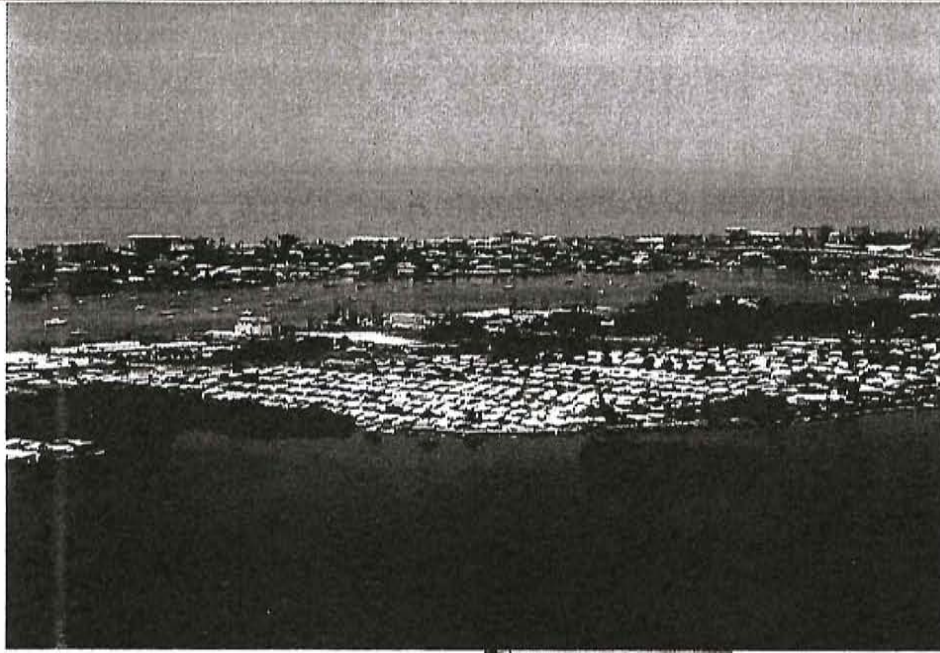
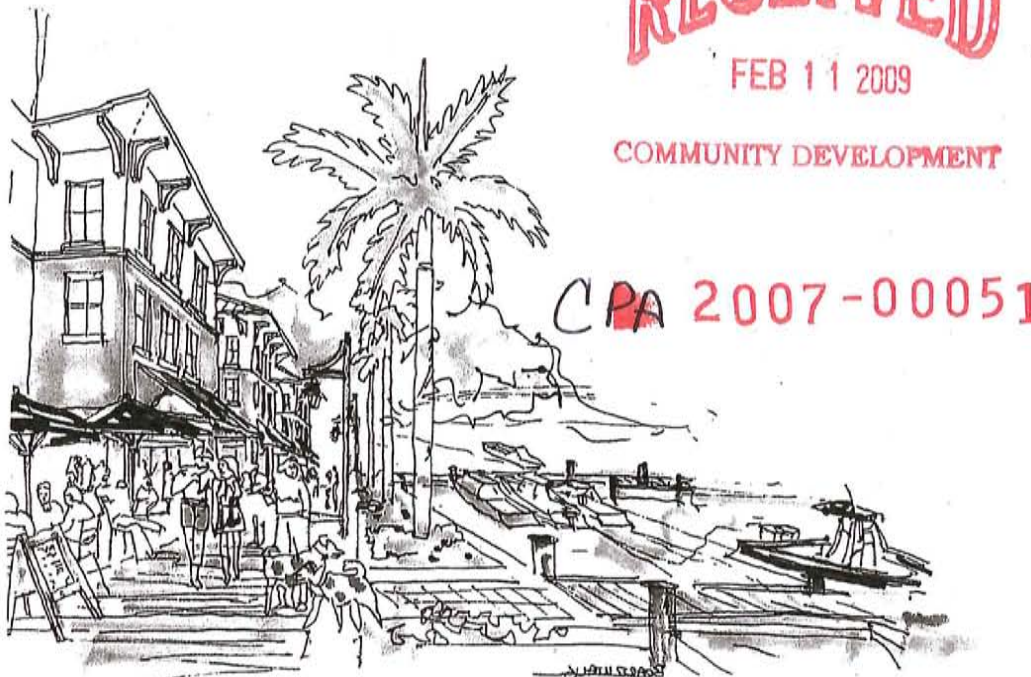


San Carlos Island-Comp Plan Amendment

2007



Today



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COMMUNITY DEVELOPMENT

CRA 2007-00051

Joseph M. McHarris

McHarris Planning and Design

9/28/2007

Old San Carlos Island-Comp Plan Amendment

Lee County Comprehensive Plan Amendment

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Old San Carlos Island-Comp Plan Amendment

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Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

ORC Response Letter



*1338 Bonita Beach Rd., Suite 103
Bonita Spring, Fl
239-948-6688*

February 05 2009

Re: CPA 2007-51

Dear Mr. Noble

Please review our responses to the ORK report.

ITEM 14 Objections (Coastal High Hazard Area)

Response:

- We are decreasing the number of residential units requested from 13.5 units per acre to the same number of RV sites that exist today. This change will result in no increase in the residential type units for this area given the existing conditions of the site. This has been adjusted in our documents including timeshare classification for this amendment.
- Please see the agreement that is being drawn up between the county and the property owner with regards to Hurricane shelter space.

ITEM 15 Objections (Land Use Category Policy Guidelines)

Response:

- Please See County revised Table 1(a) and 1(b) addressing this issue.
- The amendment has been revised to include intensity of use standards for the non residential land use category. We have established percentage distributions among the land uses to ensure a mix of uses is developed within this category. Please see attached tables and policy xx3.7 of our proposed text changes

ITEM 16 Objections (Portable Water, Sanitary Sewer, and Water Supply)

Response:

- Please see the attached modified analysis form Delisi Fitzgerald regarding these issues.

ITEM 17 Objections (School Planning)

Response:

- Please see the county response to this issue.

ITEM 18 Objections (Transportation Planning)

Response:

- Please reference the Traffic Impact Statement that was prepared by TR Transportation Consultants, dated September 27, 2007, in which all of the above questions have been addressed."

Thank you for your time and should you have any questions regarding any of the above items please feel free to contact my office.

With regards

Joseph M. McHarris

*McHarris Planning and Design
11338 Bonita Beach Road, suite 103
Bonita Springs, Florida 34135*

Lee County CPA 2007-51

Destination Resort Mixed Use Water Dependant Distribution of Uses

Residential (9.36 units per Acre)

- Condominiums

Lodging (Maximum 15.5 units per acre)

- Hotel
- Timeshare
- Hotel-condo
- Hotel accessory uses

Office (Maximum 500 square feet per acre)

- Administration
- Health care
- General
- Personal Services
- Wholesale

Retail (Maximum 3,400 square feet per acre)

- Restaurant(s) (min 5%- max 70%)
- Bar/Cocktail Lounge(s) (min 0% - 30 percent)
- Convenience(s) store (min 1%- max 25%)
- Parking {N/A}
- Laundromat(s) (min 0%- max 10%)
- Personal Services (min 0%- max 35%)
- Retail store(s) (min 0%- Max 60%)

Marine (Maximum 1,000 square feet per acre)

- Marina
- Marina Accessory uses
- Docks
- Dock shuttle (Water taxi)
- Boat storage (17.5 units per acre)
- Live-aboard (3.5 units per acre)
- Transit/Casino/Cruise Terminal
- Charter and Commercial Fishing

Civic (maximum 500 square feet per acre)

- Essential Services
- Day Care
- Recreational facilities
- Transit Terminal
- Cultural Center

- University Study Center

Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

County Response Letters



11338 Bonita Beach Road, Suite 103

Bonita Spring, Fl

239-948-6688

Project: San Carlos Island
Case: CPA2007-00051
Strap: 19-46-24-00-00022.0010
Re: FDOT comments

Dear Matt and David

Thank you for your time and attention to this matter. We are pleased to amend and clarify issues and/or comments that you had.

We have reviewed your response and find that there are two major issues with the Traffic from a practical standpoint. The first being the south bound traffic onto the island and the existing conditions of Main Street on the Island. To help with the concerns expressed in your letter we have amended our Plan to better define solutions for these areas of concern. Please find below the objective and policies as proposed in the revised document.

OBJECTIVE XX.7: INCORPORATION and UTILIZATION OF MULTIMODAL AND ALTERNAIVE MODES OF TRANSIT. The development will establish a comprehensive approach to multimodal and alternative modes of transportation for its residents and guests. These will include, but not be limited to mass transits stops, bicycle rental, integrated network of sidewalks and board walks, Airport shuttle services and water-taxi transportation facilities

POLICY XX.7.1: The project will establish a water taxi /shuttle service to and from the property to Fort Myers beach. The shuttle will be open to guest, residents and outsiders wanting an alternative access to the island. Hours of operation will be determined based on market conditions but will at a minimum provide two trips daily to and from the islands each day of the week.

POLICY XX.7.2: The project will establish an airport shuttle service to and from the Southwest Florida International Airport. The shuttle services hours of operation will be determined based on market conditions and can either be a fixed route shuttle or a point of demand service type or combination thereof.

POLICY XX7.3

As part of this amendment the existing roadways that are adjacent to the project will be evaluated with cross-sectional analysis to identify needed upgrades for safety and bus access to and from this property. At a minimum one bus stop will be provided to Lee Tran standards or better. Sidewalk upgrades offsite will be provided where none are provided for. Side walk improvements will be eligible for road impact fee credits.

POLICY XX7.4

Where Projects are intersected by public roadways for developments greater than 30 acres and with a split greater than 15%, some sort of grade separation will be provided for safe pedestrian and bicycle access between the properties.

POLICY XX7.5

Where Projects are located in a high hazard area the applicant will establish a helicopter landing pad for emergencies.

Should you have any questions or comments please contact our office

With regards

A handwritten signature in black ink, appearing to read 'J. McHarris', is written over a vertical line that extends from the 'With regards' text down to the name below.

Joseph M. McHarris



11338 Bonita Beach Road, Suite 103

Bonita Spring, Fl

239-948-6688

Project: San Carlos Island
Case: CPA2007-00051
Strap: 19-46-24-00-00022.0010

Re: Public Safety comments

Dear John and Matt

appreciate your comments regarding this amendment. In your response you stated your reason for objection was based on an increase in density in the coastal High hazard area. We respectfully disagree with your statement as this is an area that we studied to ensure consistency with the Lee plan. I have taken the time to go through section 105 and 106 in detail to point out my contention of where and why we are consistent with the plan.

The title of goal 105 is the "protection of life and property in Coastal High Hazard Areas. Nowhere in this goal is it statement "You can't build or redevelop in the coastal High Hazard Area" This amendment will take almost three Hundred RV residential units out of the Coastal High Hazard area by replacing them with code compliant structures to protect human life and property from natural disasters, which is very consistent with the Goal

Objective 105.1 talks about development in the coastal High hazard areas and mentions coastal high hazard areas that are not developed will be considered for reduction of density. This project is located in a Coastal High Hazard but is already developed. We are not an undeveloped island or piece of property. We are looking to redevelop and already developed piece of property.

POLICY 105.1.2: Talks about requirements for re-zonings to allow higher densities in Coastal High Hazard areas. It does not say higher densities will not be allowed. It specifically states that higher densities will not be allowed when evacuation routes would be exceeded. We do not exceed the evacuation routes.

POLICY 105.1.4: States that Through the Lee Plan amendment process, future land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories in order to limit the future population exposed to coastal flooding. First of all we are not an undeveloped area so we are not to be considered for a density reduction under this section. Second the redevelopment of this area will limit the future population for exposure to coast flooding by removing 271 units from a below flood situation, which is a stated goal for this policy. Also any additional density that may be requested for with this project would and could be offset by the properties that have been acquired by the state or the County. Below is a list of properties that have been acquired within close proximity to the project. We have also provide the calculations showing how many units are available based on the percent of uplands in each parcel

Parcel number and area

1. 11-46-23-00-00011.0000--a 17 acre parcel abutting Outlying Suburban land that is, according to GIS, approximately 20 percent in the Upland Conservation FLUM category.
2. 08-46-24-00-00004.0000--a 160 acre parcel abutting Outlying Suburban that is 34 percent in Upland Conservation.
3. 17-46-24-00-00001.0000--a 445 acre parcel that would be Outlying Suburban; 17 percent of it is in Upland Conservation.

Density Calculations

1. $(17 \times .2) \times 3 \text{ units per acre} = 10 \text{ units}$
2. $(160 \times .34) \times 3 \text{ units per acre} = 159 \text{ units}$
3. $(445 \times .17) \times 3 \text{ units per acre} = 228 \text{ units}$

Total units **397**

POLICY 105.1.5: Does speak of Zoning requests located in the coastal high hazard area will be considered for reduced or minimum density assignments, in accordance with their future land use category density range, but also state that this evaluation should be done in concert with an evaluation of other individual characteristics such as compatibility with existing uses, desired urban form, and availability of urban services. This project should not be considered for the

minimum density requirements because of many individual characteristics that this area has such as available urban services, an existing urban form of higher density design, not only for this property but for the whole northern portion of the island. The potential for as it exist today with a do nothing mode is a recipe for loss of life and property (please refer back to the goal statement for 105)

GOAL and objective 106: LIMITATION OF PUBLIC EXPENDITURES IN COASTAL HIGH HAZARD AREAS. This section of the Lee Plan looks to limit public expenditures in areas particularly subject to repeated destruction by hurricanes, except to maintain required service levels, to protect existing residents, and to provide for recreation and open space uses. This project could decrease public expenditures by ridding the area of potential repeated destruction to the area by building to the latest's codes and flood requirements. The new amendment will provide open space uses where none exist today as part of the overall development, along with access to the waterfront for recreation.

POLICY 106.1.1: states that all further public expenditures made for new facilities on undeveloped barrier islands or within V zones will require a finding by the county commission that such expenditures are necessary to maintain required service levels, to protect existing residents, or to provide for recreation and open space needs. We are not an undeveloped island.

The above Goals, Objectives, and Policies do not state that higher densities are not allowed in the Coastal High Hazard areas, but prescribe when and where they may be allowed.

Thank you for your response and if you have any question or comments, please contact me at my office

With regards



Joe McHarris



11338 Bonita Beach Road, Suite 103

Bonita Spring, Fl

239-948-6688

Project: San Carlos Island
Case: CPA2007-00051
Strap: 19-46-24-00-00022.0010
Re: Lee Tran comments

Dear Matt and Lee Tran

Thank you for your time and attention to this matter. We are please to amend and clarify issues and or comments that you had. Please find below your comments in *italic* and our response in **bold**. Should you have any additional comments or questions please contact our office.

Comment:

I think we need to take a close look at the proposed text changes to the Comp Plan, specifically the text changes related to the Mass Transit section. (Page 4 of attachment A-1 in the application) The County already has a "Mass Transit Plan" known as the Transit Development Plan, or TDP. I would suggest any proposed text changes as part of this application refer to coordination with the County's TDP as well as with County Transit staff and staff with the Town of Fort Myers Beach, rather the development of a transit plan.

Response:

Text changes have been made to Objective XX.6 per you request to clarify our willingness to work with the County, Town, and both staffs to coordinate mass transit as it relates to this amendment. Below is the text change.

OBJECTIVE XX.6: COORDINATION OF MASS TRANSIT. The development will establish dialogue to coordinate a mass transit plan with the development, Lee Tran, and the Town of Fort Myers Beach with the county's TDP (Transit Development Plan) as well as county transit staff and the staff of the town of Fort Myers Beach.

Comment:

Internal Consistency with the Lee Plan (page 4 of attachment E-2) should go beyond stating that the design will "accommodate LeeTran", to include state how mass transit will be accessible. Examples are how transit services would safely have access to and from Main Street on to San Carlos in both directions (north and south), and/or how pedestrians would safely access transit stop locations if the access to the transit system would take place on San Carlos Boulevard.

Response:

A text addition has been added to the document to provide at a minimum one Transit stop that meets the needs and requirements of Lee Tran and that works with the development. This stop will be provided with safe interconnection or sidewalks to and from the property from or be on Main Street. The stop will be located in such a way that all residents and visitors of the island will have access to the stop. Please be advised also that this project as part of its design will have either a grade separated road or grade separated pedestrian walkway.

Access for San Carlos Blvd is beyond the limits of this development. We do not control any land along this roadway.

Thanks again for your review and should you have any questions or comments regarding our responses please contact my office or email me.

With regards


Joe McHarris



11338 Bonita Beach Road, Suite 103

Bonita Spring, Fl

239-948-6688

Project: San Carlos Island
Case: CPA2007-00051
Strap: 19-46-24-00-00022.0010
Re: SWFRPC

Dear Wayne and Matt

Thank you for your time and attention to this matter. We are please to amend and clarify issues and/or comments that you had. Please find below your comments in *italic* and our response in **old**. Should you have any additional comments or questions please contact our office.

1) Water dependent overlay zone.

The property as it is developed today does not have commercial fishing businesses except for charter boats. The properties were last engaged in commercial fishing over ten years ago. This ended with the closing of the packing plant which was located within the properties. The property as they exist today has been allowed to develop by the county in a manner that is geared more like our Resort Mixed Use Water Dependent land use rather than industrial water front.

The proposal as written provides for Boating and marine support facilities with a mixed use menu of other water dependent uses such as charter boats, commercial docks for wholesale and retail seafood, water taxies, hotel, restaurants, cruise ships and terminals to name a few. This amendment will also promote and create additional opportunities for boating and marine support facilities on the island. An example of this would be the increase in larger boats including cruise and recreational type ships needing marine support that does not exist here today along with additional markets for commercial fishermen products.

Your comment stating that the island "is as a whole being identified as suitable for staging Oil Exploration and development in the gulf" is irrelevant to this project because oil drilling is illegal off the coast of Florida. It is also inconsistent with the Lee Plan Policy 12.1.1 which states that "in no event will Lee County permit new or expanded petroleum facilities which would serve uses other than marine-related uses. Decision regarding this study as it relates to speculative future zoning for this property would also be unlawful and therefore shall have no bearing on this amendment.

Your comment that this amendment would preclude other areas on the island from industrial waterfront is incorrect as this amendment is only for a portion of the island, not the whole island. This amendment will not limit the other properties on the island from maintaining and or growing marine industrial and marine support services, but will allow them with additional opportunities that are not there today. This amendment will create opportunities to expand the industrial uses all the while opening up the water front with public access.

We believe that by approving this amendment you will be creating new opportunities that will ensure the preservation and future development of a working waterfront while incorporating a mixture of uses that will support area. Many of the uses that exist on the island today like the RV parks do not support or promote a working waterfront. The mixture of use that we are proposing will support a working waterfront and can be seen in places like "fishermen's Warf in San Francisco and the working/tourist waterfronts in Newport R. I. and Boston. These places have and are working with this kind of development for many years

2) Hurricane High Hazard Area

Your comment that the property is currently in a High Hazard Area is correct. Your comment that increasing densities is not promoted is not entirely correct, especially when we are looking at properties in question. The title of goal 105 is the "protection of life and property in Coastal High Hazard Areas. Nowhere in this goal is it statement "You can't increase density in the coastal High Hazard Area" This amendment will take almost three Hundred RV residential units out of the Coastal High Hazard area by replacing them with code compliant structures to protect human life and property from natural disasters. This is very consistent with the Goal. This project is also consistent with Goal 110 (HAZARD MITIGATION) of the Lee Plan which states "To provide through county plans, programs, and regulations means to minimize future property losses from natural disasters such as flooding, tropical storms and hurricanes", It is through this Comprehensive plan amendment that we will achieve the above stated goal. Policy 110.1.2 states "The County will not permit new or expanded mobile home or recreational vehicle development on barrier islands or in V-Zones as defined by the Federal Emergency Management Agency". The only thing better than not permitting new or expanded facilities, is to remove them from the coastal area.

Objective 105.1 talks about development in the coastal High hazard areas and mentions coastal high hazard areas that are not developed will be considered for reduction of density. This project is located in a Coastal High Hazard but is already developed. We are not an undeveloped island

or piece of property. We are looking to redevelop and already developed piece of property there for we should not be considered for reduction of density.

POLICY 105.1.2: Talks about requirements for re-zonings to allow higher densities in Coastal High Hazard areas. It does not say higher densities will not be allowed. It specifically states that higher densities will not be allowed when evacuation routes would be exceeded. We do not believe we exceed the evacuation routes. With that said the mitigation for impacts to shelters and evacuation times is required by Lee Plan Policies 109.1.1 and 109.2.2. These Lee Plan provisions are implemented in Chapter 2, Article XI of the LDC.

POLICY 105.1.4: States that Through the Lee Plan amendment process, future land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories in order to limit the future population exposed to coastal flooding. First of all we are not an undeveloped area so we are not to be considered for a density reduction under this section. Second the redevelopment of this area will limit the future population for exposure to coast flooding by removing 271 units from a below flood situation, which is a stated goal for this policy. Also any additional density that may be requested for with this project would and could be offset by the properties that have been acquired by the state or the County. Below is a list of properties that have been acquired within close proximity to the project. We have also provide the calculations showing how many units are available based on the percent of uplands in each parcel

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GOAL and objective 106: LIMITATION OF PUBLIC EXPENDITURES IN COASTAL HIGH HAZARD AREAS. This section of the Lee Plan looks to limit public expenditures in areas particularly subject to repeated destruction by hurricanes, except to maintain required service levels, to protect existing residents, and to provide for recreation and open space uses. This project could decrease public expenditures by ridding the area of potential repeated destruction to the area by building to the latest's codes and flood requirements. The new amendment will provide open space uses where none exist today as part of the overall development, along with access to the waterfront for recreation.

POLICY 106.1.1: states that all further public expenditures made for new facilities on undeveloped barrier islands or within V zones will require a finding by the county commission that such expenditures are necessary to maintain required service levels, to protect existing residents, or to provide for recreation and open space needs. We are not an undeveloped island.

3) Liveboards

The reality in your statement that the liveboards are mobile is limited because hurricanes happen in the off season and many of the residents that use this facility, will not be there during an impending storm. Your statement regarding the disposability of the Liveboards units is a scary thought especially concerning water quality and cleanup after a hurricane. The Lee Plan does allow for mitigation these kinds of circumstances

4) Recreation Vehicles

You are correct in your statement that the Mobile units are fixed to the site and do stay year round. This has been the practice for some 30-40 years and many of the unit's owners stay or visit year round to the property. While some of the RVs are not used, as a practical matter, during hurricane season, there is no legal impediment to doing so. Furthermore, most of them are park models, and are consequently immobile as discussed above. As a result, significant property damage will occur in a hurricane regardless of the number of people who are at risk. The 271 RVs are, therefore, an offset against the density permitted by the amendment. Your assertion that the transfer of these units to units that are built to "current construction standards and flood regulations" will somehow increase risk to property and lives seems contrary to conventional thinking. The potential for 271 year round

“mobile” structures to be destroyed and distributed into the bay during a hurricane is a scary thought versus modern hurricane and flood resistant housing that provide open space, landscaping, drainage, and water treatment were there is none today. Allowing 271 mobile units into the bay does not sound like good planning. Proper planning would dictate that correcting an impending problem instead of ignoring it would be prudent. This is why the Lee plan provides language for mitigating such circumstances. See Goal 110 Hazard Mitigation.

5) Sea level Rise

Again, ignoring the fact that you do have 271 residential type facilities below flood level with a rising sea level makes no sense. Instead one should be looking at how we mitigate this problem to a win, win situation. Again, the Comprehensive plan provides language and opportunities to mitigate the problem away like we are proposing to do which would remove and replace these units with flood and hurricane resistant structures that are up to or better than current codes.

