to the west.

<sup>(2)</sup> A WB to SB left-in may be allowed at this location if necessary.

<sup>(3)</sup> The previously-approved driveway for the Pic-N-Run may remain provided there is not other access; however, if Pic-N-Run establishes a connection to the frontage road system and other access locations, the driveway must be removed.

<sup>(4)</sup> The Right-in/Right-out from the south already exists at Station 230+65. This connection may be shifted west to any point between Stations 226+30 and 230+65 if proven not to be a traffic safety hazard.

(Relocated and Amended by Ordinance No. 00-22, Amended by Ordinance No. 03-05)

**RESPONSE:** *This policy is not applicable to the BMXD.*

**OBJECTIVE 1.4: NON-URBAN AREAS.** Designate on the Future Land Use Map categories for those areas not anticipated for urban development at this time.

**RESPONSE:** *The BMXD will be consistent with the provisions of this objective. Clustering development within the southwest corner of the BMXD property and gradual transitioning of densities and intensities and appropriate uses will maintain the property's rural character. Under the proposed amendment, conservation easements will result in significant conservation of valuable wildlife and native habitats. Conservation easements along with Greenways will also function as growth boundaries to limit development and further maintain the rural character of the property. Lands outside of the Babcock Ranch Community sold to the State of Florida and Lee County will be maintained for conservation in perpetuity.*

**POLICY 1.4.1:** The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital



improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre).

*RESPONSE: Areas included within the portion of the existing Babcock Ranch, but outside the BMXD, sold to the State of Florida and Lee County will continue their existing agricultural uses for eight years. At that time, Lee County and the State of Florida will determine if they remain. At no point under the present ownership will these areas be developed to receive urban type capital improvements nor is an increase in density on these lands requested.*

The property consisting of Sections 1, 2, and 3, Township 48 South, Range 26 East must be developed only in accordance with the following standards:

1. The Property may be developed only in accordance with the following conditions. Pre-development activities such as rezonings, zoning permits, certifications, special exceptions, and variances must be consistent with the following conditions, but need not implement them until application is made for a development order that would authorize physical, on-the-ground development on the Property.
  - a) The Property, or any part of it, will only be developed as a Planned Development, as defined by Chapter XII of the Lee County Comprehensive Plan. Should development occur in a series of increments by different developers, each development must receive planned development approval. Residential development will be clustered in order to maximize opportunities to provide open spaces and natural areas. A maximum of five acres of the property will be reserved for commercial uses of the type which serve neighborhood needs. Commercial development may be aggregated on any portion of the Property. Clustering will be achieved by requiring homesites to be platted or designed in contiguous groups, adjacent to open spaces. Clustering of residential development will also be achieved by limiting the areas on the Property available for residential homesites in the following fashion.
    - (1) Residential development. Single and/or multiple family homesite acreage may account for no more than 45% of the gross area of the Property. Homesite acreage includes the entire site for all single family houses, multi-family dwellings, and any other residential structure, including the house or building pad, the yard, and any driveway, parking areas, landscaped areas, and the like upon the homesite.
    - (2) Open Spaces. These areas will include preserved natural areas, buffers, lakes, parks, golf courses, nature trails, retention areas, conservation areas, scenic resources, green belts, wetlands and associated areas and must account for a minimum of 40% of the Property. Golf course fairways will account for no more than fifty percent (50%) of the open space of the subject property.
    - (3) Non-residential Development. These areas will include vehicular and pedestrian ways, commercial and institutional areas, club houses and associated facilities, utility buildings, maintenance areas, tennis courts and associated non-residential uses and will be a maximum of 15% of the Property.

- b) All naturally occurring wetlands, which have not been significantly degraded, must be designated as preserve areas and be subject to a conservation easement similar to that set forth in Section 704.06, Florida Statutes. Limited uses in preserve areas such as nature trails, bike paths, cart paths, boardwalks and the like will be allowed when permitted by appropriate State and Federal agencies. The use of wetland areas for water management, to the extent allowed by law, will not be precluded. Wetland areas being used as water management areas on the Property may be relocated if (1) all approvals are obtained from appropriate State and Federal agencies and (2) where the affected wetland functions are replaced on the Property.
- c) Where feasible, open space areas will be designed so as to provide connections between wetlands, preserve areas, and buffers on the Property. The design of these open space areas will seek to provide areas which will be integrated with on-site and adjacent preserve properties so as to enhance habitat for small mammals and wading birds. Golf courses, when constructed and maintained in compliance with this paragraph will be considered to be functional open space to the extent set forth above.
- d) The design of the functional open space area must incorporate the following design features:
  - (1) A surface water management system that mimics the functions of the natural system, in accordance with Objective 61.2 of the Lee Plan:
  - (2) For those areas that drain to the Imperial River Basin, a surface water management system that is consistent with the Kehl Canal/Imperial River basin study prepared for the SFWMD, and adopted by the BOCC pursuant to Policy 60.3.2 of the Lee Plan:
  - (3) Uses including, but not limited to, picnic areas, trails, benches, boardwalks, golf courses, water management systems, biking/jogging/equestrian trails, water courses, bird viewing blinds/tower and interpretative facilities will be permitted within functional open areas:
  - (4) The open space areas must be replanted with vegetation after construction. Seventy five percent of the total number of required trees used in buffers, and landscaping must be indigenous, and fifty percent of the shrubs must be indigenous:
  - (5) Plant material used for revegetation must conform to the standards for Florida Number 1, or better as given in Grades and Standards for Nursery Plants 1973, and Grades and Standards for Nursery Plants, Part II, Florida Department of Agriculture and Consumer Services Tallahassee:
  - (6) Australian pine, cajuput, Brazilian pepper, downy rose myrtle, Cuban laurel, melaleuca, bishopwood, castor bean, common papaya, common snakeplant, day jessamine, hunters robe, queensland umbrella tree, trailing wedelia may not be used as part of the revegetation of the property after development. Any such plants that exist on the site at the time of the issuance of a development order must be removed; and



- (7) The vegetation that surrounds, or is within the open space areas should have the capacity to provide habitat for a diversity of wildlife.
- e) Development must provide a buffer to protect adjacent natural areas from the impacts of development. The purpose of the buffer is to protect adjacent natural resources from the activities and impacts of development on the Property.
- (1) All development must incorporate buffers, as follows, in three zones:

**Zone 1** will be a minimum of 100 feet wide and will extend completely along all portions of the eastern and southern boundary of the Property. These are the areas of the Property which are adjacent to the Collier County Line. The buffer will consist of selected native upland forest plant species such as south Florida slash pine, live oak, laurel oak, and saw palmetto. Selected species will be tolerant of drought conditions, and will not require fertilizers and pesticides to promote growth and survival. Exotic plant species will be controlled by the periodic application of herbicides and mechanical removal. Wetland forest species will be used in situations where wetland functions remain on the property and where soil and moisture conditions are suitable.

**Zone 1** will incorporate the existing water management reservoirs which are located along the southern boundaries of Sections 1 and 2. These reservoirs will not require additional buffering. There will be no structures erected in Zone 1, however, passive recreation such as hiking, bird watching, and nature-study will be permitted. Construction of lakes in Zone 1 will be allowed. Existing berms and ditches will be allowed to remain in Zone 1.

**Zone 2** will be adjacent to Zone 1 and will encompass an area that is at least 50 feet wide. This area will be free of lights and other structures such as fences, pools, and sheds. The permanent placement of generators, pumps, and other fixed motors will be prohibited. Homesites may extend into Zone 2, but no portion of the residence itself may extend into this zone. If residential lots are incorporated into this zone, those portions of yard acreage will be planted and maintained in a fashion similar to that proposed for Buffer Zone 1. Passive recreation such as hiking, jogging, biking, and walking will be allowed along designated trails and boardwalk system. Golf courses and lakes may extend into this zone, but may not incorporate lights or structures other than drainage structures and cart paths. All golf course acreage in Zone 2 will be free of lights and structures, and the use of golf carts will be permitted. If water, sewer, or electrical lines are placed in Zone 2 they must be buried.

**Zone 3** will be parallel Zone 2 and will consist of residences and other infrastructure development in a 100-foot wide band. Exterior lighting in this zone may not project toward adjacent preserve land. Measures such as directional lighting, reduced-height light supports, and other light abatement technology will be used.

The buffer zones will not preclude governmental entities from constructing public roadways that are currently depicted on the Lee County 2020 Traffic Circulation Plan Map through these zones, as long as other State and Federal permits are obtained.

- f) The Property must be served with all necessary facilities and services at no expense to the County (including central water and sewer). Uniform Community Development Districts any special taxing districts may be utilized to achieve this standard. The Property is presently within the Lee County Privately Funded Infrastructure Overlay (PFIO). This Overlay requires that all development within these areas pay for the construction and extension of public services to all properties that seek to develop to a different land use. Should at the time when the Property begins to develop, the PFIO no longer applies to this area, all development will still be required to pay for its infrastructure costs. All development must comply with the Lee County Concurrency Management Plan. The owners of the property and their successors in interest must not withdraw from or opt out of the PFIO.
- g) Development must be on central water and sewer or the extension of such and other utilities must be planned to coincide with the development of the Property. Bonita Beach Road improvements must have been extended east to the planned development, or its extension must be committed to occur in pace with the planned development.
- h) The shorelines of any stormwater management lakes must be sinuous in configuration, and must be sloped or bermed. The littoral zones around the ponds must be planted with native wetland herbaceous plants, and trees or shrubs can be included within the herbaceous plants. At least four species must be planted. The minimum required number of plants will be one plant per linear foot of lake shoreline as measured at the control elevation water level. The littoral shelf should provide a feeding area for water dependent avian species.
- i) The owners will employ management strategies in and around any golf course to address the potential for pesticide/chemical pollution of the groundwater and surface water receiving areas. The owners will comply with the goals of the Audubon Cooperative Sanctuary Program for Golf Courses. The management practices will include:
  - (1) The use of slow release fertilizers and/or carefully managed fertilizer applications which are timed to ensure maximum root uptake and minimal surface water runoff or leaching to the groundwater;
  - (2) The practice of integrated pest management when seeking to control various pests, such as weeds, insects, and nematodes. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is not acceptable. The management program will minimize, to the extent possible, the use of pesticides, and will include the use of the USDA-SCS Soil Pesticide Interaction Guide to select pesticides for uses that have a minimum potential for leaching or loss due to runoff depending of the site specific soil conditions. Application of pesticides within 25 feet of any CREW, or other adjacent public preserve lands, is prohibited.



- (3) The coordination of the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients;
  - (4) The utilization of a golf course manager who is licensed by the State to use restricted pesticides and who will perform the required management functions. The golf course manager will be responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater; and
  - (5) The storage, mixing and loading of fertilizer and pesticides will be designed to prevent/minimize the pollution of the natural environment.
- j) In order to minimize the adverse impacts that construction may have on wildlife, natural environmental values, and water quality, the developer will institute appropriate measures such as full compaction of any fill material placed around newly installed structures.
  - k) Any future individual development on the Property will be subject to Development of Regional Impact (DRI) review once it reaches the 80% threshold, i.e., at 800 units such development will be presumed to be a DRI. If two or more individual projects will be developed on the Property, this 80% threshold will be applicable to each, and not applied in a cumulative fashion unless subject to the aggregation criteria in Rule 9J-2, Fla. Admin. Code.

(Added by Ordinance No. 97-17, Amended by Ordinance No. 98-09, 00-22)

**POLICY 1.4.2:** The Outer Islands are sparsely settled, have minimal existing or planned infrastructure, and are very distant from major shopping and employment centers. They are not expected to be programmed to receive urban-type capital improvements in the time frame of this plan, and as such can anticipate a continued level of public services below that of other land use categories. The continuation of the Outer Islands essentially in their present character is intended to provide for a rural character and lifestyle, and conserve open space and important natural upland resources. Maximum density is one dwelling unit per acre (1 du/acre). (Amended by Ordinance No. 98-09)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 1.4.3:** The Rural Community Preserves are established following special studies of Lee County's intact rural communities. Within these areas, special design approaches are to be used to maintain the existing rural character, for example: conservation easements, flexible road design standards (including relocation of future arterials not serving the rural community), special fencing and sign standards, and retention of historic rural uses. These areas are not to be programmed to receive urban-type capital improvements. Lands within this category are not intended to be converted to any Future Urban Areas; rather, they are to remain permanently rural in character and use. These areas are restricted to low density residential uses (with minimum lot size requirements), agricultural uses, and minimal non-residential uses that are needed to serve the rural community. Property in this category may not be rezoned to any RV district. Additional goals, objectives, policies, and standards for these areas may be included in

this plan based on the special studies (see for example, Goal 17). Maximum density is one dwelling unit per acre (1 du/acre). (Amended by Ordinance No. 91-19, 94-30)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 1.4.4:** Open Lands are upland areas that are located north of Rural and/or sparsely developed areas in Township 43 South. These areas are extremely remote from public services and are characterized by agricultural and low-density residential uses. Commercial and industrial uses are permitted in this category in accordance with the standards in the Rural category. The maximum density in this category is one dwelling unit per ten acres (1 du/10 acres); except that a maximum density of one dwelling unit per five acres (1 du/5 acres) is permitted if the planned development process is used to prevent adverse impacts on environmentally sensitive lands (as defined in Policy 107.1.1.4). (Added by Ordinance No. 94-30)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 1.4.5:** The Density Reduction/Groundwater Resource (DR/GR) areas include upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed. Land uses in these areas must be compatible with maintaining surface and groundwater levels at their historic levels. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, publicly-owned gun range facilities, private recreation facilities, and residential uses at a maximum density of one dwelling unit per ten acres (1 du/10 acres). Individual residential parcels may contain up to two acres of Wetlands without losing the right to have a dwelling unit, provided that no alterations are made to those wetland areas.

Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in Goal 16. No Private recreational facilities may occur within the DR/GR land use category without a rezoning to an appropriate planned development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 16 of the Lee Plan. (Amended by Ordinance No. 91-19, 94-30, 99-16, 02-02)

*RESPONSE: The map and text amendment requests submitted as part of this request propose removing the subject property from the DR/GR designation and creating the BMXD as a new Future Land Use category in the Lee Plan. The amendments also would implement Goal 23 for the Lee Plan, establishing the vision, development parameters and conditions for the BMXD.*

**POLICY 1.4.6:** The Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. Upland and wetland conservation lands will be shown as separate categories on the FLUM. Upland conservation lands will be subject to the provisions of this policy. Wetland conservation lands will be subject to the provisions of both the Wetlands category described in Objective 1.5 and the Conservation Lands category described in this policy. The most stringent provisions of either category will apply to wetland conservation lands. Conservation lands will include all public lands required to be used for conservation purposes by some type of legal mechanism such as statutory requirements,



funding and/or grant conditions, and mitigation preserve areas required for land development approvals. Conservation Lands may include such uses as wildlife preserves; wetland and upland mitigation areas and banks; natural resource based parks; ancillary uses for environmental research and education, historic and cultural preservation, and natural resource based parks (such as signage, parking facilities, caretaker quarters, interpretive kiosks, research centers, and quarters and other associated support services); and water conservation lands such as aquifer recharge areas, flowways, flood prone areas, and well fields. 2020 lands designated as conservation are also subject to more stringent use provisions of the 2020 Program or the 2020 ordinances. (Added by Ordinance No. 98-09, Amended by Ordinance No. 02-02)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 1.4.7:** The Coastal Rural areas will remain rural except for portions of properties where residential lots are permitted in exchange for permanent preservation or restoration of native upland habitats on the remainder of the property. The standard maximum density is one dwelling unit per ten acres (1DU/10 acres). Maximum densities may increase as higher percentages of native habitat are permanently preserved or restored on the uplands portions of the site, or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, in accordance with the chart below. Permitted land uses include agriculture, fill-dirt extraction, conservation uses, and residential uses up to the following densities:

Percentage of the on site uplands that are preserved or restored native habitats	Maximum density	Maximum density if undeveloped land will be continued in agricultural use on existing farmland
0%	1 DU/ 10 acres	1 DU/10 acres
5%	1 DU/ 9 acres	
10%	1 DU/ 8 acres	1 DU/ 9 acres
15%	1 DU/ 7 acres	
20%	1 DU/ 6 acres	1 DU/ 8 acres
30%	1 DU/ 5 acres	1 DU/ 7 acres
40%	1 DU/ 4 acres	1 DU/ 6 acres
50%	1 DU/ 3 acres	1 DU/ 5 acres
60%	1 DU/ 2 acres	1 DU/ 3 acres
70%	1/1DU/ 1 acre	1 DU/ 2 acres

Existing farmland is depicted on Map 21. Areas for buffers, lakes, and utilities may consist of up to 10% of the upland preserve areas. (Added by Ordinance No. 03-03, Amended by Ordinance No. 05-21)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 1.5: WETLANDS.** Designate on the Future Land Use Map those lands that are identified as Wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended in F.S. 373.4211. (Amended by Ordinance No. 94-30)

***RESPONSE:** The proposed BMXD will be consistent with this objective. The location of wetlands within the BMXD has been identified and submitted for review according to the requirements of the State of Florida and Lee County.*

**POLICY 1.5.1:** Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 114 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan. (Amended by Ordinance No. 94-30)

***RESPONSE:** The proposed BMXD will be consistent with this policy. The location of wetlands within the BMXD has been identified and submitted for review according to the requirements of the State of Florida and Lee County.*

**POLICY 1.5.2:** When the exact location of Wetlands boundaries is in question, Chapter XIII of this plan provides an administrative process, including a field check, to precisely define the boundary. (Amended by Ordinance No. 94-30)

***RESPONSE:** The proposed BMXD will be consistent with this policy. The location of wetlands within the BMXD has been identified and submitted for review according to the requirements of the State of Florida and Lee County.*

**POLICY 1.5.3:** Wetlands that are conservation lands will be subject to the provisions of Policy 1.4.6 as well as the provisions of Objective 1.5. The most stringent provisions of either category will apply. Conservation wetlands will be identified on the FLUM to distinguish them from non-conservation wetlands. (Added by Ordinance No. 98-09)

***RESPONSE:** The proposed BMXD will be consistent with this policy. The location of wetlands within the BMXD has been identified and submitted for review according to the requirements of the State of Florida and Lee County.*

**OBJECTIVE 1.6: NEW COMMUNITY.** Designate on the Future Land Use Map areas which are suitable for the development of large-scale multi-use communities developed pursuant to an overall master plan. This category is also considered a Future Urban Area.

***RESPONSE:** This objective is not applicable to the BMXD.*

**POLICY 1.6.1:** New Community areas are lands that are capable of being planned and developed as a cohesive unit in order to better achieve conservation of important environmental resources and to initiate areawide surface water management. New Community land must be located such that the area is capable of being developed with a balance of residential and non-residential uses and that major impacts of the development are internalized and/or alleviated by infrastructure that is existing or will be funded privately. New Community areas will be developed as freestanding economic units and will not impose negative fiscal impacts on the county (other than those associated with the delay in placing property improvements on the tax rolls).

New Communities will not exceed a residential density of six dwelling units per gross acre and



must have at least the following characteristics:

1. The land will be developed under a well-conceived overall master plan;
  2. The land can be served with all necessary facilities and services at no expense to the county. Uniform Community Development Districts and special taxing districts may be utilized toward achieving this objective;
  3. Population, recreation, open space, educational, office, and research facilities are distributed in an orderly and attractive manner;
  4. The land must be developed in such a manner as to protect environmentally sensitive areas;
  5. The land must be developed as a free-standing community offering a complete range of land uses (e.g. a full mix of housing types for a range of household incomes, industrial and office employment centers, and community facilities such as fire departments, schools, law enforcement offices, public recreational areas, health care facilities, and community commercial areas);
  6. Off-site impacts must be mitigated; and,
  7. On-site levels of service must meet the county-wide standards contained in this plan.
- (Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

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

*RESPONSE: The BMXD will be consistent with this objective. The purpose of the application herein is to create the BMXD as a new Future Land Use category in the Lee Plan, to designate the BMXD as a Privately Funded Infrastructure Overlay district, and to satisfy requirements for the BMXD to be processed as a Development of Regional Impact.*

**POLICY 1.7.1:** The Airport Noise Zones cover areas subject to varying levels of airport-related noise. By 2006 and every 5 years thereafter, the Port Authority will update the aviation forecasts and associated noise contours for the Southwest Florida International Airport and initiate an amendment to the Airport Noise Zone Overlay Map to reflect the findings of this study. In addition to meeting the requirements of the underlying Future Land Use Map categories, properties within the Noise Zone Overlay must meet the following:

Airport Noise Zone 1 has no noise related restrictions.

Airport Noise Zone 2 does not permit mobile or manufactured homes. However, mobile or manufactured homes that were lawfully existing as of June 27, 2000 will be treated as legally permitted uses and may be replaced with a new mobile or manufactured home or conventional single family construction so long as such replacement would be otherwise allowed by this code.

Airport Noise Zone 3 does not permit any residential units, churches, libraries, schools, hospitals, correctional institutions, or nursing homes. However, residential units, including mobile or manufactured homes, that were lawfully existing as of June 27, 2000 will be treated as legally permitted uses and may be replaced with a new mobile or manufactured home or

conventional single family construction so long as such replacement would be otherwise allowed by this code. However, an existing conventional home may not be replaced with a new mobile or manufactured home. One conventional single family home is permitted on each lot in a plat properly recorded before June 27, 2000 if such use would have been permitted on the lot prior to June 27, 2000.

Airport Noise Zone 4 is limited to uses that are compatible with airports and air commerce, including but not limited to those necessary to provide services and convenience goods to airline passengers, those generally associated with airport operation, and related development. (Amended by Ordinance No. 00-22, 02-02)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 1.7.2:** The Development of Regional Impact overlay is an informational tool showing all of the Lee County property subject to Development Orders approved pursuant to Chapter 380 of the Florida Statutes. Development in these areas is regulated by the terms of the applicable development orders. (Amended by Ordinance No. 94-30)

*RESPONSE: The BMXD will be presumed to be a Development of Regional Impact and will comply with the provisions of Chapter 380, F.S.*

**POLICY 1.7.3:** The Urban Reserve overlay indicates areas that are suitable for annexation into the adjoining municipality. Urban Reserve areas are initially established by interlocal agreement pursuant to Section 163.3171(1), F.S.

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 1.7.4:** Certain lands are designated as Future Urban Areas because of special needs for the provision of Privately Funded Infrastructure. Development in these areas may occur in accordance with the provisions of Goal 3 and its subsequent objectives and policies. (Amended by Ordinance No. 93-25)

*RESPONSE: The BMXD will be consistent with this policy. The map amendments herein would establish the BMXD as a Privately Funded Infrastructure Overlay district. A proportionate share of the infrastructure serving the proposed development will be funded through an Independent Special District, Community Development District or other financing district.*

**POLICY 1.7.5:** The Water-Dependent overlay zone designates shoreline areas where priority will be granted to water-dependent land uses. Specific requirements are detailed for such zones on San Carlos Island under Goal 12, in the Greater Pine Island area under Goal 14, and for other areas in Lee County in the Conservation and Coastal Management Element. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 1.7.6:** The Planning Communities Map and Acreage Allocation Table (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2020. Acreage totals are provided for land in



each Planning Community in unincorporated Lee County. No final development orders or extensions to final development orders will be issued or approved by Lee County which would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded. This policy will be implemented as follows:

1. For each Planning Community the County will maintain a parcel based database of existing land use. The database will be periodically updated at least twice every year, in September and March, for each Planning Community.
2. Project reviews for development orders must include a review of the capacity, in acres, that will be consumed by buildout of the development order. No development order, or extension of a development order, will be issued or approved if the project acreage, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Table 1(b), Acreage Allocation Table regardless of other project approvals in that Planning Community.
3. No later than the regularly-scheduled date for submission of the Lee Plan Evaluation and Appraisal Report, and every five years thereafter, the County must conduct a comprehensive evaluation of Planning Community Map and the Acreage Allocation Table system, including but not limited to, the appropriateness of land use distribution, problems with administrative implementations, if any, and areas where the Planning Community Map and the Acreage Allocation Table system might be improved. (Amended by Ordinance No. 94-29, 98-09, 00-22)

*RESPONSE: The BMXD will be consistent with this policy. The density requested is 1,630 residential units. Commercial land uses will be 80,000 square feet. The applicant proposes that allocations for these uses in Table 1(b) for the Alva Planning Community will be reflected in the 2030 update. These allocations will reflect the demonstrated need for the additional residential and non-residential use in the Alva Planning Community through the 2030 planning horizon.*

**POLICY 1.7.7:** The Public Acquisition overlay zone designates areas that have been targeted for public acquisition by federal, state, regional, and/or local agencies. This overlay does not restrict the use of the land in and of itself. It will be utilized for informational purposes since this map will represent a composite of public acquisition activities in the county. (Amended by Ordinance No. 91-19, 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 1.7.8:** The Agricultural overlay (Map 20) shows existing active and passive agricultural operations in excess of 100 acres located outside of the Future Urban Areas. Since these areas play a vital role in Lee County's economy, they should be protected from the impacts of new developments, and the county should not attempt to alter or curtail agricultural operations on them merely to satisfy the lifestyle expectations of non-urban residents. (Added by Ordinance No. 94-30)

*RESPONSE: The BMXD, as planned under the proposed application, will be removed from the Agricultural Overlay district identified in Map 20.*

**POLICY 1.7.9:** The Urban Infill and Redevelopment overlay (Map 15) designates areas that have been targeted for economic development, job creation, housing, transportation, crime prevention, neighborhood revitalization and preservation, and land use incentives to encourage urban infill and redevelopment within the urban core, in accordance with F.S. 163.2517. These areas have the opportunity to receive additional funding to implement the planning program through the Urban Infill and Redevelopment Assistance Grant Program through the Florida Department of Community Affairs. (Added by Ordinance No. 02-02)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 1.7.10:** The Irrigation Well overlay in Bonita Springs (as defined in this plan) is hereby declared a critical area for future potable water supply, based on evidence that withdrawals from the main potable aquifer, the lower Tamiami aquifer, are approaching or exceeding the maximum safe yield. In response to this designation, the county will maintain current regulations to provide that new irrigation well permits in the Irrigation Well overlay may not utilize the main potable water source. For the purposes of this plan, the boundaries of the Irrigation Well overlay are indicated on Map 13 of the Future Land Use Map series. (Also see Policy 54.1.9 for new permit requirements for wells in Lehigh Acres, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map). (Amended by Ordinance No. 94-30, 00-22, Amended and Relocated by Ordinance No. 02-02)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 1.7.11:** The Airport Mitigation Lands overlay (Map 3M) depicts lands owned by Lee County that were acquired for the purpose of mitigating environmental impacts attributable to development of the Southwest Florida International Airport. Activities performed in these areas must be in accordance with state and federal permitting agency requirements. This Overlay is intended solely as an informational tool designed to identify the location of the lands and the purpose for which the land was acquired. The Overlay does not restrict the use of the land in and of itself. Use of these lands will be determined by permit requirements. In all cases, the use of this land will be consistent with the underlying Future Land Use category. (Added by Ordinance No. 04-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 1.8: LEHIGH ACRES COMMERCIAL USES.** Designate additional overlay zones on the Future Land Use Map to designate potential commercial land uses in Lehigh Acres. The distinction in Policy 6.1.2(7) between the two major types of commercial uses does not apply in Lehigh Acres. (Added by Ordinance No. 98-09)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 1.8.1:** Commercial uses are permitted on lands in the **Lehigh Commercial** overlay once commercial zoning has been approved in accordance with this plan. Land in the **Lehigh Commercial** overlay may also be used for schools, parks, and other public facilities; churches and synagogues; and residential uses that provide housing alternatives to the typical 1/4 to 1/2 acre subdivision lots. Creation of new single-family lots smaller than one acre is not permitted



due to the oversupply of standard subdivision lots. If cumulative new residential development takes place on more than 1% of this land per year, Lee County will take steps to provide additional commercial land in Lehigh Acres to offset the loss. Lee County will take steps to reduce any emerging surplus of commercial land in Lehigh Acres if cumulative new

commercial development exceeds an average floor-area ratio of 1.0 (the ratio of interior floor space to total lot area).