6) Final comments

A master plan for the entire island is not a realistic endeavor as you have too many individual owners and interest conflicts that make this impossible. Your comment that something needs to be done on the island is correct and this is the plan that will get the ball rolling and in the right direction. Our clients have tried several times to implement something for the whole island with no success. They are very active with the island and attend almost all if not all meeting related to the island. The Comprehensive plan your comment that we have not considered the adjacent properties is incorrect as we have provided language in this amendment to include adjacent properties into the plan. Your assumption that we have not considered an appropriate mixture of uses and human scale principle is incorrect as we have developed design standards that include building design, landscape design, buffers and set back requirements and building massing design that takes into account the island, adjacent properties along with sound planning and design principle that work. This plan has been develop first as a vision, then as a conceptual plan and them as a written document that takes into account the individual nature of the island the adjacent properties and the properties. The amendment will also create a number of public benefits that should be weighed against any increased evacuation times, including vastly improved surface water management, aesthetics, and public access to the waterfront.

To your response that this is one persons attempt We would like to say that this is not one person’s attempt, but a culmination of ten plus years of work between the county staff and island residents to create a future vision for the island.

Our first attempt to provide a future vision for the island was as board members on the San Carlos Island CRA. During those years we tried to get all the property owners on San Carlos Island to participate but, only some of the land owners would come an participatemost did not care.....and the few that did were able to get the County to adopt the San Carlos Island Overlay as

a quick Band Aid approach to the problems on the island then and are still plaguing us today. The only real development that has been done over the last ten years has been through the CRA. Now with the disbandment of the CRA by the county, we have been left in the same boat we were in years ago, with all the same problems and many many more.

Most of the major landowners have worked hard for and with the overlay in an attempt to provide the island with some relief from the county regulations that are outdated and causing blight in the area. Most of the water front properties are sitting here today empty and/or underutilized while paying some of the highest taxes in the County for water front property that is artificially restricted.

After the County disbanded the CRA some of the Residents and Land Owners got together and formed what is now a Non Profit Group called the San Carlos Redevelopment Group so as to be able to continue to try and work with the County as a private group of concerned stakeholders on San Carlos Island. We have met many times over the past years and have always had an open invite to everyone on the island to come to all of our meetings, most never come. While many of us have devoted endless hours over the past several years towards this cause working with the county staff, it again has not provided any mechanisms to create new needed opportunities to this once vibrant and diverse island with a new vision or plan for the islands future.

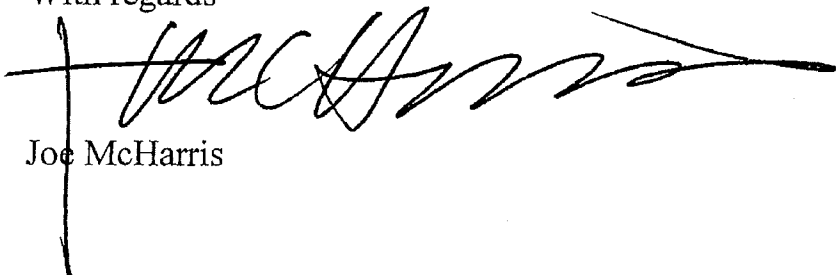
San Carlos Island has changed due to economic conditions beyond anyone's control over the last 15 years and in the last few years even more so. Now most of this area is more Resort, Ferry Boat, Cruise Ships, Recreational, Residential type land uses and activities that were allowed under the CRA and is not and has not had any Industrial activities on the subject properties for over a decade.

Recently two of the property owners presented separate plans for both their properties as a Site Development Plan (SDP) in an attempt to provide a plan and add to the economic base that has happened to the island under the old CRA. Both were denied and were told that they would need a Comprehensive Plan Amendment in order to allow the properties to develop in a different manner than what is allowed today. Those both owners have banded together to provide a unified vision to some 35+ acres.

This CPA is not by any means a first attempt or one persons attempt to provide a plan. It is through the past decade of experience as, property owners, business, owners and residents that this plan has been developed. It is not the first, but it may be their last as the high taxes, economic downturn and the limited land use for these properties is causing distress and additional blight in the area. This CPA is being initiated by two of the largest land owners on the island in an attempt to put forth a plan that provides a vision and provides a process that allows the county and the private sector to work together in an expedient process to help the island evolve in a manner that is beneficial to all.

Thanks again for your review and should you have any questions or comments regarding our responses please contact my office or email me.

With regards



Joe McHarris



11338 Bonita Beach Road, Suite 103

Bonita Spring, Fl

239-948-6688

Project: San Carlos Island CPA
Case: CPA2007-00051
Strap: 19-46-24-00-00022.0010

Dear Public Works

Please find below your comments in *italic* and our response in **bold**. Where we have made changes to the document we have provided you with a strike-thru version and colored additions to the text.

Comments: Public Works staff has reviewed the above referenced Comprehensive Plan Amendment application and finds it insufficient for review. The applicant has failed to provide existing and future conditions analysis for Parks, Recreation, and Open Space as required by Section IV.B.2 of the application. As noted in the aforementioned section, this analysis must include the following information:

- *Franchise Area, Basin, or District in which the property is located;*
- *Current LOS, and LOS standard of facilities serving the site;*
- *Projected 2020 LOS under existing designation;*
- *Projected 2020 LOS under proposed designation;*
- *Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and*
- *Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).*

Response: please see response from Delisi/Fitzgerald

Thank you for your response and if you have any question or comments, please contact me at my office

With regards

Joe McHarris

A handwritten signature in black ink, appearing to read 'Joe McHarris', is written over the printed name. The signature is stylized with a large, sweeping 'J' and 'M'.

Exhibit IV.B.2
Parks, Recreation and Open Space
Level of Service Standards

Background

Policy 95.1.3 of The Lee Plan states the minimum acceptable level-of-service standards that will be the basis for planning the provision of required public facilities within Lee County. Some of the standards will be the basis for determining the adequacy of public facilities for the purpose of permitting new development. The "Minimum Acceptable Level of Service" will be the basis for facility design, for setting impact fees, and the operation of the Concurrency Management System (where applicable).

"Regulatory" standards are those that are identified by state law as being essential to support development which includes parks and recreation facilities.

Community Parks "Regulatory" level-of-service standards are **0.8 acres** of developed standard community parks open for public use per 1,000 permanent population, unincorporated county only.

Section IV.B.2.: Comprehensive Plan Amendment Support Documentation

Current and Projected LOS

The subject property is located in *District 44- South Fort Myers Community Park Impact Fee Benefit District*.

The regulatory level-of-service was met in 2006 according to the Lee County 2007 Concurrency Report, and the level-of-service policy standards identified in The Lee Plan and will continue to be met through 2010.

There are currently twelve existing parks within the South Fort Myers Community Park Benefit District that consist of 154 total acres.

With a total existing Community Park District inventory of 154 acres provided, the "Regulatory" standard (86.5 acres in 2006) was met in 2006 and will continue to be met through the year 2010 as projected.

The proposed increase in density will have slight impacts on the level of service required. At an assumed 2.09 Persons Per Household (PPH), the additional 116 units will create a demand of 1.45 acres of community park space at the minimum regulatory level-of-service. The proposed amendment meets the regulatory level-of-service in this district.

Improvements/Expansions

The WA-KE Hatchee Park is currently being developed that will consist of an additional 44 acres adjacent to the existing one acre WA-KEE Hatchee Recreation Center.

Anticipated revisions to the Community Facilities and Service Elements

There are no anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element.



11338 Bonita Beach Road, Suite 103

Bonita Spring, Fl

239-948-6688

Project: San Carlos Island
Case: CPA2007-00051
Strap: 19-46-24-00-00022.0010
Re: Environmental comments

Dear Doug and Matt

Please find below your comments in *italic* and our response in **bold**. Where we have made changes to the document we have provided you with a strike-thru version and colored additions to the text.

Objective XX.10: Architectural Standards. *The architectural theme for the development is proposed to be "Old Florida"*. Please revise this objective to include the use of native plants to help naturalize the "Old Florida" look and landscaping design standards be incorporated into the architectural standards.

Response: The objective has been revised to include the use of native plans to help naturalize the old Florida look. We have revised the language to incorporate landscape standards and it is under XX10.18 Landscape Standards.

Policy XX.12.1: WILDLIFE. *The location, design, and operation of Destination Resort 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*. Please revise policy text to omit the word *unnecessary*.

Response: Policy has been revised to omit the word "unnecessary".

POLICY XX.12.1: *The development will not have an adverse impact on any existing, viable on-site occupied wildlife habitat for protected species, species of special concern or threatened or endangered species.* Please revise policy language to omit the word *adverse*.

Response: Policy has been revised to omit the word "adverse".

Please describe in detail how the Eco-park will benefit the wetlands onsite. Please indicate where the Eco-Park will be located on this project. Please provide more information on uses proposed within the Eco-Park.

The Eco Park will benefit the wetlands on site by providing education for visitors and residents about the wetlands and other habitats of the area. The Eco Park is located on the north-west side of Main Street and can be seen on the conceptual site plan provided.

The Eco Park will be part of the Community learning center. The Park itself will be passive, information; boardwalk experience with a variety of tours type's available. Tour types will be noninvasive and educational in nature.

Please provide a protected species survey for all vegetated areas; including all islands. Are any of these Islands known rookeries or wading bird nests?

Response: Please see the enclosed Lee County Protected Species Survey (PSS) prepared by Passarella and Associates, Inc. (PAI). None of the islands have been identified as known rookeries according to the Florida Fish and Wildlife Conservation Commission's Florida Atlas of Breeding Sites for Herons and Their Allies (FFWCC, 1991). This information is also consistent with PAI's report which found no nest sites on the islands.

Please demonstrate compliance of policy 107.2.12: Will sufficient protection of mangroves be given on this project?

Response: As part of the project's development review process, all undeveloped wetland areas, including the mangroves, will be placed under a recorded conservation easement per the South Florida Water Management District's Environmental Resource Permit conditions, This will provide sufficient protection to demonstrate compliance with policy 107.2.12 of The Lee Plan.

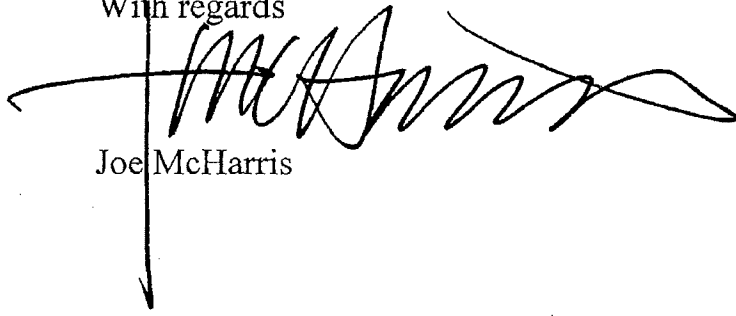
Please provide Conservative Lands Category wetlands on all mangrove areas.

Response: The undeveloped mangrove areas will be designated Conservation Lands pursuant to review and approval of the project by the SFWMD and U.S. Army Corps of Engineers, if applicable.

Thanks again for your review and should you have any questions or comments regarding our responses please contact my office or email me.

With regards

Joe McHarris

A handwritten signature in black ink, appearing to read 'Joe McHarris', is written over a vertical line that extends from the 'With regards' text down to the 'Joe McHarris' text.

Mike Scott
Office of the Sheriff



State of Florida
County of Lee

October 31, 2007

Joseph McHarris
McHarris Planning and Design
11338 Bonita Beach Rd
Suite 103
Bonita Springs, FL 33135

Reference to Project: San Carlos Island Comprehensive Plan

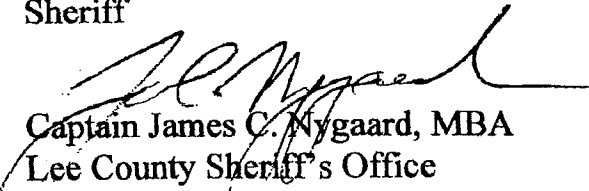
Dear Mr. McHarris

The Lee Plan amendment identified by you as San Carlos (Island) Comp Plan would not affect the Lee County Sheriff's Office ability to provide core services at this time.

When you make application for a Development Order for this property, please provide the Lee County Sheriff's Office with set of plans and uses for each building in this project. A Crime Prevention Through Environmental Design (CPTED) survey and report will be done at that time with recommendations to you and the county staff.

Please contact Kevin Farrell, Coordinator of the Crime Prevention Unit at 477-2821 with copies of your plans.

Mike Scott
Sheriff



Captain James C. Nygaard, MBA
Lee County Sheriff's Office
Administration Bureau
14750 Six Mile Cypress Pkwy
Fort Myers, FL 33912
239-477-1424 (Office)





11338 Bonita Beach Road, Suite 103

Bonita Spring, Fl

239-948-6688

Project: San Carlos Island

Case: CPA2007-00051

Strap: 19-46-24-00-00022.0010

Re: Fort Myers Beach Fire Department Response

Matt

Please see the attached letter provided by the Fire department



Fort Myers Beach Fire Control District

100 Voorhis Street • Fort Myers Beach, Florida 33931
Mailing Address: PO Box 2880 • Fort Myers Beach, Florida 33932

March 12, 2008

BOARD OF COMMISSIONERS

John Scanlon - Chairman

Theodore A. (Ted) Reckwerdt -
Vice-Chairman

Betty Goodacre - Sec./Treas.

Carol Morris - Fire Commissioner

Joseph Schmid - Fire Commissioner

FIRE CHIEF

Mike Becker

Mr. Joseph M. McHarris
McHarris Planning and Design
11338 Bonita Beach Rd. Suite 103
Bonita Springs, Fl. 33135

Re: San Carlos Island-Letter of Availability

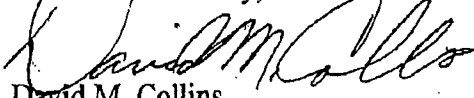
Dear Mr. McHarris:

I am writing this letter to inform you that the Ft. Myers Beach Fire Control District has adequate Fire and EMS. Services to cover your proposed project.

May I suggest that consideration be given to fully sprinkle all buildings considered in this project.

If I can be of further assistance to you please feel free to contact me at 239-463-6163 ext. 226

Yours in Fire Safety,


David M. Collins,
Fire Marshall.

"Providing Tomorrows Quality Service Today"

Phone (239) 463-6163 • FAX (239) 463-6761



11338 Bonita Beach Road, Suite 103

Bonita Spring, Fl

239-948-6688

Project: San Carlos Island
Case: CPA2007-00051
Strap: 19-46-24-00-00022.0010
Re: Natural Resources comments

Dear Steve and Matt

Thank you for your time and attention to this matter. We are please to amend and clarify issues and/or comments that you had. Please find below your comments in *italic* and our response in **bold**. Should you have any additional comments or questions please contact our office.

General

County Comment: The Table of Contents specifies Attachment J as Layout Plan. That appears to be missing.

Response: Attachment J is missing and the table of contents has been updated

County Comment: Where is the documentation of ownership or other justification for including the submerged lands in the proposed amendment?

Response: Please see the deeds that have been provided along with the survey that we have attached as part amendment showing ownership.

County Comment: I assume that someone will be commenting on the traffic issues relative to the plans to construct an additional bridge as well as the adequacy of the existing road given the proposed changes. As a user of the county owned facility on San Carlos Island, we potentially are impacted by these issues as are our existing tenants.

Response: *We are working on several cross sections for Main Street and will provide them as soon as they are done.*

County Comment: While perhaps immaterial to the project details, I note that the reference on page 1 of Attachment B-2b indicating that the submerged lands were created by Hurricane Donna is incorrect.

Response: *You are correct and we have deleted the reference to Donna*

County Comment: Is the increased year round occupancy in the coastal high hazard area consistent with the Comprehensive Plan?

Response: *Many of the habitants already use their facility for year round occupancy. The stated goals for 105 and 110 in the current Plan provide for mitigation to minimize future loss of life and property in the coastal High Hazard Areas. The existing conditions if allowed to stay the same are likely candidates for losses due to a natural disaster. This plan proposes to remedy the situation by building out of the flood zone, building to current standards or exceeding them and by providing other elements that mitigate future loss of life and property. We are also proposing a refuge of last resort should someone get caught unaware of the danger. Please also see our indebt response to this question in our letter to SWFPC which will further clarify the question as it relates to the Comprehensive plan.*

County Comment: The assertion that the marine industrial uses are incompatible with the adjacent uses seems inconsistent with the reported 70 year marine industrial history of the island. Please explain.

Response: *We have clarified this statement to include the following additional information to this document. The Industrial lands designation north of Main Street, the one sandwiched between and located in the middle of the trailer parks is the one that we are asserting is incompatible with the adjacent properties. This property is and should clearly be residential in nature.*

Our other assertion is that the properties south of Main Street have been developing over the last decade as something other than industrial marine. It is with this type of development that we see potential expansion for the property while preserving water dependent uses.

We have not suggested any other pattern for the rest of the island. This comprehensive plan is only for the properties as noted and will help the other areas of the island. This plan does not take out water-dependent uses, but incorporates them into a mixed use development to help with the long term viability of the project and surrounding area.

Additionally we have provided a component (POLICY XX.5.3) as part of this comprehensive plan to educate and provide information to recreational boaters and other users of the area, such as tourists, regarding harbor safety and public health, maritime history of the area,

uses of the harbor/gulf area, natural resources, or other information that increases public awareness of areas heritage and unique habitats.

County Comment: Attachment G states that the plan “provides a mechanism to mitigate submerged land”. What does that mean?

Response: *The submerged lands at this time are in a state of limbo, this plan will provide for a resolution to the problem at hand and the future of how these lands can be used.*

Water Dependency

County Comment: The site concept plan appears to be a major departure from the marine industrial and other water dependent uses presently specified for this area. Please describe how the features other than the existing marina and cruise boat are dependent upon water access.

Response: *Please remember that this comprehensive plan is for the properties noted and not for the whole island. I would disagree with your comment as the land in question has already been developing in a manner that is not purely Marine industrial. The property as exists today is more consistent with the proposed amendment than just marine industrial. The property has been developed with water dependent uses and will continue with a mixed use component that will provide economic support for the surrounding water dependent uses. These uses will include but are not being limited to... .. a marina, Fish house/restaurants, Boat repair, Marine craft or marine equipment sales, charter fishing offices, seafood market (wholesale and retail), mooring areas, commercial and recreational fishing operations, water taxis/ferry landings, yacht clubs, Boat/ cruise terminals, marine based tourism facilities/ environmental tours, Retail trade facilities, boat yards, Port facilities with cruise ships, light shipping and various other support facilities for waterborne commerce and recreation to name a few.*

County Comment: The reported demise of the shrimping industry is used as a justification for this project. When the subject property was last engaged actively in shrimp harvest operations?

Response: The last shrimp activity on these properties was over ten years ago and ended with the closing and demolition of the canning facility. If the amendment is approved there are opportunities within this plan to bring back some elements limited elements like wholesale and retail markets for the existing fleets while providing education on Florida's wild shrimp and how it is different than the foreign farm raised.

County Comment: What objective information supports the assertion that shrimping and other commercial fishing is no longer viable in this area?

Response: Shrimping/Fishing like it use to be in the area with 50 plus or minus boats, simply does not exist today because it is not economically viable at this scale. We are not saying that a small fleet serving the local area and tourist is out of the question and is more than likely what is happening today and will continue in the future. This project will support fishing by providing additional markets for their catches which will be incorporated into this project.

County Comment: The information in Attachment J discusses the importance of the shrimping industry and recent increases in sales as a response to state marketing efforts. This would suggest that the remaining areas supporting this industry should be protected not eliminated.

Response: Our point exactly. This comprehensive plan is for a portion of the island that is has not been dependant on fishing for some time (over ten years); it is not an amendment for the whole island. This project will bring additional opportunities and markets for the remaining industry and will help with their survival. The states advertising has been directed at the upper end market of shrimp consumption of which this amendment is consistent with. What better way to protect the existing market than providing new markets right next to the source.

County Comment: Even if the assertion that commercial fishing is no longer viable is accurate, why are other water dependent marine industrial uses not considered important or viable for this location? For example, how would the conversion of this property impact the county legislative requirements to preserve working waterfront or the need for boatyards or similar service facilities for large recreational and commercial vessels?

Response: *The Comprehensive Plan Amendment for this property will bring in the much needed new/expanded waterfront industries to the islands existing infrastructure, by replacing the greatly reduced shrimp/fishing industry with a mixed use water-dependant development on the properties noted. This amendment is not intended for the whole island. The potential for this project to bring visitors to the island coupled with larger recreational boats, additional chartered boats for fishing excursions, additional routes for cruise type ships, restaurants and retail shops for local catches, to be eaten on site, bought for local consumption or shipped to someone's home will help the rest of the island struggling waterfront by creating opportunities that are not there today. With these there will be additional needs for new and existing support services on the island, such as the remaining fishermen, who are struggling today, boat repairs especially of larger boats and other water related industries. The fishermen will have additional markets to sell their catches too. The existing Marine ship yards and similar water front service facilities will have more boats to work on hopefully insuring their future success for all.*

County Comment:

The changes as proposed seem inconsistent with Goals 8, 12, 121, 122, 128, and 158 of the Comprehensive Plan.

Response:**Goal 8: Marine Oriented Uses**

These Water Dependent uses for the project will include but are not limited to..... marinas, Fish house/restaurants, Boat repair, Marine craft or marine equipment sales, charter fishing offices, seafood markets, mooring areas, commercial and recreational fishing operations, water taxis/ferry landings, yacht clubs, marine-based tourism facilities/environmental tours, Retail trade facilities, boat yards, Port facilities with cruise ships, light shipping and various other support facilities for waterborne commerce and recreation to name a few.

Goal 12: San Carlos Island

This amendment carries the spirit of Goal 12 while enhancing the viability of success to the project that cannot be done without a comprehensive plan amendment. We are locating the water-dependent uses along the shore while providing the housing in the middle, just like Goal 12 suggests. This amendment will manage growth and redevelopment on the island in a manner that will enhance the areas quality of life and public and private infrastructure thru the use of Building and landscape standards along with a comprehensive master concept plan. . This project starts with the vision and then defines it. The improvements to the island will include open space, water retention, Bike and walking paths, green space, public access to the water, better parking to name a few, where little or none exist today.

Goal 121: Fisheries Management

The new watershed approach will be directed at restoring and protecting coastal water quality. In particular, appropriate management measures will control polluted runoff which is a major issue with the current system.

The submerged lands issue will be resolved in a manner that is good for everyone including the environment.

Goal 122: Commercial Fishing

This project will provide new markets for the existing commercial fishermen which is a stated goal of policy 122.1.3 of the Lee Plan.

Goal 128: Shoreline Management

The areas along the shoreline will be utilized for water-dependent uses with open access to the public. Interspaced within this area will be programmed amenities to enhance and protect water-dependent uses while blending water related uses.

Goal 158: *This amendment is design to maintain a diversified and stable economy by providing employment opportunities, maintaining and improving the quality of life*

while preserving and enhancing the foundations of the counties existing retirement, recreation, tourist and cultural heritage of the island. This amendment will provide Lee County with a competitive position to enable retention and expansion of these and other business opportunities with a world class facility like the one proposed.

Resource Impact Issues

County Comment: The drawing and text refer to significant expansion of docks along the northern project shoreline. What are the seagrass and depth conditions in the proposed docking area and ingress and egress pathways?

Response: *We have engaged in a Seagrass and Depth conditions for the proposed docking area and the ingress and egress pathways. We will provide this under separate cover as soon as it is completed.*

County Comment: Has a review been completed for consistency with the Lee County Manatee Protection Plan?

Response: *The south portions of the property have had approvals for their Manatee Protection Plan. We are working on the northern Manatee plans now and will provide them when completed.*

County Comment: Operational details would be necessary to comment on the appropriateness of a water taxi.

Response: *A water taxi is a must to provide alternative means of access should someone want to go the beach. It is important to note that there has been several project on Fort Myers Beach that have requested a Water Taxi location in there rezoning . The three that I am personally familiar with are the ones at SnookBight Marina, Tops, and Snug Harbor. We have included with this text amendment language that provides for a water taxi that would be used by the resort to shuttle passenger to and from Fort Myers Beach. See revised text amendment Objective xx.7: incorporation and utilization of multimodal and alternative modes of transit.*

Thanks again for your review and should you have any questions or comments regarding our responses please contact my office or email me.

With regards


Joe McHarris

Old San Carlos Island-Comp Plan Amendment

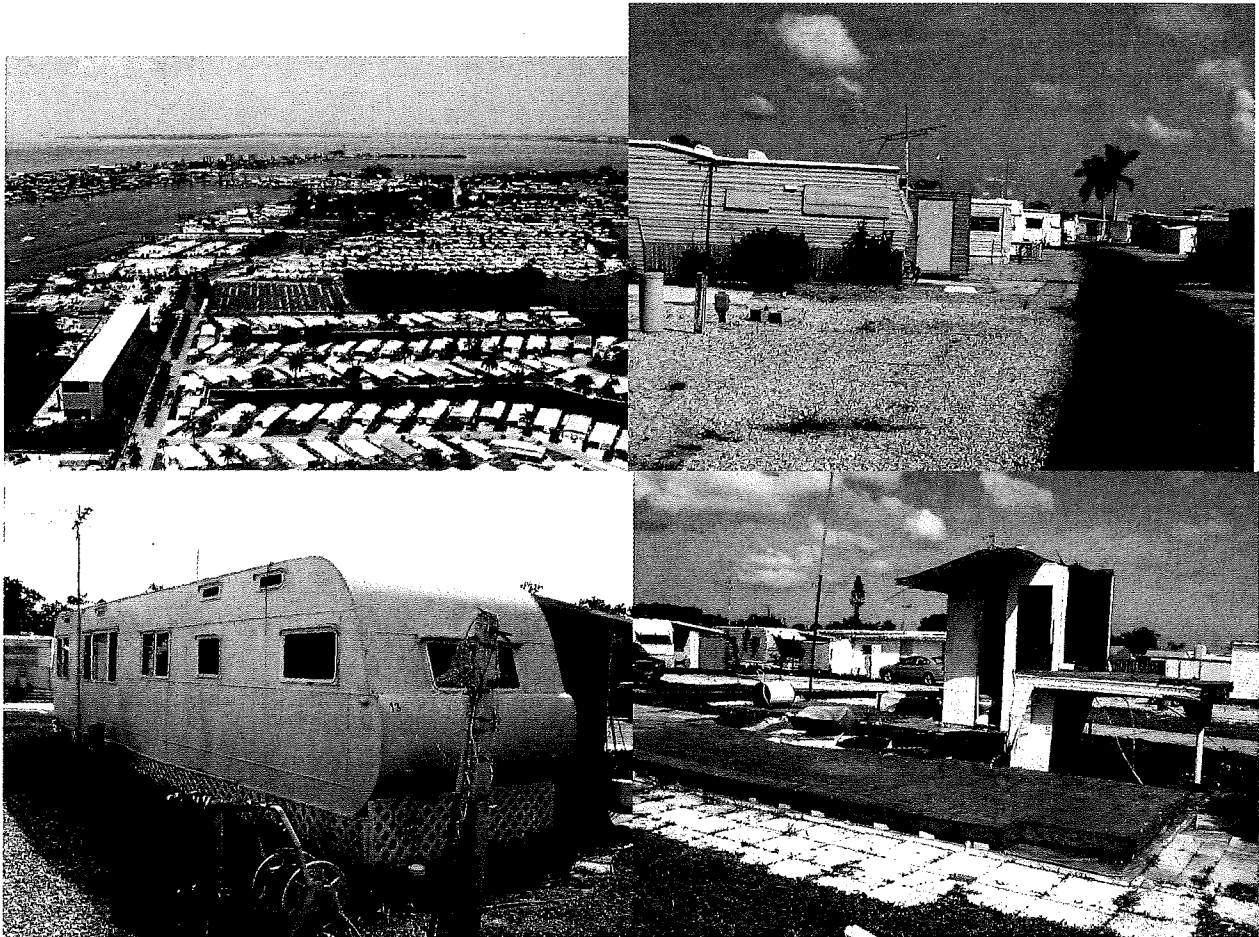
Lee County Comprehensive Plan Amendment

Summary of Request

Old San Carlos Island-Comp Plan Amendment

History of Request

The RV park consists of 271 units with many of the units 40 years or older. The increase in property taxes has increased the annual rents almost out of reach for many seasonal residents. It most also be noted that increase in rents have not been for additional profit, but only used to pass along the increases to offset losses. Where the rents have gotten out of reach for residents a few have abandon the units leaving additional cost to the owners.

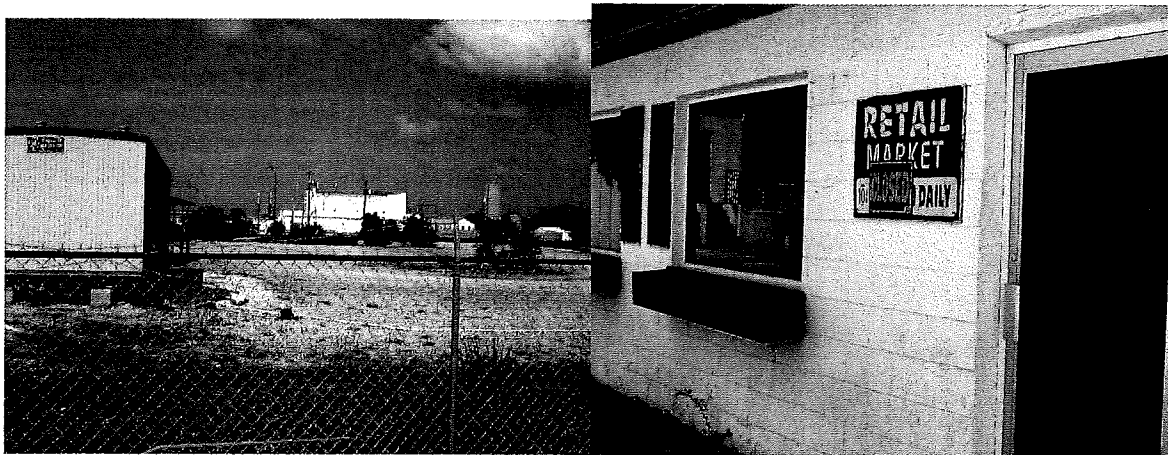


The commercial shrimp/fishing industry and the supporting industries have been declining over the past decade due in part to cheap imports, additional regulations, fuel cost and property tax increases. The fleet is a mere fraction of what it used to be and is not a viable choice for most anymore. The property requesting the amendment is not for the whole island but for an area of the island that has not been engage in the commercial shrimp business to any degree for over a decade.

The island is divided on the south end of the island by Main Street and for the most part has residential on one side with industrial/ commercial type facilities on the other. Currently there is a parcel in the middle of the "residential" area that is zoned industrial and is out of character with the rest of the properties in this area. Additionally the industrial / commercial properties in this request have not seen any real

Old San Carlos Island-Comp Plan Amendment

commercial fishing in more than a decade. They have been allowed to develop more in a manner like this Comprehensive Plan Amendment than its FLU. It is issues like these that this amendment will correct for the properties that are being requested for in the plan.



Old San Carlos Island-Comp Plan Amendment

Summary of Request

This Lee Plan Application is a result of three major issues that have impacted the small island over the last decade. The first is the decline of the local shrimping industry that has created a vacuum for in the island identity and prospects for the future. This amendment will provide opportunities for the surviving local commercial shrimping industry and their support service with increased markets for their products and services. The second is the increase in the property taxes that have made the mobile home parks too expensive for many seasonal and full time residents and creating a need for alternative uses for the property. The third reason are the existing land uses that are not consistent with the Comprehensive plan for Lee County and the Future land uses that are not consistent with the economic situation of the island and the reality of commercial fishing in this area. An example of this is the Industrial lands designation north of Main Street which is sandwiched between and located in the middle of two trailer parks. This amendment does not include the entire island as there would be no viable means to gain consensus on such a large area with hundreds of property owners. What this request does is to pull together two of the island largest land owners with contiguous property to create a large enough land mass in order to rejuvenate an area in decline. This amendment would also allow other properties to op into this land designation if they want to as long as they are contiguous or meet the requirements for the designation. This application contains the following two requests:

- 1 A map amendment
- 2 Text amendment to allow a separate zoning district for the area in the request

The amendment should be approved for the following reasons:

- 1 The amendment is in conformance with the recommendation of the existing Lee Plan acknowledging the need for amendments to the area. See Vision Statement, Iona McGregor ... "Residents of this community will address current planning concerns in a comprehensive review of this area and future amendments to this plan will be made to address these concerns".
- 2 Doing nothing will cause further decline to an area that is struggling with outdated industries and land uses that do not mix well and do not take into account or reflect the unique qualities for the area.
- 3 The proposed text changes will allow and provide the mechanism for the redevelopment of a valuable and underutilized resource for the county and the island for its future economic benefits
4. This proposal is a result of sound planning practice that take into account the unique aspects of the property, its surrounding neighbor and its rich history. Before one word were put done to paper, a vision for the property was developed though multiple generations of schematic concepts and conceptual images, discussions of economic issues, environmental needs and many more. Once this vision was established, we then put pen to paper to create an amendment that achieves this vision and can be tested against this vision time and time again.

Old San Carlos Island-Comp Plan Amendment

Lee County Comprehensive Plan Amendment

Consultant Team

Old San Carlos Island-Comp Plan Amendment

Project Manager/ Design and Planning

Joseph M. McHarris

McHarris Planning and Design
11338 Bonita Beach Road
Suite 103 Bonita Springs FL 3413

Phone: (239) 948-6688
Fax: (239) 948-6689
Email: Joe@mcharris.com

Legal Consultant

Matthew D. Uhle

Attorney At Law
Knott, Consoer, Ebelini, Hart & Swett, P.A.
239-334-2722
MUhle@knott-law.com

Civil Engineering

Drew Fitzgerald, P.E.

DeLisi Fitzgerald, Inc.
1500 Royal Palm Square Boulevard, Suite 101
Fort Myers, FL 33919

P: (239) 418-0691
F: (239) 418-0692

Traffic

Rob L. Price, P.E.

TR Transportation Consultants, Inc
13881 Plantation Road, Suite 11,
Fort Myers, FL 33912

Phone: (239) 278-3090
Fax: (239) 278-1906
Email: tbt@trtrans.net

Environmental

David Anthony Ecologist

Passarella and Associates Inc
9110 College Point Court
Fort Myers, FL 33919
DavidA@Passarella.net

Old San Carlos Island-Comp Plan Amendment

Comprehensive Plan Amendment Application

Lee County Application

Old San Carlos Island-Comp Plan Amendment

Lee County Board of County Commissioners
Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: (239) 479-8585
FAX: (239) 479-8519

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D _____
APPLICATION FEE _____

REC'D BY: _____
TIDEMARK NO: _____

THE FOLLOWING VERIFIED:
Zoning _____

Commissioner District _____

Designation on FLUM _____

(To be completed by Planning Staff)

Plan Amendment Cycle: Normal ___ Small ___ Scale ___ DRI ___ Emergency ___

Request No: _____

APPLICANTS PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: _____

Submit **6** copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Additional copies may be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

September, 27, 2007

DATE

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

Old San Carlos Island-Comp Plan Amendment

I. APPLICANT/AGENT/OWNER INFORMATION

McHarris Planning and Design

APPLICANT

11338 Bonita Beach Road, Suite 103

ADDRESS

Bonita Springs FL 34135

CITY STATE ZIP

239.948.6688

TELEPHONE NUMBER

239.948.6689

FAX NUMBER

Joseph M. Mcharris of Mcharris Planning and Design

AGENT*

11338 Bonita Beach Road, Suite 103

ADDRESS

Bonita Springs FL 34135

CITY STATE ZIP

239.948.6688

TELEPHONE NUMBER

239.948.6689

FAX NUMBER

OWNER(s) OF RECORD **See attachment III A**

ADDRESS

CITY STATE ZIP

TELEPHONE NUMBER

FAX NUMBER

OWNER(s) OF RECORD **See attachment III A**

ADDRESS

CITY STATE ZIP

TELEPHONE NUMBER

FAX NUMBER

Name, address and qualification of additional planners, architects, engineers, environmental consultants, and other professionals providing information contained in this application.

* This will be the person contacted for all business relative to the application.

Old San Carlos Island-Comp Plan Amendment

II. REQUESTED CHANGE (Please see Item 1 for Fee Schedule)

A. TYPE: (Check appropriate type)

Text Amendment **X**

Future Land Use Map Series Amendment **X**
(Maps 1 thru 21)

List Number(s) of Map(s) to be amended
(Maps 1 thru 21)

B. SUMMARY OF REQUEST (Brief explanation):

See attached "Summary of Request"

III. PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY

(For amendments affecting development potential of property)

A. Property Location:

1. Site Address: **See attachment IIIA "Strap Numbers/Addresses"**

2. STRAP(s): **See attachment IIIA "Strap Numbers/Addresses"**

B. Property Information

Total Acreage of Property: **76.25 acres**

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

Area of each Existing Future Land Use Category:

Total Uplands: **32.18 acres**

Total Wetlands: **0**

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

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

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

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

C. State if the subject property is located in one of the following areas and if so how does the proposed change affect the area:

Lehigh Acres Commercial Overlay: **N/A**

Acquisition Area: **N/A**

Joint Planning Agreement Area (adjoining other jurisdictional lands): **N/A**

Community Redevelopment Area: **San Carlos Island Water-Dependent Overlay Zone**

D. Proposed change for the Subject Property: **Creation of a New Land Use Category that reflects the history and needs of the property. This will be done thru a text and map amendment**

Old San Carlos Island-Comp Plan Amendment

E. Potential development of the subject property:

1. Existing today

RV Units: **271 units on 14.83 acres of uplands for a density of 18.27 units per acre, or 36.05 acres of upland and submerged lands for a total density of 7.52 units per acre**

Live aboard: **127-250 units**

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

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

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

2. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density: **152 units**

Live a board: **600 units**

Commercial intensity: **O**

Industrial intensity: **145,000 square feet**

Boat storage: **500**

3. Calculation of maximum allowable development under existing overlay:

Residential Units/Density: **152**

Live a board: **600 units**

Commercial intensity: **O**

Marine Industrial intensity: **125,000**

Marine Support facilities: **20,000**

Boat storage: **500**

4. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density: **+/- 271 units for a density of 9.36 units per total acres of uplands Live aboard: 110**

Mixed Use commercial intensity: **350 unit hotel +/- 100 timeshares with associated amenities, marina uses with 500 boat storage building and amenities, office, civic uses and 98,000 square feet of commercial**

Industrial intensity: **(O)**

IV. AMENDMENT SUPPORT DOCUMENTATION

At a minimum, the application shall include the following support data and analysis. These items are based on comprehensive plan amendment submittal requirements of the State of Florida, Department of Community Affairs, and policies contained in the Lee County Comprehensive Plan. Support documentation provided by the applicant will be used by staff as a basis for evaluating this request. To assist in the preparation of amendment packets, the applicant is encouraged to provide all data and analysis electronically. (Please contact the Division of Planning for currently accepted formats)

Old San Carlos Island-Comp Plan Amendment

A. General Information and Maps

NOTE: For each map submitted, the applicant will be required to provide a reduced map (8.5"x 11") for inclusion in public hearing packets.

The following pertains to all proposed amendments that will affect the development potential of properties (unless otherwise specified).

1. Provide any proposed text changes.

(See Attachment 1-A)

2. Provide a Future Land Use Map showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.

(See Attachment 2-A)

3. Map and describe existing land *uses* (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes.

(See Attachment 3-A)

4. Map and describe existing zoning of the subject property and surrounding properties.

(See Attachment 4-A)

5. The legal description(s) for the property subject to the requested change.

(See Attachment 5-A)

6. A copy of the deed(s) for the property subject to the requested change.

(See Attachment 6-A)

7. An aerial map showing the subject property and surrounding properties.

(See Attachment 7-A)

8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

(See Attachment 8-A)

B. Public Facilities Impacts

NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario (see Part II.H.).

1. Traffic Circulation Analysis

The analysis is intended to determine the effect of the land use change on the Financially Feasible Transportation Plan/Map 3A (20-year horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit the following information:

Old San Carlos Island-Comp Plan Amendment

Long Range – 20-year Horizon:

- a. Working with Planning Division staff, identify the traffic analysis zone (TAZ) or zones that the subject property is in and the socio-economic data forecasts for that zone or zones;
- b. Determine whether the requested change requires a modification to the socio-economic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socio-economic forecasts (number of units by type/number of employees by type/etc.);
- c. If no modification of the forecasts is required, then no further analysis for the long range horizon is necessary. If modification is required, make the change and provide to Planning Division staff, for forwarding to DOT staff. DOT staff will rerun the FSUTMS model on the current adopted Financially Feasible Plan network and determine whether network modifications are necessary, based on a review of projected roadway conditions within a 3-mile radius of the site;
- d. If no modifications to the network are required, then no further analysis for the long range horizon is necessary. If modifications are necessary, DOT staff will determine the scope and cost of those modifications and the effect on the financial feasibility of the plan;
- e. An inability to accommodate the necessary modifications within the financially feasible limits of the plan will be a basis for denial of the requested land use change;
- f. If the proposal is based on a specific development plan, then the site plan should indicate how facilities from the current adopted Financially Feasible Plan and/or the Official Trafficways Map will be accommodated.

Short Range – 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
- b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;

Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);

Old San Carlos Island-Comp Plan Amendment

c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;

d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

2. Provide an existing and future conditions analysis for:

a. Sanitary Sewer **(See Attachment B-2a)**

b. Potable Water **(See Attachment B-2a)**

c. Surface Water/Drainage Basins **(See Attachment B-2b)**

d. Parks, Recreation, and Open Space. **(See Attachment B-2c)**

Analysis should include (but is not limited to) the following:

- Franchise Area, Basin, or District in which the property is located;
- Current LOS, and LOS standard of facilities serving the site;
- Projected 2020 LOS under existing designation;
- Projected 2020 LOS under proposed designation;
- Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and

• Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).

3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:

a. Fire protection with adequate response times; **(See Attachment B-3a)**

b. Emergency medical service (EMS) provisions; **(See Attachment B-3b)**

c. Law enforcement; **(See Attachment B-3c)**

d. Solid Waste; **(See Attachment B-3d)**

e. Mass Transit; and **(See Attachment B-3e)**

f. Schools. **(See Attachment B-3f)**

In reference to above, the applicant should supply the responding agency with the information from Section's II and III for their evaluation. This application should include the applicant's correspondence to the responding agency.

Old San Carlos Island-Comp Plan Amendment

C. Environmental Impacts

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed use upon the following:

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS). **(See Attachment C-1)**
2. A map and description of the soils found on the property (identify the source of the information). **(See Attachment C-2)**
3. A topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA). **(See Attachment C-3)**
4. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands. **(See Attachment C-4)**
5. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map). **(See Attachment C-5)**

Old San Carlos Island-Comp Plan Amendment

D. Impacts on Historic Resources

List all historic resources (including structure, districts, and/or archeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties. **(See Attachment D-1)**
2. A map showing the subject property location on the archeological sensitivity map for Lee County. **(See Attachment D-2)**

E. Internal Consistency with the Lee Plan **(See Attachment E)**

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.
4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

Old San Carlos Island-Comp Plan Amendment

F. Additional Requirements for Specific Future Land Use Amendments (See Attachment F)

1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from)
 - a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
 - b. Provide data and analysis required by Policy 2.4.4,
 - c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.
 2. Requests moving lands from a Non-Urban Area to a Future Urban Area
 - a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and
 3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.
 4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.
- G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis. (See Attachment G)

Item 1: Fee Schedule	Map Amendment Flat Fee
Map Amendment > 20 Acres	
Small Scale Amendment (10 acres or less)	
Text Amendment Flat Fee	

\$2,000.00 each
\$2,000.00 and \$20.00 per 10 acres
\$1,500.00 each
\$2,500.00 each

Old San Carlos Island-Comp Plan Amendment

AFFIDAVIT

I, Joseph M. McHarris, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

[Signature]
Signature of owner or owner-authorized agent Date

Joseph M. McHarris
Typed or printed name

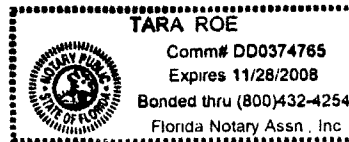
JOSEPH MCHARRIS

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 4 day of SEPTEMBER 2007, by JOSEPH MCHARRIS, who is personally known to me or who has produced _____ as identification.

[Signature]
(SEAL) Signature of notary public

TARA ROE
Printed name of notary public



Old San Carlos Island-Comp Plan Amendment

Lee County Comprehensive Plan Amendment

Strap Numbers/Addresses

Old San Carlos Island-Comp Plan Amendment

19-46-24-00-00022.0010

HANSON MARINE PROPERTITES INC
SALTY SAMS MARINA
2500 MAIN ST
FORT MYERS BEACH FL 33931(material testing)

19-46-24-00-00023.0020

WISCONSIN DISTRIBUTORS INC
2500 MAIN ST
FORT MYERS BEACH FL 33931(boat storage)

19-46-24-00-00022.0000

WISCONSIN DISTRIBUTORS INC
2500 MAIN ST
FORT MYERS BEACH FL 33931(ss bar)

19-46-24-00-00021.001A

HANSON MARINE PROPERTIES INC
2200 MAIN ST
FORT MYERS BEACH FL 33931(PK)

19-46-24-00-00021.0070

OYSTER BAY LAND CO
BOB BEASLEY
1711 MAIN ST
FORT MYERS BEACH FL 33931 (water)

19-46-24-00-00021.0040

OYSTER BAY LAND CO
BOB BEASLEY
1711 MAIN ST
FORT MYERS BEACH FL 33931(3/3)

Old San Carlos Island-Comp Plan Amendment

19-46-24-00-00021.0020

OYSTER BAY LAND CO
BOB BEASLEY
1711 MAIN ST
FORT MYERS BEACH FL 33931(2/3)

19-46-24-00-00021.0000

OYSTER BAY LAND COMPANY
BOB BEASLEY
1711 MAIN ST
FORT MYERS BEACH FL 33931

19-46-24-00-00021.0010

EBB TIDE RV PARK LLC
2500 MAIN ST
FORT MYERS BEACH FL 33931(1/2)

19-46-24-00-00021.000A

EBB TIDE RV PARK LLC
2500 MAIN ST
FORT MYERS BEACH FL 33931(2/2)

19-46-24-00-00021.0030

OYSTER BAY LAND CO
BOB BEASLEY
1711 MAIN ST
FORT MYERS BEACH FL 33931

19-46-24-00-00021.0050

OYSTER BAY LAND CO
BOB BEASLEY
1711 MAIN ST
FORT MYERS BEACH FL 33931

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19-46-24-00-00021.003A

OYSTER BAY LAND CO
BOB BEASLEY
1711 MAIN ST
FORT MYERS BEACH FL 33931

San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment A-1

Proposed Text Changes

San Carlos Island-Comp Plan Amendment

GOAL XX: DESTINATION RESORT MIXED USE WATER DEPENDANT (DRMUWD). To establish a land-use category that considers the uniqueness of water dependant land, with existing antiquated zoning and out-dated uses that will provide a mechanism to create an attractive, functioning mixed use destination resort through well planned redevelopment.

OBJECTIVE XX.1: To ensure that Destination Resort Mixed Use Water Dependant categories are located in the most appropriate areas.