The prohibition on single-family development does not apply in the following portions of the Lehigh Commercial overlay: (1) that portion of Section 6, Township 45S, Range 27E lying south of 23rd Street Southwest and its easterly extension beyond Beth Stacey Boulevard, containing about 92 acres; and (2) those portions of Section 5, Township 45S, Range 27E described as follows: (a) that part of the southwest quarter of the northeast quarter lying southwest of Homestead Road, containing 22.12 acres, and (b) the west 364 feet of the north half of the southeast quarter, containing 11.00 acres, and (c) the southwest quarter of the southeast quarter less the south 175 feet of the east 125 feet, containing 39.50 acres. (Added by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 1.8.2:** Commercial uses will also be permitted on all lots in the **Reclaimed Strip** overlay facing S.R. 82 once a corridor access management plan is adopted by FDOT governing that portion of S.R. 82. This plan would provide for additional road connections between S.R. 82 and Meadow Road at about 1/8-mile spacing with full access median crossings at about 1/4-mile spacing. All lots would ultimately have access to S.R. 82 via Meadow Road, which would serve as a reverse frontage street. Commercial uses would also be permitted on all **Reclaimed Strip** lots facing Gunnery Road if Lee County adopts a similar plan, with access to all lots being provided via Gretchen Avenue which would serve as the reverse frontage street. Until such plans are in place, those lots in the **Reclaimed Strip** overlay that do not qualify for commercial development under the location standards of Policy 6.1.2 may be used only for the residential uses permitted in the C-2 zoning district. (Added by Ordinance No. 98-09)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 1.8.3:** Because of the shortage of suitable undivided tracts in Lehigh Acres (whose boundaries for the purposes of this plan are shown on Map 16), commercial uses may also be appropriate on certain other lands that might otherwise be used for residential lots.

1. Many such lands are designated with the **Lot Assembly** overlay. These lands are platted for single-family lots and are under multiple ownerships. Commercial uses on individual lots or small assemblies of lots would generally be intrusive to existing or emerging neighborhoods. However, assemblies of entire blocks would provide suitable commercial parcels. Major lot assemblies could qualify for commercial zoning whether assembled by government action, private sector purchases, cooperative arrangements between individual lot-owners, or similar arrangements.
2. Other tracts or combinations of platted lots in Lehigh Acres may also be considered for commercial rezoning (even if they are outside any of the three overlays) through the normal

zoning processes or by requesting a new conventional commercial zoning district that may be created to address Lehigh Acres conditions. Lands suitable for such rezoning would include:

- a. Tracts that are assembled from vacant lots at the intersection of future collector or arterial roads in sparsely developed areas where there are very limited or no suitable commercial locations in any of the commercial overlays; or
- b. Tracts that separate existing commercial and residential land uses where some commercial uses may be appropriate if they provide a substantial buffer and reasonably protect the privacy of existing dwellings. Land-owners seeking commercial zoning under this subsection should expect a minimal level of commercial uses and/or to provide extra levels of buffering.

Decisions on the suitability of any proposal will be made by Lee County on a case-by-case basis in order to implement the intent of these regulations.

3. Commercially zoned land not placed within one of these overlays can be developed in accordance with previous regulations, but may be subject to county-initiated rezonings to restrict or eliminate future commercial uses there. (Added by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**GOAL 2: GROWTH MANAGEMENT.** To provide for an economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.

*RESPONSE: The BMXD will be consistent with the requirements of this goal. The BMXD will be a model for growth management and Smart Growth. Its innovative design will cluster development into clearly delineated development areas, all of which will be integrated through an environmentally sustainable, multimodal transportation system. Required infrastructure will be provided through an Independent Special District, Community Development District or other financing district and will be concurrent with the development. Traditional Neighborhood Design (TND) and related strategies have been implemented to provide for the health, safety and welfare of the public.*

**OBJECTIVE 2.1: DEVELOPMENT LOCATION.** Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: The orientation and design of the proposed BMXD is consistent with the provisions of this objective. Development will occur in such a manner to conserve natural resources, minimize the cost of services, and reduce energy consumption. The use of clustering will assist in the preservation of environmentally sensitive lands while allowing densities and intensities to be located efficiently, and in accordance with TND methods.*



**POLICY 2.1.1:** Most residential, commercial, industrial, and public development is expected to occur within the designated Future Urban Areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories.

*RESPONSE: The BMXD will be consistent with this policy. The purpose of this application is to create the BMXD as a new Future Land Use category in the Lee Plan, with a Future Urban Area designation. The application also would establish Goal 23 for the Lee Plan, which establishes the vision, development parameters and conditions for the BMXD.*

**POLICY 2.1.2:** New land uses will be permitted only if they are consistent with the Future Land Use Map and the goals, objectives, policies, and standards of this plan. (Amended by Ordinance No. 00-22)

*RESPONSE: The BMXD has been designed to be consistent with the goals, objectives, and policies of the Lee Plan.*

**POLICY 2.1.3:** All land use categories and Planning Community Map areas permit the consideration of churches and schools (except in Wetlands and Airport Noise Zones), public uses and buildings, public utilities and resource recovery facilities, public recreational uses (including franchised quasi-commercial uses in conjunction with a public use), and sites for compatible public facilities when consistent with the goals, objectives, policies, and standards in this plan and applicable zoning and development regulations. (Amended by Ordinance No. 94-30, 98-09)

*RESPONSE: This goal is not applicable to the BMXD.*

**POLICY 2.1.4:** Any facility licensed under Chapter 10A-5 F.A.C. (e.g. an adult congregate living facility) will be deemed a residential use and limited to locations and densities appropriate for residences. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: This goal is not applicable to the BMXD.*

**OBJECTIVE 2.2: DEVELOPMENT TIMING.** Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: Construction within the BMXD will be planned to coincide with the provision of infrastructure to support this development in a manner that is consistent with the level of service standards identified in the Lee Plan. A proportionate share of the infrastructure serving the proposed development will be funded through an Independent Special District, Community Development District or other financing district.*

**POLICY 2.2.1:** Rezoning and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public

facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare. (Amended by Ordinance No. 94-30, 00-22)

***RESPONSE:** Construction within the BMXD will be planned to coincide with the provision of infrastructure to support this development in a manner that is consistent with the level of service standards identified in the Lee Plan. A proportionate share of the infrastructure serving the proposed development will be funded through an Independent Special District, Community Development District or other financing district.*

**POLICY 2.2.2:** Map 1 of the Future Land Use Map series indicates the uses and density ranges that will ultimately be permitted on a given parcel. However, it is not a guarantee that such densities or uses are immediately appropriate, as the map provides for the county's growth over the coming 26 years. During the rezoning process the Board of County Commissioners will balance the overall standards and policies of this plan with three additional factors:

1. Whether a given proposal would further burden already overwhelmed existing and committed public facilities such that the approval should be delayed until the facilities can be constructed; and
2. Whether a given proposal is for land so far beyond existing development or adequate public facilities that approval should be delayed in an effort to encourage compact and efficient growth patterns; and
3. Whether a given proposal would result in unreasonable development expectations which may not be achievable because of acreage limitations contained in the Acreage Allocation Table (see Policy 1.7.6, Map 16 and Table 1(b)).

In all cases where rezoning is approved, such approval does not constitute a determination that the minimum acceptable levels of service (see Policy 95.1.3) will be available concurrent with the impacts of the proposed development. Such a determination must be made prior to the issuance of additional development permits, based on conditions which exist at that time, as required by Lee County's concurrency management system. (Amended by Ordinance No. 94-30, 98-09)

***RESPONSE:** Noted. All required concurrency review and determination will be approved and necessary permits obtained prior to the commencement of construction.*

**POLICY 2.2.3:** When an area within the county is approaching the capacity of the necessary facilities as described above, requested rezonings to increase densities and intensities may be deferred or denied to give preference to existing vacant lots and other valid development approvals, provided that a constitutionally mandated reasonable use of land would still be permitted.

***RESPONSE:** This policy is not applicable to the BMXD.*

**OBJECTIVE 2.3: PUBLIC PROVISION OF INFRASTRUCTURE.** The Capital Improvements Program will give the highest priority to the planning, programming, and construction of urban services and facilities in the existing developed areas where facilities are



inadequate. Next priority will be given to service expansions in existing developed areas, followed by further expansion into other portions of the Future Urban Areas. Sufficient land will be identified and protected for utility facilities that will be necessary to support the proposed level of development. Other infrastructure planning priorities are contained in Policy 38.2.4 and Policy 95.1.1. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: The BMXD will be consistent with the provisions of this objective. The proportionate share of infrastructure for the proposed development will be funded through an Independent Special District, Community Development District or other financing district.*

**POLICY 2.3.1:** Specific level-of-service standards and capital improvement priorities will be detailed in the relevant elements of this plan and carried out through a capital improvements program as described in the Capital Improvements element. (Amended by Ordinance No. 00-22)

*RESPONSE: The BMXD will be consistent with the requirements of this policy. The proposed development will achieve all appropriate level of service standards required under the Lee Plan.*

**POLICY 2.3.2:** The cost for the provision and expansion of services and facilities that benefit new development will be borne primarily by those who benefit. Such funding may include (but is not limited to) impact fees, special taxing or benefit districts, community development districts, dedication of land and facilities, in-lieu-of fees, and capital construction, operation, and maintenance funds. (Amended by Ordinance No. 00-22)

*RESPONSE: The BMXD will be consistent with the provisions of this policy. The proportionate share of infrastructure for the proposed development will be funded through an Independent Special District, Community Development District or other financing district.*

**POLICY 2.3.3:** All facility provision from the special funding sources in Policy 2.3.2 must be consistent with this plan.

*RESPONSE: The BMXD will be consistent with the provisions of this policy. A proportionate share of infrastructure for the proposed development will be funded through an Independent Special District, Community Development District or other financing district.*

**OBJECTIVE 2.4: FUTURE LAND USE MAP AMENDMENTS.** Regularly examine the Future Land Use Map in light of new information and changed conditions, and make necessary modifications.

*RESPONSE: The BMXD will be consistent with this objective. The purpose of the application herein is to create the BMXD as a new Future Land Use category in the Lee Plan, with a Future Urban Area designation. All required documentation has been or will be submitted to support the proposed map amendments.*

**POLICY 2.4.1:** The county will accept applications from private landowners or non-profit community organizations to modify the boundaries as shown on the Future Land Use Map. Procedures, fees, and timetables for this procedure will be adopted by administrative code.

*RESPONSE: The BMXD will be consistent with this policy. The purpose of the application herein is to create the BMXD as a new Future Land Use category in the Lee Plan, with a Future Urban Area designation. All required documentation has been or will be submitted to support the proposed map amendments.*

**POLICY 2.4.2:** All proposed changes to the Future Land Use Map in critical areas for future potable water supply (Bonita Springs as described in Policy 1.7.10; Lehigh Acres as described in Policy 54.1.9; and all land in the Density Reduction/ Groundwater Resource land use category) will be subject to a special review by the staff of Lee County. This review will analyze the proposed land uses to determine the short-term and long-term availability of irrigation and domestic water sources, and will assess whether the proposed land uses would cause any significant impact on present or future water resources. If the Board of County Commissioners wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change. (Amended by Ordinance No. 92-47, 94-30, 00-22, 02-02)

*RESPONSE: The BMXD will comply with this policy. The community will have an approved unified water management plan, which will be designed in accordance with all governing regulations.*

**POLICY 2.4.3:** Future Land Use Map Amendments to the existing DR/GR areas south of SR 82 east of I-75, excluding areas designated by the Port Authority as needed for airport expansion, which increase the current allowable density or intensity of land use will be discouraged by the county. It is Lee County's policy not to approve further urban designations there for the same reasons that supported its 1990 decision to establish this category. In addition to satisfying the requirements in 163 Part II Florida Statutes, Rule 9J-5 of the Florida Administrative Code, the Strategic Regional Policy Plan, the State Comprehensive Plan, and all of the criteria in the Lee Plan, applicants seeking such an amendment must:

1. analyze the proposed allowable land uses to determine the availability of irrigation and domestic water sources; and,
2. identify potential irrigation and domestic water sources, consistent with the Regional Water Supply Plan. Since regional water suppliers cannot obtain permits consistent with the planning time frame of the Lee Plan, water sources do not have to be currently permitted and available, but they must be reasonably capable of being permitted; and,
3. present data and analysis that the proposed land uses will not cause any significant harm to present and future public water resources; and,
4. supply data and analysis specifically addressing the urban sprawl criteria listed in Rule 9J-5.006(5) (g), (h), (i) and (j), FAC.

During the transmittal and adoption process, the Board of County Commissioners must review the application for all these analytical requirements and make a finding that the amendment complies with all of them. (Added by Ordinance No. 97-05)

*RESPONSE: This policy is not applicable to the BMXD.*



**POLICY 2.4.4:** Lee Plan amendment applications to expand the Lee Plan's employment centers, which include light industrial, commercial retail and office land uses, will be evaluated by the Board of County Commissioners in light of the locations and cumulative totals already designated for such uses, including the 1994 addition of 1,400 acres to the Tradeport category just south of the Southwest Florida International Airport. (Added by Ordinance No. 97-05, Amended by Ordinance No. 00-22, 04-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 2.5: ANNEXATION POLICY.** The county will strive to negotiate interlocal agreements with the 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 Policies 1.7.3 and 152.1.4). (Amended by Ordinance No. 00-22)

*RESPONSE: This objective is not applicable to the BMXD.*

**OBJECTIVE 2.6: REDEVELOPMENT.** Future redevelopment activities will be directed in appropriate areas, consistent with sound planning principles, the goals, objectives, and policies contained within this plan, and the desired community character. (Amended by Ordinance No. 00-22)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 2.6.1:** Community redevelopment activities will be conducted by the Lee County Community Redevelopment Agency within approved redevelopment areas according to adopted redevelopment plans. (Amended by Ordinance 91-19, 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 2.6.2:** Redevelopment activities will be comprehensive in approach and include the following components:

- Study of incompatible land uses;
- Correction of outdated zoning classifications;
- Elimination of substandard or unsafe buildings;
- Traffic circulation and parking;
- Economic revitalization;
- Protection of adjacent residential neighborhoods and historic and natural resources;
- Signage;
- Landscaping;
- Urban Design/Master Planning;
- Affordable Housing.

(Amended by Ordinance 91-19, 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 2.6.3:** Amend the county's development regulations by 1994 to provide additional flexibility for redevelopment activities within CRAs. (Added by Ordinance No. 94-30)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 2.6.4:** Within the Charleston Park CRA residential, commercial and industrial uses which meet the needs of the low-income residents and which are suitable to the scale and location of the community and will be compatible with the residential character of the community and consistent with the adopted CRA plan will be permitted. (Amended by Ordinance No. 92-35, Relocated by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 2.7: HISTORIC RESOURCES.** Historic resources will be identified and protected pursuant to the Historic Preservation element and the county's Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: This objective is not applicable to the BMXD.*

**OBJECTIVE 2.8: COASTAL ISSUES.** Development in coastal areas is subject to the additional requirements found in the Conservation and Coastal Management element of this plan, particularly those found under Goals 105, 109, 110, 111, 112, and 113.

*RESPONSE: This objective is not applicable to the BMXD.*

**OBJECTIVE 2.9: SCENIC CORRIDORS.** By 1995, formally consider the establishment of specialized design standards along specified arterial and collector roads. (Amended by Ordinance No. 94-30)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 2.9.1:** The county will identify key road segments which, with specialized design and landscaping standards, could become scenic landmarks. These segments may be relatively undeveloped arterial or collector roads or may be older roads along which revitalization or historic preservation efforts would be appropriate. (Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD*

**POLICY 2.9.2:** A study will be conducted in cooperation with interested parties to identify and evaluate alternative design themes and land use patterns. The study will recommend specific incentives, development regulations, and funding sources to implement a scenic corridor program. (Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD*

**OBJECTIVE 2.10: SCHOOL LOCATION.** In order to ensure that public school locations are proximate to urban residential areas and are consistent with county growth policies proposals for



new schools are subject to the objectives and policies contained under Goal 66. (Added by Ordinance No. 99-15)

*RESPONSE: The applicant is coordinating with the School District of Lee County to accommodate demand for school facilities and services.*

**GOAL 3: PRIVATELY FUNDED INFRASTRUCTURE.** To assist in the provision of a full range of privately funded urban infrastructure in specified Future Urban areas which have existing or projected deficits in one or more essential services. (Amended by Ordinance No. 94-30)

*RESPONSE: The BMXD will be consistent with the provisions of this goal. A proportionate share of infrastructure for the proposed development will be funded through an Independent Special District, Community Development District or other financing district.*

**OBJECTIVE 3.1: FUNDING MECHANISMS.** The Future Land Use Map will include overlays designating specific geographic areas which are permitted urban-level densities and intensities because most necessary infrastructure will be provided through the creation of multifunction taxing and/or benefit districts, community development districts, direct developer provision, or an effective combination of similar financing mechanisms. (Amended by Ordinance No. 00-22)

*RESPONSE: The BMXD will be consistent with this objective. A proportionate share of the infrastructure serving the site will be funded through an Independent Special District, Community Development District or other financing district.*

**POLICY 3.1.1:** The county will establish taxing/benefit districts where appropriate for the designated areas in accordance with the provisions of general law. Such a district may be limited to specific types of infrastructure upon a formal finding by the Board of County Commissioners that more appropriate mechanisms have been identified to provide the remaining facilities and services; a district may also be limited to a geographic area smaller than the overlay zone upon a formal finding by the board that this reduction will not substantially increase infrastructure costs which must be paid by general county revenues. (Amended by Ordinance No. 00-22)

*RESPONSE: A proportionate share of the infrastructure of the BMXD will be privately funded through an Independent Special District, Community Development District or other financing district. Prior to issuance, review and approval, the proposed funding mechanism will be submitted for review by Lee County to ensure compliance with this policy.*

**POLICY 3.1.2:** With initial funds from each designated area or other source, an examination will be made (under direction of the county) of the infrastructure needs for that area. A detailed plan for the provision of needed facilities will then be prepared.

*RESPONSE: The BMXD will comply with this policy. Infrastructure improvements supporting the community will be completed based on an approved master plan. Funding levels and phasing, in accordance with level of service standards required under the Lee Plan, will be included in the master plan.*

**POLICY 3.1.3:** The infrastructure to be provided through this program in each designated area may include any or all of the following facilities and services as appropriate: collector and arterial roads, surface water management (see Policy 60.2.2), water and sewer mains and treatment, fire and EMS service, parks, etc.

*RESPONSE: The applicant will comply with an appropriate determination of community need, which will be established during the DRI process.*

**POLICY 3.1.4:** A committee of landowners in each designated area may be established to provide input into this process.

*RESPONSE: The BMXD will be consistent with this policy. The applicant has held a series of public charrettes to obtain public input on the proposed development plan.*

**POLICY 3.1.5:** Where proposed development projects had been approved contingent upon the private provision of infrastructure that now will be provided through a different mechanism, the developer may apply through the zoning process to have such conditions modified or deleted.

*RESPONSE: Noted.*

**POLICY 3.1.6:** Rezoning to permit increased densities that are granted after the effective date of this policy (March 1, 1989) but before the district (or equivalent funding mechanism) has been established and an infrastructure plan has been prepared will be subject to a special requirement that further development orders will be granted only upon a clear showing that the development will not cause the mandatory levels of service in Policy 95.1.3 to be exceeded. The granting of a development order will not release the property owner from any obligations under the privately funded infrastructure overlay. This requirement will not apply if it would preclude the constitutionally mandated reasonable use of a parcel of land. (Amended by Ordinance No. 93-25, 00-22)

*RESPONSE: The BMXD will be consistent with this policy. Infrastructure provided to support the BMXD will be consistent with the level of service standards established in the Lee Plan and will be provided concurrent with the need for service.*

**GOAL 4: DEVELOPMENT DESIGN - GENERAL.** To maintain innovative land development regulations which encourage creative site designs and mixed use developments. (Amended by Ordinance No. 94-30)

*RESPONSE: The BMXD will be consistent with this goal. Design of the BMXD has created innovative land development regulations to pursue a mixed use development that addresses most potential impacts internally while preserving sensitive environmental lands through conservation easements or sale to public entities.*

**OBJECTIVE 4.1:** Maintain the current planned development rezoning process which combines site planning flexibility with rigorous review. By the end of 1995, take specific steps to further promote the creation of mixed-use developments to reduce the impact on collector and arterial roads. (Amended by Ordinance No. 91-19, 94-30)



*RESPONSE: The BMXD will be consistent with the provisions of this objective. Development in the community will feature a mix of residential and non-residential land uses to create a self-sustaining community, which will enable the development to reduce the impact on collector and arterial roads.*

**POLICY 4.1.1:** Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements. (Amended by Ordinance No. 91-19, 00-22)

*RESPONSE: The BMXD will comply with this policy. The project has been designed and will be developed as cohesive whole to ensure the design is functional and served by all necessary public utilities in relation to the topographical and natural resources of the site.*

**POLICY 4.1.2:** Development designs will be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. (Amended by Ordinance 91-19, 00-22)

*RESPONSE: The BMXD will comply with this policy. The BMXD will be planned and developed as a cohesive whole to support a multi-modal transportation system. The BMXD's mix of residential and non-residential land uses will allow for the capture of internal vehicle trips within the developed area, minimizing impacts on adjacent areas. Placement of uses and structures will support bicycle, pedestrian and other types of non-automobile dependent mobility.*

**GOAL 5: RESIDENTIAL LAND USES.** To provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the projected population of Lee County in the year 2020 in attractive and safe neighborhoods with a variety of price ranges and housing types. (Amended by Ordinance No. 94-30)

*RESPONSE: The BMXD will be consistent with the provisions of this goal. The proposed development program will provide for a mix of housing types. A variety of affordable housing products will be integrated into the overall plan and made available within walking distance of schools, parks, civic centers and commercial districts.*

**OBJECTIVE 5.1:** All development approvals for residential, commercial, and industrial land uses must be consistent with the following policies, the general standards under Goal 11, and other provisions of this plan. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: The BMXD will be consistent with the provisions of this objective. All necessary review and approvals will be obtained, consistent with federal, state, and local agencies.*

**POLICY 5.1.1:** Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as planned residential developments. (Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD*

**POLICY 5.1.2:** Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.

*RESPONSE: The BMXD will comply with this policy. The BMXD has been designed to avoid physical constraints or hazards. This includes the avoidance of development located within floodways or within flood prone areas. Development will be located in areas with stable soil and geologic conditions.*

**POLICY 5.1.3:** During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities. (Amended by Ordinance No. 94-30)

*RESPONSE: The BMXD will comply with this policy. The proposed development program will concentrate higher-density residential uses within the Town Center to facilitate pedestrian or bicycle access to commercial centers as well as schools, parks, and civic centers.*

**POLICY 5.1.4:** Prohibit residential development in all Industrial Development areas and Airport Noise Zone 3 as indicated on the Future Land Use Map, except for residences in the Industrial Development area for a caretaker or security guard, and except as provided in Chapter XIII. (Amended by Ordinance No. 94-30)

*RESPONSE: The BMXD will comply with this policy. No residential development has been proposed within industrial development areas or Airport Noise Zone 3.*

**POLICY 5.1.5:** Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments. (Amended by Ordinance No. 94-30, 99-15, 00-22)

*RESPONSE: The BMXD will comply with this policy. Gradual transitioning of intensity and density will enhance the character and integrity of residential areas. Landscaping and buffering requirements have been submitted as part of the concurrent Babcock Ranch Community MPD application.*

**POLICY 5.1.6:** Maintain development regulations that require high-density, multi-family, cluster, and mixed-use developments to have open space, buffering, landscaping, and recreation areas appropriate to their density and design. (Amended by Ordinance No. 94-30)



*RESPONSE: The BMXD will comply with this policy. The proposed development program will provide for a mix of housing types and densities. The highest densities have been proposed around and within the Town Center. Buffers have been proposed for transitions between densities and uses to ensure connectivity while maintaining a visual aesthetic between uses. These proposals were created to protect residential areas from encroachment by potentially harmful land uses and are in compliance with the Land Development Code.*

**POLICY 5.1.7:** Maintain development regulations that require that community facilities (such as park, recreational, and open space areas) in residential developments are functionally related to all dwelling units and easily accessible via pedestrian and bicycle pathways. These pathways must be interconnected with adjoining developments and public pathways whenever possible. Townhouses, condominiums, apartments, and other types of multi-family residential development must have directly accessible common open space. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: The BMXD will comply with this policy. Open space, recreation areas, and other community facilities will be functionally related to residential areas and accessible from these areas via pedestrian and bicycle pathways. Higher-density residential uses will have common open space and will be directly accessible to residential uses.*

**POLICY 5.1.8:** Provide for adequate locations of low- and moderate-income housing through the rezoning process, the provision of public facilities and services, and the elimination of unnecessary administrative and legal barriers.