POLICY XX.1.1: These areas can best be characterized by their proximity to the water and need for redevelopment due to changes in the market and outdated development patterns. By virtue of their proximity to navigable water and availability of public services, these location are suited to accommodate a mixture of uses that range between residential, resort, commercial and industrial type activities that all benefit from access to the water front. As Lee county moves toward being a larger metropolitan area and a world class destination these types of developments can offer a diverse living, working and vacationing experience that benefits the entire area while being environmentally friendly and economically viable. The density ranges from 6 dwelling units per acre to 10 dwelling units per acre. Residential densities in developments that include commercial and residential uses in the same project or same building may be developed as provided for under the Glossary terms: "Mixed Use," "Mixed Use Building," and "Density." Hotel, timeshare, and hotel-condos units will not be counted as residential, but will be treated as transitory lodging for DRMUWD projects.

POLICY XX.1.2: Destination Resort Mixed Use Water Dependent location criteria:

1. Located in areas characterized by predominantly outdated RV type living facilities meant for temporary habitation without individual type land ownership and depressed/underutilized water dependent waterfronts.
2. Located in areas characterized as predominantly impacted by a declining water dependant industry like commercial fishing or other and with a minimum of 8 acres of contiguous lands under unified control.
3. Located within costal wind zone areas depicted as 100 Year Flood Plains, as illustrated on Map 9 of the Lee Plan.
4. Located in areas with direct access to existing roadways and navigable bodies of water.
5. Located in an area with multiple zoning districts that may not be compatible with each other.

San Carlos Island-Comp Plan Amendment

POLICY XX.1.3: Destination Resort Mixed Use Water Dependant land use category will only be allowed, subject to the other requirements of these Goals, and in the areas as defined by the location criteria.

OBJECTIVE XX.2: GROWTH MANAGEMENT. Development of Mixed Use Water Dependant Facilities areas must be consistent with the growth management principles and practices as provided in the following policies.

POLICY XX.2.1: Developments in this land use category will use the Mixed Use Planned development zoning category

POLICY XX.2.2: Destination Resort Mixed Use Water Dependant land Use location must have adequate fire protection, transportation facilities, wastewater treatment and water supply, and provided that they have no adverse effects such as noise, lighting, or odor on surrounding land uses and natural resources.

POLICY XX.2.4: Adjacent contiguous properties may be added to the category with an update to the map and amendment to the overall existing master plan. All existing and/or new developments shall be under unified control for common areas

POLICY XX.2.5: Applications for Destination Resort Mixed Use Water Dependant Facilities development will be reviewed and evaluated as to their impacts on, and will not negatively affect, any adjacent, existing residential, commercial or conservation activities.

POLICY XX.2.6: Destination Resort Mixed Use Water Dependant land use- will be included in the Lee County Land Development Code and may be the subject of deviation requests during the "planned development" rezoning process. This provision is intended to encourage joint use of parking, access easements, and storm-water retention facilities where such joint use does not negate the essential purpose of the district.

POLICY XX.2.7: The maximum height for buildings is 180 feet. Buildings that utilize multiple stories of enclosed parking under the residential or hotel use may add up to an additional 50 feet of building height, up to a maximum of 230 feet.

San Carlos Island-Comp Plan Amendment

OBJECTIVE XX 3: COMMERCIAL LAND USES. This amendment recognize the unique conditions and preferences of Destination Resort Mixed Use Water Dependant lands and is being developed to ensure that new development areas create a unified and pleasing aesthetic/visual quality through landscaping, architecture, lighting and signage, while providing additional employment opportunities, and eliminating uses that are not compatible with the adjacent 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 redevelopment for the areas with increased mixed use opportunities to service the needs of the 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 Old Florida or other Florida Vernacular styles of architecture and the historic identity of the area.

POLICY XX.3.1: The property owners of lands designated DRMUWD shall utilize innovative open space design, mixed use concept that integrate well designed pedestrian/bicycle connections to commercial and, locations on or a walk-able distance to mass transit service.

POLICY XX.3.2: The cost for the provision and expansion of facilities for potable water and sanitary sewer that benefits development in the Amendment area will be borne by those who benefit. Such funding may include (but is not limited to), impact fees, special taxing or benefit districts, or Uniform Community Development Districts.

POLICY XX.3.3: The cost for the provision and expansion of facilities necessary to comply with the recommendations of the amendment that benefits development will be borne by those who benefit. Such funding may include (but is not limited to) impact fees, special taxing or benefit districts, or Uniform Community Development Districts

POLICY XX.3.4: The DRMUWD is an area which provides the associated support development and synergism to create a viable mixed use destination type development with water dependant uses as part of the mix. This land use allows a mixture of land uses related to and justified by the development. Predominant land uses within this area are expected to be residential, commercial, transitory lodging, office, public, recreation, and development all with a water related uses. The following is a list of water dependant uses that will be allowed within the development.

Water related Permitted Uses:

San Carlos Island-Comp Plan Amendment

1. Aids to navigation
2. Bait and tackle shops
3. Boat launch and or moorage facilities, Marina, and boat charter services
4. Communication facilities essential to service water dependant uses.
5. Facilities for refueling and providing other services for boats, ships and related marine equipment
6. Laboratory research on marine/estuarine products and resources and physical and biological characteristics of the estuary.
7. Marine related specialty shop
8. Office in conjunction with a permitted or conditionally permitted use
9. Public waterfront access
10. Research and education observation
11. Storage of Marine equipment
12. Stores for sale and rental of marine supplies and equipment
13. Utilities
14. Wholesale and retail markets for marine estuarine products
15. Grocery store/ships store
16. Restaurants
17. Processing of seafood in conjunction with retail sales operation
18. Boat repair and building
19. Boat terminal facilities
20. Uses not listed as permitted but shown to be water dependent or water related by the applicant and approve by the director of Community Development.

POLICY XX 3.5: The following uses are prohibited within the DRMUWD:

- Drive thru facilitates
- Big box retailers and single free standing retail facilities greater than 20,000 square feet.

San Carlos Island-Comp Plan Amendment

POLICY XX.3.6: Commercial developments must provide interconnection opportunities with adjacent 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.

POLICY XX.3.7: This amendment mandates that project be developed with a mix of uses with the following outline:

Residential (9.5 units per Acre)

- Residential/Condominiums

Lodging (Maximum 16 units per acre)

- Hotel
- Timeshare
- Hotel-condo
- Hotel accessory uses

Office (Maximum 500 square feet per acre)

- Administration
- Health care
- General
- Personal Services
- Wholesale

Retail (Maximum 3,400 square feet per acre)

- Restaurant(s) (min 5%- max 70%)
- Bar/Cocktail Lounge(s) (min 0% - 30 percent)
- Convenience(s) store (min 1%- max 25%)
- Parking (N/A)
- Laundromat(s) (min 0%- max 10%)
- Personal Services (min 0%- max 35%)
- Retail store(s) (min 0%- Max 60%)

Marine (Maximum 1,000 square feet per acre)

- Marina
- Marina Accessory uses
- Docks
- Dock shuttle (Water taxi)
- Boat storage (17.5 units per acre)
- Live-aboard (3.5 units per acre)
- Transit/Casino/Cruise Terminal
- Charter and Commercial Fishing

San Carlos Island-Comp Plan Amendment

Civic (maximum 500 square feet per acre)

- Essential Services
- Day Care
- Recreational facilities
- Transit Terminal
- Cultural Center
- University Study Center

OBJECTIVE XX.4: RESIDENTIAL USES. This land use category will enhance the character of the area by evaluating adjacent uses, natural resources, access and recreational or open space, and requiring compliance with enhanced buffering requirements.

POLICY XX.4.1: This land use will provide opportunities for public access to the water and shall include provisions for bicyclists/pedestrians. At a minimum one public access easement shall be provided to the waterfront per development.

POLICY XX.4.2: Road capacity improvements needed within the property to serve demands generated outside the community will be designed to minimize the impacts on the community

POLICY XX.4.3: Timeshare units and hotel-condo units will **not** be counted as residential units, but will be treated as transitory lodging.

OBJECTIVE XX 5: COMMUNITY CHARACTER. This land use category will propose regulations, policies and actions affecting the character and aesthetic appearance of the development to help create a visually attractive community while maintain the rich heritage of the area.

POLICY XX.5.1: In order to maintain a Marine identity for the community, commercial developments are shall use vernacular Florida architectural styles for all commercial buildings. The use of Mediterranean styles of architecture is discouraged.

POLICY XX.5.2: In order to preserve/enhance/restore the heritage and natural beauty of the area. This land use category will provide an educational component with the objective of educating the public on its unique quality and rich history and how to protect the area. This will be done with descriptive display, multimedia presentations and other proven means to educate and inform.

OBJECTIVE XX.6: COORDINATION OF MASS TRANSIT. The developer(s) will coordinate with Lee County to ensure consistency with the TDP (Transit Development Plan)

POLICY XX.6.1: Mixed-use developments, as defined in the Lee Land Development Code containing both commercial and residential uses within the same development shall provide for an interconnection of commercial with residential uses with pedestrian linkages. Mixed-use developments will be limited to an overall density of 10 dwelling units per acre at these

San Carlos Island-Comp Plan Amendment

locations. Mixed use Developments that use commercial and residential within the same development shall be allowed to use the entire site for density calculation including restored/preserved borrow pit lands.

POLICY XX.6.2: 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 shall be provided.

POLICY XX.6.3: Vehicular connections between residential and non-residential uses will be provided to facilitate the internal capture of trips. When possible, vehicular connections to adjacent developments will be made to provide alternative access to the non-residential and mixed use components of the development.

POLICY XX.6.4: Water access-Each development shall provide at a minimum one designated public access easement point to the water.

OBJECTIVE XX.7: INCORPORATION AND UTILIZATION OF MULTIMODAL AND ALTERNATIVE MODES OF TRANSIT. The development will establish a comprehensive approach to multimodal and alternative modes of transportation for its residents and guests. These will include, but not be limited to mass transit stops (minimum of one), or shuttle service to a stop, bicycle rental, integrated network of sidewalks and board walks, Airport shuttle services and water-taxi transportation facilities.

POLICY XX.7.1: Each development will establish a water taxi /shuttle service to and from the property. The shuttle will be open to guest, residents and outsiders wanting an alternative access to the water. Hours of operation will be determined based on market conditions but will at a minimum provide three (3) round trips daily.

POLICY XX.7.2: Each development will establish an airport shuttle service to and from the Southwest Florida International Airport and the development. The shuttle services hours of operation will be determined based on market conditions and can either be a fixed route shuttle or a point of demand service type or combination thereof.

POLICY XX.7.3: Where Projects are intersected by public roadways some sort of grade separation may be provided for safe pedestrian and bicycle access between the properties. The purpose of this is to safely move pedestrian and bicycles across the road. Examples of this would involve taking the bicycle/pedestrian facilities up and over the road or involve in taking the road over the pedestrian/bicycles paths.

San Carlos Island-Comp Plan Amendment

POLICY XX.7.4.: As part of any rezoning action, the existing roadways that are adjacent to or run through the project, particularly Main Street, will be evaluated with a cross-sectional analysis to identify needed upgrades of driver and bicycle/pedestrian safety and bus access to and from this property. At a minimum one bus stop will be provided along Main Street to Lee Tran standards or better. Where bicycle/pedestrian upgrades or additions are determined by Lee County to be desirable along Main Street or other area streets, any such improvements on behalf of this property and outside the boundaries of this property will be eligible for road impact fee credits in accordance with the Lee County Land Development Code.

OBJECTIVE XX 8: SERVICE AREA AND EQUIPMENT. The intent of this section is to ensure that service and function areas are planned and designed to have the least amount of impact on the general public and adjacent neighbors. This can be accomplished by providing adequate space and incorporating these elements into the project at an early stage.

POLICY XX 8.1 No materials, supplies, or equipment shall be stored in an area on a site except inside a closed building or behind a suitable barrier so as not to be visible to the general public or to an adjoining site. Loading doors and service areas shall be screened, and/or buffered by landscaping, so as not to be visible from any street or from any adjoining residential site. Adequate area shall be provided on site for all loading and maneuvering of trucks and other vehicles in order that such operations will not be carried out in the street.

POLICY XX 8.2: Screening devices must be of a height at least equal to that of the material or equipment being screened. The design, material, textures, and colors of screening devices shall be architecturally compatible with those of the building and with the landscaping. The design of these elements shall appear seamless with the building and/or landscaping. Frequently, planting material can provide an effective screen offering the same opaqueness of a wall. Plantings should be considered to soften the "hardness" of man-made screens.

OBJECTIVE XX.9: INTERGOVERNMENTAL COORDINATION WITH THE TOWN OF FORT MYERS BEACH. Due to the unique location and proximity to the town of Fort Myers Beach the development will commit to working with the town to propose and resolve concerns.

POLICY XX.9.1: The developer will set up and coordinate a dialogue with the town to review parking and access issue during the Development order process.

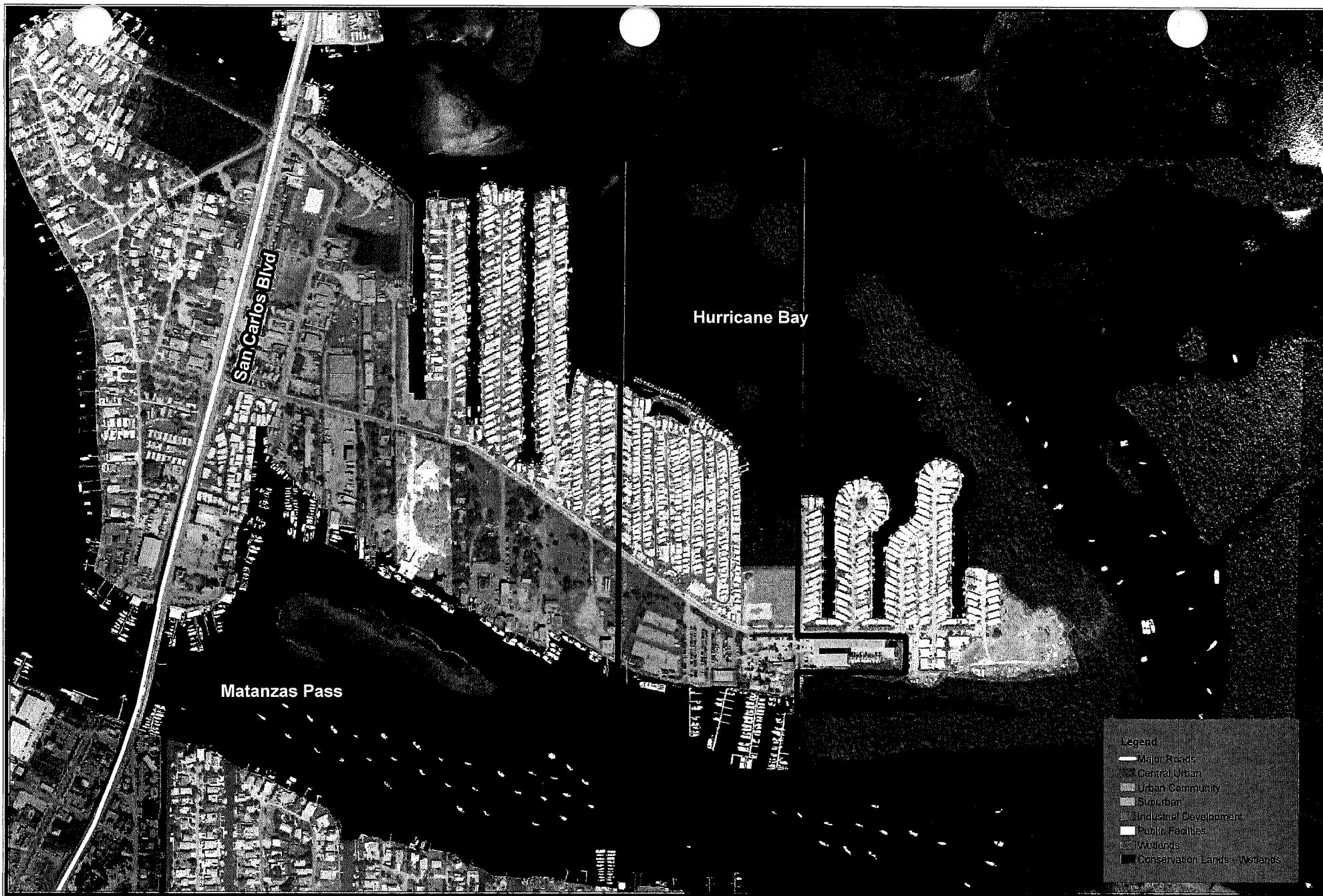
POLICY XX.9.2: The developer will provide a liaison to any harbor planning committee to coordinate activities in and around the Harbor

Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment A-2

Future Land Use Map



FUTURE LAND USE

EBBTIDE

GENERAL NOTE:

THIS MAP IS FOR REFERENCE ONLY. DATA PROVIDED IS BASED ON AVAILABLE INFORMATION AND IS NOT A GUARANTEE OF ACCURACY.

DELISI FITZGERALD, INC.

Planning - Engineering - Project Management

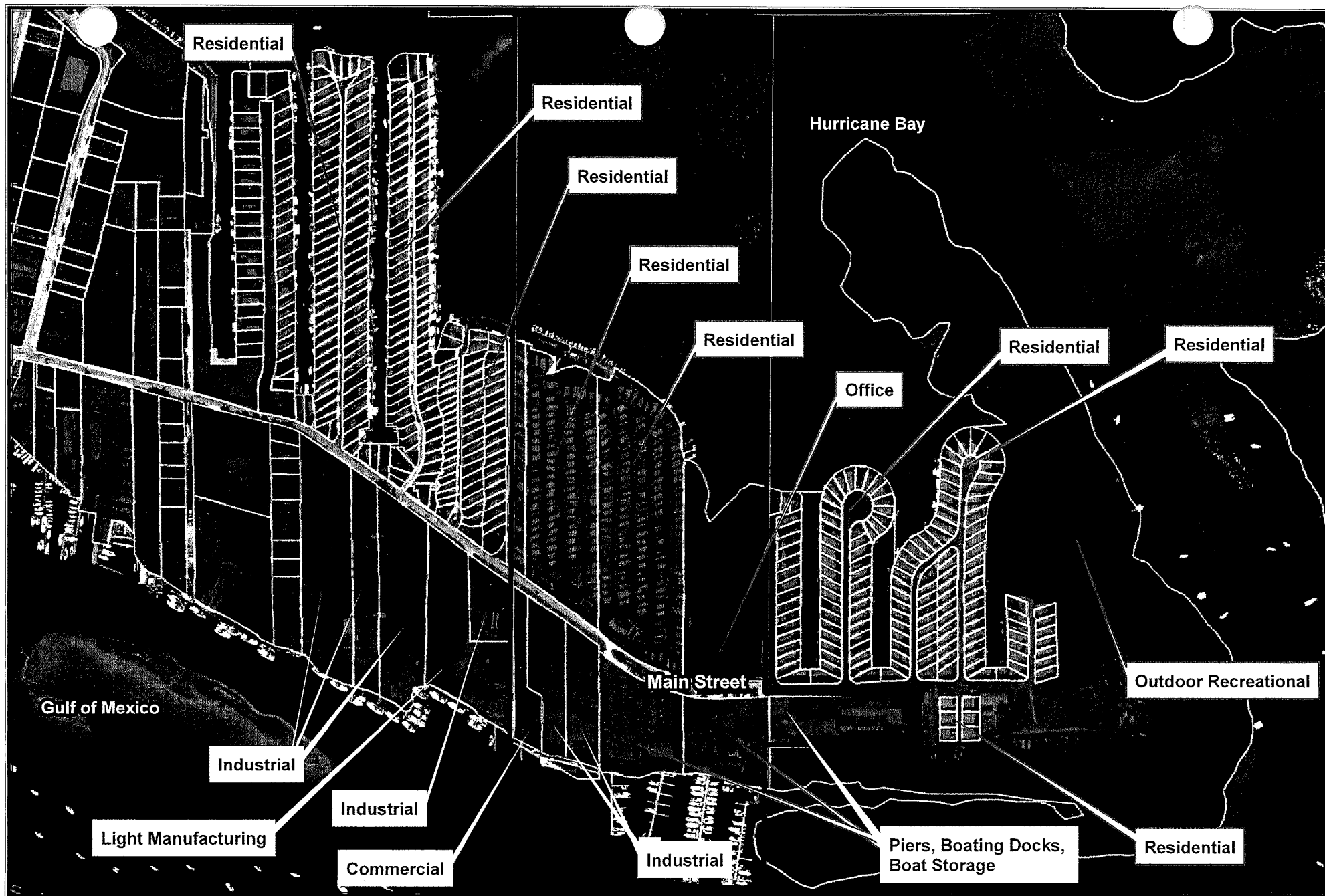
1500 Royal Palm Square Blvd., Suite 101
Fort Myers, FL 33919
239-418-0691 • 239-418-0692 fax

Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment A-3

Existing Land Use Map



EXISTING LAND USE

EBBTIDE

GENERAL NOTE:
THIS MAP IS FOR PRELIMINARY USE ONLY. DATA PROVIDED ARE DERIVED FROM MULTIPLE SOURCES WITH VARYING LEVELS OF ACCURACY.

0 60 120

240
Meters



DELISI FITZGERALD, INC.
Planning - Engineering - Project Management

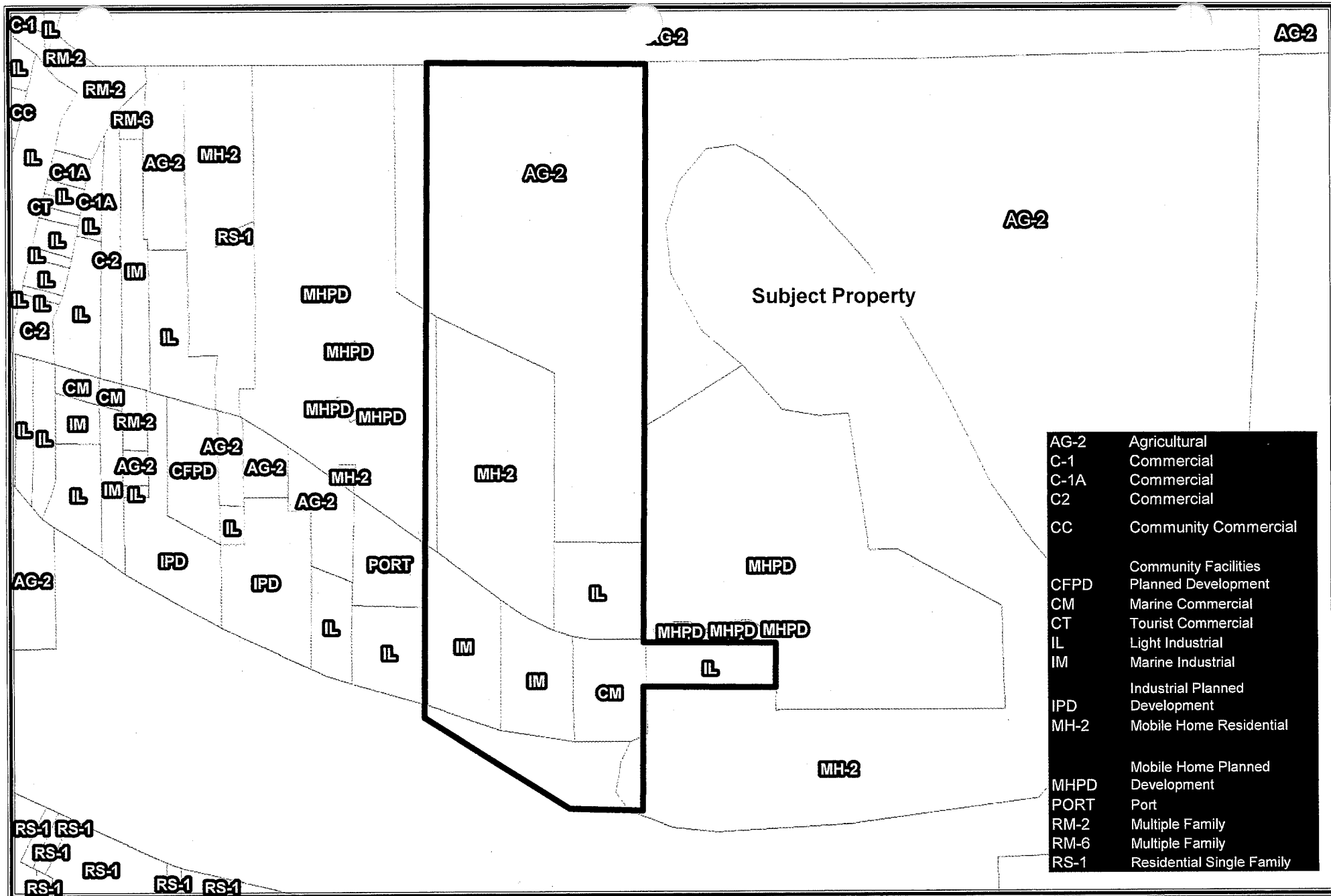
1500 Royal Palm Square Blvd., Suite 101
Fort Myers, FL 33919
239-418-0691 • 239-418-0692 fax

Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment A-4

Existing Zoning Map



ZONING MAP

EBBTIDE

GENERAL NOTE:
THIS MAP IS FOR REFERENCE ONLY. DATA PROVIDED ARE DERIVED FROM MULTIPLE SOURCES WITH VARYING DEGREES OF ACCURACY.

0 70 140

280
Meters



DeLisi Fitzgerald, Inc.
Planning - Engineering - Project Management

1500 Royal Palm Square Blvd., Suite 101
Fort Myers, FL 33919
239-418-0691 • 239-418-0692 fax

Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment A-5

Legal Description of Property

ENVIRONMENTAL LAND SERVICES, INC.

3677 CENTRAL AVENUE SUITE G
FORT MYERS, FLORIDA 33901
PHONE: (239) 274-8022 ELS
FAX: (239) 274-8019 LB 5986

LEGAL DESCRIPTIONS FOR BOUNDARY SURVEY 2007-1114, PAGE 1 OF 2:

PARCEL "A"

That Portion Of The East Half (East ½) Of The West Half (West ½) Of Government Lot 3 Lying Southerly Of Main Street (A 50 Foot Right-Of-Way) In Section 19, Township 46 South, Range 24 East, Fort Myers Beach, Lee County, Florida.

PARCEL "B"

West Half (West ½) Of The East Half (East ½) Of Government Lot 3 In Section 19, Township 46 South, Range 24 East, Lying South Of That Particular Easement Described In Deed Book 137, Page 117, Of The Public Records Of Lee County, Florida.

PARCEL "C"

That Portion Of The East Half (East ½) Of The East Half (East ½) Of Government Lot 3 In Section 19, Township 46 South, Range 24 East, Lying South Of The North Line Of That Particular Easement Described In D.R. Book 183, Pages 287 And 288, Of The Public Records Of Lee County, Florida, Including Any And All Riparian Rights And Submerged Land Interests Pertaining Thereto.

PARCEL "D"

Commencing At A Point On The Easterly Boundary Of The Sears, Roebuck & Co. Property And Thirty-Five Feet South Of Easterly Projection Of The Center Line Of The Fifty-Five Foot Easement Granted By Sears, Roebuck & Co. To Warren Investment & Development Corp. By Instrument Recorded In D.R. Book 183, Pages 286 Through 288, Public Records Of Lee County, Florida, Proceed Southerly Along The Said Boundary Line Of Said Sears, Roebuck & Co. Property For A Distance Of 280 Feet; Thence Left (Easterly) At Right Angles To The Last Mentioned Course For A Distance Of 600 Feet; Thence Left (Northerly) At Right Angles To The Last Mentioned Course For A Distance Of 280 Feet; Thence Left (Westerly) At Right Angles To The Last Mentioned Course For A Distance Of 600 Feet; Thence More Or Less To The Point Of Beginning Together With A Perpetual Non-Exclusive Roadway Easement As Described In That Certain Grant Of Easement Recorded In D.R. Book 779, Page 151, Public Records Of Lee County, Florida.

PARCEL "E"

A Parcel Of Submerged Land In Matanzas Pass In Section 19, Township 46 South, Range 24 East, Lee County, Florida, Being More Particularly Described As Follows:
From The Intersection Of The Southerly Line Of A County Road Known As Main Street As Described In Deed Book 137 At Page 117 Of The Public Records Of Lee County, Florida, And The West Line Of The East Half (East ½) Of The West Half (West ½) Of Government Lot 3 Of Said Section 19, Run Southerly Along The West Line Of Said Fraction Of A Section For 576.32 Feet To The Face Of An Existing Seagull And Intersection With The Established Bulkhead Line To The Point Of Beginning Of The
Herein Described Lands. From Said Point Of Beginning Continue Southerly Along A Southerly Prolongation Of Said Westerly Line Of Said Fraction Of A Section Along Said Bulkhead Line For 1 Foot To A Point 577.32 Feet Southerly Of Said Southerly Line Of Main Street; Thence Deflect 60° 22'20" To The Left And Run Southeasterly Along Said Bulkhead Line For 281.85 Feet; Thence Deflect 29° 37'40" To The Left And Run Easterly For 85 Feet More Or Less To The Easterly Line Of Said Fraction Of A Section; Thence Run Northerly Along Said East Line Of Said Fraction Of A Section To An Intersection With The Mean High Tide Line Along The Northerly Shore Of Matanzas Pass; Thence Run Southwesterly, Westerly And Northwesterly Along The Said Mean High Tide Line To The Point Of Beginning.

PARCEL "F"

That Portion Of The East ½ Of The East ½ Of Government Lot 3, In Section 19, Township 46 South, Range 24 East, Lying North Of And Adjoining That Particular Easement Described In Official Records Book 183, Pages 287 And 288 Of The Public Records Of Lee County, Florida, Together With An Easement Between Sears, Roebuck & Co. and DeSoto, Inc., Recorded In Official Records Book 1664, Page 131, More Particularly Described As Follows:
A Strip Of Land 5000 Feet In Width Extending From West To East Across The East ½ Of The East ½ Of Government Lot 3 In Section 19, Township 46 South, Range 24 East, The Centerline Of Which Strip Of Land Or Easement Is Described As Follows:
From A Point On The East Side Of San Carlos Boulevard 25.00 Feet Southerly Along Said Boulevard From The Southwest Corner Of Block 9, San Carlos On The Gulf, According To The Map On Plat Thereof Recorded In Plat Book 6, Page 6 Of The Public Records Of Lee County, Florida, Run East At Right Angles To Said Boulevard And Parallel With The South Line Of Said Block 9 For 1,284.60 Feet To Point Of Deflection; Thence Deflect To The Right 19° 50' And Run Southeasterly For 1,825.60 Feet To The South Line Of Said Block 9; Thence Run N 89° 35' 44" E For 386.64 Feet To A Point On The West Line Of The East One Half (East ½) Of Government Lot 3; Thence Run N 00° 00' 00" E Along Said West Line Of Said East ½ Of Government Lot 3 For 339.00 Feet, More Or Less, To A Point On The East ½ Of The East ½ Of Government Lot 3.

PARCEL "G"

The West ½ Of The East ½ Of Government Lot 3 In Section 19, Township 46 South, Range 24 East, Lying North Of County Road (Main Street), Fort Myers Beach, Lee County, Florida, Together With All Riparian Rights Thereunto Belonging, As Described In Deed Book 264, Page 571, Of The Public Records Of Lee County, Florida.

PARCEL "H"

That Portion Of The East Half (East ½) Of The West Half (West ½) Of Government Lot 3 Lying Northerly Of Main Street (A 50 Foot Right-Of-Way) In Section 19, Township 46 South, Range 24 East, Fort Myers Beach, Lee County, Florida.

PARCEL "J"

Description Of That Portion Of The East One Half (East ½) Of Government Lot 3, Section 19, Township 46 South, Range 24 East, Lee County, Florida, Lying Southerly Of The Northerly Shoreline Of Matanzas Pass.
Commence At The Northwest Corner Of Section 19, Township 46 South, Range 24 East, Lee County, Florida; Thence N 90° 00' 00" E Along The North Line Said Section 19 For 2,640.00 Feet To The Northeast Corner Of Government Lot 3, Said Section 19; Thence Run S 00° 00' 00" E Along The East Line Of Said Government Lot 3 For 2,956.97 Feet To The Point Of Beginning; Thence Continue S 00° 00' 00" E Along Said East Line Of Government Lot 3 For 409.69 Feet; Thence Run N 89° 51' 15" E For 330.07 Feet; Thence Run N 89° 35' 44" E For 386.64 Feet To A Point On The West Line Of The East One Half (East ½) Of Government Lot 3; Thence Run N 00° 00' 00" E Along Said West Line For 310.04 Feet To A Point On The Northerly Shoreline Of Matanzas Pass; Thence Run Along Said Shoreline Of Matanzas Pass Following Courses: S 82° 10' 54" E For 333.10 Feet, S 00° 00' 00" E For 12.70 Feet And S 81° 11' 36" E For 333.94 Feet To The Point Of Beginning, Containing 6.2 Acres, More Or Less.

PARCEL "K"

Description Of That Portion Of The East One Half (East ½) Of The West One Half (West ½) Of Government Lot 3, Section 19, Township 46 South, Range 24 East, Lee County, Florida, Lying Southerly Of The Northerly Shoreline Of Matanzas Pass.
Commence At The Northwest Corner Of Section 19, Township 46 South, Range 24 East, Lee County, Florida; Thence N 90° 00' 00" E Along The North Line Said Section 19 For 1,980.00 Feet To The Northeast Corner The West One Half (West ½) Of Government Lot 3, Said Section 19; Thence Run S 00° 00' 00" E Along Said East Line For 2,847.75 Feet To The Point Of Beginning; Thence Continue S 00° 00' 00" E Along Said East Line Of The West One Half (West ½) Of Government Lot 3 For 310.04 Feet; Thence Run N 89° 17' 44" E For 307.88 Feet To The West Line Of The East One Half (East ½) Of The West One Half (West ½) Of Government Lot 3; Thence Run N 00° 00' 00" E Along Said West Line For 286.70 Feet To A Point On The Northerly Shoreline Of Matanzas Pass; Thence Run S 73° 11' 15" E Along Said Shoreline Of Matanzas Pass For 344.74 Feet To The Point Of Beginning, Containing 2.0 Acres, More Or Less.

Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment A-6

Deed Information

Prepared By and Return To:

Sue Johnson
Fidelity National Title Insurance Company of New York
6238 Presidential Ct., #3
Fort Myers, FL 33919

File No. 0-815-700099

Property Appraiser's Parcel I.D.(folio) Number(s)

19-46-24-00-00022.0000

19-46-24-00-00023.0020

15.00R
3675.00DS

4612854

DR3104 PG2964

WARRANTY DEED

THIS WARRANTY DEED dated April 15, 1999, by Eugene Steffan and Diane Steffan, husband and wife hereinafter called the grantor, to WISCONSIN DISTRIBUTORS INC., A WISCONSIN CORPORATION whose post office address is 2921 Syene Road , Madison, WI 53713 hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in Lee County, Florida, viz:

SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

Subject to easements, restrictions, reservations, and limitations of record, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1998.

RECORDED BY
KAREN CARTWRIGHT, D.C.

Documentary Tax Pd. \$ 3675.00
Intangible Tax Pd
\$
CHARLIE GREEN, CLERK, LEE COUNTY
By Karen Cartwright Deputy Clerk

EXHIBIT "ONE"

Parcel I:

That portion of the East half (E 1/2) of the East half (E 1/2) of Government Lot 3 in Section 19, Township 46 South, Range 24 East, lying South of the North line of that particular easement described in O.R. Book 183, Pages 287 and 288, of the Public Records of Lee County, Florida. Including any and all riparian rights and submerged land interests pertaining thereto.

Parcel II:

Commencing at a point on the Easterly boundary of the Sears, Roebuck & Co. property and thirty-five feet South of the Easterly projection of the center line of the fifty-five foot easement granted by Sears, Roebuck & Co. to Warren Investment & Development Corp. by instrument recorded in O.R. Book 183, Pages 286 through 288, Public Records of Lee County, Florida, proceed Southerly along the said boundary line of said Sears, Roebuck & Co. property for a distance of 200 feet; thence left (Easterly) at right angles to the last mentioned course for a distance of 600 feet; thence left (Northerly) at right angles to the last mentioned course for a distance of 200 feet; thence left (Westerly) at right angles to the last mentioned course for a distance of 600 feet more or less to the Point of Beginning; together with a perpetual non-exclusive roadway easement as described in that certain Grant of Easement recorded in O.R. Book 779, Page 151, Public Records of Lee County, Florida.

! WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

signed, sealed and delivered in the presence of:

Robert C. Hill
Witness Signature

Robert C. Hill Jr.
Witness Printed Name

Susan R. Johnson
Witness Signature

SUSAN R JOHNSON
Witness Printed Name

Eugene Steffan
Eugene Steffan

Diane Steffan
Diane Steffan

DR3104 PG2966

STATE OF FL

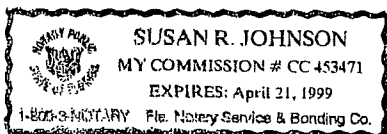
COUNTY OF Lee

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgements, personally appeared EUGENE STEFFAN AND

DIANE STEFFAN
me known to be the person (s) described in or who has/have produced J. Dr. Hill as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 15 day of April 1999

Susan R. Johnson
Notary Public SUSAN R JOHNSON
My Commission Expires:



CHARLIE GREEN, CLERK
LEE COUNTY, FL
99 APR 16 AM 11:45

INSTR # 4878406

OR BK 03256 PG 2926

RECORDED 05/17/00 04:46 PM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 19.50
DOC TAX PD(F.S.201.02) 16,100.00
DEPUTY CLERK W Odom

This Instrument Prepared by and Return To:

Valerie Stoker Litschgi, Esquire
Barnett, Bolt, Kirkwood & Long
601 Bayshore Boulevard, Suite 700
Tampa, Florida 33606

Property Appraiser's Parcel ID Number:
19-46-24-00-00021.001A

Employer Identification Number of the Grantee:

WARRANTY DEED

[STATUTORY FORM - SECTION 689.02 F.S.]

THIS INDENTURE made this 15th day of May, 2000, between ISLAND PACKING COMPANY, a Florida corporation, f/k/a COX PACKING, INC. ("Grantor"), whose post office address is 5806 North Occident Street, Tampa, Florida 33614, and HANSON MARINE PROPERTIES, INC., a Florida corporation ("Grantee"), whose post office address is 2200 Main Street, Fort Myers Beach, Florida 33931.

W I T N E S S E T H:

That Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable considerations to Grantor in hand paid by Grantee, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained and sold to Grantee, and Grantee's successors and assigns forever, the following described land (the "Property") located in Lee County, Florida, to-wit:

LANDS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, MADE A PART HEREOF, AND INCORPORATED BY REFERENCE HEREIN.

SUBJECT TO THOSE ITEMS DESCRIBED IN EXHIBIT "B" ATTACHED HERETO, MADE A PART HEREOF, AND INCORPORATED BY REFERENCE HEREIN.

And except as set forth in Exhibit "B" attached hereto and incorporated herein, Grantor does hereby fully warrant the title to the Property, and will defend the same against the lawful claims of all persons whomsoever.

Wherever used herein and wherever the context so admits or requires, the terms Grantor and Grantee shall include the singular and the plural; the heirs, legal representatives, and assigns of individuals; and the successors and assigns of corporations and partnerships.

IN WITNESS WHEREOF, Grantor has caused this Statutory Warranty Deed to be duly executed and delivered in its name on the aforesaid date.

WITNESSES:

Mrs. Betty P. Cox
Print
Name: Betty P. Cox

Yolanda A. Tullo
Print
Name: Yolanda A. Tullo

As to Grantor

ISLAND PACKING COMPANY,
a Florida corporation,
f/k/a COX PACKING, INC.

By: [Signature]
STEVE J. COX,
President (SEAL)

"Grantor"

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 15th day of May, 2000, by STEVE J. COX, as President of ISLAND PACKING COMPANY, a Florida corporation, f/k/a COX PACKING, INC., on behalf of the corporation, who is personally known to me or who has produced a Florida driver's license as identification.

Yolanda A. Tullo
Notary Public
Print or Stamp Name: _____
(Notarial Seal)
My commission expires: _____
My serial number is: _____

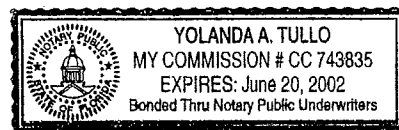


EXHIBIT "A"
Legal Description

West half (West $\frac{1}{2}$) of the East half (East $\frac{1}{2}$) of Government Lot 3 in Section 19, Township 46 South, Range 24 East, lying South of that particular easement described in Deed Book 137, Page 117, of the Public Records of Lee County, Florida.

EXHIBIT "B"

Subject to:

1. Taxes and assessments for the year 2000 and subsequent years.
2. Lee county Ordinances 86-14 and 86-38 providing for mandatory solid waste collection and the imposition of special assessments for said collection services. The special assessments for the current tax year are payable with the ad valorem taxes.

Prepared by and return to:

Ellen M. Macfarlane, Esq. (DMP)
Macfarlane Ferguson & McMullen
201 N. Franklin Street, Suite 2000
Tampa, FL 33602

Record & Return to:
LandAmerica - J. Haller-Walker
1302 N. 19th Street, Suite 200
Tampa, FL 33605
File: 40292682

Tax Parcel No. 14-46-24-00-00022.0010

WARRANTY DEED

THIS INDENTURE is made effective on January 9, 2006, by **THE VALSPAR CORPORATION**, a Delaware corporation ("Grantor"), whose mailing address is 1101 Third Street South, Minneapolis, MN 55415, and **HANSON MARINE PROPERTIES, INC.**, a Florida corporation ("Grantee"), whose mailing address is c/o Salty Sam's Marina, 2500 Main Street, Fort Myers Beach, FL 33931.

WITNESSETH:

Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration to it in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, and convey unto Grantee and its successors and assigns forever, that certain real property (the "Property") in the County of Lee and State of Florida, as more particularly described in **Exhibit "A"** attached hereto and made a part hereof,

TOGETHER WITH all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest, estate, reversion, remainder and easement thereto belonging or in anywise appertaining: TO HAVE AND TO HOLD the same in fee simple forever.

Grantor covenants with Grantee that Grantor is lawfully seized of the Property; that Grantor has good right and lawful authority to sell the Property, that the Property is free from all liens and encumbrances except real estate taxes for the year 2006 and thereafter, and building and zoning laws, ordinances, state and federal regulations, and that Grantor will warrant the title to the Property and will defend the same, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has executed this conveyance on the above date by Grantor's duly authorized officer and has caused by its corporate seal to be affixed hereto.

Signed in the presence of:

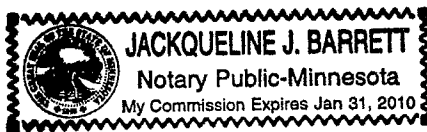
THE VALSPAR CORPORATION
a Delaware corporation

Elizabeth Cannon
Print name: Elizabeth Cannon
Gary S. Hendrix
Print name: Gary S. Hendrix

By: Steven L. Erdahl
Print name: Steven L. Erdahl
Title: Executive Vice President

STATE OF MINNESOTA)
)ss
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 6th day of January, 2006, by Steven L. Erdahl as Executive Vice President of The Valspar Corporation, a Delaware corporation, on behalf of the corporation, and who is personally known to me.



Jackqueline Barrett
Notary Public
Printed Name: Jackqueline F Barrett
My Commission Expires: 1-31-2010

#32169262

EXHIBIT "A"
Legal Description

That portion of the East ½ of the East ½ of Government Lot 3, in Section 19, Township 46 South, Range 24 East, lying North of and adjoining that particular easement described in Official Records Book 183, Pages 287 and 288 of the Public Records of Lee County, Florida;

TOGETHER WITH an easement between Sears, Roebuck and Co. and DeSoto, Inc., recorded in Official Records Book 1664, Page 131, more particularly described as follows:

A strip of land 50.00 feet in width extending from West to East across the East ½ of the East ½ of Government Lot 3 in Section 19, Township 46 South, Range 24 East, the centerline of which strip of land or easement is described as follows:

From a point on the East side of San Carlos Boulevard 25.00 feet Southerly along said Boulevard from the Southwest corner of Block 9, San Carlos on the Gulf, according to the map or plat thereof recorded in Plat Book 6, Page 6 of the Public Records of Lee County, Florida, run East at right angles to said Boulevard and parallel with the South line of said Block 9 for 1,384.60 feet to point of deflection; thence deflect to the right 19°58' and run Southeasterly for 1,825.60 feet to a point on the West line of said East ½ of the East ½ of Government Lot 3; thence run North along said West line for 31.70 feet to the Point of Beginning of said easement centerline; from said Point of Beginning run East perpendicular to the West line of said East ½ of the East ½ of Government Lot 3 for 330.00 feet, more or less, to a point on the East ½ of the East ½ of Government Lot 3.

This instrument prepared by:
Return to:
William H. Grace, P.A.
P.O. Box 2119
Fort Myers, FL 33902

Property Appraiser's Parcel
ID #19-46-24-00-00021.0010

WARRANTY DEED

This Indenture, made this 1st of March, 2006
BETWEEN

WASH ENTERPRISES, LTD., a Florida Limited Partnership
whose post office address is:
1725 Main Street, Fort Myers Beach, FL 33931

of the County of LEE State of FLORIDA
Grantor, and

EBB TIDE RV PARK LLC, a Florida Limited Company
whose post office address is:
2500 Main Street, Fort Myers Beach, FL 33931

of the County of LEE State of FLORIDA Grantee,

Witnesseth that said Grantor, for and in consideration of the sum
of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS (\$10.00),
to said Grantors in hand paid by said Grantee, the receipt whereof
is hereby acknowledged, has granted, bargained and sold to the said
Grantee's heirs and assigns forever, the following described land,
situate, lying and being in LEE County, FLORIDA, to wit:

The West $\frac{1}{2}$ of the East $\frac{1}{2}$ of Government Lot 3 in
Section 19, Township 46 South, Range 24 East, lying
North of County Road (Main Street), Fort Myers Beach,
Lee County, Florida, together with all riparian rights
thereunto belonging, as described in Deed Book 264,
Page 571, of the Public Records of Lee County, Florida.

Together with all of Sellers' rights, title and interest
in and to adjacent submerged lands, if any.

Subject to easements, restrictions and reservations of record and
taxes for the calendar year.


And said Grantor does hereby fully warrant the title to said land,
and will defend the same against the lawful claims of all persons
whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and
seal the day and year first above written.

Signed, sealed and delivered in our presence:


Witnesses

WASH ENTERPRISES, LTD.
a Florida Limited Partnership



Witness signature
Print name of witness below:

BY: Andrew Shaw
ANDREW SHAW, General Partner



Witness signature
Print name of witness below:

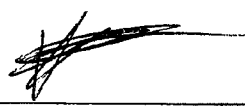
STATE OF FLORIDA
COUNTY OF LEE

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared ANDREW SHAW, General Partner of WASH ENTERPRISES, LTD., who is personally known to me or who has produced _____ as identification and who did take an oath and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 1st day of March, 2006.