*RESPONSE: The BMXD will comply with this policy. The proposed development program will provide for a mix of housing types, including a variety of affordable housing products to be located in a variety of locations throughout the site. The applicant will continue to pursue new options to integrate and locate such housing within the project.*

**POLICY 5.1.9:** Consider by 1996 the provision of incentives and requirements for the reassembly, redesign, and replatting of vacant platted residential lots that are not suitable for timely, safe, and efficient development; and re-evaluate the effects of the single-family residence provision and the privately funded infrastructure overlay on the county's ability to provide incentives for reassembly, redesign, and replatting. (Amended by Ordinance No. 94-30)

*RESPONSE: This policy is not applicable to the BMXD*

**POLICY 5.1.10:** A single-family home may be constructed on a bona fide previously subdivided lot regardless of the maximum densities specified in Table 1(a) if such lot complies with the specific rules in Chapter XIII of this plan.

*RESPONSE: This policy is not applicable to the BMXD*

**POLICY 5.1.11:** In those instances where land under single ownership is divided into two or more land use categories by the adoption or revision of the Future Land Use Map, the allowable density under this Plan will be the sum of the allowable densities for each land use

category for each portion of the land. This density can be allocated across the property provided that: (Amended by Ordinance No. 92-35, 00-22)

1. The Planned Development zoning is utilized; and
2. No density is allocated to lands designated as Non-Urban or Environmentally Critical that would cause the density to exceed that allowed on such areas; and
3. The land was under single ownership at the time this policy was adopted and is contiguous; in situations where land under single ownership is divided by roadways, railroads, streams (including secondary riparian systems and streams but excluding primary riparian systems and major flow ways such as the Caloosahatchee River and Six Mile Cypress Slough), or other similar barriers, the land will be deemed contiguous for purposes of this policy; and
4. The resultant Planned Development affords further protection to environmentally sensitive lands if they exist on the property.

*RESPONSE: This policy is not applicable to the BMXD*

**GOAL 6: COMMERCIAL LAND USES.** To permit orderly and well-planned commercial development at appropriate locations within the county. (Amended by Ordinance No. 94-30)

*RESPONSE: The BMXD will be consistent with the intent of this goal by providing commercial locations within close proximity to residents. Adequate locations for commercial use are identified by approximating a 5-minute walk for residents.*

**OBJECTIVE 6.1:** All development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 11 and other provisions of this plan. (Amended by Ordinance No. 94-30)

*RESPONSE: Noted.*

**POLICY 6.1.1:** All applications for commercial development will be reviewed and evaluated as to:

- a. Traffic and access impacts (rezoning and development orders);
  - b. Landscaping and detailed site planning (development orders);
  - c. Screening and buffering (planned development rezoning and development orders);
  - d. Availability and adequacy of services and facilities (rezoning and development orders);
  - e. Impact on adjacent land uses and surrounding neighborhoods (rezoning);
  - f. Proximity to other similar centers (rezoning); and
  - g. Environmental considerations (rezoning and development orders).
- (Amended by Ordinance No. 00-22)

*RESPONSE: The BMXD will comply with this policy. The community's master plan and related documents will satisfy requirements for development review as provided under the Lee Plan and the Land Development Code. Each of the criteria has been addressed in this*



*document for the project as a whole, and those statements also apply to commercial location and design.*

**POLICY 6.1.2:** All commercial development must be consistent with the location criteria in this policy, except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Policies 1.8.1 through 1.8.3.

***RESPONSE:** The BMXD will comply with the intent of this policy. Any proposed location of commercial development not specifically authorized under this policy will be approved through deviations requested in the concurrent Babcock Ranch Community MPD application.*

1. Minor Commercial

a. Major function

Provides for the sale of convenience goods and services.

b. Location

The entire retail use, including buildings and outdoor sales area, must be located as follows except where this plan provides specific exceptions (e.g., Policy 6.1.7):

(1) On or near the intersection (within 330 feet of the adjoining rights-of-way of the intersection roads) of local and collector, local and arterial, or collector and collector roads. In Commercial Planned Developments where future road improvements that are included in the Capital Improvement Program will enable the property to qualify for the higher level of commercial development specified in Subsection 2 below, and which are conditioned to allow the increased commercial intensity when the roadway actually functions at the higher level of a collector road, the Minor Commercial use may extend beyond 330 feet of such intersections provided the Master Concept plan specifically indicates the phasing of the development from Minor to Neighborhood Commercial use. Proposed interconnections of future internal access roads or driveways servicing only the subject parcel with an arterial or collector will not comply with the requirements of this section;

(2) At the intersection (as defined below) of collector and arterial or arterial and arterial roads;  
or

(3) Within a residential planned development provided it is located and designed primarily to

- meet the commercial needs of the residents of the development.
- c. Site Area Two acres or less.
  - d. Range of Gross Floor Area Less than 30,000 square feet.
  - e. When developed as part of a mixed use planned development, and meeting the use limitations, modified setback standards, signage limitations and landscaping provisions, retail uses may deviate from the locational requirements and maximum square footage limitations, subject to conformance with the Estero Community Plan as outlined in Policies 19.2.3 and 19.2.4, and through approval by the Board of County Commissioners.
2. Neighborhood Commercial
- a. Major function Provide for the sale of convenience goods and personal services such as food, drugs, sundries, and hardware items.
  - b. Typical leading tenants Supermarket and drug store.
  - c. Location Must be located as follows (except where this plan provides specific exceptions):  
  
At the intersection of an arterial and a collector or two arterials so that direct access is provided to both intersecting roads. Such direct access may be provided via an internal access road to either intersecting road. On Lee County's islands where there is no intersecting network of collectors and arterials, neighborhood commercial centers may be located using the standards for minor commercial centers.
  - d. Site Area 2 to 10 acres
  - e. Range of Gross Floor Area 30,000 to 100,000 square feet
  - f. In that portion of North Fort Myers lying between the Cape Coral city limits and the old S.A.L. railroad grade and north of the junction of the 41s, an exception to the strict adherence to the location standards in subsection (c) may be granted upon the approval of an application for Commercial Planned Development rezoning if the Board of County Commissioners makes a formal finding that the proposed project:

(1) is located on an existing arterial road;



(2) is located at the intersection of that arterial with a future collector or arterial that is indicated on the Official Trafficways Map; and

(3) will provide (or at least not interfere with) an acceptable alignment for the future roadway which is the justification for the approval, relative to both extensions from the point of intersection with the existing road.

3. Community Commercial

a. Major function

Some functions of neighborhood commercial, in addition to providing for the sale of retail goods such as clothing, variety items, appliances, and furniture.

b. Typical leading tenants

Supermarket, drug store, minor department store, variety store, or discount center.

c. Location

Must be located as follows (except where this plan provides specific exceptions):

At the intersection of two arterials so that direct access is provided to both intersecting roads. Such direct access may be provided by an internal access road to either intersecting road.

d. Site Area

10 to 35 acres

e. Range of Gross Floor Area

100,000 to 400,000 square feet

f. Notwithstanding prohibitions contained elsewhere in this plan, community commercial development may be granted in a portion of the Suburban land use category in North Fort Myers lying between the Cape Coral city limits and the old S.A.L. railroad grade and north of the junction of the 41s upon the approval of an application for Commercial Planned Development rezoning if the Board of County Commissioners makes a formal finding that the proposed project:

(1) is located on an existing arterial road;

(2) is located at the intersection of that arterial with a future arterial road that is indicated on the Official Trafficways Map; and

(3) will provide (or at least not interfere with) an acceptable alignment for the future roadway which is the justification for the approval, relative to both extensions of that future roadway from the point of intersection with the existing road.

4. Regional Commercial

a. Major Function

Some functions of community commercial, in addition to providing a full range and variety of shopping goods for comparative shopping (such as general merchandise, apparel, furniture, and home furnishings).

b. Typical leading tenants

One or more full-line department stores.

c. Location

Must be located in such a manner as to provide direct access to two and preferably three arterial roads. Such direct access may be via an internal access road to one or more arterials.

d. Site Area

35 to 100 acres

e. Range of Gross Floor Area

400,000 to 1 million square feet or more.

f. The Commercial Site location standards described in this policy do not apply to Regional Commercial development approved as a single mixed-use Development of Regional Impact containing regional shopping opportunities on a 483-acre portion of Section 9, Township 47 South, Range 25 East, that is bounded on the west by U.S. 41, on the east by the Seminole Gulf Railroad tracks, on the south by Coconut Road, and on the north by a line located one half mile north of Coconut Road designated Urban Community, provided that the DRI specifically addresses:

- 1) Impacts to flow-ways,
- 2) Community and Regional Park levels of service,
- 3) Roadway levels of service,
- 4) Public Schools,
- 5) Fire protection services, and
- 6) Affordable housing.

(Added by Ordinance No. 02-29)

5. Commercial development "at the intersection" will extend no more than one-quarter mile from the centerline of the intersection and must include proper spacing of access points, with the following exception: in a commercial development approved under the planned development rezoning process, "at the intersection" may extend beyond one-quarter mile from the intersection, provided that:

- a. direct access is provided to the development within one-quarter mile of the intersection;
- b. an internal access road or frontage road provides access to the intersecting street prior to occupancy of the development; and
- c. all access points meet Land Development Code requirements for safety and spacing.



- d. the retail commercial use, including any outdoor sales, does not extend beyond one-half mile from the centerline of the intersection.
- 6. Any contiguous property under one ownership may, at the discretion of the Board of County Commissioners, be developed as part of the interstate interchange, except in the Mixed Use Interchange district, provided the property under contiguous ownership to be developed as part of the interstate interchange does not extend beyond three-quarters of a mile from the interchange centerpoint. Applications seeking interstate uses outside of the interstate highway interchange area will be evaluated by the Board considering the following factors: percentage of the property within the interstate interchange; compatibility with existing adjacent land uses; and, compatibility with surrounding Future Land Use Categories. This is intended to promote planned developments under unified ownership and control, and to insure proper spacing of access points.
- 7. The location standards specified in Subsections 1-4 will apply to the following commercial developments: shopping centers; free-standing retail or service establishments; restaurants; convenience food stores; automobile dealerships; gas stations; car washes; and other commercial development generating large volumes of traffic. These location standards will not apply to the following: banks and savings and loan establishments without drive-in facilities; hotels or motels; marinas; general, medical, or professional offices; industrial, warehouse, or wholesale development; clubs, as defined in Chapter 34 of the Land Development Code (commercial clubs excepted); and other similar development. The distinction in this subsection between these two major types of commercial uses does not apply in Lehigh Acres, where commercial uses are permitted in accordance with Policies 1.8.1 through 1.8.3.
- 8. The standards specified in Subsections 1-4 for location, floor area and site area will serve as guidelines during the rezoning process (allowing limited discretion by the Board of County Commissioners in special cases in which retail uses are the only reasonable use of the parcel in light of its size, its proximity to arterials and collectors, and the nature of the existing and projected surrounding uses, including but not limited to environmental factors) but are strict requirements during the development order process in the case of zoning that existed prior to the effective date of the Lee Plan (December 21, 1984). The other standards specified in Subsections 1-4 will serve generally to indicate the types of development which are likely to fall within each commercial category. Proposed rezonings to commercial zoning districts that include both uses that are subject to the standards in Subsections 1-4 and uses that are not (see Subsection 7) may be found consistent with the Lee Plan by the Board of County Commissioners even if the subject parcel does not comply with the applicable location standard; provided, however, that no development orders will be issued on any such parcel for any use to which the standards in Subsection 1-4 is applicable, and all such development orders must be consistent with the level of service requirements in Policy 95.1.3.
- 9. The location standards in this policy are not applicable in the Interchange land use category, or in Lehigh Acres where commercial uses are permitted in accordance with Policies 1.8.1 through 1.8.3.

10. The Board of County Commissioners may approve applications for minor commercial centers that do not comply with the location standards for such centers but which are consistent with duly adopted CRA and Community plans.
11. Uses that must comply with Subsections 1-4 may occur at the outside of a T-intersection so long as direct access is provided from at least two points on the adjacent intersecting road, one of which must be an extension of the other intersecting road.
12. Map 19 illustrates the existing Lee County intersections that are deemed to be consistent with the standards in subsections 2 and 3. Neighborhood and community commercial centers must be located at one of the designated intersections, at another intersection utilizing the list of Functional Classification for Arterial and Collector Roads, or in accordance with one of the exceptions under Goal 6, or in Lehigh Acres in accordance with Policies 1.8.1 through 1.8.3.

The map shows some intersections with half-circles and others with full circles. Half circles indicate that only the two intersection quadrants shown on the map are deemed to be consistent with the standards. All of the quadrants of intersections designated with full circles are deemed to be consistent with the standards. Proposed neighborhood and community commercial centers that are located at the designated intersections are subject to all of the other Goals, Objectives and Policies of this Plan.

Functional classifications of new or improved streets will be established in accordance with the definitions of "arterial" and "collector" roads in Rule 9J-5.003. A list of Functional Classification for Arterial and Collector Roads, consisting of roads that meet this criteria, will be maintained by the Department of Transportation, for county maintained roads, and the Division of Development Services, for privately maintained roads. These functional classification lists will be adopted by Administrative Code. For the purpose of determining compliance with the locational standards of Policy 6.1.2, only those roads identified as Major Collector roads will be considered collector roads. Roads identified as Minor Collector or not included on the list will be considered local roads. The map will be revised annually during the county's regular plan amendment cycle.

13. Freestanding single use commercial retail development of five (5) acres or more does not qualify as a Neighborhood Center as that term is used in the Suburban and Outlying Suburban Future Land Use Categories.

(Amended by Ordinance No. 93-25, 94-30, 98-09, 99-15, 99-18, 00-22, 02-02)

**POLICY 6.1.3:** Commercial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as commercial planned developments designed to arrange uses in an integrated and cohesive unit in order to:

- provide visual harmony and screening;
- reduce dependence on the automobile;
- promote pedestrian movement within the development;
- utilize joint parking, access and loading facilities;
- avoid negative impacts on surrounding land uses and traffic circulation;
- protect natural resources; and



- provide necessary services and facilities where they are inadequate to serve the proposed use.

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

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 6.1.4:** Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: The BMXD will comply with this policy. The community will be planned and developed as a cohesive unit to allow for an orderly, well-planned placement of commercial land uses and to achieve level of service standards required under the Lee Plan.*

**POLICY 6.1.5:** The land development regulations will require that commercial development be designed to protect the traffic-carrying capacity of roads and streets. Methods to achieve this include, but are not limited to:

- frontage roads;
- clustering of activities;
- limiting access;
- sharing access;
- setbacks from existing rights-of-way;
- acceleration, deceleration and right-turn-only lanes; and
- signalization and intersection improvements (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: The BMXD will comply with this policy. Placement of commercial uses and structures will be functionally related to other land uses in order to minimize the impact on adjacent roads and streets.*

**POLICY 6.1.6:** The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.

*RESPONSE: The BMXD will comply with this policy. Placement of commercial uses and structures will integrate open space, landscaping and buffering, as required under the Lee Plan and Land Development Code. Landscaping and buffering requirements have been submitted as part of the concurrent Babcock Ranch Community MPD application.*

**POLICY 6.1.7:** Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.

*RESPONSE: The BMXD will comply with this policy. Commercial use within the proposed development will be clustered to prevent scattered and/or strip development.*

**POLICY 6.1.8:** Commercial development may take place, when properly zoned and when meeting the standards in Policy 6.1.2, within the Future Urban Areas. Minor or rural commercial uses which serve rural residents or marine traffic, neighborhood commercial uses which serve major non-commercial public attractions (e.g. Lee County Civic Center), limited agricultural - commercial uses which serve rural areas and agriculturally related needs, and limited commercial marinas (not including heavy marine commercial, such as extensive storage and hull, engine, and electronic repairs) may be permitted in non-urban areas. (Amended by Ordinance No. 94-30, 98-09)

*RESPONSE: The BMXD will comply with this policy. Placement of commercial uses and structures will be consistent with, or under an approved deviation from, the location criteria established in the Lee Plan and the Land Development Code.*

**POLICY 6.1.9:** Prohibit commercial development from locating near existing or planned school areas in such a way as to jeopardize the safety of students. (Amended by Ordinance No. 00-22)

*RESPONSE: The BMXD will comply with this policy. The placement of both commercial development and schools has been designed to provide convenient and safe access. Any proposed locations not specifically authorized under the regulations of the Land Development Code will be through an approved deviation from the location criteria established in the Lee Plan and the Land Development Code.*

**POLICY 6.1.10:** The approval or existence of commercial development on one corner of an intersection will not dictate the development of all corners for commercial development, nor does the existence of commercial development on an arterial or collector road dictate that all frontage must be similarly used. (Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 6.1.11:** Provide by 1995 appropriate requirements and incentives for the conversion of strip commercial development into series of discrete, concentrated commercial areas. (Amended by Ordinance No. 94-30)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 6.1.12:** Encourage the upgrading or revitalization of deteriorating commercial areas (consistent with approved CRA plans, where applicable), but prohibit the expansion or replacement of commercial uses which are inappropriately located or that have an adverse impact on surrounding residential and non-residential uses. Such revitalization includes, but is not limited to: store-front renewal, sign control, and the provision of common parking areas and consolidated access. (Amended by Ordinance No. 94-30)

*RESPONSE: This policy is not applicable to the BMXD.*

**GOAL 7: INDUSTRIAL LAND USES.** To promote opportunities for well-planned industrial development at suitable locations within the county.



*RESPONSE: This goal is not applicable to the BMXD.*

**OBJECTIVE 7.1:** All development approvals for industrial land uses must be consistent with the following policies, the general standards under Goal 11, and other provisions of this plan. (Amended by Ordinance No. 94-30)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 7.1.1:** In addition to the standards required herein, the following factors apply to industrial rezoning and development order applications:

1. The development must comply with local, state, and federal air, water, and noise pollution standards.
2. When located next to residential areas, industry must not generate noise levels incompatible with the residential development.
3. Bulk storage or production of toxic, explosive, or hazardous materials will not be permitted near residential areas.
4. Contamination of ground or surface water will not be permitted.
5. Applications for industrial development will be reviewed and evaluated as to:
  - a. air emissions (rezoning and development orders);
  - b. impact and effect on environmental and natural resources (rezoning and development orders);
  - c. effect on neighbors and surrounding land use (rezoning);
  - d. impacts on water quality and water needs (rezoning and development orders);
  - e. drainage system (development orders);
  - f. employment characteristics (rezoning);
  - g. fire and safety (rezoning and development orders);
  - h. noise and odor (rezoning and development orders);
  - i. buffering and screening (planned development rezoning and development orders);
  - j. impacts on transportation facilities and access points (rezoning and development orders);
  - k. access to rail, major thoroughfares, air, and, if applicable, water (rezoning and development orders);
  - l. utility needs (rezoning and development orders); and
  - m. sewage collection and treatment (rezoning and development orders).

(Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 7.1.2:** Industrial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as Planned Developments designed to arrange uses as an integrated and cohesive unit in order to:

- promote compatibility and screening;
- reduce dependence on the automobile;
- promote pedestrian movement within the development;
- utilize joint parking, access and loading facilities;
- avoid negative impacts on surrounding land uses and traffic circulation;
- protect natural resources; and
- provide necessary facilities and services where they are inadequate to serve the proposed use.

(Amended by Ordinance No. 94-30, 98-09, 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 7.1.3:** Industrial land uses must be located in areas appropriate to their special needs and constraints, including, but not limited to, considerations of: topography; choice and flexibility in site selection; access by truck, air, deep water, and rail; commuter access from home-to-work trips; and utilities; greenbelt and other amenities; air and water quality considerations; proximity to supportive and related land uses; and compatibility with neighboring uses. (Amended by Ordinance No. 93-25, 94-30, 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 7.1.4:** The Future Land Use Map must designate a sufficient quantity of land to accommodate industrial development that will employ 3% of the county's population in manufacturing activities by the year 2010. A report will be prepared by county staff every two years to monitor the county's progress towards this employment goal. (Amended by Ordinance No. 93-25, 94-30, 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 7.1.5:** The timing and location of industrial development will be permitted only with the availability and adequacy of existing or planned services and facilities. (Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 7.1.6:** Land that is located outside of the Industrial Development, Tradeport, and Industrial Interchange areas but within the designated Future Urban Areas may be developed for light industrial purposes so long as adequate services and facilities are available, the use will not adversely impact surrounding land uses, and natural resources are protected, if one of the following conditions is met:

- a. The parcel is located in the Intensive Development, Central Urban, or Urban Community land use categories, was zoned IL or IG prior to the adoption of the 1984 Lee Plan, and does not exceed 50 acres in size (unless it is adjacent to other existing or designated industrial lands); or
- b. The parcel is located in the Intensive Development, Central Urban, Urban Community, General Interchange, Industrial Commercial Interchange, or University Village Interchange



land use categories, and is zoned as a Planned Development. (Amended by Ordinance No. 94-30, 98-09, 99-18, 04-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 7.1.7:** Permit agriculturally-related industrial uses that directly serve the rural and agricultural community in areas indicated on the Future Land Use Map as Rural or Open Lands, provided they have adequate fire protection, transportation, and wastewater treatment and water supply, and have no adverse effect on surrounding land uses and natural resources. These determinations will be made during the rezoning process. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 7.1.8:** Land development regulations will require that industrial uses be adequately buffered and screened from adjacent existing or proposed residential areas so as to prevent visual blight and noise pollution. (Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 7.1.9:** Industrial development will not be permitted if it allows industrial traffic to travel through predominantly residential areas. (Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 7.1.10:** All county actions relating to industrial land uses must be consistent with the goals, objectives, and policies of the Economic element of this Plan. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

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

*RESPONSE: This goal is not applicable to the BMXD.*

**OBJECTIVE 8.1:** Existing marinas, fish houses, and port facilities indicated on the Future Land Use Map as having water-dependent overlay zones will be reclassified by the county to commercial and industrial marine zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing. (See Map 12) (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: This objective is not applicable to the BMXD.*

**OBJECTIVE 8.2:** All development approvals for marine-oriented land uses must also comply with requirements in the Ports, Aviation and Related Facilities sub-element, Objective 128.5: Marina Siting Criteria, and Objective 128.6: Marina Design Criteria. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: This objective is not applicable to the BMXD.*

**GOAL 9: AGRICULTURAL LAND USES.** To protect existing and potential agricultural lands from the encroachment of incompatible land uses and to discourage the introduction or expansion of agricultural uses in the Future Urban Areas. (Amended by Ordinance No. 00-22)

*RESPONSE: The BMXD will be consistent with the provisions of this goal. The community will be planned and developed as a cohesive unit to protect adjacent agricultural land uses. In addition, agricultural uses will be continued on portions of the site.*

**OBJECTIVE 9.1:** Place existing active and passive agricultural uses, that are zoned AG, have an agricultural exemption from the property appraiser's office, and are located outside of areas anticipated for urban use during the life of the plan on an agricultural overlay. Non-contiguous parcels less than 100 acres in size will not be included on this Overlay. A bi-annual review of this map will be conducted to track changes in the inventory of agriculturally used land in the non-urban areas of Lee County. (Amended by Ordinance No. 94-30, 03-04)

*RESPONSE: The BMXD, as planned under the proposed application, will be removed from Agricultural Overlay district identified in Map 20 of the Lee Plan.*

**POLICY 9.1.1:** In accordance with F.S. 187.201(23)(b)1, nothing in this plan will be construed to permanently prohibit the conversion of agricultural uses to other land uses. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

*RESPONSE: The BMXD will be consistent with this policy.*

**POLICY 9.1.2:** Encourage the utilization of energy and soil conservation management practices in agricultural activities.