WILLIAM H. GRACE
Notary Public, State of Florida
My comm. exp. May 24, 2008
Comm. No. DD 322939

PRINT NAME OF NOTARY PUBLIC



NOTARY PUBLIC

My Commission Expires:

(SEAL)

Commission No. _____

10:50 R. Stamp
4900.00
4914.50

THIS INSTRUMENT PREPARED BY:
THOMAS H. GUNDERSON, ESQUIRE
P. O. Box 280
Ft. Myers, FL 33902

3667820

Documentary Tax Pd. 4900.00
Intangible Tax Pd.
CHARLIE GREEN, CLERK, LEE COUNTY
Deputy Clerk

OR2542 PG2234

WARRANTY DEED

THIS INDENTURE, made this 25th day of July, 1994 between LEWIS E. THURSTON, of the County of Orange and State of New York, party of the first part, and OYSTER BAY LAND COMPANY, a Florida corporation, whose post office address is 793 West Shore Drive, Kinnelon, New Jersey 07405, of the County of Morris and State of New Jersey, party of the second part,

WITNESSETH that the said party of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS and other good and valuable consideration, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, its successors and assigns forever, the following described land, situate lying and being in the County of Lee, State of Florida, to wit:

See attached Exhibit "A".

Subject to easements, restrictions and reservations of record and taxes for the year 1994 and all subsequent years. This conveyance is not to be construed as a homestead of the Grantor herein, nor contiguous thereto. And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered
in the Presence of:

Joellen Snow
Witness Signature

JOELLEN SNOW
Print/Type Name of Witness

Margaret E. Riggs
Witness Signature

Margaret E. Riggs
Print/Type Name of Witness

STATE OF New York
COUNTY OF ORANGE

Lewis E. Thurston
LEWIS E. THURSTON

ADDRESS:
228 Oakland Valley Road
Cuddebackville, NY 12729

The foregoing instrument was acknowledged before me this 25 day of July, 1994 by LEWIS E. THURSTON, who is personally known to me or who has produced Driver's Lic. Personally Known identification.

My Commission Expires: 5/31/96

SHIRLEY ZELLER
Notary Public, State of New York
Orange County
Reg. No. 012E4714302

SHIRLEY ZELLER
Notary Public, State of New York
Orange County
Reg. No. 012E4714302
Commission Expires 5/31/96

Shirley Zeller
Notary Public
SHIRLEY ZELLER
Type/Print Name of Notary

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: G. SHERWOOD, D.C.

CHARLE GREEN LEE CTY, FL

94 OCT -7 PH 4:25

EXHIBIT "A"

That portion of the East Half of the West Half of Government Lot 3 lying Southerly of Main Street (a 50 foot right-of-way) in Section 19, Township 46 South, Range 24 East, Fort Myers Beach, Lee County, Florida.

DR2542 PG2235

15.00 record
350.00 dwe
THIS INSTRUMENT PREPARED BY:
Thomas H. Gunderson
P. O. Box 280
Ft. Myers, FL 33902

4452452

DR3000 PG0707

Documentary Tax Pd. 1 350.00
Intangible Tax Pd.
CHARLES GUNL CLERK, LEE COUNTY
Mary Jo Robinson Deputy Clerk

RECORDED BY
MARY JO ROBINSON, D.C.

WARRANTY DEED

THIS INDENTURE, made this 30th day of June, 1998 between EARLE W. ROSSITER and LAURA J. VOGEL, Joint Tenants, whose address is PO Box 2360, Fort Myers Beach, FL 33932, parties of the first part, and OYSTER BAY LAND COMPANY, a Florida corporation, whose address is 1711 Main Street, Fort Myers Beach, FL 33931, party of the second part,

WITNESSETH that the said parties of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS and other good and valuable consideration, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said party of the second part, its successors and assigns forever, the following described land, situate lying and being in the County of Lee, State of Florida, to wit:

As described in Exhibit "A" attached hereto and made a part hereof.

Subject to easements, restrictions and reservations of record and taxes for the year 1998 and all subsequent years.

Parcel Identification No. 19-46-24-00-00021.0060

THE SUBJECT PROPERTY IS NOT NOW, NOR HAS IT EVER BEEN, THE HOMESTEAD PROPERTIES OF THE GRANTORS NAMED HEREIN, NOR IS IT CONTIGUOUS TO THEIR HOMESTEAD PROPERTIES.

And the said parties of the first part do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

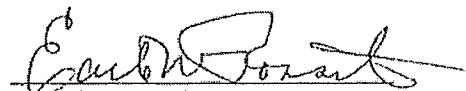
Signed, Sealed and Delivered
in the Presence of:


Witness Signature

Robert Murphy
(Type/Print Name of Witness)


Witness Signature

Charles Brown
(Type/Print Name of Witness)


EARLE W. ROSSITER

Whose address is:
PO Box 2360
Fort Myers Beach, FL 33932

① / VIRGINIE ORTIZ
Witness Signature

(Type/Print Name of Witness)

② / [Signature]
Witness Signature

DEBORA OLIVEIRA
(Type/Print Name of Witness)

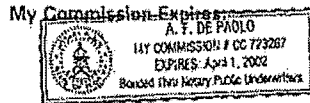
[Signature]
LAURA J. VOGEL

Whose address is:

STATE OF FL

COUNTY OF Lee

The foregoing instrument was acknowledged before me this 10th day of Aug,
1998 by EARLE W. ROSSITER, who is personally known to me or who produced
as identification.



[Signature]
Notary Public

A. F. DE PAOLO
(Type/Print Name of Notary)

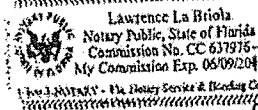
Commission No: _____

STATE OF FLORIDA

COUNTY OF PIKE

The foregoing instrument was acknowledged before me this 6 day of
AUGUST, 1998 by LAURA J. VOGEL, who is personally known to me or who produced
FLA ID LIC as identification.

My Commission Expires:



Notary Public

[Signature]
(Type/Print Name of Notary)

Commission No: _____

OR3000 Pg 708

EXHIBIT "A"
Legal Description

A tract or parcel of land in Government Lot 3, Section 19, Township 46 South, Range 24 East, San Carlos Island, Lee County, Florida, which tract or parcel is described as follows:

From the intersection of the West line of said Government Lot 3 and the northeasterly line of Main Street as described in Deed Book 137 at page 117 of the Public Records of Lee County, Florida, run S 55° 19' 00" E along said northeasterly line of Main Street (50 feet wide) for 346.28 feet to the Point of Beginning.

From said Point of Beginning run N 34° 41' 00" E for 21.39 feet to a point of curvature; thence run northeasterly and northerly along the arc of a curve of radius 135.00 feet for 82.51 feet to a point of tangency; thence run N 00° 20' 00" W for 756.69 feet to a point on the northerly face of an existing concrete seawall; thence run S 76° 37' 11" E along said northerly face of old seawall for 75.55 feet to an intersection with said east line of the west 60 feet of the East half (E-1/2) of the West half (W-1/2) of Government Lot 3; thence run South for 907.22 feet to an intersection with said northeasterly line of Main Street; thence run N 55° 19' 00" W along said northeasterly line of Main Street for 127.99 feet to the Point of Beginning:

EXCEPTING THEREFROM the West 60 feet of the East half (E-1/2) of the West half (W-1/2) of said Government Lot 3.

Bearings mentioned are from assuming the West line of Government Lot 3 bears North.

0R3000 260709

CHARLIE GREEN, CLERK
LEE COUNTY, FL
98 AUG 14 PM 1:17

93DEC 29 PM 2:39

THIS INSTRUMENT PREPARED BY:
 THOMAS H. GUNDERSON, ESQUIRE
 P. O. Box 280
 Ft. Myers, FL 33902

3513238

WARRANTY DEED

THIS INDENTURE, made this 29 day of December, 1993 between
 LEWIS E. THURSTON, of the County of ORANGE and State of New
 York, party of the first part, and OYSTER BAY LAND COMPANY, a
 Florida corporation, whose post office address is 793 West Shore
 Drive, Kinnelon, New Jersey 07405, of the County of
Passaic and State of New Jersey, party of the second part,

WITNESSETH that the said party of the first part, for and in
 consideration of the sum of TEN (\$10.00) DOLLARS and other good
 and valuable consideration, to him in hand paid by the said party
 of the second part, the receipt whereof is hereby acknowledged,
 has granted, bargained and sold to the said party of the second
 part, its heirs and assigns forever, the following described
 land, situate lying and being in the County of Lee, State of
 Florida, to wit:

That portion of the East Half of the West Half of Government
 Lot 3 lying Northerly of Main Street (a 50 foot right-of-
 way) in Section 19, Township 46 South, Range 24 East, Fort
 Myers Beach, Lee County, Florida.

Subject to easements, restrictions and reservations of
 record and taxes for the year 1993 and all subsequent years.

And the said party of the first part does hereby fully warrant
 the title to said land, and will defend the same against the
 lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has
 hereunto set his hand and seal the day and year first above
 written.

Signed, Sealed and Delivered
 in the Presence of:

Thomas H. Gunderson
 Witness Signature

Thomas H. Gunderson
 Print/Type Name of Witness

Robert W. Beasley
 Witness Signature

ROBERT W. BEASLEY
 Print/Type Name of Witness

STATE OF FLORIDA

COUNTY OF LEE

Lewis E. Thurston
 LEWIS E. THURSTON

ADDRESS:
 228 Oakland Valley Road
 Cuddebackville, NY 12729

Documentary Tax P.L. 5. 4893.00
 Intangible Tax P.L. 1
 CHARLIE GREEN, CLERK, LEE COUNTY
Chenwood Deputy Clerk

The foregoing instrument was acknowledged before me this
29 day of December, 1993 by LEWIS E. THURSTON, who is
personally known to me or who has produced
 _____ as identification.

My Commission Expires:

Thomas H. Gunderson
 Notary Public

Thomas H. Gunderson
 Type/Print Name of Notary

Commission No. _____



THOMAS H. GUNDERSON
 MY COMMISSION # CC 18046 EXPIRES
 March 24, 1996
 ISSUED BY THE FLORIDA BOARD OF NOTARIES, INC.

RECORDS RETURNED - CHARLIE GREEN, CLERK
 BY: C. GREENWOOD, D.C.

OR2457 PG3114

THIS INSTRUMENT PREPARED BY:
 Thomas H. Gunderson
 Post Office Box 280
 Fort Myers, FL 33902

3652001

Documentary Tax Pd. \$ 7.00
 Intangible Tax Pd. \$ 0.00
 BY CHARLIE GUNDESON, Notary Public
N. Gunderson Deputy Clerk

DR2533 PG3462

QUIT CLAIM DEED

THIS INDENTURE, made this 20th day of August, 1994, between DILAND CORPORATION, a Florida corporation, whose mailing address is 2235 Hollowridge Drive, Orange City, Florida 32763; party of the first part, and OYSTER BAY LAND COMPANY, a Florida corporation, whose mailing address is 793 West Shore Drive, Kinnelon, New Jersey 07405, party of the second part,

WITNESSETH, that the said party of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00), and other good and valuable consideration, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the said party of the second part all the right, title, interest claim and demand, which the said party of the first part has in and to the following described lot, piece or parcel of land, situate lying and being in the County of Lee, State of Florida, to wit:

That portion of the peninsula lying westerly of the east line (as extended North into Hurricane Bay) of the East Half of the West Half of Government Lot 3, Section 19, Township 46 South, Range 24 East, Lee County, Florida as shown on the survey attached as Exhibit "A."

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal the day and year first above written.

Signed, Sealed and Delivered
 in the Presence of:

DILAND CORPORATION, a
 Florida corporation

Sharon M. Monette
 Witness
Sharon M. Monette
 Type/Print Name of Witness

BY: Sharon M. Monette
 Its: President

Sharon J. Alexander
 Witness
SHARON J. ALEXANDER
 Type/Print Name of Witness

RECORD VERIFIED - CHARLIE GUNDESON, Notary Public
 BY: HELEN GUNDESON, D.C.

STATE OF Florida
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 30th
day of August, 1994, by Gerald B. Finke, as
President of DILAND CORPORATION, a Florida corporation, on
behalf of the corporation, who is personally known to me or who has
produced _____ as identification.

My Commission Expires:

Carolyn R Vance
Notary Public

NOTARY PUBLIC, State of Florida at Large
My Commission Expires April 23, 1995
BONDED THROUGH AGENTS NOTARY BROKERAGE

CAROLYN R VANCE
Type/Print Name of Notary
Commission No. CC102092

CHINA 8-27576

2

☒ - Designates propriety
of claim

[illegible]

WFOUR & ALBANY STS. LOS ANGELES
JAN 10 1968

Water. The water supply is only for the local demands. It is not a consideration of future, because it is not a consideration of the future.

[illegible][illegible][illegible]

15.24 R
15.70
15.70

THIS INSTRUMENT PREPARED BY:
THOMAS H. GUNDERSON, ESQUIRE
P. O. Box 280
Ft. Myers, FL 33902

3667821

Documentary Tax Pd. \$.70
Intangible Tax Pd.
CHARLIE GREEN, CLERK, LEE COUNTY
By Howard Deputy Clerk

BR2542 PG2236

QUIT CLAIM DEED

THIS INDENTURE, made this 25th day of July, 1994, between LEWIS E. THURSTON, of the County of Orange and State of New York, party of the first part, and OYSTER BAY LAND COMPANY, a Florida corporation, whose mailing address for tax purposes is 793 West Shore Drive, Kinnelon, New Jersey 07405 of the County of Morris and State of New Jersey, party of the second part,

WITNESSETH, that the said party of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS and other good and valuable consideration, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the said party of the second part all the right, title, interest claim and demand, which the said party of the first part has in and to the following described lot, piece or parcel of land, situate lying and being in the County of Lee, State of Florida, to wit:

See attached Exhibit "A".
This party of the first part, and not the homestead of the Grantor herein, has by this instrument conveyed and not the homestead of the Grantor TO HAVE AND TO HOLD the same, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered
in the Presence of:

Joellen Snow
Witness Signature

Lewis E. Thurston
LEWIS E. THURSTON

JOELLEN SNOW
(Type/Print Name of Witness)

Maryann E. Riggs
Witness Signature

ADDRESS:

228 Oakland Valley Road
Cuddebackville, NY 12729

MARYANN E. RIGGS
(Type/Print Name of Witness)

RECORDS VERIFIED - CHARLIE GREEN, CLERK
BY: G. SHERWOOD, D.C.

STATE OF New York
COUNTY OF Orange

The foregoing instrument was acknowledged before me this
25 day of July, 1994, by LEWIS E. THURSTON, who is
personally known to me or who has produced Driver's License
Personally Known as identification.

My Commission Expires:

5/31/94

Shirley Zeller
Notary Public

Shirley Zeller
(Type/Print Name of Notary)

Commission No: _____

SHIRLEY ZELLER
Notary Public, State of New York
Orange County
Reg. No. 01ZE4714302
Commission Expires 5/31/94

0R2542 PG2237

94 OCT -7 PM 4:25

EXHIBIT "A"

A parcel of submerged land in Matanzas Pass in Section 19, Township 46 South, Range 24 East, Lee County, Florida, being more particularly described as follows:

From the intersection of the southerly line of a County Road known as Main Street as described in Deed Book 137 at page 117 of the Public Records of Lee County, Florida and the west line of the East Half (EX) of the West Half (WX) of Government Lot 3 of said Section 19, run southerly along the west line of said fraction of a section for 576.32 feet to the face of an existing seawall and intersection with the established bulkhead line and the point of beginning of the herein described lands. From said point of beginning continue southerly along a southerly prolongation of said westerly line of said fraction of a section along said bulkhead line for 1 foot to a point 577.32 feet southerly of said southwesterly line of Main Street; thence deflect 60° 22' 20" to the left and run southeasterly along said bulkhead line for 281.85 feet; thence deflect 29° 37' 40" to the left and run easterly for 85 feet more or less to the easterly line of said fraction of a section; thence run northerly along said east line of said fraction of a section to an intersection with the mean high tide line along the northerly shore of Matanzas Pass; thence run southwesterly, westerly and northwesterly along the said mean high tide line to the Point of Beginning.

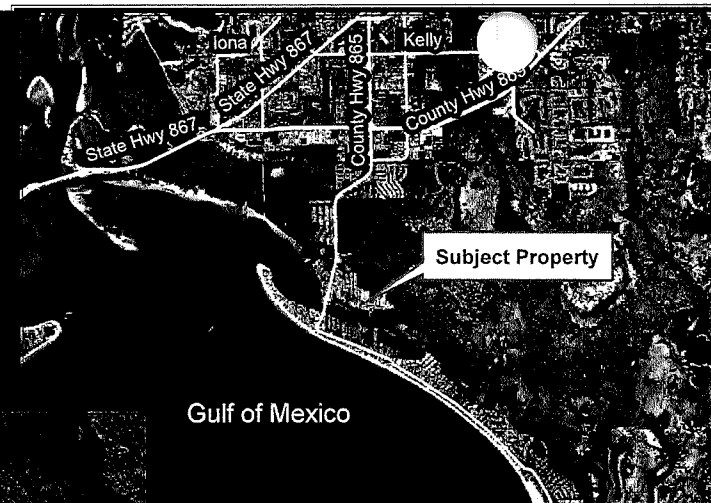
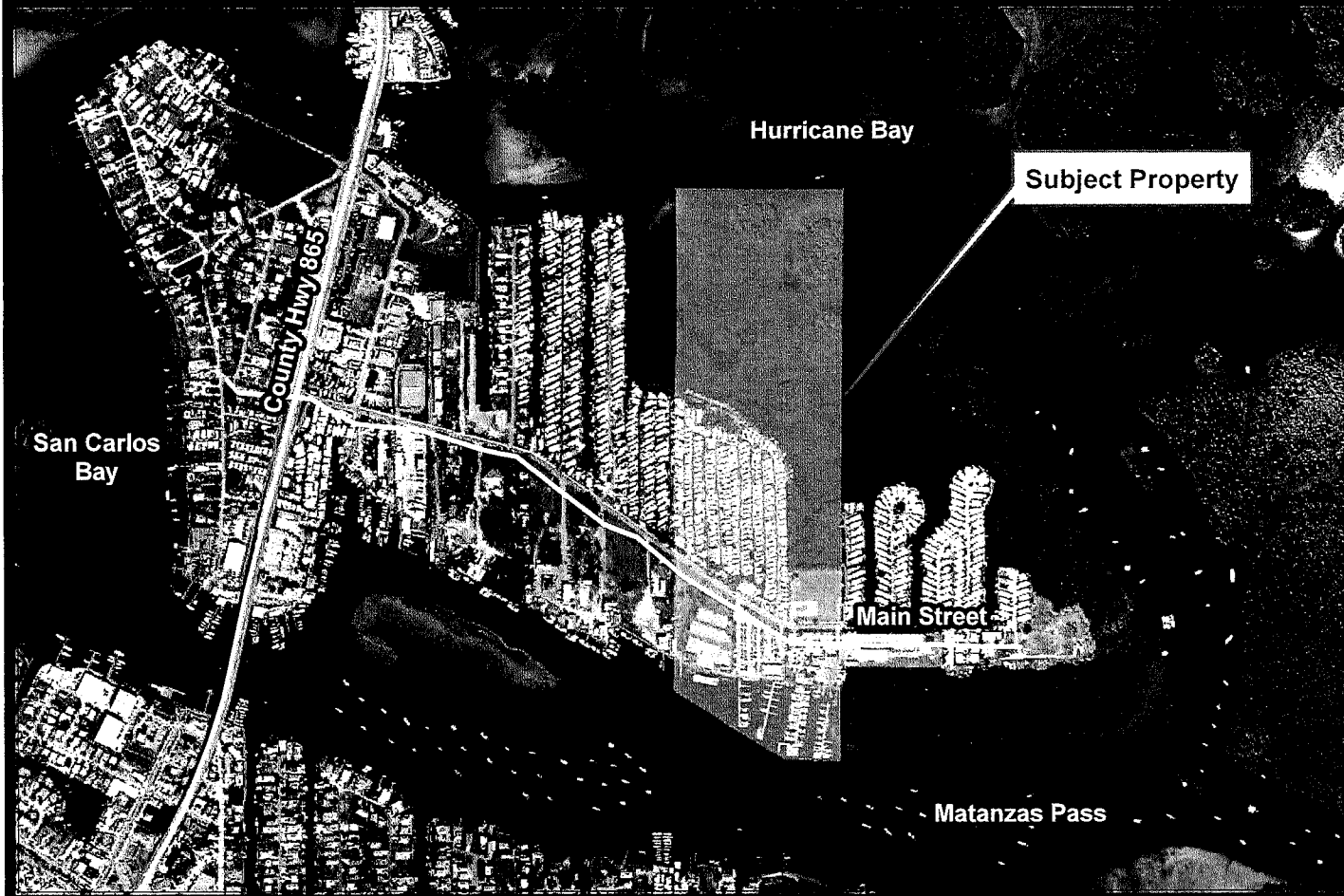
OR2542 PG2238

Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment A-7

Aerial Map



Gulf of Mexico

AERIAL LOCATION MAP

EBBTIDE

0 87.5 175 350 525 700 Meters



DELI FITZGERALD, INC.
Planning - Engineering - Project Management

1500 Royal Palm Square Blvd., Suite 101
Fort Myers, FL 33919
239-418-0691 • 239-418-0692 fax

GENERAL NOTE:
THIS MAP IS FOR REFERENCE ONLY. DATA PROVIDED ARE DERIVED FROM MULTIPLE SOURCES WITH VARYING LEVELS OF ACCURACY.

Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment A-8

Authorization Letter(s) from Property Owner(s)

Owner's Affidavit

We Ramon & Patricia Alvarez owners of parcel number(s) 19-46-24-00-00021.0070, 19-46-24-00-00021.0040, 19-46-24-00-00021.0020, 19-46-24-00-00021.0030, 19-46-24-00-00021.0050 and 19-46-24-00-00021.0000 AND 19-46-24-00-00021.006 AND 19-46-24-00-00021.0034, AND 19-46-24-00-00021.0070

I, hereby authorize McHarris Planning and Design to act on our behalf, to initiate the application and further process the Comprehensive Plan Amendment of said properties:

DATED this 21 day of August, 2007.

Owner

By: Ramon J. Alvarez

(Signature)

Printed Name: RAMON J. ALVAREZ

As: PRESIDENT

Address:

Sworn to and subscribed before me this 21st day of August, 2007
by Ramon J. Alvarez, who is personally
known to me or who has produced his license as identification.

(Affix Seal)

Notary Public

Printed Name: Maria Chae Krauss

Maria Chae Krauss

MARIA CHAE KRAUSS
Notary Public, State of NJ
My Commission Expires Nov. 4, 2009

My Commission Expires: Nov. 4, 2009

Owner's Affidavit

We Ramon J. Alvarez owners of parcel number(s) 19-46-24-00-00021.0070, 19-46-24-00-00021.0040, 19-46-24-00-00021.0020, 19-46-24-00-00021.0030, 19-46-24-00-00021.0050 and 19-46-24-00-00021.0000 And 19-46-24-00-00021.006 And 19-46-24-00-00021.003A, AND 19-46-24-00-00021.0070

I, hereby authorize McHarris Planning and Design to act on our behalf, to initiate the application and further process the Comprehensive Plan Amendment of said properties:

DATED this 21 day of August, 2007.

Owner

By: Ramon J. Alvarez

(Signature)

Printed Name: Ramon J. ALVAREZ

As: PRESIDENT

Address:

Sworn to and subscribed before me this 21st day of August, 2007
by Ramon J. Alvarez, who is personally
known to me or who has produced his license as identification.

(Affix Seal)

Notary Public

Printed Name: Maria Chae Krauss

MARIA CHAE KRAUSS
Notary Public, State of NJ
My Commission Expires Nov. 4, 2009

My Commission Expires: Nov. 4, 2009

Owner's Affidavit

We Ramon & Patricia Alvarez owners of parcel number(s) 19-46-24-00-00021.0070, 19-46-24-00-00021.0040, 19-46-24-00-00021.0020, 19-46-24-00-00021.0030, 19-46-24-00-00021.0050 and 19-46-24-00-00021.0000 AND 19-46-24-00-00021.006 AND 19-46-24-00-00021.003A, AND 19-46-24-00-00021.0070

I, hereby authorize McHarris Planning and Design to act on our behalf, to initiate the application and further process the Comprehensive Plan Amendment of said properties:

DATED this 21 day of August, 2007.

Owner

By: Ramon J. Alvarez

(Signature)

Printed Name: RAMON J. ALVAREZ

As: PRESIDENT

Address:

Sworn to and subscribed before me this 21st day of August, 2007
by Ramon J. Alvarez, who is personally
known to me or who has produced his license as identification.

(Affix Seal)

Notary Public

Printed Name: Maria Chae Krauss

Maria Chae Krauss

MARIA CHAE KRAUSS
Notary Public, State of NJ
My Commission Expires Nov. 4, 2009

My Commission Expires: Nov. 4, 2009



11338 Bonita Beach Rd #103
Bonita Springs, FL 34135
239-948-6688

Owner's Affidavit

We _____, owners of parcel number(s) _____, hereby authorize McHarris Planning and Design to act on our behalf, to initiate the application and further process the Planned Development of said properties:

DATED this 21 day of August, 2007.

Hanson Marine Prop Inc
Owner

By: [Signature]
(Signature)

Printed Name: DARRELL HANSON

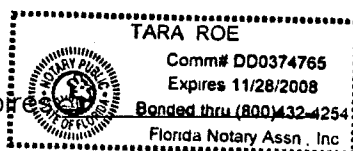
As: President

Address: 2200 Main St
Ft Myers Beach, FL
33931

Sworn to and subscribed before me this 21 day of August, 2007
by DARRELL HANSON, who is personally known to
me or who has produced _____ as identification.

(Affix Seal)

My Commission Expires



Notary Public

Printed Name: TARA ROE



11338 Bonita Beach Rd #103
Bonita Springs, FL 34135
239-948-6688

Owner's Affidavit

We _____, owners of parcel number(s) _____, hereby authorize McHarris Planning and Design to act on our behalf, to initiate the application and further process the Planned Development of said properties:

DATED this 21 day of AUGUST, 2007.

EGG Tide RV Park LLC

Owner

By: 

(Signature)

Printed Name: DARRELL HANSON

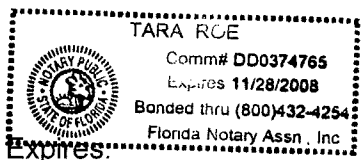
As: PRESIDENT

Address: 1725 Main St

Sworn to and subscribed before me this 21 day of AUGUST, 2007 by DARRELL HANSON, who is personally known to me or who has produced _____ as identification.

(Affix Seal)

My Commission Expires: _____



Notary Public

Printed Name: TARA ROE



11338 Bonita Beach Rd #103
Bonita Springs, FL 34135
239-948-6688

Owner's Affidavit

We _____, owners of parcel number(s) _____, hereby authorize McHarris Planning and Design to act on our behalf, to initiate the application and further process the Planned Development of said properties:

DATED this 21 day of August, 2007.

Wisconsin Dist., Inc

Owner

By: _____

(Signature)

Printed Name: DARRELL HANSON

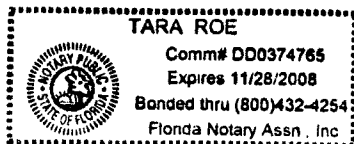
As: PRESIDENT

Address: 2500 main st
Ft. Myers Beach

FL
33981

Sworn to and subscribed before me this 21 day of August, 2007 by DARRELL HANSON, who is personally known to me or who has produced _____ as identification.

(Affix Seal)



My Commission Expires: _____

Notary Public

Printed Name: TARA ROE

Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment B-1

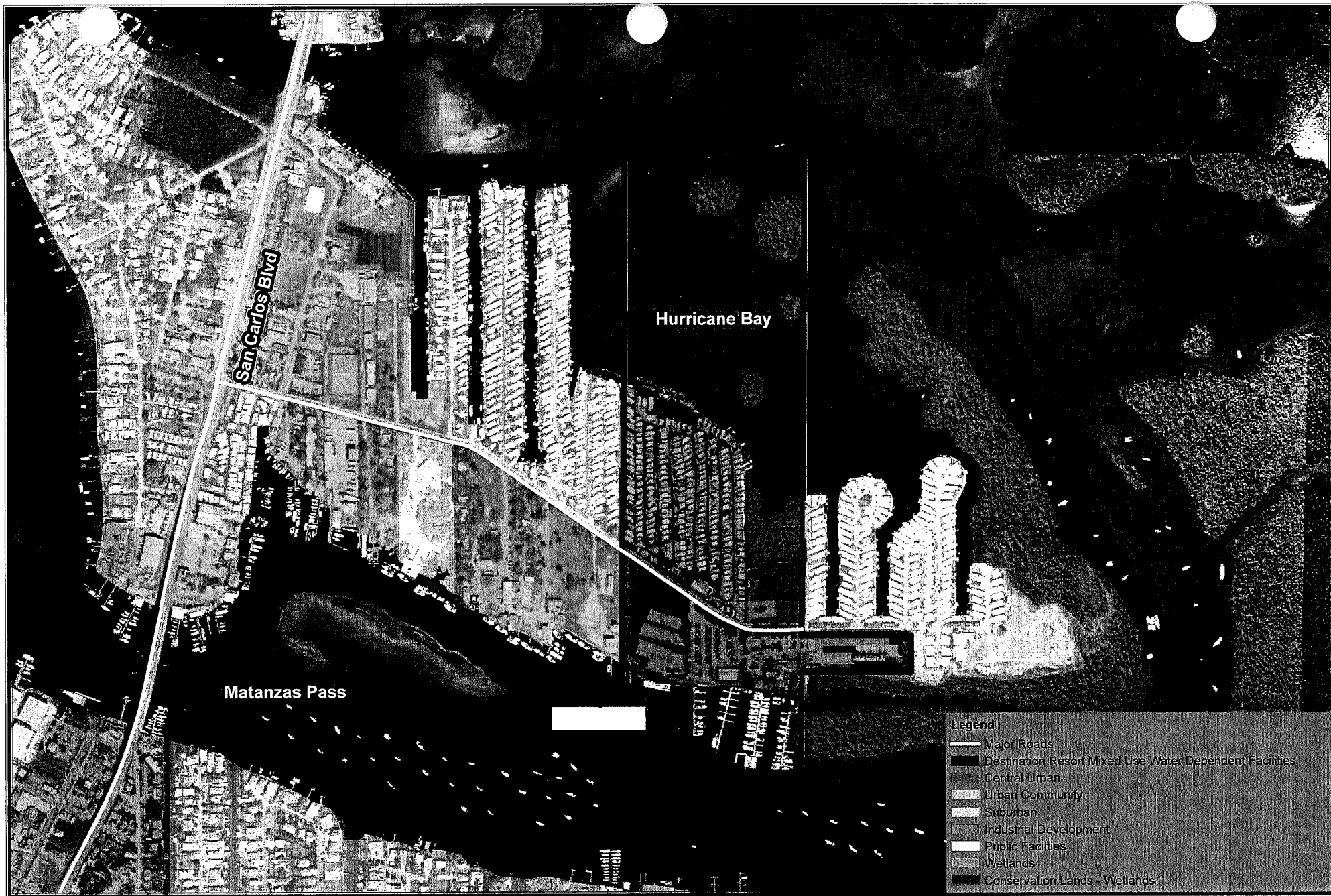
Traffic Circulation Analysis

Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment A-9

Proposed Future Land Use Map Change



PROPOSED FUTURE LAND USE MAP

EBBTIDE

0 0.05 0.1 0.2
Miles



DELISI FITZGERALD, INC.
Planning Engineering Project Management

1500 Royal Palm Square Blvd., Suite 101
Fort Myers, FL 33919
239-418-0697 • 239-418-0092 fax

GENERAL NOTE:
THIS MAP IS FOR REFERENCE ONLY. DATA PROVIDED ARE DERIVED FROM MULTIPLE SOURCES WITH VARYING LEVELS OF ACCURACY.

Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment B-1

Traffic Circulation Analysis

TRAFFIC CIRCULATION ANALYSIS
PREPARED FOR A
COMPREHENSIVE PLAN AMENDMENT
FOR
EBBTIDE

PROJECT NO. F0709.13

PREPARED BY:
TR Transportation Consultants, Inc.
13881 Plantation Road, Suite 11
Fort Myers, Florida 33912-4339
(239) 278-3090

September 27, 2007

CONTENTS

- I. INTRODUCTION
- II. EXISTING CONDITIONS
- III. PROPOSED PLAN AMENDMENT
- IV. IMPACTS OF PROPOSED PLAN AMENDMENT
- V. CONCLUSION

I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic circulation analysis pursuant to the requirements outlined in the application document for Comprehensive Plan Amendment requests. The analysis will examine the impact of the requested land use change from Suburban, Industrial Development, Urban Community, and Wetlands to a site specific land use designation to be titled 'Destination Resort Mixed Use Water Dependant Land Use'. The subject site is located along Main Street east of its intersection with San Carlos Boulevard in Lee County, Florida.

The following report will examine the impacts of changing the future land use category from the four existing land uses (Suburban, Industrial Development, Urban Community, and Wetlands) to a new site specific land use designation to be titled 'Destination Resort Mixed Use Water Dependant Land Use'.

II. EXISTING CONDITIONS

The subject site currently contains several existing uses including Recreational Vehicle lots, Marina uses, and an existing restaurant. The subject site is bordered by Hurricane Bay to the north and the Matanzas Pass to the south. To the east and west of the subject site are existing Recreational Vehicle lots and marina uses.

San Carlos Boulevard (S.R. 865) is a two-lane undivided roadway south of Main Street and a four-lane undivided roadway with a two-way left turn lane north of Main Street. The intersection of San Carlos Boulevard and Main Street currently operates under two-way stop control. San Carlos Boulevard has a posted speed limit of 45 mph and is under the jurisdiction of the Florida Department of Transportation.

Main Street is a two-lane undivided local roadway that bisects the subject site. Currently Main Street terminates less than one (1) mile east of its intersection with San Carlos Boulevard. However, Lee County currently has plans to construct a bridge that would connect Main Street to Estero Parkway on Fort Myers Beach based on the current 2030 Financially Feasible Plan. Main Street is under the jurisdiction of the Lee County Department of Transportation.

III. PROPOSED PLAN AMENDMENT

The proposed Comprehensive Plan Amendment would change the future land use designation on the subject site from the existing Suburban, Industrial Development, Urban Community, and Wetlands to a site specific land use designation to be titled 'Destination Resort Mixed Use Water Dependant Land Use'. Based on the permitted uses within the Lee Plan for these land use designations, the proposed land use designation change would result in an increase in the number of allowable multi-family residential units and hotel units but a decrease in the allowable marina uses. **Table 1** highlights the intensity of uses that could be constructed under the existing land use designation and the intensity of uses under the proposed land use designation.

**Table 1
Ebbtide
Land Uses**

Existing/Proposed	Land Use Category	Intensity
Existing	Suburban, Industrial Development, Urban Community, and Wetlands	134 residential units
		145,000 s.f. marine industrial
		0 hotel units
Proposed	Destination Resort Mixed Use Water Dependant Land Use	600 residential units
		20,000 s.f. marine industrial
		300 hotel units

IV. IMPACTS OF PROPOSED PLAN AMENDMENT

The transportation related impacts of the proposed comprehensive plan amendment were evaluated pursuant to the criteria in the application document. This included an evaluation of the long range impact (20-year horizon) and short range (5-year horizon) impact the proposed amendment would have on the existing and future roadway infrastructure.

Long Range Impacts (20-year horizon)

The Lee County Metropolitan Planning Organization's (MPO) recently updated 2030 long range transportation travel model was reviewed to determine the impacts the amendment would have on the surrounding area. The subject site lies within Traffic Analysis Zone (TAZ) 1695. The model has both productions and attractions included in this zone. The productions include both single-family and multi-family housing as well as some hotel uses. The attractions include industrial, commercial, and service employees. **Table 3** identifies the land uses currently contained in the long range travel model utilized by the MPO and Lee County for the Long Range Transportation Analysis.

**Table 3
TAZ 1695**

Land Uses in Existing 2030 Travel Model

Land Use Category	Intensity
Single Family Homes	81 residential units
Multi-Family Homes	849 residential units
Hotel Units	22 rooms
Industrial Employment	86 employees
Commercial Employment	94 employees
Service Employment	261 employees

Based on the data for TAZ 1695, indicated in Table 3, the current Lee County MPO 2030 Long Range Transportation Plan (LRTP) does not account for all of the development permitted within TAZ 1695 based on the current land use designations. For example,

TAZ 1695 does not include all of the employees that would work at the site assuming the site included all 145,000 square feet of marine industrial uses currently permitted under the existing land use designations. Therefore, the number of industrial employees was not reduced for the purposes of this analysis even though the allowable amount of marine industrial uses will be reduced.

The proposed Comprehensive Plan Amendment is anticipated to add 466 multi-family residential units and a 300 room hotel to the existing 2030 Financially Feasible FSUTMS Model. It should be noted that there will be some commercial uses within the proposed hotel that will be ancillary to the hotel. In addition, there are and will continue to be both wet and dry slips permitted as ancillary uses to the marine industrial portion of the site. **Table 4** indicates the revised TAZ data for Zone 1695 with the proposed density requested with this Comprehensive Plan Amendment.

Table 4
Based on Proposed Map Amendment within TAZ 1695
Land Uses in Modified 2030 Travel Model

Land Use Category	Intensity
Single Family Homes	81 residential units
Multi-Family Homes	1,315 residential units
Hotel Units	322 rooms
Industrial Employment	86 employees
Commercial Employment	94 employees
Service Employment	261 employees

The modifications made to the TAZ data, including ZDATA1 and ZDATA2 files, are attached to the Appendix for reference. The 2030 Long Range Transportation model (FSUTMS) was run with the existing data shown in Table 3 then compared to runs with the modified data from Table 4 to indicate what additional improvements above and beyond those indicated in the 2030 Financially Feasible Plan Highway Element. The 2030 Financially Feasible Plan Highway Element improvements were included in the FSUTMS runs. Based on the 2030 MPO Financially Feasible plan, the only roadway improvement planned within the vicinity of the subject site is the construction of a bridge

that would connect the eastern terminus of Main Street to Estero Parkway on Fort Myers Beach.

Based on this analysis, none of the roadway segments analyzed are shown to operate below the adopted Level of Service standard in the year 2030. **Figure 1** illustrates the projected 2030 traffic conditions on the surrounding roadway network both with and without the proposed Comprehensive Plan Amendment. No changes to the Lee County MPO Long Range Transportation Plan will be warranted as a result of this analysis.

Short Range Impacts (5-year horizon)

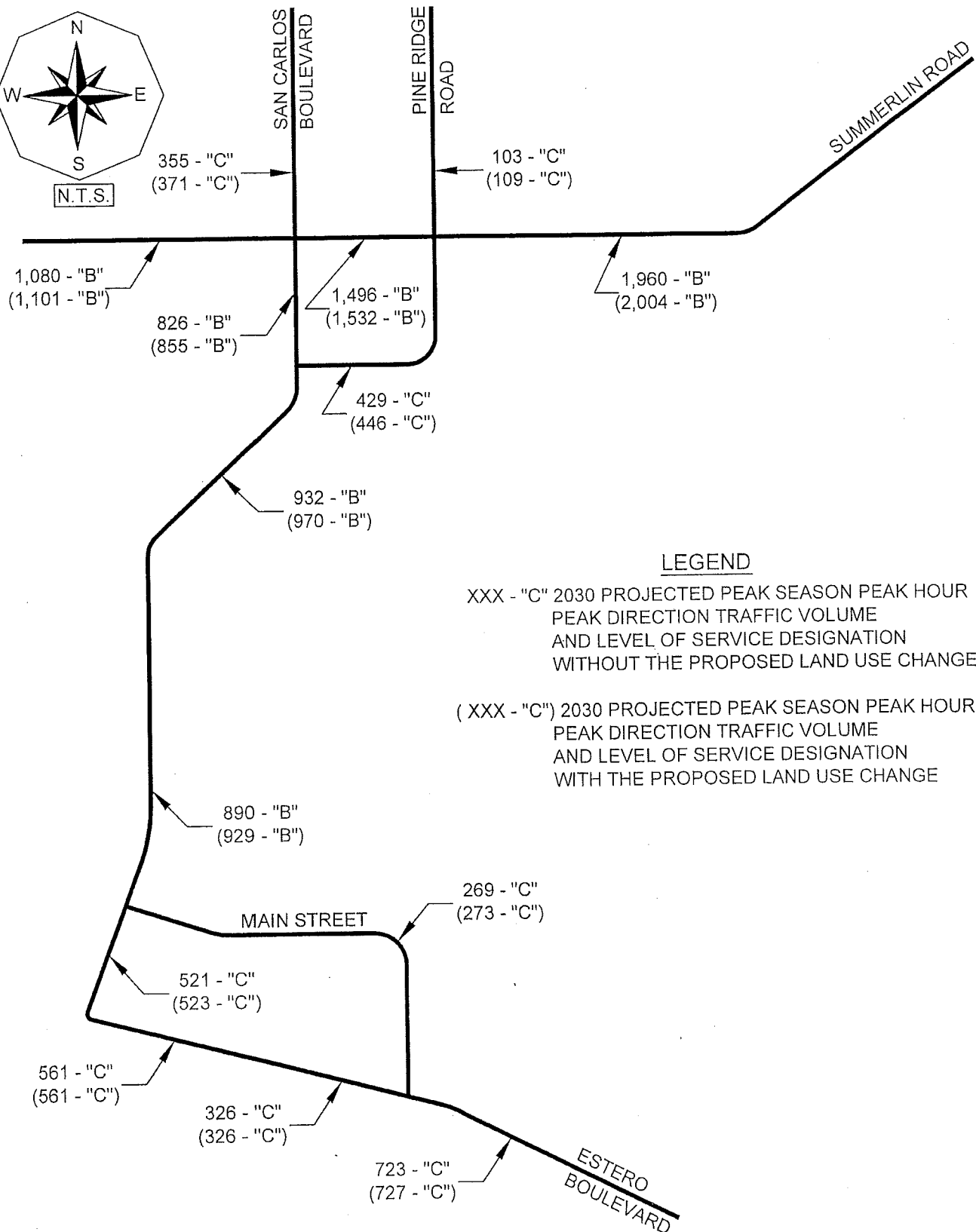
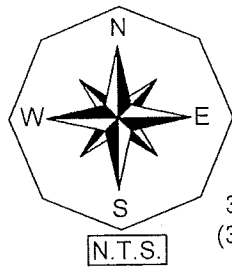
The Lee County Capital Improvement Program (CIP) for Fiscal Year 2006/2007 to 2010/2011 was reviewed, as well as the FDOT Work Program for Fiscal Year 2006/2007 to 2010/2011 in order to determine the short term impacts the proposed land use change would have on the surrounding roadways.

The only improvement in the vicinity of the subject site included in either the Lee County CIP or FDOT Work Program is the ongoing widening improvements to Summerlin Road east of San Carlos Boulevard. This improvement was accounted for in the 2030 FSUTMS analysis. No additional improvements would be required in the short term in order to support the proposed Comprehensive Plan Amendment.

Recommendations to the Long Range Transportation Plan

Based on this analysis, none of the roadway segments analyzed are shown to operate below the adopted Level of Service standard in the year 2030. Therefore no changes to the Lee County MPO Long Range Transportation Plan will be warranted as a result of this analysis.

F0709.13



V. CONCLUSION

The proposed Comprehensive Plan Amendment is to modify the future land use designation on the subject site from the existing Suburban, Industrial Development, Urban Community, and Wetlands designations to a site specific land use designation to be titled 'Destination Resort Mixed Use Water Dependant Land Use'. The subject site is located along Main An analysis of the 2030 Recommended Long Range Transportation Plan indicates that none of the roadway segments analyzed are anticipated to operate below the adopted Level of Service standard. Therefore no changes to the Lee County MPO Long Range Transportation Plan will be warranted as a result of this analysis.

APPENDIX

2030 TRAFFIC CONDITIONS
WITH/WITHOUT THE PROPOSED
LAND USE CHANGE

**2030 TRAFFIC CONDITIONS WITH EXISTING DENSITY
EXISTING PLUS PROGRAMMED ROAD NETWORK
EBBTIDE COMPREHENSIVE PLAN AMENDMENT**

ROADWAY	SEGMENT	# OF	LOS	RAW FSUTMS		PSWDT/AADT	2030	K-100	D	TOTAL TRAFFIC	LOS SERVICE	
		LANES	STANDARD	PSWDT	P.C.S. #	FACTOR ¹	AADT	FACTOR ²	FACTOR ²	PK DIRECTION	VOLUME ³	LOS
San Carlos Blvd.	N. of Summerlin Rd.	2LN	E	8,622	37	1.170	7,369	0.091	0.53	355	920	C
	S. of Summerlin Rd.	4LN	E	28,875	8	1.153	25,043	0.060	0.55	826	1,950	B
	S. of Pine Ridge Rd.	4LN	E	32,548	8	1.153	28,229	0.060	0.55	932	1,950	B
	N. of Main St.	4LN	E	31,092	8	1.153	26,966	0.060	0.55	890	1,950	B
	S. of Main St.	2LN	E	18,196	8	1.153	15,781	0.060	0.55	521	920	C
Estero Blvd.	E. of San Carlos Blvd.	2LN	E	13,328	44	1.090	12,228	0.085	0.54	561	920	C
	W. of Main St.	2LN	E	7,752	44	1.090	7,112	0.085	0.54	326	920	C
	E. of Main St.	2LN	E	17,162	44	1.090	15,745	0.085	0.54	723	920	C
Main St.	E. of San Carlos Blvd.	2LN	E	9,410	8	1.153	8,161	0.060	0.55	269	850	C
Summerlin Rd.	W. of San Carlos Blvd.	4LN	E	25,016	36	1.277	19,590	0.104	0.53	1,080	1,950	B
	E. of San Carlos Blvd.	6LN	E	34,665	19	1.277	27,146	0.104	0.53	1,496	3,040	B
	E. of Pine Ridge Rd.	6LN	E	45,420	19	1.277	35,568	0.104	0.53	1,960	3,040	B
Pine Ridge Rd.	N. of Summerlin Rd.	2LN	E	2,170	35	1.113	1,950	0.104	0.51	103	850	C
	S. of Summerlin Rd.	2LN	E	9,009	35	1.113	8,094	0.104	0.51	429	850	C

¹ Calculated based upon data from the 2006 Lee County Traffic Count Report. The data for PCS #36 was utilized for PCS #19 as Summerlin Road has been under construction for the past two years.