*RESPONSE: The BMXD will be consistent with this policy and limited agricultural activities will be continued on this site.*

**POLICY 9.1.3:** Continue to encourage agricultural operations to meet adopted water quality and surface water management standards by providing advisory water management plans through the Lee Soil and Water Conservation District. (Amended by Ordinance No. 94-30)

*RESPONSE: The continuation of agricultural activities for the BMXD will be consistent with this policy.*

**POLICY 9.1.4:** Protect agricultural activities on lands designated as Agricultural on the agricultural overlay from the impacts of new natural resource extraction operations, recreational uses, and residential developments. (Amended by Ordinance No. 94-30, 02-02)

*RESPONSE: The BMXD, as planned under the proposed application, will be removed from Agricultural Overlay district identified in Map 20 of the Lee Plan.*



**POLICY 9.1.5:** Amend the Noise Ordinance by 1995 to provide exemptions for crop dusting and other essential agricultural activities. (Added by Ordinance No. 94-30)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 9.1.6:** Continue to update and analyze agricultural land use data. (Added by Ordinance No. 94-30)

*RESPONSE: Noted.*

**POLICY 9.1.7:** Lee County will work with an agricultural advisory committee to establish incentives to encourage the continuation of existing agricultural operations. The county, with the assistance of the committee, will investigate the feasibility of a Purchase of Development Rights (PDR) program for agricultural property by 1995. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

*RESPONSE: Noted.*

**OBJECTIVE 9.2:** To prevent the location of agricultural uses proximate to incompatible urban uses and to promote the efficient use of existing and programmed urban infrastructure, new agricultural uses should be directed away from Future Urban Areas. (Added by Ordinance No. 00-22)

*RESPONSE: The development proposed for the BMXD will adequately buffer higher intensity urban uses from agricultural uses, both within the development area and located in adjacent communities.*

**POLICY 9.2.1:** Rezoning of land to agricultural zoning districts is prohibited in those areas designated by the Lee Plan as Future Urban Areas, with the exception of those areas designated as Outlying Suburban. In Outlying Suburban areas, such requests will be reviewed on a case by case basis, and recommendations will be made based on current and future availability of urban infrastructure and compatibility with existing and future land uses. (Added by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 9.2.2:** Planned Development rezonings within the Future Urban Areas must not establish new, or expand existing, agricultural uses. Bona fide agricultural uses that exist at the time of rezoning may be approved and the use allowed to continue until development commences. The approved existing agricultural uses must not expand beyond the boundaries that existed at the time of rezoning. Existing agricultural uses within any tract or phase must be discontinued upon local development order approval including that tract or phase. (Added by Ordinance No. 00-22)

*RESPONSE: The BMXD will feature a continuation of agricultural uses for a time period specified in this application. However, existing agricultural uses will not be expanded.*

**GOAL 10: NATURAL RESOURCE EXTRACTION.** To protect areas containing identified natural resources from incompatible urban development, while insuring that natural resource extraction operations minimize or eliminate adverse effects on surrounding land use and natural resources. (Amended by Ordinance No. 02-02)

*RESPONSE: This goal is not applicable to the BMXD.*

**OBJECTIVE 10.1:** Designate through the rezoning process sufficient lands suitable for providing fill material, limerock, and other natural resource extraction materials to meet the county's needs and to export to other communities, while providing adequate protection for the county's natural resources. (Amended by Ordinance No. 94-30, 02-02)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 10.1.1:** Natural resource extraction operations intending to withdraw groundwater for any purpose must provide a monitoring system to measure groundwater impacts. (Amended by Ordinance No. 02-02)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 10.1.2:** Applications for natural resource extraction permits for new or expanding areas must include an environmental assessment. The assessment will include (but not be limited to) consideration of air emissions, impact on environmental and natural resources, effect on nearby land uses, degradation of water quality, depletion of water quantity, drainage, fire and safety, noise, odor, visual impacts, transportation including access roads, sewage disposal, and solid waste disposal. (Amended by Ordinance No. 00-22, 02-02)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 10.1.3:** Applications for natural resource extraction permits for new or expanding sites must include a reclamation plan which provides assurance of implementation. Reclamation plans in or near important groundwater resource areas must be designed to minimize the possibility of contamination of the groundwater during mining and after completion of the reclamation. (Amended by Ordinance No. 00-22, 02-02)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 10.1.4:** Natural resource extraction activities (and industrial uses which are ancillary to natural resource extraction) may be permitted in areas indicated on the Future Land Use Map as Rural, Open Lands, and Density Reduction/Groundwater Resources, provided they have adequate fire protection, transportation facilities, wastewater treatment and water supply, and provided further that they have no significant adverse effects such as dust and noise on surrounding land uses and natural resources. In order to reduce transport costs and minimize wear on the county's roadways, the extraction and transport of fill material may also be permitted as an interim use in the Future Urban Areas provided that the above requirements are met; however, special restrictions may also be applied to protect other land uses. These determinations will be made during the rezoning process. (Amended by Ordinance No. 94-30, 00-22, 02-02)



*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 10.1.5:** Lee County will support efforts by government, community leaders, and the extractive industry owners and businesses to seek incentives that will help to facilitate the connection of natural resource extraction borrow lake excavations into a system of interconnected lakes and flowways that will enhance wildlife habitat values, provide for human recreation, educational and other appropriate uses, and/or strengthen community environmental benefits. (Amended by Ordinance No. 99-15, 02-02)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 10.2:** Determine and maintain a balance between the County's petroleum resources and the health, safety and welfare of the residents of its Future Urban Areas. (Added by Ordinance No. 98-09)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 10.2.1:** By 2000, the county will conduct a study to determine the appropriateness of oil exploration, drilling, or production. The study will address the issues of the compatibility of oil-related activities with the environment and urban uses. This study will include recommendations regarding the appropriateness of such activities within Lee County as well as guidelines under which such activities should be regulated under the Lee County Land Development Code. (Added by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**GOAL 11: WATER, SEWER, TRAFFIC, AND ENVIRONMENTAL REVIEW STANDARDS.**

To insure that appropriate water, sewer, traffic, and environmental review standards are considered in reviewing rezoning applications and are met prior to issuance of a county development order.

*RESPONSE: The BMXD will be consistent with the provisions of this goal. The BMXD's master plan and related documents will satisfy requirements for development review as provided under the Lee Plan and the Land Development Code.*

**STANDARD 11.1: WATER.**

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 17-22, F.A.C.).

*RESPONSE: This standard is not applicable to the BMXD.*

2. If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), then the development must be connected to that utility.

*RESPONSE: This standard is not applicable to the BMXD.*

3. The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.

*RESPONSE: The BMXD will be consistent with this standard. Town and Country Utility Company, an affiliate of the applicant, or as otherwise designated by the applicant, will provide supplemental information demonstrating adequate capacity to service the BMXD.*

4. All waterline extensions to new development will be designed to provide minimum fire flows, as well as adequate domestic services as required by Chapter 10D-4, F.A.C.

*RESPONSE: The BMXD will be consistent with this standard.*

5. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), and the utility cannot provide the service or cannot provide the service except at a clearly unreasonable cost to the developer, the developer is encouraged to petition the appropriate regulatory agency to contract the service area so that the development may establish its own community water system or invite another adjacent utility to expand its service area in order to provide the required service.

*RESPONSE: This standard is not applicable to the BMXD.*

6. If a development lies outside any service area as described above, the developer may:

- request that the service area of an adjacent water utility be extended to incorporate the property;
- establish a community water system for the development; or
- develop at an intensity that does not require a community water system.

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

*RESPONSE: Town and Country Utility Company, an affiliate of the applicant, or as otherwise designated by the applicant, will design, permit, and construct a water, wastewater, and reclaimed water utility infrastructure (including water supply, treatment, storage, distribution, collection and disposal capacity) to support the potable water, sanitary sewer, and irrigation needs of the BMXD at full build out and in accordance with the level of service established by the Lee Plan.*

#### **STANDARD 11.2: SEWER.**

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.

*RESPONSE: Town and Country Utility Company, an affiliate of the applicant, or as otherwise designated by the applicant, will design, permit, and construct a water, wastewater, and reclaimed water utility infrastructure (including water supply, treatment, storage, distribution, collection and disposal capacity) to support the potable water, sanitary sewer, and irrigation*



*needs of the BMXD at full build out and in accordance with the level of service established by the Lee Plan.*

2. If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within 1/4 mile from any part of the development.

*RESPONSE:* *This standard is not applicable to the BMXD.*

3. If there is not sufficient capacity nor adequate infrastructure within 1/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.

*RESPONSE:* *This standard is not applicable to the BMXD.*

4. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and the utility cannot provide the service, or cannot provide the service except at a clearly unreasonable cost to the developer, the developer may establish on a temporary basis a self-provided sanitary sewer facility for the development, to be abated when the utility extends service to the site. The developer may also petition the appropriate regulatory agency to contract the service area of the utility in order that another utility may be invited to provide the service.

*RESPONSE:* *This standard is not applicable to the BMXD.*

5. If a development lies outside any service area as described above, the developer may:
  - request that the service area of an adjacent sewer utility be expanded to incorporate the property;
  - establish a self-provided sanitary sewer system for the development;
  - develop at an intensity that does not require sanitary sewer service; or
  - if no more than 5000 gallons of effluent per day per parcel is produced, an individual sewage disposal system per Chapter 10D-6 may be utilized, contingent on approval by all relevant authorities.

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

*RESPONSE:* *Town and Country Utility Company, an affiliate of the applicant, or as otherwise designated by the applicant, will design, permit, and construct a water, wastewater, and reclaimed water utility infrastructure (including water supply, treatment, storage, distribution, collection and disposal capacity) to support the potable water, sanitary sewer, and irrigation needs of the BMXD at full build out and in accordance with the level of service established by the Lee Plan.*

### **STANDARD 11.3: TRAFFIC.**

1. A traffic impact statement must be submitted to and accepted by the county DOT for the following developments:
  - Developments of Regional Impact (D.R.I.'s);
  - Planned Developments (as specified in the Zoning Regulations); and
  - Developments requiring a county development order, as specified in the Land Development Code.

*RESPONSE: The BMXD will be consistent with this policy. A detailed traffic analysis has been submitted as part of the concurrent Babcock Ranch Community MPD application.*

2. The form, content, and level of detail required in the traffic impact statement will be established by Lee County by ordinance, administrative code, or other regulations. Lee County will establish criteria or thresholds to determine the scope of the traffic impact statement required:
  - if the development meets or exceeds the established thresholds, the traffic impact statement will provide a comprehensive assessment of the development's impacts on the surrounding road system.
  - if the development does not meet or exceed these thresholds, the traffic impact statement will provide information regarding traffic generation and impacts at the development's access points to the adjacent street system. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: The BMXD will be consistent with this policy. A detailed traffic analysis has been submitted as part of the concurrent Babcock Ranch Community MPD application.*

**STANDARD 11.4: ENVIRONMENTAL REVIEW FACTORS.** In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District, or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses the environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: The BMXD will be consistent with this standard. Proposed development will be consistent with standards for protecting environmentally sensitive areas.*

**GOAL 12: SAN CARLOS ISLAND.** All development approvals on San Carlos Island must be consistent with following objective and policy in addition to other provisions of this plan. (Added by Ordinance No. 94-30)

*RESPONSE: This goal is not applicable to the BMXD.*

**OBJECTIVE 12.1: SAN CARLOS ISLAND WATER-DEPENDENT OVERLAY ZONE.** To protect marine-orientated land uses on San Carlos Island from incompatible or pre-emptive land uses all development must be consistent with the following policies in addition to other provisions of this plan. (Added by Ordinance No. 99-15)



*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 12.1.1:** New development and substantial redevelopment within the Industrial Development land use category on San Carlos Island will be permitted only in accordance with the following criteria. (See glossary for definitions and Map 2 for map boundaries.) However, in no event will Lee County permit new or expanded petroleum facilities which would serve uses other than marine-related uses.

1. At the foot of the Matanzas Pass Bridge - Within the water-dependent overlay zone which is defined as land within 150 feet of the shoreline: water-dependent marine industrial uses and water-dependent functions of recreational marinas.
  - Landward of the overlay zone (150-foot line): marine industrial uses, in addition to water-related accessory uses which may be permitted to occupy up to 50% of that portion of a parcel lying landward of the 150-foot line.
2. North of Main Street - Within the water-dependent overlay zone, which is defined as land within 150 feet of the shoreline: water-dependent marine industrial uses and recreational marinas.
  - Landward of the overlay zone (150-foot line): marine industrial uses, in addition to commercial or marine industrial uses which support the major industrial activities and recreational marinas.
3. South of Main Street - Within the water-dependent overlay zone which is defined as land within 300 feet of the shoreline: water-dependent marine industrial uses only.
  - Landward of the overlay zone (300-foot line): marine industrial uses; in addition, dry-storage recreational marinas may also be permitted through the "planned development" rezoning process, provided the following is clearly demonstrated:
    - Water access can be provided with only minimal interference to the waterfront industrial uses; and
    - Adequate road access is provided for the waterfront industrial uses; and
    - Any other commercial uses (such as food service or retail space) must be clearly ancillary to the recreational marina or industrial uses and comprise no more than five percent (5%) of the site.
4. Water-Dependent Overlay Zones in General - The water-dependent overlay zones will be included in the Lee County Zoning Regulations and may be the subject of deviation requests during the "planned development" rezoning process. This provision is particularly intended to encourage joint use of parking, access easements, and stormwater retention facilities where such joint use does not negate the essential purpose of the overlay zones. (This also applies to the water-dependent overlay zones elsewhere on San Carlos Island as described in Policy 12.1.1.)

5. Ancillary Commercial Uses - Wherever water-dependent, marine industrial uses are permitted, water-related ancillary commercial uses may also be permitted, provided they are clearly subordinate to the parcel's principal use and their total development area (building, parking, required buffers, water retention, etc.) does not exceed fifteen (15) percent of the parcel's total area. However, at the foot of the Matanzas Pass Bridge, this percentage may be increased to twenty-five (25) percent so long as the resulting commercial use of land lying in the Industrial Development land use category does not exceed fifty (50) percent of all land in that category that is under unified ownership or control as of March 1, 1988. (Amended by Ordinance No. 94-30, 99-15, 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 12.1.2:** New development and substantial redevelopment within a portion of the Urban Community land use category on San Carlos Island will be subject to the additional requirement that within a water-dependent overlay zone, wet or dry storage recreational marinas and other water-dependent uses only will be permitted. This water-dependent overlay zone affects two separate areas, both lying south of Main Street and east of San Carlos Boulevard, as depicted on Map 2 and described as follows:

- land within 150 feet of the shoreline along the inlet (between other lands designated as Industrial Development but exempting the Gulf Cove Trailer Park); and
- land within 300 feet of the shoreline and lying east of, and within 930 feet of, the main Industrial Development area. (Relocated by Ordinance No. 99-15, Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 12.2:** To manage growth, development, and redevelopment on San Carlos Island. To maintain and enhance the area's quality of life and public and private infrastructure. (Added by Ordinance No. 98-09)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 12.2.1:** As part of the transit design process, the county will consider ways to establish pull-overs and turn-offs for the pick-up and discharge of passengers from all trolley and mass transit vehicles and requiring that such pick-up and discharge be done only at specified transit stops. (Relocated by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 12.2.2:** Prior to the expenditure of public funds for the construction of new parking facilities within San Carlos Island, an analysis of the relationship of the facility to the level-of-service on constrained and backlogged roads will be undertaken, in order to determine if the location, size and function of the facility is appropriate and consistent with the adopted CRA plan and the Transportation Element of the Lee Plan. (Relocated by Ordinance No. 98-09, Amended by Ordinance No. 00-22)



*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 12.2.3:** Recreation areas must have a minimum of impervious surfaces. (Relocated by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 12.2.4:** Sidewalks, bike paths and mass transit routes must be designed to provide convenient and safe access to all recreational facilities in the area. (Relocated by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**GOAL 13: CAPTIVA.** To maintain and enhance the historic pattern of development on Captiva, consisting of unobtrusive, low-density residential use in an environment characterized by diverse and healthy native vegetation, clean offshore water with diverse and healthy marine life, and limited commercial development and traffic. The purpose of this goal is to provide policies to confirm and reinforce that historic pattern. (Added by Ordinance No. 03-01).

*RESPONSE: This goal is not applicable to the BMXD.*

**OBJECTIVE 13.1:** Develop and maintain incentive and/or regulatory programs to ensure the long-term protection and enhancement of wetland habitats, water quality, natural upland habitats, community facilities, existing land use patterns, infrastructure capacity, and historically significant features on Captiva Island. (Added by Ordinance No. 03-01).

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 13.1.1** No subdivisions of parcels that were zoned RSC-2 (Captiva Estate) on January 1, 2002, regardless of their zoning at any time thereafter, may be permitted unless all of the resulting lots comply with all of the minimum lot size and dimensional requirements in the RSC-2 district. (Added by Ordinance No. 03-01).

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 13.1.2:** No building or structure may be erected or altered so that the peak of the roof exceeds 35 feet above the average grade of the lot in question or 42 feet above mean sea level, whichever is lower. (Added by Ordinance No. 03-01).

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 13.1.3:** Lee County will encourage and support efforts by Captivans to strengthen existing vegetation ordinances to establish a landscaping code for Captiva Island that will require all new development, including single family residences, to implement minimum landscaping requirements intended to preserve, promote, and enhance the existing native vegetation and tree canopy on the Island. New landscaping requirements will focus on areas including, but not limited to, buffering and separation between new structures and Captiva Drive, buffering between adjoining properties, preservation and enhancement of native plant

communities including, but not limited to, beach dune community, tropical hardwood hammock, coastal scrub and mangroves. (Added by Ordinance No. 03-01).

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 13.1.4:** Lee County will continue to support the effort of the Captiva Erosion Prevention District, a beach and shore preservation authority under provisions of Chapter 161, Florida Statutes, to preserve, protect and maintain Captiva's beaches using environmentally responsible methods. (Added by Ordinance No. 03-01).

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 13.1.5:** Lee County will encourage and support efforts by the Captiva community to investigate and recommend measures that will improve water quality in Pine Island Sound and the Gulf of Mexico adjacent to Captiva Island. Such measures may include sewers only if sized to limit development to that permitted by this plan. (Added by Ordinance No. 03-01).

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 13.1.6:** The Captiva Island Community will establish a "document clearing house" on Captiva, where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations and resolutions will be provided for public inspection. The County's failure to provide or to timely provide documents to the document clearing house, or failure of the document clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 03-01).

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 13.1.7:** The owner or agent for any rezoning, variance, or special exception request within the Captiva Planning Community must conduct one public informational session on Captiva where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. (Added by Ordinance No. 03-01).

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 13.1.8:** Lee County will encourage and support the solicitation of the widest possible range of public input for any future Lee Plan amendments that directly apply to Captiva or the policies adopted for Captiva under this section of the Lee Plan. To that end, Lee County is committed to provide continuing assistance to the Captiva Community as part of the Evaluation and Appraisal Report process as well as ongoing technical expertise related to the functioning of the adopted policies. (Added by Ordinance No. 03-01).



*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 13.1.9:** Lee County will encourage and support efforts by Captivans to develop and submit ordinances that will encourage the siting and building of structures consistent with the historical character of the island. (Added by Ordinance No. 03-01).

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 13.1.10:** New requests for residential re-zoning that would increase density on said property above current zoning would not be permitted. (Added by Ordinance No. 05-19)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 13.1.11:** Variances should be limited to unique, specifically authorized circumstances and will be allowed only in situations where unnecessary hardship would otherwise occur: i.e., where all of the following are met:

Where the hardship cannot be corrected by other means allowed in the ordinances,  
Where the strict compliance of the regulations allows the property owner no reasonable use of the property,

Where the variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties located on the same street and within the same Future Land Use category, unless denial of the variance would allow no reasonable use of the property, and

Where the variance is not contrary to the spirit of the ordinance.

(Added by Ordinance No. 05-19)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 13.1.12:** Mangroves on Captive Island will be protected to the greatest extent possible. (Added by Ordinance No. 05-19)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 13.1.13:** Within two years of the adoption of this policy Indigenous or Native trees will be replanted and maintained along Captiva Drive between Blind Pass and the north end of Captiva Drive. The replanting of trees within the Captiva Drive right-of-way is needed to replace the loss of tree canopy following Hurricane Charley. A comprehensive Captiva Drive landscape plan that addresses specific native tree species, tree placement, public safety, access and utilities to facilitate the restoration of tree canopy will be created. The comprehensive Captiva Drive landscape plan will identify funding sources for implementing the plan and will designate the entity of entities responsible for long term maintenance (Added by Ordinance No. 05-19)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 13.1.14:** Notwithstanding anything pertaining to Captiva Community Plan Height

Restriction Policy 13.1.2, due to the unique degree of public interest attached to it regarding emergency communications services, the existing telecommunications tower facility located in the maintenance and engineering area of South Seas Resort may be replaced in such area to a height not to exceed 170 feet, provided that said new facility makes space available to the county for adequate emergency communications service coverage for Captiva, as well as co-location within the capabilities of that tower for all wireless carriers desirous of serving Captiva. Destruction of mangroves will not be allowed in order to build or operate such a tower or related tower facilities. The telecommunication tower will be a monopole, unless public safety is compromised. (Added by Ordinance No. 15-19)

*RESPONSE: This policy is not applicable to the BMXD.*

**GOAL 14: GREATER PINE ISLAND.** To manage future growth on and around Greater Pine Island so as to maintain the island's unique natural resources and character and its viable and productive agricultural community and to insure that island residents and visitors have a reasonable opportunity to evacuate when a hurricane strike is imminent. For the purposes of this plan, the boundaries of Greater Pine Island are indicated on the Future Land Use Map. (Amended by Ordinance No. 94-30)

*RESPONSE: This goal is not applicable to the BMXD.*

**OBJECTIVE 14.1: NATURAL RESOURCES.** County regulations, policies, and discretionary actions affecting Greater Pine Island will permit no further degradation of estuarine and wetland resources and no unnecessary loss of native upland vegetation and wildlife habitat. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 14.1.1:** The county will not approve or support any new canals on Greater Pine Island or any new artificial channels in natural waters within one mile of Pine Island. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 14.1.2:** Lee County will map the seagrass beds around Greater Pine Island, and will regulate boating activities around Greater Pine Island and marina siting on Greater Pine Island in such a way as to prevent the net loss of seagrasses due to "prop dredging." (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 14.1.3:** Lee County will, by 1996, explore the possibility of estimating the aerial extent and maturity of mangroves in Greater Pine Island for the purpose of providing baseline data necessary to ensure that the cumulative impact of mangrove alteration does not decrease the combination of aerial extent and maturity of mangroves relative to the baseline data. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*



**POLICY 14.1.4:** Maintenance dredging of old channels and canals may be permitted in those cases where the original channel (or canal) depth and width can be accurately determined.

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 14.1.5:** New development, including "planned development" rezoning approvals, new subdivisions, and agriculture, that adjoin state-designated aquatic preserves and associated wetlands and natural tributaries must preserve or create a 50-foot-wide native vegetated buffer area between the development and the waterbody or associated wetlands. This requirement will not apply to existing subdivided lots. For agriculture, this requirement:

- will be implemented through the notice-of-clearing process in chapter 14 of the Land Development Code;
- will include a requirement to use this area as a riparian forest buffer with an adjoining filter strip wherever farmland abuts wetlands; and
- if native vegetation does not currently exist, native tree cover will be established within three years of issuance of the notice of clearing.

(Amended by Ordinance No. 00-22, 03-03)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 14.1.6:** The county will continue to purchase environmentally sensitive areas, rare and unique uplands, eagle nesting areas, and archaeological and historic sites on Greater Pine Island in accordance with the priorities set out in this plan. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 14.1.7:** Lee County will design a program within one year to assess the condition of septic tank drainfields along saltwater canals in St. James City, Bokeelia, and Flamingo Bay if grant funding can be obtained and if property owners are willing to cooperate with the study. This program would analyze whether current soil conditions or the density, age, or condition of drainfields are likely to be degrading tidal water in the canals. If serious degradation is taking place, Lee County will assess the feasibility of various corrective measures. (Amended by Ordinance No. 94-30, 00-22, 03-03)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 14.1.8:** The county reclassified all uplands on Pine Island previously designated as Rural to a new Coastal Rural designation on the Future Land Use Map. The purposes of this redesignation was to provide a clearer separation between rural and urban uses on Pine Island, to discourage the unnecessary destruction of native upland habitats, and to avoid placing more dwelling units on Pine Island that can be served by the limited road capacity to the mainland. The Coastal Rural designation is designed to provide land owners with maximum flexibility while accomplishing these public purposes. (Added by Ordinance No. 03-03)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 14.2: ROAD IMPROVEMENTS.** The county will continually monitor traffic levels on Pine Island Road to insure that the sum of the current population plus development on previously approved land plus new development approvals will not exceed the capacity of existing and committed roadways between Pine Island and mainland Lee County. (Amended by Ordinance No. 00-22)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 14.2.1:** The minimum acceptable level-of-service standard for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is hereby established as LOS "D" on an annual average peak hour basis and LOS "E" on a peak season, peak hour basis. This standard will be measured at the county's permanent count station on Little Pine Island and using the methodology described in the 1985 Highway Capacity Manual, Special Report 209. (Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 14.2.2:** In order to recognize and give priority to the property rights previously granted by Lee County for about 6,675 additional dwelling units, the county will keep in force effective development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. These regulations will reduce certain types of approvals at established thresholds prior to the capacity of Pine Island Road being reached, measured as follows at the permanent count station on Little Pine Island at the western edge of Matlacha:

- When traffic on Pine Island Road reaches 810 peak hour, annual average two-way trips, the regulations will restrict further rezonings which would increase traffic on Pine Island Road through Matlacha. These regulations shall provide reasonable exceptions for minor rezonings on infill properties surrounded by development at similar intensities and those with inconsequential or positive effects on peak traffic flows through Matlacha, and may give preference to rezonings for small enterprises that promote the nature and heritage of Greater Pine Island.
- When traffic on Pine Island Road reaches 910 peak hour, annual average two-way trips, the regulations will provide restrictions on the further issuance of residential development orders (pursuant to chapter 10 of the Land Development Code), or other measures to maintain the adopted level of service, until improvements can be made in accordance with this plan. The effect of these restrictions on residential densities must not be more severe than restricting densities to one-third of the maximum density otherwise allowed on that property.

The 810 and 910 thresholds were based on 80% and 90% of level-of-service "D" capacity calculated using the 1965 Highway Capacity Manual, as documented in the 2001 Greater Pine Island Community Plan Update. These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or site-plan approval under Ordinance 86-36.

(Amended by Ordinance No. 00-22, 03-03)



*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 14.2.3:** In addition to enforcing the restrictions in Policy 14.2.2, the county will take whatever additional actions are feasible to increase the capacity of Pine Island Road. The following measures will be evaluated:

- The construction of left-turn lanes at intersections with local roads in Matlacha.
- Improvements to Burnt Store Road and Pine Island Road to the east of Burnt Store that will prevent premature closure of those roads during an evacuation, closures which now limit the number of Greater Pine Island and Cape Coral residents able to evacuate.

(Amended by Ordinance No. 94-30, 00-22, 03-03)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 14.2.4:** The county will make every effort to continue extending the bicycle path to run the entire length of Stringfellow Road. Wherever possible, this path should be designed as a major public amenity similar to the high-quality design used for the bicycle path north of Pineland that was completed in 2001. (Added by Ordinance No. 03-03)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 14.2.5:** Lee County will investigate the merits of creating a concurrency exception area for a portion of the Pine Island Center. The concurrency exception area will promote the expansion of public transportation to and from the Greater Pine Island area (Added by Ordinance 05-21)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 14.3: RESIDENTIAL LAND USES.** County regulations, policies, and discretionary actions will recognize certain unique characteristics of Greater Pine Island which justify different treatment of existing and future residential areas than in mainland Lee County, as described in the following policies. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 14.3.1:** Due to the constraints on future development posed by the limited road connections to mainland Lee County, bonus densities of any kind are not permitted in Greater Pine Island. This prohibition includes housing density bonuses, off-site transfers from environmentally critical areas, and transfer from on-site wetlands at rates above the standard density rates for environmentally critical areas.

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 14.3.2:** When warranted by actual construction and occupancy of homes, existing substandard subdivisions may become subject to Municipal Service Taxing or Benefit Districts to provide roads, drainage, and other public facilities.

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 14.3.3:** The county's Land Development Code will continue to state that no building or structure on Greater Pine Island will be erected or altered so that the peak of the roof exceeds thirty-eight (38) feet above the average grade of the lot in question, or forty-five (45) feet above mean sea level, whichever is the lower. No deviations from these height restrictions may be granted through the planned development process. These height restrictions will not be measured from minimum flood elevations nor will increases in building height be allowed in exchange for increased setbacks. Industrial buildings must also comply with these height restrictions. (Amended by Ordinance No. 94-30, 00-22, 03-03)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 14.3.4:** The county Zoning Regulations will continue to allow storage of commercial fishing equipment at a fisherman's private residence as a permitted use in residential districts on Pine Island. Reasonable restrictions not having the effect of prohibiting such storage may be developed. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 14.3.5:** The county will amend its land development code to provide specific regulations for neighborhood connectivity and walls and gates on Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These regulations would require interconnections between adjoining neighborhoods wherever feasible and would no longer allow perimeter walls around larger developments. (Added by Ordinance No. 03-03)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 14.4: COMMERCIAL LAND USES.** County regulations, policies, and discretionary actions will recognize certain unique characteristics of Greater Pine Island which justify different treatment of existing and future commercial areas than in mainland Lee County, as described in the following policies. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: This objective is not applicable to the BMXD*

**POLICY 14.4.1:** The designated Future Urban Area at Pine Island Center is targeted for most future commercial and industrial uses, as permitted by other portions of this plan.

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 14.4.2:** Commercial development at other locations on Greater Pine Island should be limited to marinas, fish houses, minor commercial uses to serve local residents, and uses to serve island visitors. Such development must be sited and designed to minimize disruptive influences to the greatest degree possible. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 14.4.3:** The county will expand the commercial design standards in its land development code to provide specific architectural and site design standards for Greater Pine



Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would promote but not mandate rehabilitation over demolition; require smaller rather than larger buildings; avoid standardized franchise buildings; preserve mature trees wherever possible; place most parking to the side and rear; require large windows and forbid most blank walls; and encourage metal roofs and other features of traditional “Old Florida” styles. The new commercial design standards will reflect the different characteristics of Bokeelia, Pineland, Matlacha, and St. James City. (Added by Ordinance No. 03-03)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 14.4.4:** The county will expand its current sign regulations to include specific standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would reduce the size of ground-mounted signs, discourage or disallow internally lit box signs, allow wall signs on buildings near the right-of-way, and allow small directional signs on Stringfellow Road for businesses not visible from the road. (Added by Ordinance No. 03-03)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 14.4.5:** The county will establish a prioritized schedule for an effort to rezone land to zoning districts that properly reflect its development potential under the Lee Plan. (Added by Ordinance No. 03-03)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 14.5: HISTORIC RESOURCES.** Lee County will continue to formally designate historic resources and archaeological sites on and around Greater Pine Island. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 14.5.1:** The county will continue to recognize Matlacha as an historic district, with an emphasis upon preserving the historic commercial fishing uses that give the community its unique character. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 14.5.2:** Public acquisition of historic structures and archaeological sites will be considered in conjunction with other public purposes such as parks or preservation of environmentally sensitive lands. (Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 14.5.3:** The county will evaluate the effects of county regulations (such as zoning, road setbacks, and other development regulations) on designated historic districts and other districts of local concern, and will modify such regulations where necessary to protect both the interests of owners of historic structures and the health, safety, and welfare of the general public. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 14.5.4:** The county will update its historic sites survey of Greater Pine Island if an update is determined to be needed. The county will consider formal local designation of additional historic buildings, especially in St. James City, Pineland, and Bokeelia, and will identify potential buildings or districts for the National Register of Historic Places. (Added by Ordinance No. 03-03)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 14.6: AGRICULTURAL USES.** To promote and preserve the rural character of Pine Island, Lee County will strive to foster a viable and productive agricultural community on the island. Lee County will incorporate several land use “tools” such as purchase and transfer of development rights programs into the Lee County Land Development Code to preserve agricultural uses on Pine Island. (added by Ordinance No. 05-21)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 14.6.1:** Lee County will maintain a map (Map 21) of all existing farmland on Pine Island. These mapped existing farmlands and Pine Island lands containing indigenous vegetation are the primary targeted sending areas for the creation of transfer of development rights (TDR) on Pine Island. (Added by Ordinance No. 05-21)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 14.6.2:** Lee County, by 2009, will evaluate creating a Purchase of Development Rights Program with the objective of preserving Pine Island agricultural uses. (Added by Ordinance No. 05-21)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 14.6.3:** By 2007 Lee County will amend the Lee County Land Development Code to establish a Pine Island Transfer of Development Rights (TDR) program to supplement the existing wetland program TDR program. The programs will be encouraged for properties depicted on Map 21 as well as other Pine Island lands as promoting reduced densities in the Coast High Hazard Area (Added Ordinance No. 05-21)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 14.6.4:** The property owners of lands designated Intensive Development, Central Urban or Urban Community are eligible to receive Pine Island TDRs. The property owners of land designated Suburban and Outlying Suburban are eligible to receive Pine Island TDRs consistent with the Lee Plan’s definition of Density and if approved through the planned development rezoning process. The land development code will maintain several approval processes such as by right, administrative and planned development approval. Developments receiving TDR units will be evaluated for the following criteria: compact site design, innovative open space design, well designed pedestrian/bicycle connections to commercial and



employment areas, location on or a walkable distance to mass transit service, and mixed use buildings. Utilization of in-fill and brownfield sites are encouraged. Land Development Code incentives will be given to projects that incorporate concepts from traditional neighborhood design, transit oriented development and new urbanism principles. (Added by Ordinance No. 05-21)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 14.6.5:** Participation in the Pine Island TDR by right and administrative approval processes for receiving sites requires that the subject property be already conventionally zoned in a zoning district that would permit the proposed development consistent with allowable densities and with the zoning district's lot size, setback, open space and height requirements. The by right process will be limited to adding one additional dwelling unit to a receiving parcel that is one acre or less in size. If the receiving parcel is larger than one acre, TDR units may be used to add one dwelling unit per acre by right. The resulting density may not exceed the maximum total density range for the land use category of the subject site. (Added by Ordinance No 05-21)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 14.6.6:** Adding Pine Island TDR units in excess of one dwelling unit per acre in conventional zoning districts requires administrative approval. The Lee County Department of Community Development director may administratively approve the use of TDR units to increase the density of a proposed development provided that the proposed development is: in compliance with the Lee Plan; zoned for the type and number of dwelling units proposed to be construed; designed so that the resulting development does not have substantially increased intensities of land uses along its perimeter, unless adjacent to existing or approved development of a similar intensity; in a location where the additional traffic will not be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road; in a location outside of the Category 1 Storm Surge Zone for a land-falling storm as defined by the October 1991 Hurricane Storm Tide Atlas for Lee County prepared by the Southwest Florida Regional Planning Council; not in a location where existing and committed public facilities are so overwhelmed that a density increase would be contrary to the overall public interest, and; will not decrease required open space, buffering, landscaping and preservation areas or cause adverse impacts on surrounding land uses. (Added by Ordinance No. 05-21)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 14.6.7:** The Land Development Code will be amended to specify that Pine Island TDRs may be utilized through the Planned Development approval and amendment rezoning processes for land owners seeking to add additional dwelling units utilizing TDR units. The Code will specify that the application for the rezoning and the request to utilize TDR units may be submitted at the same time for concurrent review. (Added by Ordinance No. 05-21)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 14.6.8:** The generation rate for Pine Island TDRs will be limited by the Land Development Code to two Transfer of Development Rights per acre for the Coastal Rural land use category, to six Transfer of Development Rights per acre for the Future Urban land use categories, and one Transfer of Development Right per five acres of wetland. The Land Development Code will be amended to establish the creation of development rights process as well as receiving process. (Added by Ordinance No. 05-21)

*RESPONSE: This policy is not applicable to the BMXD.*

**GOAL 15: GASPARILLA ISLAND.** To provide the necessary facilities and regulations so that the remaining unbuilt portions of the island can be developed consistent with its unique character and hurricane vulnerability. For the purposes of this plan, the boundaries of Gasparilla Island are indicated on the Future Land Use Map.

*RESPONSE: This goal is not applicable to the BMXD.*

**OBJECTIVE 15.1: COMMUNITY FACILITIES.** Lee County will continue to ensure the provision of solid waste and ambulance service to the Lee County portion of Gasparilla Island through the ongoing enforcement of interlocal agreements with Charlotte County. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: This objective is not applicable to the BMXD.*

**OBJECTIVE 15.2: HISTORIC RESOURCES.** Lee County will continue to recognize Boca Grande as an historic district pursuant to the Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: This objective is not applicable to the BMXD.*

**OBJECTIVE 15.3: NATURAL RESOURCES.** The county will protect natural and marine resources from potential oil spills at Port Boca Grande. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 15.3.1:** The county will continue to maintain a Marine Emergency Response Team to protect natural and marine resources at Port Boca Grande and elsewhere in the county. (Amended by Ordinance No. 94-30)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 15.4: INTERGOVERNMENTAL COORDINATION.** Due to the unique bi-county location of Gasparilla Island, Lee County will commit to working with Charlotte County and the Southwest Florida Regional Planning Council to propose and resolve intergovernmental concerns. (Amended by Ordinance No. 00-22)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 15.4.1:** All land development on Gasparilla Island will be subject to the Special Act



of the Florida Legislature known as the Gasparilla Island Conservation District Act (SA 80-473 as amended by 83-385 and 86-341). The provisions of the Act will apply in addition to those of the Lee Plan. Lee Plan policies may be more restrictive but will be consistent with the provisions of the Act. (Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 15.5: PORT FACILITY.** The Water Dependent Overlay for South Boca Grande is limited to the Port Facility south of Belcher Road. (Added by Ordinance No. 02-03)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 15.5.1:** The commercial and industrial uses permitted in the Port District (excluding those specific uses approved pursuant to resolutions Z-86-166, Z-93-009, and Z-99-054 such as a tennis club with food service and consumption on premises, pro shop, maintenance and shop facilities, health clubs, day care centers, etc....) are not permitted within that portion of the boundaries of the Boca Bay Community with the zoning designation of Port District. (Added by Ordinance No. 02-03)

*RESPONSE: This policy is not applicable to the BMXD.*

**GOAL 16: PRIVATE RECREATIONAL FACILITIES IN THE DR/GR.** To ensure that the development of Private Recreational Facilities in the DR/GR areas is compatible with the intent of this Future Land Use category, including recharge to aquifers, development of future wellfields and the reduction of density. (Added by Ordinance No. 99-16)

*RESPONSE: This goal is not applicable to the BMXD.*

**OBJECTIVE 16.1:** To ensure that Private Recreation Facilities are located in the most appropriate areas within the DR/GR future land use category. (Added by Ordinance No. 99-16)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 16.1.1:** The Private Recreation Facilities Overlay Map, Map 4, shows those locations that are appropriate for the development of Private Recreation Facilities in the DR/GR area. The areas depicted on Map 4 are consistent with the application of the following locational criteria:

1. Located outside of those areas designated for public acquisition through the Florida Conservation and Recreational Land Program (C.A.R.L.), the Corkscrew Regional Ecosystem Water Trust (C.R.E.W.), the South Florida Water Management District's Save Our Rivers Program, and the County's 2020 Conservation Program;
2. Located in areas characterized as predominantly impacted with agricultural, mining or other permitted uses;
3. Located outside of areas depicted as 100 Year Flood Plains, as illustrated on Map 9 of the Lee Plan, as amended through June of 1998;
4. Located to minimize impact on "Hot Spots of Biological Resources and Rare Species Occurrence Records," from the Florida Game and Freshwater Fish Commission's, "Closing

- the Gaps in Florida Wildlife Habitat Conservation System” published in 1994;
5. Located in areas characterized by large lot single or limited ownership patterns; and,
  6. Located in areas with direct access to existing roadways. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.1.2:** Private Recreational Facilities within the DR/GR land use category will only be allowed, subject to the other requirements of this Goal, in the areas depicted on Map 4, Private Recreational Facilities Overlay Map. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 16.2: GROWTH MANAGEMENT.** Development of Private Recreation Facilities in the DR/GR areas must be consistent with the growth management principles and practices as provided in the following policies. (Added by Ordinance No. 99-16)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 16.2.1: PRIVATE RECREATION FACILITY PLANNED DEVELOPMENT.** By the end of December, 2000, Lee County will amend the Lee County Land Development Code (LDC) to include provisions for a new Private Recreation Facilities Planned Development zoning category. All Private Recreational Facilities proposed within the Density Reduction Groundwater Resource land use category must be reviewed as a Development of County Impact, Private Recreation Facilities Planned Development. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.2.2:** Approved Private Recreation Facilities Planned Developments will automatically expire, reverting to the original zoning category, if a Lee County Development Order is not obtained within five (5) years of zoning approval. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.2.3: RESIDENTIAL USES PRECLUDED.** Residential uses, other than a single bonafide caretaker’s residence or a resident manager’s unit, are not permitted in conjunction with a Private Recreational Facility Planned Development. Residential density associated with land zoned as Private Recreational Facility will be extinguished and cannot be transferred, clustered or otherwise assigned to any property. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.2.4:** Further, the approval of Private Recreational Facilities on any property within the DR/GR will not be considered as justification for approving an amendment to the Future Land Use Map series which would increase residential density in the DR/GR areas. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*



**POLICY 16.2.5:** The boundaries of the Private Recreational Facility Planned Development may not be designed to allow out-parcels or enclaves of residential units to be integrated into the golf course perimeter. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.2.6:** Private Recreational Facilities must have adequate fire protection, transportation facilities, wastewater treatment and water supply, and provided further that they have no adverse effects such as dust, noise, lighting, or odor on surrounding land uses and natural resources. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.2.7:** Private Recreational Facilities within the DR/GR may only be located in the areas depicted on the Private Recreational Facilities Map, Map 4. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.2.8:** Applications for Private Recreational Facility development will be reviewed and evaluated as to their impacts on, and will not negatively affect, any adjacent, existing agricultural, mining or conservation activities. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.2.9:** Applications for Private Recreational Facility development will be reviewed and evaluated as to their impacts on, and must be compatible with any adjacent publicly owned lands. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.2.10:** During the 2010 comprehensive plan Evaluation and Appraisal Report process the County will conduct a comprehensive evaluation of the impacts of Private Recreation Facilities on surface and groundwater quality and quantity. Recommendations from this evaluation will then be incorporated into the Lee Plan. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 16.3: GENERAL DEVELOPMENT REGULATIONS.** The protection of water quality, quantity, natural resources, and compatibility will be addressed by additional development controls that regulate the permitted uses, parcel size, density, intensity and design of Private Recreational Facilities. (Added by Ordinance No. 99-16)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 16.3.1:** Private Recreational Facilities will submit a Master Concept Plan at the time of Planned Development submittal that identifies the general location of proposed uses and

structures, play fields and golf course routings. Minor adjustments to this Master Concept Plan may be made administratively at the discretion of the Director. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.3.2:** Applications for Private Recreational Facilities must include an environmental assessment during the zoning approval process. The assessment must include, at a minimum, an analysis of the environment, historical and natural resources and a protected species survey as required by chapter 10 of the LDC. (Added by Ordinance No. 99-16)

**POLICY 16.3.3:** In addition to an environmental assessment, the applicant must demonstrate compatibility with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.3.4:** The development will incorporate an Integrated Pest Management program for any managed recreational areas. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.3.5:** Where buildings or impervious development is located within twenty-five feet of the property boundary, a buffer 15 feet wide, with 5 trees per 100 linear feet and a solid double row hedge must be provided, unless a more restrictive buffer is required during the Planned Development Review. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.3.6:** No illumination may be used which creates glare on adjacent properties. All exterior lighting will be designed with downward deflectors to eliminate skyward glare. Parking areas, walkways and paths and maintenance areas may be illuminated for security purposes, provided that light poles do not exceed twelve feet in height. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.3.7:** Native and xeriscape vegetation will be encouraged, such that:

1. 100% of all required trees and 75% of all additional trees must be native.
2. 80% of all required shrubs and 50% of all additional shrubs must be native.
3. A minimum of 70% of all trees and shrubs must be xeriscape varieties.
4. The native and xeriscape requirements do not apply to turf areas.
5. No plant species included in the Florida Exotic Pest Plant Council, 1999 List of Florida's Most Invasive Species, will be planted. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*



**POLICY 16.3.8:** The following site requirements, regulating lot size, setbacks and open space must be equaled or exceeded:

1. Uses, other than golf courses, permitted under this subdivision must have a minimum lot size of ten acres.
2. **Building Setbacks.**
  - a. Fifty (50) feet from an existing right-of-way line or easement.
  - b. Seventy-five (75) feet from any private property line under separate ownership and used for residential dwellings.
  - c. Fifty (50) feet from any adjacent agricultural or mining operation.
  - d. Greater setbacks may be required during the Public Hearing process to address unique site conditions.
3. **Setbacks for accessory buildings or structures.** All setbacks for accessory buildings or structures must be shown on the Master Concept Plan required as part of the Planned Development application. No maintenance area or outdoor storage area, irrigation pump or delivery area may be located less than 500 feet from any existing or future residential use, as measured from the edge of the above-listed area to the property line of the residential use. For purposes of this policy, any property that is 10 acres or less in size and is zoned to permit dwelling units will be considered a future residential property. Properties larger than 10 acres may be considered future residential based on the property's size, the ownership pattern of properties in the surrounding area, and the use, zoning and size of surrounding properties. To allow flexibility, the general area of any accessory buildings, structures and maintenance areas must be shown on the site plan with the appropriate setbacks as noted in this subsection listed as criteria for the final placement of these buildings, structures or facilities.

In addition to the other standards outlined in this policy, any maintenance area or outdoor storage area, irrigation pump or delivery area must meet one of the following standards:

- a) be located 500 feet or more from any property line abutting an existing or planned public right-of-way; or
  - b) provide visual screening around such facilities, that provides complete opacity, so that the facilities are not visible from any public right-of-way; or
  - c) be located within a structure that meets or exceeds the current Lee County architectural standards for commercial structures.
4. **Open Space.** A minimum of 85% open space must be provided. However, natural and man-made bodies of water may contribute 100% to achieving the minimum requirements. To the extent possible, pervious paving and parking areas, and buildings elevated above ground level will exceed the 85% open space requirement.
  5. **Security.** All entrances to Private Recreational Facilities must be restricted from public access during non-use hours. (Added by Ordinance No. 99-16, Amended by Ordinance No. 02-04)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.3.9:** Density/Intensity Limitations proposed uses are subject to the following limitations:

Clubhouse/Administrative Area:	20,000 SF/18 hole golf course.
Golf Course Restrooms:	Not to exceed two structures per 18-hole golf course, limited to 150 square feet per structure.
Maintenance Area:	Not to exceed 25,000 SF of enclosed or semi-enclosed building area, on a maximum of 5 acres of land per 18 hole golf course.
Horse Stable:	40,000 SF of Stable Building/10 acres.
Camping Restrooms:	1 toilet per four (4) camp units, clustered in structures not to exceed 500 square feet per structure. 1 shower per 4 toilets.
Camping Area Office:	1,000 SF per campground.

(Added by Ordinance No. 99-16, Amended by Ordinance No. 02-02)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 16.4: WATER QUALITY, QUANTITY, AND SURFACE WATER RESOURCES.** Private Recreational Facilities must be located, designed and operated in such a way that they will not degrade the ambient surface or groundwater quality. These facilities must be located, designed and operated in such a way that they will not adversely impact the County's existing and future water supply. The location, design and operation of Private Recreational Facilities must maintain or improve the storage and distribution of surface water resources. (Added by Ordinance No. 99-16)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 16.4.1:** All applications and documentation for the planned development rezoning process must be submitted to the Lee County Division of Natural Resources for their formal review and comment. The Division of Natural Resources Director must make a formal finding that the proposed uses will not have negative impacts on present and future water quality and quantity, and will review and approve modeling submitted to support the Planned Development. Applicant modeling efforts must be evaluated and approved by the Lee County Division of Natural Resources and the Lee County Utilities Division. Issues of well locations, easements and wastewater re-use must be evaluated and approved by the Lee County Division of Natural Resources and the Lee County Utilities Division during the Planned Development process. Formal agreements addressing these issues will be entered into prior to the issuance of a Development Order. Co-location of recreational and public facilities is encouraged. (Added by Ordinance No. 99-16, Amended by Ordinance No. 03-04).

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.4.2:** Applications for Private Recreational Facilities in or near existing and proposed wellfields must be designed to minimize the possibility of contamination of the



groundwater during construction and operation. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.4.3:** Private Recreational Facilities must provide a monitoring program to measure impacts to surface and groundwater quality and quantity (see Objective 16.7). (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.4.4:** As part of a rezoning request for a Private Recreational Facility in the DR/GR area, a pre-development groundwater and surface water analysis must be conducted and submitted to the County. This analysis is intended to establish baseline data for groundwater and surface water monitoring for the project area. The analysis must be designed to identify those nutrients and chemicals which are anticipated to be associated with the project. Prior to the applicant commencing this baseline study, the methodology of the study must be submitted for review, comment, and approval by the County. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.4.5:** Any “Private Recreational Facility” located in any wellfield protection zone must meet the requirements/criteria for protection zone 1, unless updated modeling is provided by the applicant and is approved by Lee County Division of Natural Resources and the Lee County Utilities Division. (Added by Ordinance No. 99-16, Amended by Ordinance No. 03-04)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.4.6:** The surface water management system design must incorporate natural flowway corridors, cypress heads, natural lakes, and restore impacted natural flowway corridors.

1. Stormwater run-off must be pre-treated through an acceptable recreated natural system or dry retention and water retention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems. Included within these systems must be an average 50 foot wide vegetative setback measured from the edge of managed turf to the wetland jurisdictional wetland line or top of bank of natural water bodies.
2. The development must maintain the function and integrity of local and regional flowways. Flowways are precluded from being primary surfacewater treatment areas. Applications for Private Recreational Facilities must demonstrate adequate hydraulic capacity without increasing flood levels. Private Recreational Facilities must participate in the implementation of the Lee County Surface Water Management Plan as well as the South Florida Water Management District’s South Lee County Watershed Plan.
3. The Historic Flowway Aerial Map depicts the general flowway paths that exist in the DR/GR area. The lines shown on this map are not regulatory but show the general boundaries of the main conveyances. During the rezoning process, conceptual surface water management plans must be submitted and approved. Prior to the issuance of a

Development Order, proposed Private Recreation Facilities will provide detailed hydrologic and hydraulic analysis demonstrating the limits of flow for various storm events and the developed sites ability to convey these flows. Where an existing flowway is not well defined or discontinuous, flexibility will be given to allow different alignments within a site.

(Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.4.7:** Any Private Recreational Facilities proposed within the DR/GR land use category must cooperate with Lee County and SFWMD in implementing an overall surface water management plan as outlined in Objective 60.2 and 117.1. Compliance with these Policies must be demonstrated during Development Order approval. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.4.8:** If a proposed Private Recreation Facilities falls within an area identified as an anticipated drawdown zone for existing or future public well development, the project must utilize an alternative water supply such as reuse or withdrawal from a different non-competing aquifer or show that adequate supply is available in excess of that being used for planned public water supply development. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 16.5: WILDLIFE.** The location, design and operation of Private Recreational Facilities will incorporate preservation and/or management activities that restrict the unnecessary loss of wildlife habitat or impact on protected species, species of special concern, threatened or endangered species. (Added by Ordinance No. 99-16)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 16.5.1:** The development will not have an adverse impact on any existing, viable on-site occupied wildlife habitat for protected species, species of special concern, threatened or endangered species. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.5.2:** All proposed fencing must be designed to permit wide-ranging animals to traverse the site. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.5.3:** Through the development review process, Private Recreation Facilities will be designed and operated to conserve critical habitat of protected species. This will be accomplished through regulation, incentives and public acquisition. (Added by Ordinance No. 99-16)



*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 16.6: NATURAL RESOURCES.** Private Recreational Facilities must be located, designed and operated to minimize environmental impacts, and where appropriate, protect, enhance and manage natural resources such as flowways, waterways, wetlands, natural water bodies, and indigenous uplands. (Added by Ordinance No. 99-16)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 16.6.1:** All retained onsite natural areas, must be perpetually managed by the owner(s), or their assignees, with accepted Best Management Practices. The type of management techniques will be determined by the specific plant community. A natural area land management plan must be submitted to the Lee County Division of Planning prior to the approval of a final local development order. Management techniques addressed in the plan must include, but not be limited to the following:

- Exotic pest plant control;
- Removal of any trash and debris;
- Restoration of appropriate hydrology;
- Prescribed fire;
- Native plant restoration, where appropriate;
- Discussion of flora and fauna;
- Enhancement of wildlife habitat; and,
- Retention of dead trees and snags.

(Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.6.2:** The development will minimize adverse effects on wetlands and riparian areas; and will result in no net reduction in functional wetland acreage as identified by the South Florida Water Management District Wetland Rapid Assessment Procedure (WRAP). (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.6.3:** Private Recreational Facilities must be designed to preserve a minimum of 50% of on-site, indigenous native upland habitat. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.6.4:** The development will incorporate energy and resource conservation devices, such as low flow water fixtures, and natural skylights. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 16.7: MONITORING AND ENFORCEMENT.** In order to ensure that Private Recreational Facilities do not degrade the ambient condition of water quality, water quantity, vegetation and wildlife, an ongoing monitoring program must be established by the developer.

(Added by Ordinance No. 99-16)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 16.7.1:** Annual surface water and groundwater monitoring must continue in perpetuity. The monitoring requirements will be established utilizing those nutrients and chemicals that are anticipated to be associated with the proposed project that were identified by the pre-development groundwater and surface water analysis required by Policy 16.4.4. This surface and groundwater monitoring is to be conducted, at a minimum, on a quarterly basis by a qualified third party. This monitoring data must be submitted to the County as soon as it is available. A summary report of this monitoring effort must be provided annually to Lee County Division of Natural Resources for their review. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.7.2:** If surface and/or groundwater monitoring shows degradation of water quality the County will notify the property owner that a plan, to correct the identified problem(s), must be submitted. The property owner must submit a plan of action within 30 days after receipt of written notice from the County. The plan must identify actions that will correct the problem(s) within the shortest possible time frame. This plan will be reviewed and must be found to be acceptable by the County. If the plan is not submitted as required, or is found to be unacceptable by the County, the County will require that all activities on the property cease until a plan is submitted and approved. The approved plan must be implemented by the property owner. If the County determines that the approved plan is not being implemented properly, the County can require that all activities on the property cease until the property owner comes back into compliance. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.7.3:** The approved Private Recreational Facility must submit an annual monitoring report for a period of five (5) years, addressing the interaction between the use and environment. This report must provide a discussion and documentation on the following activities:

1. Construction Monitoring – the applicant will submit annual reports detailing construction activities, permitting, compliance with Audubon International Signature Standards and percent complete.
2. Land Management Activities – including those used on the golf course, as well as natural and preserve areas.
3. Wildlife Monitoring – the applicant will provide a discussion of wildlife, wildlife activity, and wildlife management activities.
4. Irrigation Monitoring – the applicant will provide a summary of the monthly irrigation withdrawal and irrigation sources.
5. Mitigation/Vegetation Monitoring – the applicant will provide status reports on the viability



of any mitigation and/or landscaping conducted on site.

6. Integrated Pest Management Monitoring – the applicant will provide a discussion on the pest management techniques, and any pest problems that have occurred on the project.

Should adverse impacts in any of the above areas be identified, enforcement and mitigation will be provided through the appropriate regulatory agency and enforcement procedures. These procedures will be spelled out during the development order process. If, after five years, no significant adverse impacts are determined, the reporting on these subjects may be terminated. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 16.8: GOLF COURSE PERFORMANCE STANDARDS.** The location, design and operation of golf courses located within Private Recreational Facilities will minimize their impacts on natural resources, and incorporate Best Management Practices. A maximum of ten (10) 18-hole golf courses, for a total of 180 golf holes, will be permitted in the next 10 years. (Added by Ordinance No. 99-16)

*RESPONSE: This objective is not applicable to the BMXD. There will not be a golf course located within the Lee County portion of the proposed development area.*

**POLICY 16.8.1:** Natural waterways located on the site of a proposed golf course must be left in a natural, unaltered condition. Channelization will not be performed. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.8.2:** An applicant must demonstrate, prior to the issuance of a local development order, that a golf course is designed to minimize adverse effects to waters and riparian areas through the use of such practices as integrated pest management, adequate stormwater management facilities, vegetated buffers, reduced fertilizer use, etc. The facility must have an adequate water quality management plan, such as a stormwater management facility constructed in uplands to ensure that the recreational facility results in no substantial adverse effect to water quality. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.8.3:** If a waterway crossing is necessary, then it must be designed to minimize the removal of trees and other shading vegetation. Any crossings of existing natural flowways and water bodies must be bridged. Created or restored flowways and water bodies may be crossed by bridges or culverts or a combination as approved by Lee County and the South Florida Water Management District. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.8.4:** Waterway crossings by cart paths will be constructed of permeable material, no wider than 8-feet, and placed on pilings from edge of floodplain to edge of floodplain.

(Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.8.5:** A new lake or pond should not be located within an existing natural waterway. Upland ponds must not expose stream channels to an increase in either the rate or duration of floodwater, unless required by the South Florida Water Management District for regional water management objectives. (added by Ordinance 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.8.6:** For golf course developments, all fairways, greens, and tees must be elevated above the 25 year flood level, and all greens must utilize underdrains. The effluent from these underdrains must be pre-treated prior to discharge into the balance of the project's water management system. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.8.7:** Where a golf course is proposed, it must comply with the Best Management Practices for Golf Course Maintenance Departments, prepared by the Florida Department of Environmental Protection, May 1995. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.8.8:** The owners will employ management strategies in and around any golf course to address the potential for pesticide/chemical pollution of the groundwater and surface water receiving areas. The owners will comply with the goals of the Audubon International Signature Program for Golf Courses. The management practices include:

1. The use of slow release fertilizers and/or carefully managed fertilizer applications.
2. The practice of integrated pest management when seeking to control various pests, such as weeds, insects, and nematodes. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad-spectrum pesticides is not acceptable. The management program will minimize, to the extent possible, the use of pesticides, and will include the use of the USDA-SCS Soil Pesticide Interaction Guide to select pesticides for uses that have a minimum potential for leaching or loss due to runoff depending on site specific soil conditions. Application of pesticides within 100 feet of any CREW, or other adjacent public preserve lands, is prohibited.
3. The coordination of the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.
4. The utilization of a golf course manager who is licensed by the State to use restricted pesticides and who will perform the required management functions. (Added by Ordinance No. 99-16)



*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.8.9:** Irrigation systems must utilize computerized irrigation based on weather station information, moisture sensing systems to determine existing soil moisture, evapotranspiration rates, and zone control, to ensure water conservation. For Private Recreation Facilities located outside of the depicted Wellfield Protection zones, re-use water, where available, will be utilized for irrigation. Re-use water within Wellfield Protection zones must be in compliance with the Wellfield Protection Ordinance. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.8.10:** Golf courses must be designed, constructed, managed and certified in accordance with the Audubon International Signature Program. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.8.11:** It is the landowner(s) responsibility to notify the County within ten (10) working days if the status of certification from Audubon changes from being in full compliance. Failure to do so could result in penalties up to and including revocation of golf course use if it is deemed that the violation(s) are a possible threat to the environment. If the golf course loses its certification from Audubon, then the property owner must submit a plan of action acceptable to the County that will achieve re-certification in the shortest possible time. The plan must be submitted within 30 days after receipt of written notice from the County. If the plan is not submitted as required, then all activity on the property must cease until a plan is submitted and approved. An approved plan must be implemented in good faith by the property owner. If the County determines that the plan is not being implemented properly, then all activity on the property must cease until the property owner comes back into full compliance. (Added by Ordinance No. 99-16)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 16.8.12: GOLF SITE REQUIREMENTS.**

1. The minimum number of golf holes is 18. The minimum size for an 18 hole golf course is 150 acres. In no instance may the golf course impacts exceed 150 acres per 18 holes. Allowable uses within the impact area are greens, tees, fairways, clubhouses, maintenance facilities, cart and pedestrian pathways, parking areas, i.e. all associated support uses.
2. Two hundred (200) acres of indigenous vegetation preserve is required for every 18 holes. The indigenous vegetation preserve requirement may be provided on-site or off-site. On-site preserves must be a minimum of 1-acre in size; minimum 75-foot wide with an average 100-foot width. Indigenous vegetation preserved on site may utilize a two to one (2:1) credit on a sliding scale based on minimum acreage and width criteria to be included in the Land Development Code. However, the indigenous vegetation preserve requirement must be met with a minimum of one hundred (100) actual indigenous acres onsite. Indigenous

vegetation preservation requirements must be met outside of the 150 acre golf course impact area.

3. All off-site indigenous vegetation preserves must be located within the DR/GR areas. Unless located within or adjacent to existing or designated public acquisition areas, the minimum parcel size is fifty (50) indigenous acres.
4. The off-site indigenous vegetation preserves must include a management plan that is approved as part of the Planned Development rezoning. This management plan must include invasive exotic vegetation removal with perpetual management. This does not preclude the transfer of the property to a public entity as long as perpetual maintenance is guaranteed.
5. Additional golf development must be in increments of 9 golf holes. For every additional 9 golf holes, the site area must be increased by 75 acres. Additional golf course impacts are limited to 75 acres per nine holes. The on-site or off-site indigenous preserve area must be increased by 100 acres for each nine holes and is subject to the restrictions above.

(Added by Ordinance No. 99-16, Amended by Ordinance No. 02-02)

*RESPONSE: This policy is not applicable to the BMXD.*

**GOAL 17: BUCKINGHAM.** To manage the future growth in the Buckingham area; to preserve the existing agricultural land use pattern; to diversify the choice of housing for Lee County by maintaining and enhancing the historic rural character; and to protect the unique historical and environmental values of the Buckingham Community. For the purposes of this plan, the precise boundaries of Buckingham are indicated on the Future Land Use Map. (Added by Ordinance No. 91-19, Amended by Ordinance No. 93-25, 94-30)

*RESPONSE: This goal is not applicable to the BMXD.*

**OBJECTIVE 17.1: LAND USE.** The primary land use designation for the Buckingham area is "Rural Community Preserve." Public Facilities have also been designated as appropriate. After the adoption of this amendment, no land in Buckingham will be changed to a land use category more intense than Rural Community Preserve (including Public Facilities) unless a finding of overriding public necessity is determined by three members of the Board of County Commissioners. (Amended by Ordinance No. 00-22)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 17.1.1:** No property within Buckingham will be rezoned to RVPD. (Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 17.1.2:** The southeast and northeast quadrants of the intersection of Orange River Boulevard and Buckingham Road is designated as the commercial node for the Buckingham area. No new commercial activities will be located outside of this commercial node. All new



commercial developments in the node are required to provide a minimum of 30% open space. This commercial node is described as those lands 300 feet eastward from the easterly right-of-way of Buckingham Road and lying between Cemetery Road and a point 300 feet north of the intersection of Buckingham Road and Orange River Boulevard. (Amended by Ordinance No. 94-30, 98-09, 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 17.1.3:** Any lot created in the Rural Community Preserve land use category after the adoption of this amendment must have a minimum area of 43,560 square feet. Any residential planned development zoning granted in the Rural Community Preserve land use category will require a minimum size of one acre (43,560 square feet) for every residential lot. (Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 17.2: TRANSPORTATION.** To protect the rural character of the Buckingham area, the following restrictions apply:

1. The existing publicly maintained Lockett Road segments currently functioning as local roads will be retained. Any proposal to change the functionality of Lockett Road, such as to provide Lehigh Acres with access to I-75 at the Lockett Road interstate interchange, will require an analysis (Alignment Study, including public input) of the impacts to the Buckingham Rural Community Preserve. This analysis will include the review of alignments including diverting the proposed collector or arterial corridor as far south as possible, starting east of Pangola, in order to skirt the Buckingham area.
2. The extension of State Route 31 south of the Orange River is prohibited;
3. The extension of Ellis Road is prohibited;
4. The extension of Staley Road to State Route 82 is prohibited;
5. No new east/west collector roadways will be planned or built within the Buckingham Rural Community Preserve;
6. All future rights-of-way in Buckingham will be no greater than 100 feet (except for Buckingham Road and Lockett Road extensions).
7. The extension and connection of Long Road to Ellis road is prohibited. (Amended by Ordinance No. 94-30, 99-15, 00-22)

*RESPONSE: This objective is not applicable to the BMXD.*

**OBJECTIVE 17.3: SEWER AND WATER.** In order to discourage unwanted urban development, central sewer lines will not be extended into the Buckingham Rural Community Preserve, except in the areas identified by Map 7 as Future Sanitary Sewer Service Areas, the existing Resource Recovery Facility, and the adjacent Lee County Parks and Recreation Facility.

Central water lines may be extended along major roads of the Buckingham Rural Preserve upon request of property owners, with extension and connection fees paid by the person(s) requesting the water service. Connection to this expanded water service network will be on a voluntary basis. Under no circumstances will the availability of central water be accepted as justification for a density increase, or reduction of lot size requirements, within the Buckingham Rural Community Preserve. (Amended by Ordinance No. 00-22, 03-19)

*RESPONSE: This objective is not applicable to the BMXD.*

**GOAL 18: UNIVERSITY COMMUNITY.** In order to ensure that development within the University Community land use category protects and enhances the ability of Florida's tenth university to provide secondary education as described in the Mission Statement of that institution and to assure that land uses or development activities do not interfere with, disrupt, or impede the efficient operation of that institution the following Objectives and Policies will apply to all development within the University Community land use category. The Application (Volume 1 of 2) (1992) and the Support Document (Volume 2 of 2) (1992) to the Amendment to the Lee County Comprehensive Plan for the University Community is incorporated by reference herein as a resource and information document. (Added by Ordinance No. 92-47, Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: This goal is not applicable to the BMXD.*

**OBJECTIVE 18.1: FUTURE LAND USE.** In order to ensure that the location and timing of development within the University Community is coordinated with the development of the University and the provision of necessary infrastructure; and, that all associated support development within the University Community is designed to enhance the University; all development within the University Community will be subject to cooperative master planning which must conform to the following policies. (Amended by Ordinance No. 00-22)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 18.1.1:** Lee County will, through public and private economic and business development initiatives, promote the University Community as a catalyst for economic diversification and the promotion of employment throughout Lee County and the Region. Within the University Community land use category the focus of this endeavor (the emphasis) will be on university related scientific research and high technology development activities. (Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 18.1.2:** The University Community will provide a mix of housing types with densities sufficient to meet the needs of and designed to accommodate the varying lifestyles of students, faculty, administration, other university personnel and employees of the associated support development. (Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 18.1.3:** By the end of 1995, Lee County will adopt appropriate regulations providing for university housing, including student dormitories and boarding houses. (Amended by



*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 18.1.4:** By the end of 1995, Lee County will adopt regulations further defining how densities for individual parcels within the University Community will be determined. The regulations will address how the total number of units will be tallied to insure that the overall average density of 2.5 units an acre will be maintained. The regulations will provide a mechanism for clustering densities within the University Community. (Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 18.1.5:** In order to create a cohesive community, site design within the University Community must utilize alternative modes of transportation such as pedestrian networks, mass transit opportunities, sidewalks, bike paths and similar facilities. Site design must link related land uses through the use of alternative modes of transportation thus reducing automobile traffic within the University Community. The county will work cooperatively with the University on these matters as the University proceeds through the Campus Master Plan Process. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 18.1.6:** Lee County will facilitate mass transit opportunities connecting the University Community to other parts of the county, in accordance with the goals, objectives, and policies of the Mass Transit element. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 18.1.7:** A diverse mixture of land uses will be encouraged within the University Community. Compatibility will be addressed through project design, including adequate buffering or other performance measures, therefore allowing adjacent appropriate industrial, residential and commercial land uses where such locations represent good planning. In reviewing zoning requests within the University Community, Lee County will consider noise, odor, visual, security and traffic impacts in determining land use compatibility. Because of the required cooperative master planning with and approval by the Board of Regents, the required compatibility review and the requirement that commercial land uses within the University Village be related to the University, development within the University Community will not be subject to the site location standards set forth in Goal 6 of the Lee Plan. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 18.1.8:** All currently permitted mining activities within the University Community area will be allowed to continue until such time as the university opens. Agricultural activity including but not limited to tree farms, nurseries, or agricultural research facilities will be permitted within the University Community. (Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 18.1.9:** Prior to the commencement of development within the University Community land use category, an area-wide Conceptual Water Management Master Plan must be submitted to and approved by Lee County and South Florida Water Management District staff. This water management plan will be integrated with the Conceptual Master Plan and be prepared through a cooperative effort between the property owner, Lee County, and South Florida Water Management District. This master plan will insure that the water management design of any development within the University Community will maintain or improve the currently existing quality and quantity of groundwater recharge. This plan must be consistent with the drainage basin studies that were prepared by Johnson Engineering, and approved by the SFWMD. Lee County will amend the county land development regulations to require all new development to be consistent with the appropriate basin study. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 18.1.10:** Development within the University Community land use category will be consistent with the Generalized Land Use Map and the eight area descriptions contained on or between pages 6 through 10 of the University Community Conceptual Master Plan, dated April 1994. (Amended by Ordinance No. 94-30)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 18.1.11:** By 1996, Lee County and the Metropolitan Planning Organization will consider amending their respective transportation planning maps and policies to reflect the roadway segments identified by the Conceptual Master Plan. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 18.1.12:** If not otherwise addressed by the Conceptual Master Plan, the landowner(s) within the University Village will coordinate infrastructure connections and interconnections, including but not limited to roadways, utilities and water management, with the University Campus through the established Board of Regents' master planning, review and approval process. (Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 18.1.13:** To encourage a variety of wildlife habitats and university study sites, special consideration will be given in the Conceptual Master Plan to the preservation of portions of the most pristine and diverse wildlife habitat areas (such as, pine flatwoods, palmetto prairies, and major cypress slough systems) as an incentive to reduce, on a one-for-one basis, open space requirements in other developments within the University Community. The implementation of this policy will occur at the time of zoning and development review. (Amended by Ordinance No. 94-30, 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*



**POLICY 18.1.14:** The use of septic tanks will be prohibited except for temporary septic tanks for model homes, construction trailers, and temporary sales offices. Permanent septic tanks will be limited to rest room facilities in golf courses, existing agricultural operations, or any agricultural operation of twenty five acres or more. (Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 18.1.15:** The cost for the provision and expansion of facilities for potable water and sanitary sewer that benefits development in the University Community will be borne by those who benefit. Such funding may include (but is not limited to) outright construction by the developer, special taxing or benefit districts, or Uniform Community Development Districts (Chapter 190, F.S.). The cost for these types of improvements will not be born by the county. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 18.1.16:** The cost for the provision and expansion of facilities necessary to comply with the recommendations of the Estero Basin that benefits development in the University Community will be borne by those who benefit. Such funding may include (but is not limited to) outright construction by the developer, special taxing or benefit districts, or Uniform Community Development Districts (Chapter 190, F.S.). The cost for these types of improvements will not be borne by the county. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 18.2: UNIVERSITY COMMUNITY SUB-CATEGORIES.** The University Community meets an educational infrastructure need for the Southwest Florida five county area by providing the necessary and appropriate land uses to carry out the mission of Florida's 10th University as stated by the Board of Regents. Within the University Community land use category there are two distinct sub-categories: University Campus and the University Village. The University Window overlay is also a part of the University Community land use category. (Amended by Ordinance No. 94-30)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 18.2.1:** The University Campus area provides for the land uses of the University and its related functions. Development within the University Campus will be in accordance with provisions of any development agreement(s) between the Department of Community Affairs and the Board of Regents under the provisions of Chapter 380 F.S. and any other applicable state law. (Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 18.2.2:** The University Village is an area which provides the associated support development and synergism to create a viable University Community. This sub-category allows a mix of land uses related to and justified by the University and its development. Predominant land uses within this area are expected to be residential, commercial, office,

public and quasi-public, recreation, and research and development parks. In addition to complying with the Conceptual Master Plan required by Policy 18.1.10, all property within the University Village must undergo a Development of Regional Impact review. (Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 18.2.3:** The University Window Overlay includes the area within 100 feet on both sides of the right-of-way of the following roadway segments:

<b>Treeline Avenue</b>	From Alico Road to Corkscrew Road
<b>Alico Road</b>	From I-75 to Treeline Avenue
<b>Corkscrew Road</b>	From I-75 to Treeline Avenue
<b>Koreshan Boulevard</b>	From I-75 to Treeline Avenue

With input from affected property owners, by 1995, Lee County and the Board of Regents will develop mutually agreed upon standards for the University Window addressing landscaping, signage and architectural features visible from the designated roadway segments. (Amended by Ordinance No. 00-22)

*RESPONSE: This policy is not applicable to the BMXD.*

**GOAL 19: ESTERO.** To protect the character, natural resources and quality of life in Estero by establishing minimum aesthetic requirements, managing the location and intensity of future commercial and residential uses, and providing greater opportunities for public participation in the land development approval process. This Goal and subsequent objectives and policies apply to the Estero Planning Community as depicted on Map 16. (Added by Ordinance No. 02-05)

*RESPONSE: This goal is not applicable to the BMXD.*

**OBJECTIVE 19.1: COMMUNITY CHARACTER.** The Estero Community will draft and submit regulations, policies and discretionary actions affecting the character and aesthetic appearance of Estero for Lee County to adopt and enforce to help create a visually attractive community. (Added by Ordinance No. 02-05)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 19.1.1:** By the end of 2002, The Estero Community will draft and submit regulations or policies for Lee County to review, amend or establish as Land Development Code regulations that provide for enhanced landscaping along roadway corridors, greater buffering, shading of parking areas, signage and lighting consistent with the Community Vision, and architectural standards. (Added by Ordinance No. 02-05)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 19.1.2:** Lee County is discouraged from approving any deviation that would result in a reduction of landscaping, buffering, signage guidelines or compliance with architectural standards. (Added by Ordinance No. 02-05)



*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 19.1.3:** Lee County will work, through the permitting process, with private property owners to establish incentives for voluntarily bringing older projects into compliance with the regulations adopted as a result of the Estero Community Plan. (Added by Ordinance No. 02-05)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 19.1.4:** The Estero Community will work in conjunction with private developers, public agencies and community service providers to establish one or several town commons that encourage the location of a post office, public meeting hall, outdoor plaza, governmental offices, medical providers and recreational opportunities. (Added by Ordinance No. 02-05)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 19.1.5:** By 2002, the Estero Community will draft a corridor management plan for the Estero US 41 corridor to advance development in a manner that promotes a safe, high quality urban environment. Plan elements will include roadway and median landscape standards, residential buffering standards, access management guidelines, street lighting, sidewalks, and insuring safe and effective pedestrian crossings within the context of a comprehensive pedestrian and bikeway system. (Added by Ordinance No. 02-05)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 19.1.6:** By 2004 Lee County will evaluate historic resources, and draft a proposal for their designation under Chapter 22 of the Land Development Code. (Added by Ordinance No. 02-05)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 19.2: COMMERCIAL LAND USES.** Existing and future County regulations, land use interpretations, policies, zoning approvals, and administrative actions must recognize the unique conditions and preferences of the Estero Community to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage, and provide for employment opportunities, while discouraging uses that are not compatible with adjacent uses and have significant adverse impacts on natural resources. (Added by Ordinance No. 02-05)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 19.2.1:** All new commercial development that requires rezoning within the Estero Planning Community must be reviewed as a Commercial Planned Development. (Added by Ordinance No. 02-05)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 19.2.2:** All retail uses must be in compliance with the Commercial Site Location Standards. A finding of a "Special Case" must demonstrate a community benefit in addition to the requirements outlined in Policy 6.12(8). (Added by Ordinance No. 02-05)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 19.2.3:** By the end of 2002 the Estero Community will submit regulations that encourage mixed use developments along Corkscrew Road for Lee County to review, amend or adopt. (Added by Ordinance No. 02-05)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 19.2.4:** With the exception of the Commercial Nodes identified on Map 19, Lee County will discourage new retail uses along Three Oaks Parkway, in favor of office and residential uses. (Added by Ordinance No. 02-05)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 19.2.5:** The following uses are prohibited within the Estero Planning Community: "detrimental uses" (as defined in the Land Development Code); nightclubs or bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display in excess of one acre. Outdoor display in excess of one acre is permitted within the property located in the General Interchange Future Land Use category west of I-75, South of Corkscrew Road and East of Corkscrew Woodlands Boulevard. (Added by Ordinance No. 02-05, Amended Ordinance No. 05-19)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 19.2.6:** Lee County encourages commercial developments within the Estero Planning Community to provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including but not limited to bike paths and pedestrian access ways. (Added by Ordinance No. 02-05)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 19.3: RESIDENTIAL USES.** Lee County must protect and enhance the residential character of the Estero Planning Community by strictly evaluating adjacent uses, natural resources, access and recreational or open space, and requiring compliance with enhanced buffering requirements. (Added by Ordinance No. 02-05)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 19.3.1:** In order to meet the future needs of Florida Gulf Coast University, Lee County encourages higher density residential developments, with a mix of unit types, including affordable housing, in close proximity to Florida Gulf Coast University, between Three Oaks Parkway and I-75. (Added by Ordinance No. 02-05)



*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 19.3.2:** By the end of 2002, The Estero Community will draft and submit regulations and policies for Lee County to review, amend or adopt as regulations in the Land Development Code to provide for greater buffering between distinctly different adjacent commercial and residential properties, modified however when a project is of mixed use nature. (Added by Ordinance No. 02-05)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 19.3.3:** Lee County will protect the large lot residential areas between Koreshan Parkway and Corkscrew Road by requiring significant buffers between existing lots and higher density residential developments, and/or the placement of transitional density to adjacent units between the uses. (Added by Ordinance No. 02-05)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 19.4: NATURAL RESOURCES.** County regulations, policies, and discretionary actions affecting Estero must protect or enhance key wetland or native upland habitats. (Added by Ordinance No. 02-05)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 19.4.1:** By the end of 2003, Lee County will review, amend or adopt Lee Plan or Land Development Code regulations to provide the following:

- All future development proposals adjacent to the Estero River or its tributaries must include floodplain protection plans prior to zoning approval.
- All new developments adjacent to the Estero River or its tributaries must provide an additional buffer which preserves all of the native vegetation within that buffer, adjacent to the top of bank, with the exception of passive recreational uses. This is intended to prevent degradation of water quality within these natural water bodies.
- Lee County will encourage on-site preservation of indigenous plant communities and listed species habitat. When site constraints are such that off-site mitigation of indigenous areas is deemed necessary, the mitigation will be of similar habitat, provided whenever possible, within one mile of the Estero Fire District Boundary.
- Lee County will provide significant incentives (for example increased density, Transfer of Development Rights, etc) for the protection of wetlands, historic flow ways, native habitat or other significant natural resources within the Estero Planning Community. (Added by Ordinance No. 02-05)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 19.4.2:** Lee County, or another authorized agency, will work to provide alternative irrigation sources (re-use, Aquifer Storage and Recovery Water, or mixed-non-potable) or financial incentives to provide non-potable water to uses within the Estero Community. This is desired to discourage the proliferation of private, single user wells. (Added by Ordinance No. 02-05)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 19.4.3:** Lee County will continue to enforce wellfield protection requirements, monitoring, and other applicable provisions to ensure that future wellfield drawdown zones are protected. (Added by Ordinance No. 02-05)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 19.5: PUBLIC PARTICIPATION.** Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals. (Added by Ordinance No. 02-05)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 19.5.1:** As a courtesy, Lee County will register citizen groups and civic organizations within the Estero Planning Community that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the County's failure to mail or to timely mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 02-05)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 19.5.2:** The Estero Community will establish a "document clearing house" in Estero, where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations and resolutions will be provided for public inspection. The County's failure to provide or to timely provide documents to the document clearing house, or failure of the document clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 02-05)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 19.5.3:** The owner or agent for any Planned Development request within the Estero Planning Community must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. (Added by Ordinance No. 02-05)

*RESPONSE: This policy is not applicable to the BMXD.*



**OBJECTIVE 19.6: COMMUNITY FACILITIES.** Lee County will work with the Estero Community to provide or facilitate the provision of a broad mix of Community Facilities. (Added by Ordinance No. 02-05)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 19.6.1:** The Estero Community will work with the State of Florida to provide appropriate passive recreational opportunities within the Estero Scrub Preserve, potentially enhanced by a public/private partnership. This should include easy access, parking, trails, and other non-intrusive uses. (Added by Ordinance No. 02-05)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 19.6.2:** The Estero Community will work with the State of Florida to encourage the integration of the Koreshan State Historic Site into the fabric of the community. This may include landscaping, aesthetically pleasing archways along US 41, the provision of a "gateway" at US 41 and Corkscrew Road, enhanced pedestrian and bicycle access, or programmed activities for the community. (Added by Ordinance No. 02-05)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 19.6.3:** Lee County will work with the community and private landowners to identify opportunities to maintain public access to the Estero River and Estero Bay. (Added by Ordinance No. 02-05)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 19.6.4:** Lee County will work with the community to ensure that the development of the Estero Bonita Springs Community Park is integrated into the surrounding development and open space areas. The concept would be for the park to act as a hub, connected to other open space/recreational opportunities through pedestrian or bicycle linkages, either along public rights of way or through adjacent developments. (Added by Ordinance No. 02-05)

*RESPONSE: This policy is not applicable to the BMXD.*

**GOAL 20: BAYSHORE COMMUNITY.** To protect the existing rural residential, agricultural and equestrian-oriented character of the community by maintaining low residential densities and minimal commercial activities, while excluding incompatible uses that are destructive to the character of this rural residential environment. For the purposes of this goal and related objectives and policies, the boundaries of the Bayshore Community will be I-75 on the west, SR 31 on the east, the Caloosahatchee River on the south and the Charlotte County line on the north. (Added by Ordinance No. 03-02).

*RESPONSE: This goal is not applicable to the BMXD.*

**OBJECTIVE 20.1: LAND USE.** The existing land use designations of the Lee Plan (as of September 30, 2001) are appropriate to achieving the goal of the Bayshore Plan. No land use map amendments to a more intensive category will be permitted after March 11, 2003, unless a finding

of overriding public necessity is made by three members of the Board of County Commissioners. (Added by Ordinance No. 03-02)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 20.1.1:** Retail commercial activity will be limited to the Interstate Interchange designation at Bayshore and I-75, plus minor commercial uses at the intersections of Nalle Road and Bayshore, SR 31 and Bayshore, and SR 31 and Old Bayshore. Non-retail commercial uses are permitted elsewhere consistent with the Lee Plan and the Land Development Code. (Added by Ordinance No. 03-02)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 20.1.2:** Commercial stables or tack and feed stores are exempt from meeting commercial site location standards. The existing 7.1 acre +/- retail commercial center at 10440 Bayshore Road, the 0.66 acre +/- retail commercial property at 19451 SR 31, the 0.83 +/- acre retail commercial property at 17270 Durrance Road, and the 0.36 +/- acre retail commercial property described in resolution Z-72-93, which is part of the property at 6600 Nalle Grade Road, will be deemed consistent with Policy 20.1.1. (Added by Ordinance No. 03-02)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 20.1.3:** No new industrial activities or industrial rezonings are permitted. (Added by Ordinance No. 03-02)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 20.1.4:** No new mining uses or commercial excavations are permitted. (Added by Ordinance No. 03-02)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 20.2: TRANSPORTATION.** All road improvements within the Bayshore Community considered by the County will address the community's goal to maintain its rural character and give preference to alternatives that allow existing roads to function at their current capacity. (Added by Ordinance No. 03-02)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 20.2.1:** Any expansion of the state arterial roadways should include physically separated provisions for bicyclists/pedestrians. (Added by Ordinance No. 03-02)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 20.2.2:** Road capacity improvements needed within the Bayshore Community to serve demands generated outside the community will be designed to minimize the impacts on the community and its rural character. (Added by Ordinance No. 03-02)



*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 20.2.3:** If a need to extend Del Prado Boulevard east of I-75 through the Bayshore Community is demonstrated, the corridor evaluation must include alternatives to using the existing Nalle Grade Road alignment. The evaluation will address (but not be limited to) access, safety and community character issues. Alternatives will be presented at evening public workshops within the Bayshore community. (Added by Ordinance No. 03-02)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 20.3: SEWER AND WATER.** Given the desire to maintain a low residential density, new central sewage service is not economically feasible and is discouraged north of Bayshore Road within the future non-urban land use categories. Central water service for enhanced fire protection will be encouraged where economically feasible. (Added by Ordinance No. 03-02)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 20.3.1:** Central sewage service will be encouraged for existing and future high density and intensity developments south of Bayshore Road within the future urban land use categories and for new developments that are required to provide such service under the provisions of Standard 11.2 of the Lee Plan. (Added by Ordinance No. 03-02)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 20.3.2:** No landowner will be required to connect to central sewer or water utilities or be assessed for same unless a threat to public health can be documented, or if a new development proposes an intensity that exceeds the thresholds in Standards 11.1 and 11.2 of the Lee Plan. (Added by Ordinance No. 03-02)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 20.4: PARKS AND RECREATION.** The County will explore, with the support of the residents of Bayshore, the feasibility of establishing an equestrian park as the primary recreation facility for this community. (Added by Ordinance No. 03-02)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 20.4.1:** The support of the Bayshore residents may include assistance with development and maintenance of such a recreation facility. (Added by Ordinance No. 03-02)

*RESPONSE: This policy is not applicable to the BMXD.*

**GOAL 21: CALOOSAHATCHEE SHORES:** To protect the existing character, natural resources and quality of life in Caloosahatchee Shores, while promoting new development, redevelopment and maintaining a more rural identity for the neighborhoods east of I-75 by establishing minimum aesthetic requirements, planning the location and intensity of future commercial and residential uses, and providing incentives for redevelopment, mixed use development and pedestrian safe environments.

This Goal and subsequent objectives and policies apply to the Caloosahatchee Shores boundaries as depicted on Map 1, page 2 of 5 in the Appendix. (Added by Ordinance No. 03-21)

*RESPONSE: This goal is not applicable to the BMXD.*

**OBJECTIVE 21.1: COMMUNITY CHARACTER.** The Caloosahatchee Shores community will draft and submit regulations, policies and discretionary actions affecting the character and aesthetic appearance of the Caloosahatchee Shores for Lee County to consider for adoption and enforcement to help create a visually attractive community. (Added by Ordinance No. 03-21)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 21.1.1:** By the end of 2004, the Caloosahatchee Shores community will draft and submit regulations for Lee County to review and consider for amendment or adoption as Land Development Code regulations that provide for enhanced landscaping, signage and architectural standards consistent with the Community Vision. (Added by Ordinance No. 03-21)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 21.1.2:** In order to maintain the Old Florida rural identity for the Caloosahatchee Shores Community, commercial developments are encouraged to use vernacular Florida architectural styles for all buildings. The use of Mediterranean styles of architecture is discouraged. (Added by Ordinance No. 03-21)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 21.1.3:** Lee County is discouraged from approving any deviation that would result in a reduction of landscaping, buffering, signage guidelines or compliance with architectural standards. (Added by Ordinance No. 03-21)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 21.2: COMMERCIAL LAND USES.** Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions should be undertaken in an effort to promote the goal of commercial redevelopment along SR 80 and increased commercial opportunities to service the needs of the Caloosahatchee Shores community and surrounding areas. County regulations should attempt to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage. Commercial land uses must be designed to be compatible with and further the historic character and identity of existing rural Old Florida and Florida Vernacular styles of architecture and the historic identity of Olga. (Added by Ordinance No. 03-21)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 21.2.1:** To service the retail needs of Caloosahatchee Shores and the surrounding rural communities, the intersection of SR 80 and SR 31, north of SR 80 and east and west of SR 31 are designated as commercial nodes to allow for greater commercial intensity.



Commercial nodes are intended for development or redevelopment at Community Commercial levels as defined in Policy 6.1.2 of the Lee Plan. (Added by Ordinance No. 03-21)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 21.2.2:** In order to protect the rural residential character of Buckingham Road, new retail uses along Buckingham Road outside the commercial node identified on Map 19, will be discouraged. (Added by Ordinance No. 03-21)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 21.2.3:** Minor commercial uses, public facilities, and recreational areas are encouraged at or near the intersection (within 660 feet of the adjoining rights of way of the intersection roads) of Old Olga Road and South Olga Drive. Minor commercial uses that are intended to service the needs of the immediate neighbors, are designated through landscaping, architectural standards and pedestrian facilities to be visually and functionally compatible with surrounding residential uses, and are designed to promote the vision of a pedestrian oriented village, are encouraged and are not required to meet the retail site location standards in Policy 6.1.2 at this intersection. (Added by Ordinance No. 03-21)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 21.2.4:** Commercial developments within the Caloosahatchee Shores Community must provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments should provide interconnect opportunities with commercial areas, including but not limited to bike paths, pedestrian access ways and equestrian trails. (Added by Ordinance No. 03-21)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 21.2.5:** To promote the redevelopment of commercial uses along SR 80, Commercial uses are encouraged to increase lot depth and size by extending north of SR 80 to First Street. Lee County will encourage the use of First Street as a reverse frontage Road to provide access. This policy hereby adopts Exhibit 1 as a conceptual redevelopment plan for this corridor. (Added by Ordinance No. 03-21)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 21.3: RESIDENTIAL USES:** Lee County will protect and enhance the residential character of the Caloosahatchee Shores Community by strictly evaluating adjacent uses, natural resources, access and recreational or open space. (Added by Ordinance No. 03-21)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 21.3.1:** By the end of 2004, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee County to review and consider for amendment or adoption as regulations in the Land Development Code to provide for greater buffering

between distinctly different adjacent commercial and residential properties, modified however when a project is of mixed use nature. (Added by Ordinance No. 03-21)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 21.4: MIXED USE DEVELOPMENT.** Lee County will encourage mixed-use developments in specific areas of the Caloosahatchee Shores planning area through a variety of incentives. (Added by Ordinance No. 03-21)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 21.4.1:** With the exception of mixed-use projects, residential uses fronting SR 80 and Buckingham Road are limited to no more than four dwelling units per acre. (Added by Ordinance No. 03-21)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 21.4.2:** Mixed-use developments, as defined in the Lee Plan, and mixed-use developments containing both commercial and residential uses within the same structure and that provide for an integration of commercial with residential uses with pedestrian linkages are strongly encouraged at the commercial nodes of SR 80 and SR 31 and SR 80 and Buckingham Road, as well as the commercial strip between First Street and SR 80 in Fort Myers Shores. With the exception of SR 80 and SR 31, which will be allowed densities consistent with the Urban Community future land use designation, mixed-use developments will be limited to six dwelling units per acre at those locations.

- Bicycle & Pedestrian facilities will be provided throughout the development. Connections between all uses are required to facilitate these alternative modes of transportation. When possible, connections to adjacent developments will be provided.
- Vehicular connections between residential and non-residential uses will be provided to facilitate the internal capture of trips. When possible, connections to adjacent developments will be made to provide alternative access to the non-residential components of this development other than the arterial interchange of SR 80 and SR 31. Non-residential components at SR 80 and Buckingham Road should, when possible, provide alternative access off of Buckingham Road and Non-residential components at SR 80 and First Street should, when possible, provide alternative access off of First Street.

(Added by Ordinance No. 03-21)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 21.4.3:** Any existing or future regulation in the Land Development Code that is shown by the applicant of a planned development to inhibit the development of a mixed-use project will be given strong consideration for a waiver. By the end of 2004, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee County to review and consider for amendment or adoption as Land Development Code regulations that encourage mixed-use developments. (Added by Ordinance No. 03-21)

*RESPONSE: This policy is not applicable to the BMXD.*



**OBJECTIVE 21.5: COMMUNITY FACILITIES/PARKS.** Lee County will work with the Caloosahatchee Shores Community to provide and facilitate the provision of a broad mix of Community Facilities. (Added by Ordinance No. 03-21)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 21.5.1:** The Caloosahatchee Shores Community will work with Lee County, the State of Florida and the National Parks Service to provide appropriate passive recreational opportunities, parks, nature, pedestrian and equestrian trails, potentially enhanced by public/private partnerships. This may include easy access, parking, trails, and other non-intrusive uses. (Added by Ordinance No. 03-21)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 21.5.2:** Lee County will work with the community and private landowners to identify opportunities to maintain and enhance public access to the Caloosahatchee River, including access through the Florida Power and Light Plant. All new development of commercial, industrial or public facility properties along the Caloosahatchee River are strongly encouraged to provide for public access to the riverfront. (Added by Ordinance No. 03-21)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 21.5.3:** Lee County will work with the community to ensure that the development of new parks or enhancement of existing parks meets the recreational needs of the community and are integrated into the surrounding developments and open space areas. The concept would be for a park to act as a hub, connected to other open space/recreational opportunities through pedestrian bicycle or equestrian linkages, either along public rights of way or through adjacent developments. (Added by Ordinance No. 03-21)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 21.5.4:** Lee County Department of Parks and Recreation will work with the residents of the Caloosahatchee Shores to publicize and increase the usage of existing public parks and recreation facilities. (Added by Ordinance No. 03-21)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 21.6: PUBLIC PARTICIPATION.** Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals. (Added by Ordinance No. 03-21)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 21.6.1:** As a courtesy, Lee County will register citizen groups and civic organizations within the Caloosahatchee Shores Planning Community that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Upon registration,

Lee County will provide registered groups with documentation regarding these pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the county's failure to mail or to timely mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 03-21)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 21.6.2:** The Caloosahatchee Shores Community will establish a "document clearing house", where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations and resolutions will be provided for public inspection. The County's failure to provide or to timely provide documents to the document clearing house, or failure of the document clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 03-21)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 21.6.3:** The owner or agent for any Planned Development request within the Caloosahatchee Shores Community must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. (Added by Ordinance No. 03-21)

*RESPONSE: This policy is not applicable to the BMXD.*

**GOAL 22: BOCA GRANDE:** The Boca Grande Community Plan seeks to preserve and conserve the surrounding fragile environment, recreation and open space areas, the Historic District, the quality of life and the continued enjoyment of its natural and cultural gifts. The plan seeks consistent enforcement of all current and future regulations with respect to zoning, traffic, parking, law enforcement, public utilities, the Gasparilla Island Conservation District Act and the Boca Grande Historic District. (Added by Ordinance No. 05-19)

*RESPONSE: This goal is not applicable to the BMXD.*

**OBJECTIVE 22.1: FUTURE LAND USE.** To preserve the traditional character, scale, and tranquility of the historic village and residential areas of the Boca Grande community by continuing to limit the densities and intensities of use and development to sustainable levels that will not adversely impact the natural environment, overburden the exiting infrastructure, or require additions to the present infrastructure.

Lee County will continue to enforce the regulations found in the Gasparilla Island Conservation District Act, and will assist the residents of Boca Grande to further develop growth management policies and regulations to limit densities and intensities of development on Gasparilla Island, in order to maintain the historic scale and development patterns of the community. (Added by Ordinance No. 05-19)



*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 22.1.1:** Lee County will work with the Boca Grande Community to establish boating and marine facility site location standards which will help to identify appropriate locations and development regulations that are consistent with a scope and intensity that will protect the community from the potential negative impacts. Future public boat ramps and other watercraft launching facilities on Gasparilla Island will only be developed with adequate on-site parking, and should minimize impacts to traffic and pedestrian safety, the environment, neighborhoods, and consider marine safety issues. (Added by Ordinance No. 05-19)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 22.1.2:** In order to preserve the existing community character of Boca Grande, the Boca Grande community will work to develop standards to regulate all commercial uses on Gasparilla Island. Development standards will identify commercial design guidelines, parking and signage standards, appropriate intensity of uses and establish location standards to ensure consistency with the existing community character. (Added by Ordinance No 05-19)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 22.1.4:** Lee County will work with the Boca Grande community to establish a Document Clearing House in Boca Grande, where copies of selected documents from permit applications, variance requests, staff reports, Hearing Examiner recommendations and resolutions, Historic District Social Certificates of Appropriateness, and Administrative Variances and for any development on Gasparilla Island will be kept for public inspection. The County's failure to provide or to timely provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 05-19)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 22.1.5:** The owner or agent for any rezoning, variance or special exception request must conduct one public informational meeting in Boca Grande where the owner or agent will provide a general overview of the project for any interested citizens. The applicant is fully responsible for providing the meeting space and providing security measures as needed.

Lee County encourages zoning staff to participate in such public informational meetings. This meeting must be conducted before the application can be found sufficient. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. (Added by Ordinance No. 05-19)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 22.1.6:** In order to promote water conservation and better manage this important resource, the Boca Grande community will develop standards for permit requests of new

buildings to conduct a cistern feasibility study as part of the permitting process. For redevelopment projects, Lee County will seek to encourage the establishment of cisterns as a non potable water sources, wherever practicable (Added by Ordinance No. 05-19)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 22.1.7:** In order to maintain the traditional scale and historic patterns of development on Gasparilla Island, including areas outside the Boca Grande Historic District, the Boca Grande community will develop regulations to preserve light, space and air around new residential dwelling construction and to discourage “mega houses” or “mansionization” of Boca Grande. New development or redevelopment will recognize that traditional setbacks, particularly front and side yard setbacks, as well as strict adherence to the Coastal Construction Control Line, within existing and proposed neighborhoods on Gasparilla Island, should be maintained. (Added by Ordinance No. 05-19)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 22.1.8:** Lawfully existing businesses and commercial buildings in the Boca Grande commercial areas will be deemed to be vested as related to parking, setbacks, height, and land use. Any expansion or change of use to one of higher intensity will require a review of parking impacts, setbacks, height, and uses as necessary. (Added by Ordinances No. 05-19)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 22.1.9:** Lee County will support the Boca Grande community in their efforts to further investigate the need for modified development regulations applicable to Boca Grande, based upon the unique nature of the community, the location of Boca Grande on a barrier island at the mouth of Charlotte Harbor, the limited opportunities for supporting infrastructure, the seasonal nature of the demand upon public facilities, and the need for cross-county administration of growth management legislation. The Boca Grande community may propose development regulations that address the following:

- a. The creation of the Gasparilla Island Zoning Overlay district to address inconsistencies with current zoning districts and the comprehensive plan and the GICDA, implement policies adopted in this plan, and adopt modified development regulations such as, but not limited to, parking requirements, minimum setbacks, and commercial and residential design standards.
- b. The creation of a marine park zoning district to facilitate consistent local enforcement of existing Federal, State and County regulations in waterfront areas and new regulations to better manage coastal issues such as use and rental of personal watercrafts, abandoned vessels, live aboards, sanitation, water quality, and noise. (Added by Ordinance No. 05-19)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 22.2 TRANSPORTATION, PARKING AND TRAFFIC CIRCULATION.** To ensure residential and commercial land use in Boca Grande that recognizes the connection between the existing transportation infrastructure and the community’s desire to preserve Boca Grande’s community character as a tranquil residential community, with an historic village center, and



abundant open space and preservation areas. No policy in this community plan will be construed or interpreted to imply that Lee County will implement and/or enforce new traffic regulations, traffic control, or parking regulations which are determined to be significantly substandard or may cause a defined safety or operational problem.

Lee County will recognize the inherent need to limit additional impacts to the existing transportation infrastructure of Boca Grande, the varied types and limited access to the community, the need for alternate forms to transportation within the community, the need for specialized standards for parking and commercial service areas, and the seasonal nature of infrastructure demand that exists throughout the community. (Added by Ordinance No. 05-19)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 22.2.1:** Lee County will continue to enforce the provisions of the Gasparilla Island Conservation District Act which limit growth, limit building height and restrict advertising throughout Boca Grande. (Added by Ordinance No. 05-19)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 22.2.2:** Lee County will support the provision of convenient, safe bridges providing access to Gasparilla and Cole Islands and supports the highest standard of safety for vehicles, golf carts, bicycles and pedestrians including strict enforcement of traffic laws. (Added by Ordinance No. 05-19)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 22.2.3:** Lee County will assist in efforts to create a Master Plan for improvements to the bike and golf cart path along Gulf Boulevard, south of the village. (Added by Ordinances No. 05-19)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 22.2.4:** In order to preserve the historic characteristics of the community, Lee County will support the use of all way stop intersections or other traffic control methods, rather than traffic signals, whenever possible in the Boca Grande community. (Added by Ordinance No. 05-19)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 22.2.5:** Lee County will support efforts of the Boca Grande community to beautify road right-of-ways and enhance the public realm of Boca Grande by including provisions for streetscaping in Historic Downtown Villages in the Lee Scape Master Plan. In order to maintain low traffic volumes, operating speeds, and noise levels, improvements will emphasize traffic calming techniques, and the need to preserve the aesthetic values of the community. Particular emphasis will be placed in the Historic District. Enhancements may include village streetscaping such as additional street trees, trash receptacles, benches and burying utilities underground. (Added by Ordinance No 05-19)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 22.2.6:** Lee County will continue to ensure viable hurricane evacuation options for the residents and stakeholders of Boca Grande. (Added by Ordinance No. 05-19)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 22.2.7:** Lee County will support improvement of pedestrian safety by establishing and marking crosswalks throughout the community, and by improving pedestrian circulation within the Historic District. (Added by Ordinance No. 05-19)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 22.3:** Lee County will consider a funding request for the Boca Grande Community Plan implementation that provides for a parking and traffic study to identify ways to create safe and efficient parking for employees, patrons, and visitors, and to determine the appropriate parking standards which will address the capacity and design needs of the Boca Grande commercial district. The parking and traffic study will address the following policies. (Added by Ordinance No. 05-19)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 22.3.1:** As a result of regional growth and local redevelopment, Lee County will provide assistance to develop a long-range strategy to address increased parking demand. This may result in regulations, infrastructure improvements or adoption of management practices which incorporate any number of the following:

- a. Revised traffic count thresholds
- b. Maximum development intensities
- c. Revised minimum parking requirements
- d. Traffic congestion mitigation practices
- e. Vehicle and pedestrian safety programs
- f. Shared parking agreements
- g. Public/Private partnerships to fund new or expanded parking facilities

(Added by Ordinance No. 05-19)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 22.3.2:** Lee County will seek to maximize the efficiency and the functionality of existing parking facilities by improving trailblazing signage, re-designing existing parking facilities and creating specific facilities for golf cart and bicycle parking. Designated parking for employees, the appropriate number of parking spaces for new and expanded uses, and enforcement of existing parking restrictions and permit requirements will also be examined. (Added by Ordinance No. 05-19)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 22.3.3:** Parking along the beach access streets and other public right-of-way will be regulated to allow convenient ingress and egress to residences and permit adequate emergency



vehicle access at all times. Lee County will support efforts of the Boca Grande community to analyze the appropriateness of overnight and long term parking in the public rights-of-way, the Gilchrist median, along beach access streets. (Added by Ordinance No. 05-19)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 22.3.4:** Lee County will seek to direct service vehicles and delivery vehicles to designated unloading zones. Due to the traffic congestion in the Historic District, Lee County will assist in establishing time restrictions on service and delivery trucks during peak traffic periods, such as those occurring in March and April. (Added by Ordinance No. 05-19)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 22.3.5:** For all new development and redevelopment, Lee County will continue to support and improve design and permitting efforts through the site plan review process that adequately address truck deliveries, emergency vehicle access, and solid waste disposal. (Added by Ordinance No. 05-19)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 22.3.6:** Lee County will assist in a study of traffic patterns and flow in and around the Post Office, Park Avenue, East Railroad Avenue and West Railroad Avenue, seeking to develop a plan of action that will improve the functionality of the infrastructure while preserving the aesthetics of the community.

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 22.4: CONSERVATION AND COASTAL MANAGEMENT.** Lee County will preserve, protect and, where possible, enhance the physical integrity, village character, ecological values, and natural beauty of Boca Grande and Gasparilla Island, focusing upon the diverse and healthy native vegetation, the clear offshore waters, and the varied and abundant native marine and wildlife resources in a manner compatible with the Gasparilla Island Conservation District Act, the promotion and preservation of the historic Boca Grande village as a thriving community, and preservation of Gasparilla Island's historic heritage.

Lee County will support the efforts of the Federal and State authorities, and the Boca Grande community to preserve, protect, and enhance the positive environmental qualities of Gasparilla Island. Lee County will involve local community organizations in the planning process and will enforce these community plan policies through implementation in the land development regulations. (Added by Ordinance No. 05-19)

*RESPONSE: This objective is not applicable to the BMXD.*

**POLICY 22.4.1:** Lee County will support and encourage beach renourishment and other efforts to maintain the beaches and protect Gasparilla Island from tidal events. (Added by Ordinance 05-19)

*RESPONSE: This policy is not applicable to the BMXD.*

which the developer agrees to pay his full proportionate share/impact fee obligation up front. (Added by Ordinance No. 00-08)

*RESPONSE: The BMXD will be consistent with this policy. A detailed traffic analysis has been provided as part of this application.*

**GOAL 38: CAPITAL IMPROVEMENTS PROGRAMMING.** Provide an objective, predictable, and fully funded program for the construction of roadway improvements, consistent with all portions of this comprehensive plan. (Amended by Ordinance No. 99-15)

*RESPONSE: The BMXD will be consistent with this goal. A proportionate share of infrastructure improvements will be funded through an Independent Special District, Community Development District or other financing district.*

**OBJECTIVE 38.1: REVENUES.** A wide variety of innovative financial planning techniques will be considered to fully develop the facilities depicted on the Transportation Maps and satisfy the travel demand needs of Lee County. (Amended by Ordinance No. 98-09)

*RESPONSE: The BMXD will be consistent with this objective. A proportionate share of infrastructure improvements will be funded through an Independent Special District, Community Development District or other financing district.*

**POLICY 38.1.1:** The county will maintain an effective and fair system of impact fees to insure that development creating additional impacts on arterial and collector roads pays an appropriate fair share of the costs to mitigate its (off-site) impacts. (Amended by Ordinance No. 99-15)

*RESPONSE: The BMXD will be consistent with this policy. A proportionate share of infrastructure improvements will be funded through an Independent Special District, Community Development District or other financing district.*

**POLICY 38.1.2:** Credit may be given against future impact fees for the dedication of rights-of-way and the construction of road improvements that are included in the 5 year CIP and for roads identified on the future Transportation Map (Map 3A). Other non-site related road improvements may be eligible for credits based on the criteria in the Lee County Land Development Code. The amount of credits will be governed by the provisions of the Lee County Land Development Code. No credits will be granted for those improvements determined to be site related. (Amended by Ordinance No. 98-09, 99-15)

*RESPONSE: The BMXD will be consistent with this policy. A proportionate share of infrastructure improvements will be funded through an Independent Special District, Community Development District or other financing district.*

**POLICY 38.1.3:** Roads impact fees will be reviewed regularly and updated when necessary to reflect travel characteristics and construction and right-of-way costs and to determine if the capital impacts of new growth are met by the fees. (Amended by Ordinance No. 99-15)

*RESPONSE: Noted.*



**POLICY 38.1.4:** The county will encourage private funding or contributions of road construction or right-of-way acquisition through innovative means including, but not limited to, voluntary MSTUs and MSBUs. The county may establish involuntary MSTUs or MSBUs to correct deficiencies in specific areas or neighborhoods. MSTUs/MSBUs will be reviewed regularly to determine whether existing units can be eliminated or new units should be created. (Amended by Ordinance No. 99-15)

*RESPONSE: The BMXD will be consistent with this policy. A proportionate share of infrastructure improvements will be funded through an Independent Special District, Community Development District or other financing district.*

**POLICY 38.1.5:** The county may designate various limited access facilities (such as causeways, expressways, and bridges) as toll facilities. (Amended by Ordinance No. 99-15)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 38.1.6:** The county will maintain standards, criteria, and fees to equitably define developers' obligations and costs associated with the construction and right-of-way needs for necessary site-related and off-site improvements. (Amended and Relocated by Ordinance No. 99-15)

*RESPONSE: Noted.*

**POLICY 38.1.7:** Roadway and intersection improvements mandated by Lee County development orders will be determined on the basis of demonstrated need resulting in part or in total from the impacts of that development. These improvements, as well as improvements funded by Roads Impact Fees, will be based on roadway and intersection improvement needs resulting from new development and will not be limited by jurisdictional responsibility for any specific road segment. The use of Road Impact Fee revenues to improve state roads is an acceptable application of those funds. Lee County will continue to participate in the funding of improvements to state roads. (Amended and Relocated by Ordinance No. 99-15)

*RESPONSE: The BMXD will be consistent with this policy. A detailed traffic analysis has been provided as part of this application.*

**OBJECTIVE 38.2: TIMING.** When possible, plan the construction of roadway facilities and new developments so that established service levels are maintained through time despite the additional traffic load. (Amended by Ordinance No. 99-15)

*RESPONSE: The BMXD will be consistent with this objective. Transportation infrastructure for the BMXD will be concurrent with the development program.*

**POLICY 38.2.1:** Roadway facilities will be included in the Capital Improvements Program to be funded by the county if they resolve existing service level deficiencies, if they are forecasted to operate at service level deficiencies during the next five years, or as otherwise provided in Policies 38.2.4 and 95.1.1 of this plan. (Amended by Ordinance No. 99-15)

*RESPONSE: This policy is not applicable to the BMXD. A proportionate share of the infrastructure for the proposed development will be funded through an Independent Special District, Community Development District, or other financing district.*

**POLICY 38.2.2:** No development order or development permit, as defined in Section 163.3164, F.S., will be granted if the approval will result in a needed facility not being available concurrent with the impacts of the development, unless the applicant has been granted previous development rights consistent with the Florida Department of Community Affairs' Declaratory Statements #88-DS-1 and 88-DS-2. (Amended by Ordinance No. 99-15)

*RESPONSE: The BMXD will be consistent with this policy. Transportation infrastructure for the BMXD will be concurrent with the development program.*

**POLICY 38.2.3:** Except in circumstances of overriding need as determined by the Board of County Commissioners, roadway improvements (other than maintenance activities) for county roads within a municipality will not be included in the CIP unless that municipality is a full participant in the county's impact fee program for roads. (Amended by Ordinance No. 99-15)

*RESPONSE: Noted.*

**POLICY 38.2.4:** The following priorities are established for improving the existing and future road system, in addition to the priorities in Policy 95.1.1:

- Priority will be given to the construction, maintenance, and reconstruction, where necessary, of roadways needed to serve existing development, including hurricane evacuation needs.
- Roads operating at or below the adopted level of service standard as specified in Policy 37.1.1 and projected to have additional traffic, will be improved or parallel facilities will be constructed consistent with Transportation Map 3A before other new roads are constructed in uncongested areas or improvements are made to roads operating at or better than their adopted level of service standard. (Amended by Ordinance No. 98-09, 99-15)

*RESPONSE: Noted. The comprehensive plan amendment application supporting the BMXD will request an amendment to Map 3A: Lee County 2020 Financially Feasible Highway Plan of the Lee Plan, to incorporate transportation improvements within the BMXD locality.*

**POLICY 38.2.5:** The county will maintain an ordinance, pursuant to Section 163.3220-163.3243, Florida Statutes, enabling the county to enter into "development agreements" granting incentives to developers and landowners who commit to provide improvements to public facilities beyond those required by the Lee Plan and other county regulations. (Amended by Ordinance No. 99-15)

*RESPONSE: The BMXD will be consistent with this policy. A proportionate share of the infrastructure for the proposed development will be funded through an Independent Special District, Community Development District, or other financing district.*

**POLICY 38.2.6:** In order to help protect the interregional and intrastate travel functions of Interstate 75 as part of the Florida Intrastate Highway System, and provide alternatives for local



traffic use, Lee County will implement a system of parallel reliever roads, consistent with Transportation Map 3A. (Added by Ordinance No. 98-09)

*RESPONSE: The BMXD will be consistent with this policy. The comprehensive plan amendment application supporting the BMXD will request an amendment to Map 3A: Lee County 2020 Financially Feasible Highway Plan of the Lee Plan, to incorporate transportation improvements within the BMXD locality.*

**GOAL 39: DEVELOPMENT REGULATIONS.** Maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts and protect and preserve public transportation facilities. (Amended by Ordinance No. 98-09, 99-15)

*RESPONSE: Noted.*

**OBJECTIVE 39.1: DEVELOPMENT IMPACTS.** The county will maintain and enforce development regulations to ensure that impacts of development approvals occur concurrently with adequate roads, and to achieve maximum safety, efficiency, and cost effectiveness. (Amended by Ordinance No. 99-15)

*RESPONSE: The BMXD will be consistent with this objective. Transportation infrastructure for the BMXD will be concurrent with the development program.*

**POLICY 39.1.1:** New development must:

- Have adequate on-site parking.
- Have access to the existing or planned public road system except where other public policy would prevent such access.
- Fund all private access and intersection work and mitigate all site-related impacts on the public road system; this mitigation is not eligible for credit against impact fees. (Amended and Relocated by Ordinance No. 99-15)

*RESPONSE: The BMXD will be consistent with this policy. Transportation infrastructure for the BMXD will be concurrent with the development program. A proportionate share of the infrastructure for the proposed development will be funded through an Independent Special District, Community Development District or other financing district.*

**POLICY 39.1.2:** County regulations will encourage proposed development along state roads to protect existing and planned transportation corridors to meet state standards for future expansions consistent with the Transportation Map series and the Official Trafficways Map. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)

*RESPONSE: The BMXD will be consistent with this policy. Transportation infrastructure for the BMXD will be concurrent with the development program. A detailed traffic analysis has been provided as part of this application.*

**POLICY 39.1.3:** County development regulations will require the interconnection of adjacent existing or future residential developments. Where a developer proposes private local streets with access control, he may propose an alternate means of interconnection provided the means

does not require all local traffic to use the arterial network. All interconnections will be designed to discourage use by through traffic. (Amended and Relocated by Ordinance No. 99-15)

*RESPONSE: The BMXD will be consistent with this policy. Transportation infrastructure for the BMXD will be concurrent with the development program. A detailed traffic analysis has been provided as part of this application.*

**POLICY 39.1.4:** Main access points from new development will not be established where traffic is required to travel through areas with significantly lower densities or intensities (e.g. multifamily access through single-family areas, or commercial access through residential areas) except where adequate mitigation can be provided. (Amended and Relocated by Ordinance No. 99-15)

*RESPONSE: The BMXD will be consistent with this policy. A detailed traffic analysis has been provided as part of this application.*

**POLICY 39.1.5:** The Land Development Code will continue to require appropriate landscaping for developments abutting arterial and collector roads. (Amended and Relocated by Ordinance No. 99-15)

*RESPONSE: The BMXD will be consistent with this policy. Landscaping and buffering requirements for the proposed development have been established in the concurrent Babcock Ranch Community MPD application and Master Concept Plan.*

**POLICY 39.1.6:** Through the zoning process, the county will direct high-intensity land uses to parcels which abut designated future transit corridors identified in Map 3C. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 39.1.7:** Existing development regulations will be periodically reviewed to determine if they further the transportation goals, objectives, and policies stated in this comprehensive plan. (Amended and Relocated by Ordinance No. 99-15)

*RESPONSE: Noted.*

**POLICY 39.1.8:** Consistent with state law, Developments of Regional Impact (DRIs) are required to analyze their impacts on an existing-plus-committed (E+C) network. For purposes of DRI analyses, Lee County defines an E+C network as those roadways that exist, or are programmed for improvement through the construction phase within the first three years of an adopted County Capital Improvement Program or State Five-Year Work Program. (Added by Ordinance No. 99-15)

*RESPONSE: The BMXD will be consistent with this policy. The proposed development will exceed DRI thresholds and will comply with Chapter 380, F.S.*



**GOAL 40: SAFETY, ENERGY-EFFICIENCY, ACQUISITION, PRESERVATION, AND PROTECTION MEASURES FOR A MULTIMODAL TRANSPORTATION SYSTEM.** Establish strategies for safe, convenient, and energy-efficient operation for roads and the development acquisition, preservation, and protection of a multi-modal transportation system that is aesthetically-pleasing and furthers the efficient movement of commerce. (Amended by Ordinance No. 98-09, 99-15)

***RESPONSE:** The BMXD will be consistent with this goal. The proposed development will feature a multi-modal transportation system, with pedestrian, bicycle and/or alternate vehicle accessways located within streets, greenways and open space. Landscaping and buffering requirements for the proposed development have been established in the concurrent Babcock Ranch Community MPD application and Master Concept Plan.*

**OBJECTIVE 40.1: PROTECTION OF ROADWAY CAPACITY.** The county will protect the capacity and operational ability of county-maintained roadways through the enforcement of access control, connection separation standards and other methods. (Amended by Ordinance No. 98-09, 99-15)

***RESPONSE:** Noted.*

**POLICY 40.1.1:** The through traffic capacity of the county's expressways, arterials, and collectors will be protected by:

- Regulating accesses to collector and arterial streets to the extent permitted by state law.
- Providing sufficient distance between land access and expressway/freeway interchanges.
- Spacing signalized intersections on arterials and collectors for efficient traffic signal operation.
- Prohibiting on-street parking on arterials and collectors except in areas designated by the Board of County Commissioners.
- Developing a system of parallel access or frontage roads along identified collectors, arterials, and limited access facilities.
- Requiring access to arterials and collectors to be designed, funded, or built to meet forecasted use needs, including turn lanes, acceleration and deceleration lanes, and funding for future signalization. (Amended and Relocated by Ordinance No. 99-15)

***RESPONSE:** The BMXD will be consistent with this policy. A detailed traffic analysis has been submitted as part of this application.*

**POLICY 40.1.2:** The following standards are hereby established as the minimum desirable distances between connections to the county-maintained road network:

Roadway Classification	Centerline Distances (Feet)
Arterial	660
Collector	330
Local Street	125
Frontage road, reverse frontage road or accessway	60

Exceptions to these standards, and any criteria that would govern these exceptions, will be specified in the county's land development code. Certain roadways in the county are designated by the board as "controlled access," to which permanent access points are restricted to locations established and set by a specific access plan adopted by the Board by resolution. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)

*RESPONSE: The BMXD will be consistent with this policy. A detailed traffic analysis has been submitted as part of this application.*

**POLICY 40.1.3:** The county will utilize a combination of methods to maintain the connection separation standards, including but not limited to requiring access roads, interconnections between developments, cross-access easements, continuous right-turn lanes, and other appropriate methods. The proper application of these various methods, and when any exceptions to the standards may apply, will be specified in the county's land development code. The county will maintain an Access Road Location Map identifying where access streets are the preferred method of maintaining the connection separation standards. (Added by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)

*RESPONSE: Noted.*

**OBJECTIVE 40.2: EFFICIENCY AND SAFETY.** The county will continue its program of system modifications to increase travel safety and efficiency, such as the institution of automated toll collection and the Variable Pricing Program to encourage reduced-peak usage of toll facilities. Other measures designed to make the county's transportation system safer and more efficient will be proposed and implemented on an ongoing basis. (Amended by Ordinance No. 98-09, 99-15)

*RESPONSE: Noted.*

**POLICY 40.2.1:** In order to pursue more efficient use of existing road space, conserve energy, and reduce peak hour vehicle usage in congested areas, the county will promote for others and implement itself:

- Variable or staggered work hours.
- Car pooling and ride sharing.
- Incentives and programs to increase the use of mass transit.
- Incentives and programs to encourage transportation demand management.

*RESPONSE: The BMXD will be consistent with this policy. The proposed development will feature a multi-modal transportation system and support alternate methods of mobility.*

**POLICY 40.2.2:** Low-cost efficiency and safety improvements will be prioritized, such as:

- Continuing a traffic signal progression program (including synchronization) for arterial roadways, monitored quarterly, and rapidly responding to emergency progression problems.
- Monitoring and improving signals, signs, street lighting, and lane markings on all roadways.
- Restricting median cuts and driveways.



- Keeping maintenance programs adequately funded.
- Maintaining existing highway facilities or reconstruction of existing intersections.

*RESPONSE: Noted.*

**POLICY 40.2.3:** The county will maintain a transportation systems management program to identify high-hazard accident locations. Engineering studies designed to identify structural and non-structural measures to mitigate such hazards should be prepared annually and incorporated into the Capital Improvements Program. (Amended by Ordinance No. 99-15)

*RESPONSE: Noted.*

**POLICY 40.2.4:** Safety conditions will be improved by incorporating state-of-the-art safety measures into development regulations and by reconstructing unsafe roadway conditions. (Amended by Ordinance No. 99-15)

*RESPONSE: The BMXD will be consistent with this policy.*

**POLICY 40.2.5:** A special roadway signalization, direction, and clearing plan will be developed and kept up to date to insure that any necessary hurricane evacuation along county roadways has maximum favorable roadway operating conditions. (Amended by Ordinance No. 99-15)

*RESPONSE: The BMXD will be consistent with this policy.*

**POLICY 40.2.6:** The County will consider implementation of appropriate improvements identified through the Lee County Metropolitan Planning Organization's Congestion Management System (CMS). (Added by Ordinance No. 98-09)

*RESPONSE: Noted.*

**POLICY 40.2.7:** The County will annually fund its Traffic Signal/Intersection Improvement program in its Capital Improvement Program, to be used to pursue the types of improvements identified under Objective 40.2 to make the transportation system safer and more efficient. (Added by Ordinance No. 98-09, Amended by Ordinance No. 99-15)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 40.3: ROADWAY LANDSCAPING.** The county will implement a landscaping program for Lee County roadways utilizing the guidelines for design implementation and long term maintenance set forth in the Lee County Roadway Landscape (LeeScape) Master Plan adopted on October 27, 1998. (Amended by Ordinance No. 98-09, 99-15)

*RESPONSE: Noted.*

**POLICY 40.3.1:** The LeeScape Master Plan is a long term operating document and guide for the landscape development and maintenance along designated arterial and collector roadways within Lee County. (Amended by Ordinance No. 98-09, 99-15)

*RESPONSE: The policy is not applicable to the BMXD.*

**POLICY 40.3.2:** The LeeScape Master Plan includes a range of landscaping levels for targeted roadways, from a “core level” to enhanced options that may be added to projects over time. The “core level” planting design emphasizes tree canopy, which provides high visibility and shade and establishes an overall site framework. As increased capacity for maintenance is available, or as priorities for enhancement are mandated on special roadways, additional levels of landscaping may occur. The typical designs identified for urban and rural roadway cross-sections consider safety as well as beauty. (Amended by Ordinance No. 99-15)

*RESPONSE: This policy is not applicable to the BMXD.*

**POLICY 40.3.3:** The Roadway Landscape Advisory Committee has been established to advise County staff on the update and implementation of the LeeScape Master Plan. (Added by Ordinance No. 99-15)

*RESPONSE: This policy is not applicable to the BMXD.*

**OBJECTIVE 40.4: OTHER MODES OF TRANSPORTATION.** When conducting all transportation planning and engineering studies, consider the needs and opportunities to allow and encourage the use of all modes of transportation. (Amended by Ordinance No. 98-09, 99-15)

*RESPONSE: The BMXD will be consistent with this objective. The proposed development will feature a multi-modal transportation system and support alternate methods of mobility.*

**POLICY 40.4.1:** The county will consider the mass transit policies under Objective 43.1 during roadway studies. (Amended by Ordinance No. 98-09, 99-15)

*RESPONSE: Noted.*

**POLICY 40.4.2:** The county will develop a safe and interconnected bicycle/pedestrian system in unincorporated Lee County to meet the users’ needs for transportation and recreation, consistent with the Bikeways/Walkways Facilities Plan (Map 3D). The system will provide facilities between residential, work, school, shopping, and recreation areas. Map 3D represents a desired future network unrestricted by jurisdictional responsibility or funding availability. The county is not obligated to build all the facilities depicted on the map. (Amended by Ordinance No. 98-09, 99-15)

*RESPONSE: The BMXD will be consistent with this policy. The proposed development will feature a multi-modal transportation system, with pedestrian, bicycle and/or alternate vehicle accessways located within streets, greenways and open space.*

**POLICY 40.4.3:** Safety considerations for pedestrians and cyclists will be incorporated into the design of segments and intersections of arterial and collectors. (Amended by Ordinance No. 99-15)