² Obtained from the 2006 Lee County Traffic Count Report

³ Obtained from the Lee County Generalized Service Volumes Table

**2030 TRAFFIC CONDITIONS WITH PROPOSED DENSITY
EXISTING PLUS PROGRAMMED ROAD NETWORK
EBBTIDE COMPREHENSIVE PLAN AMENDMENT**

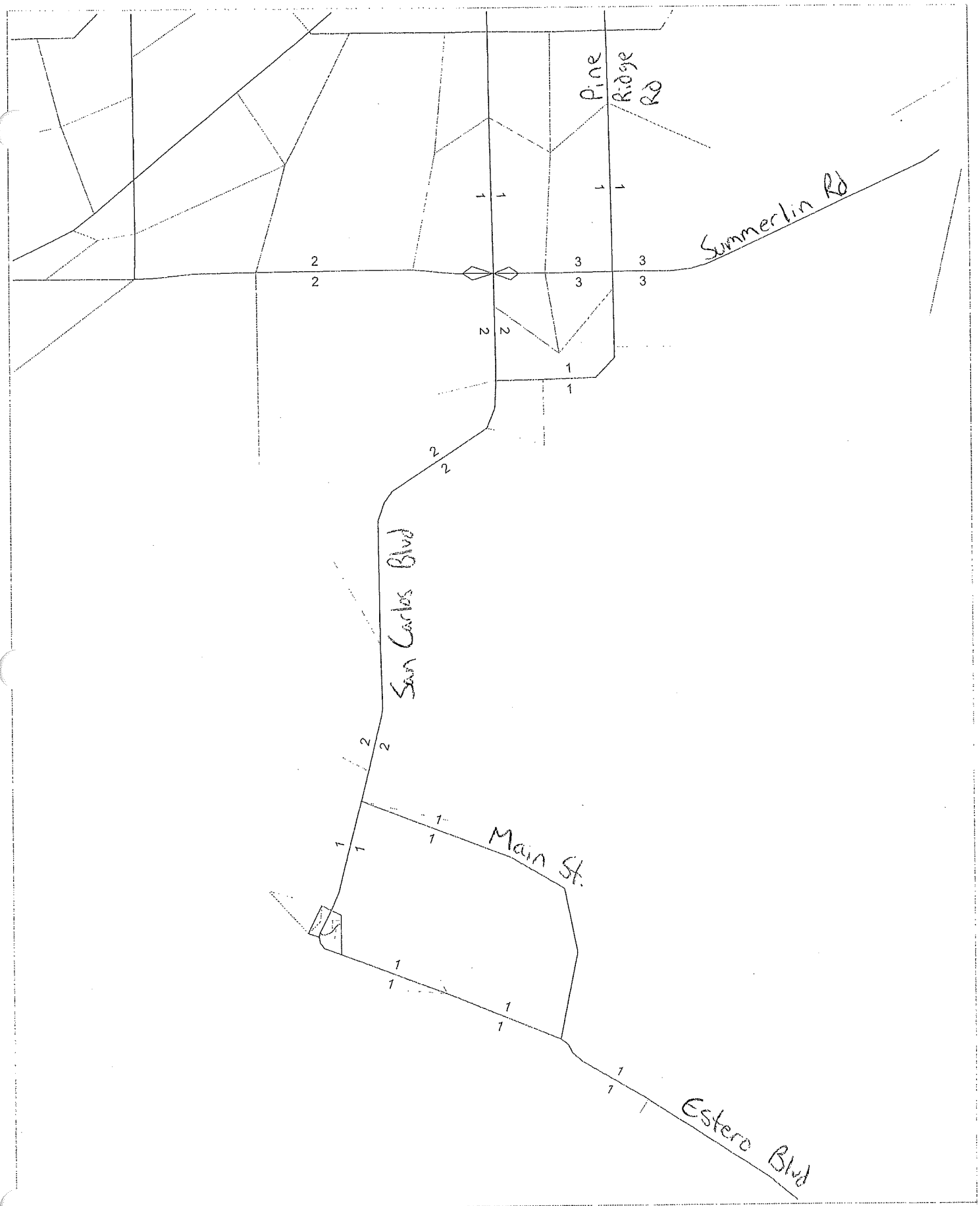
ROADWAY	SEGMENT	# OF	LOS	RAW FSUTMS		PSWDT/AADT		2030	K-100	D	TOTAL TRAFFIC	LOS SERVICE
		LANES	STANDARD	PSWDT	P.C.S. #	FACTOR ¹	AADT	FACTOR ²	FACTOR ²	PK DIRECTION	VOLUME ³	LOS
San Carlos Blvd.	N. of Summerlin Rd.	2LN	E	9,011	37	1.170	7,702	0.091	0.53	371	920	C
	S. of Summerlin Rd.	4LN	E	29,859	8	1.153	25,897	0.060	0.55	855	1,950	B
	S. of Pine Ridge Rd.	4LN	E	33,893	8	1.153	29,395	0.060	0.55	970	1,950	B
	N. of Main St.	4LN	E	32,471	8	1.153	28,162	0.060	0.55	929	1,950	B
	S. of Main St.	2LN	E	18,283	8	1.153	15,857	0.060	0.55	523	920	C
Estero Blvd.	E. of San Carlos Blvd.	2LN	E	13,333	44	1.090	12,232	0.085	0.54	561	920	C
	W. of Main St.	2LN	E	7,731	44	1.090	7,093	0.085	0.54	326	920	C
	E. of Main St.	2LN	E	17,264	44	1.090	15,839	0.085	0.54	727	920	C
Main St.	E. of San Carlos Blvd.	2LN	E	9,532	8	1.153	8,267	0.060	0.55	273	850	C
Summerlin Rd.	W. of San Carlos Blvd.	4LN	E	25,499	36	1.277	19,968	0.104	0.53	1,101	1,950	B
	E. of San Carlos Blvd.	6LN	E	35,487	19	1.277	27,789	0.104	0.53	1,532	3,040	B
	E. of Pine Ridge Rd.	6LN	E	46,438	19	1.277	36,365	0.104	0.53	2,004	3,040	B
Pine Ridge Rd.	N. of Summerlin Rd.	2LN	E	2,292	35	1.113	2,059	0.104	0.51	109	850	C
	S. of Summerlin Rd.	2LN	E	9,357	35	1.113	8,407	0.104	0.51	446	850	C

¹ Calculated based upon data from the 2006 Lee County Traffic Count Report. The data for PCS #36 was utilized for PCS #19 as Summerlin Road has been under construction for the past two years.

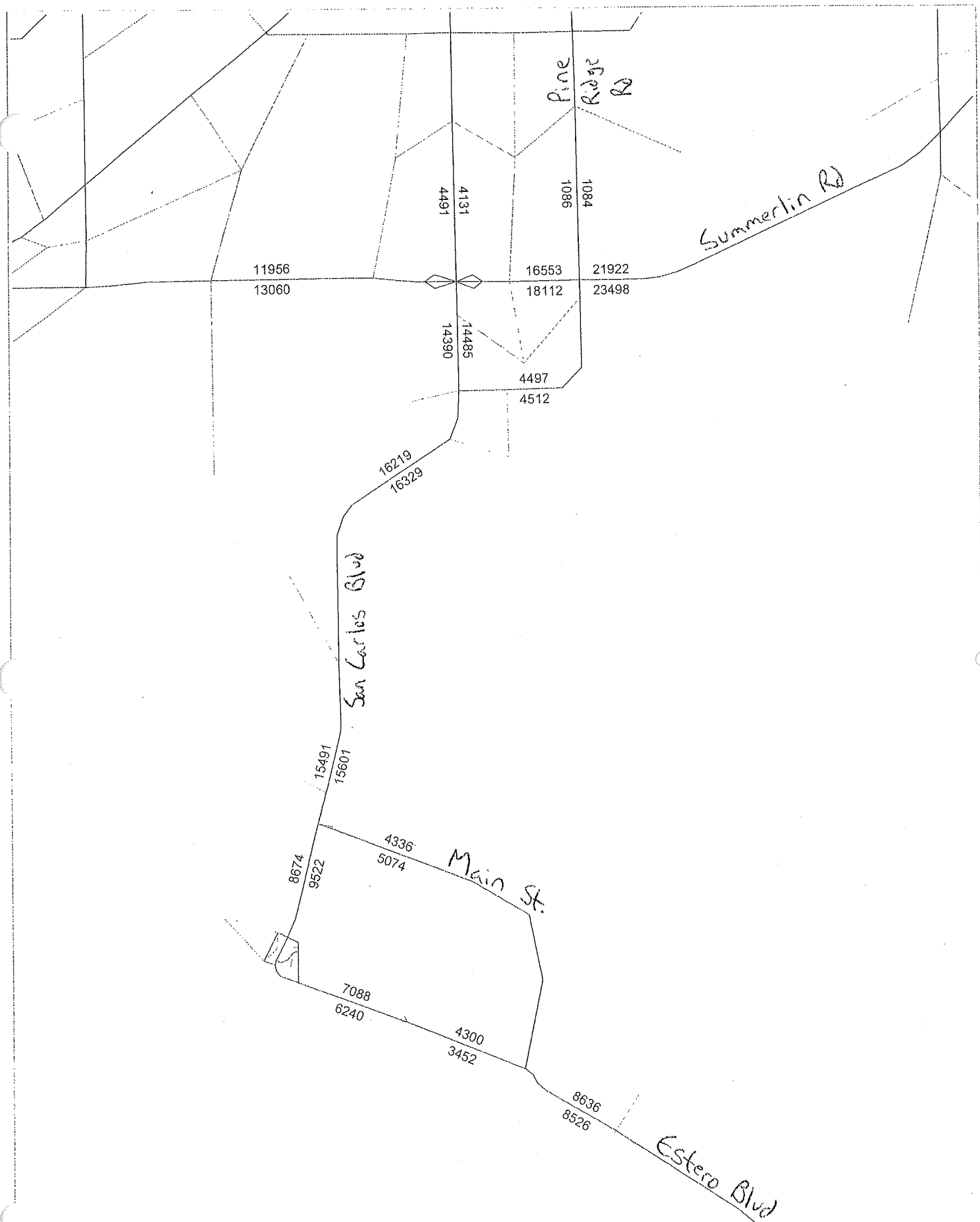
² Obtained from the 2006 Lee County Traffic Count Report

³ Obtained from the Lee County Generalized Service Volumes Table

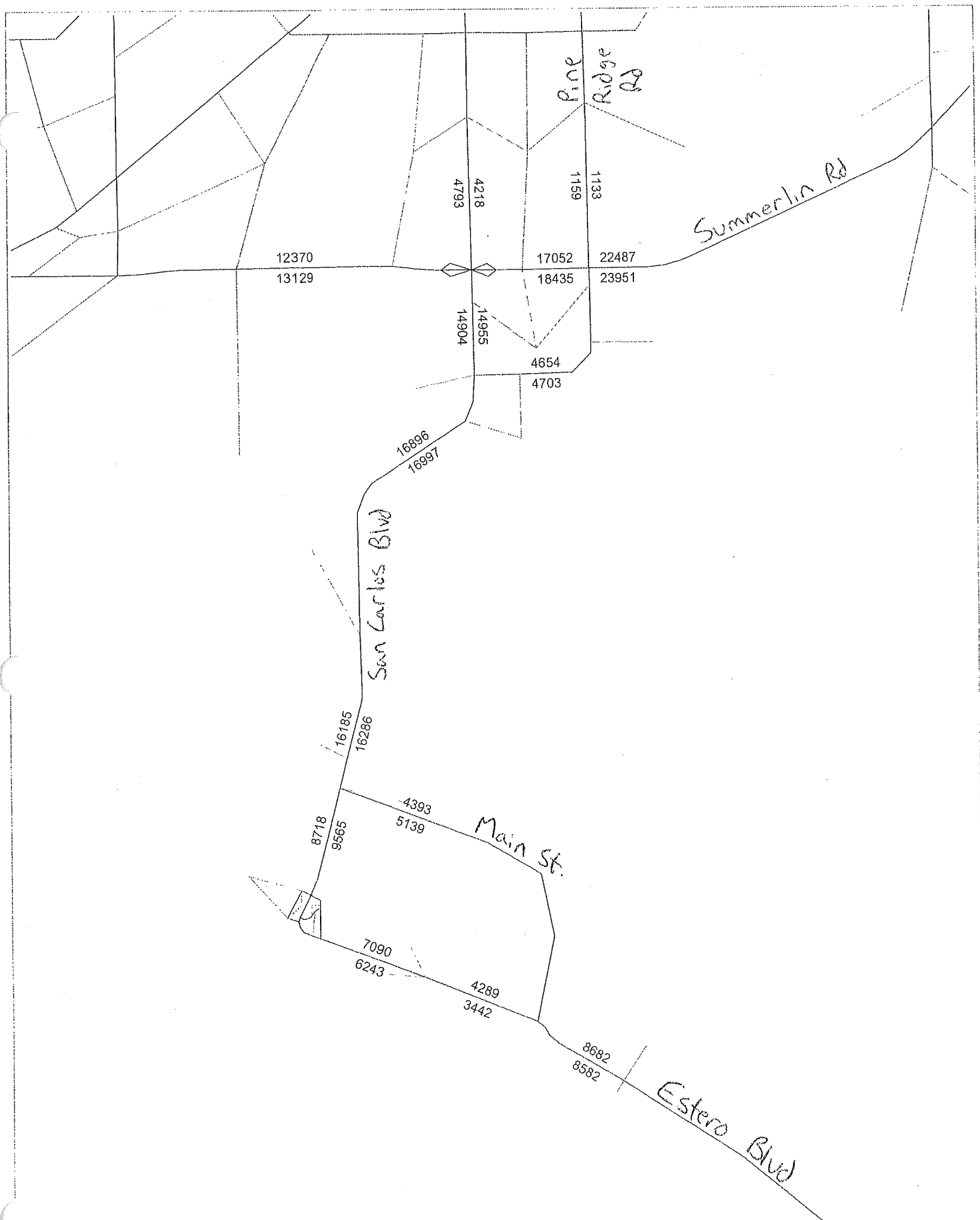
FSUTMS DATA PLOTS BOTH
WITH/WITHOUT THE PROPOSED
LAND USE CHANGE



2030 Financially Feasible Plan
Programmed Number of Lanes For Each Roadway Analyzed
No Modifications



2030 Financially Feasible Plan
No Modifications



2030 Financially Feasible Plan
With Proposed Ebbtide Comprehensive Plan Amendment

ZDATA FILE INFORMATION

EXISTING 2030 FINANCIALLY FEASIBLE PLAN

Z-DATA 1 File

	TAZ	Single Family Data						Multi-Family Data						Hotel					
1	0	1695	81	5	3	132	0	27	73	849	51	34	679	6	74	20	22	99	38

Population:

	TAZ 1695
Single Family:	1.6 persons/unit
Multi Family:	0.8 persons/unit
Hotel:	1.7 persons/unit

Z_DATA 2 file

	TAZ	Indust. Emp.	Comm. Emp.	Serv. Emp.	Tot Emp	School Enr.
2	1695	86	94	261	441	67 0 0

MODIFIED 2030 FINANCIALLY FEASIBLE PLAN
WITH PROPOSED COMP PLAN CHANGE

Z-DATA 1 File

	TAZ	Single Family Data							Multi-Family Data							Hotel		
1 0	1695	81	5	3	132	0	27	73	1315	51	34	1052	6	74	20	322	99	547

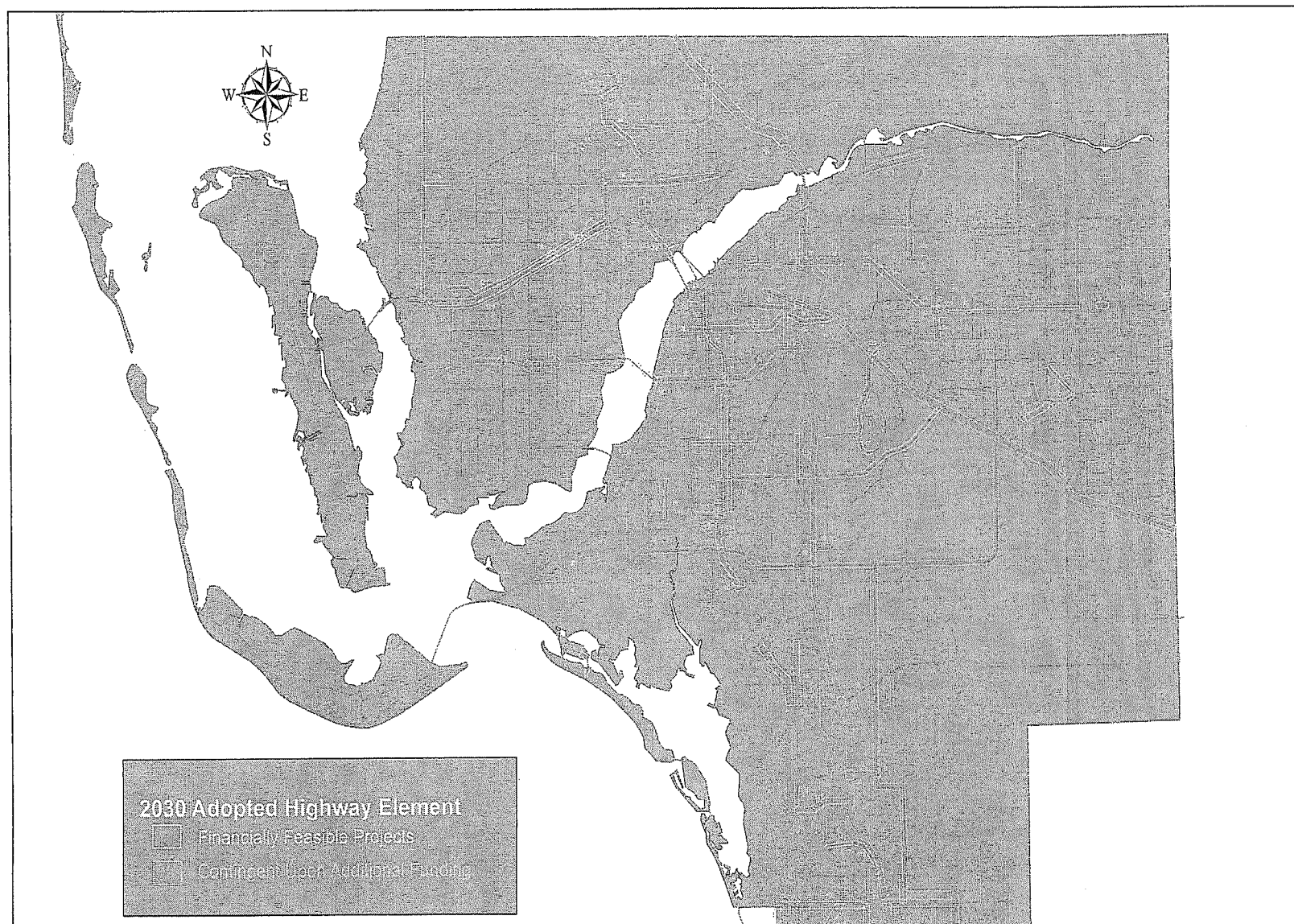
Population:

	TAZ 1695
Single Family:	1.6 persons/unit
Multi Family:	0.8 persons/unit
Hotel:	1.7 persons/unit

Z_DATA 2 file

		Indust.	Comm.	Serv.	Tot	School	
	TAZ	Emp.	Emp.	Emp.	Emp	Enr.	
2	1695	86	94	261	441	67	0 0

ADOPTED 2030 HIGHWAY ELEMENT



LEE COUNTY GENERALIZED LEVEL OF SERVICE THRESHOLDS

Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas

Sept., 2005

c:\input2

Uninterrupted Flow Highway						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	100	360	710	1,000	1,270
2	Divided	1,060	1,720	2,480	3,210	3,650
3	Divided	1,590	2,580	3,720	4,820	5,480
Arterials						
Class I (>0.00 to 1.99 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	290	760	900	920
2	Divided	450	1,630	1,900	1,950	1,950
3	Divided	670	2,490	2,850	2,920	2,920
4	Divided	890	3,220	3,610	3,700	3,700
Class II (>2.00 to 4.50 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	210	660	850	900
2	Divided	*	490	1,460	1,790	1,890
3	Divided	*	760	2,240	2,700	2,830
4	Divided	*	1,000	2,970	3,500	3,670
Class III (more than 4.50 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	370	720	850
2	Divided	*	*	870	1,640	1,790
3	Divided	*	*	1,340	2,510	2,690
4	Divided	*	*	1,770	3,270	3,480
Controlled Access Facilities						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	120	740	930	960	960
2	Divided	270	1,620	1,970	2,030	2,030
3	Divided	410	2,490	2,960	3,040	3,040
Collectors						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	530	800	850
1	Divided	*	*	560	840	900
2	Undivided	*	*	1,180	1,620	1,720
2	Divided	*	*	1,240	1,710	1,800

Note: the service volumes for I-75 (freeway) should be from FDOT's most current version of LOS Handbook.

LEE COUNTY PEAK SEASON DATA
FROM THE 2006 LEE COUNTY
TRAFFIC COUNT REPORT

**PERMANENT COUNT STATION 8
SAN CARLOS BLVD (SR 865) S OF PRESCOTT ST**

2006 AADT = 32600

K100 Factor - 0.06

Monthly ADT as a % of Annual ADT

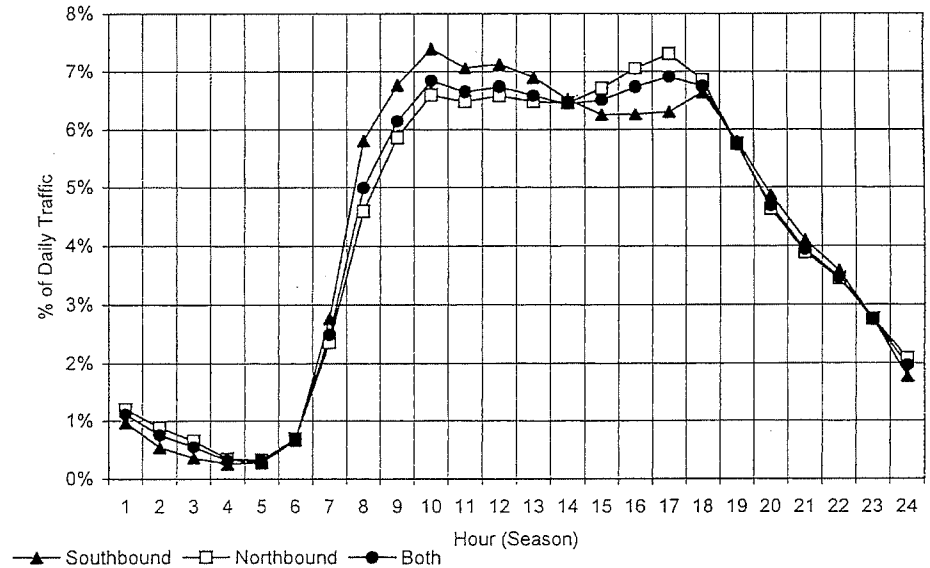
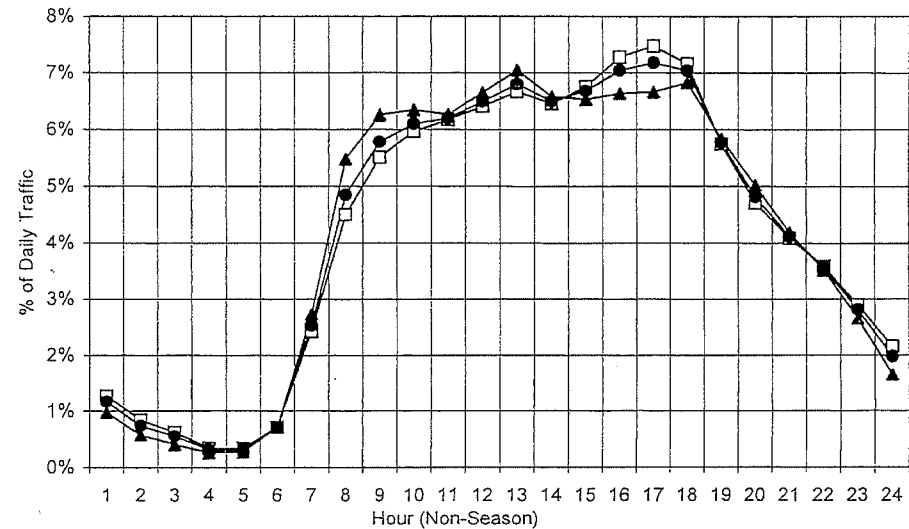
January	111%
February	114%
March	117%
April	115%
May	99%
June	93%
July	95%
August	87%
September	84%
October	94%
November	101%
December	90%

Day of Week as a % of Annual ADT

Monday	97%
Tuesday	98%
Wednesday	98%
Thursday	100%
Friday	109%
Saturday	104%
Sunday	94%

Weekday Peak Flow Characteristics	Non-Season	Season
Peak Flow between 7 a.m. and 9 a.m.		
1) as a % of weekday traffic	5.3%	5.6%
2) directional Split (peak direction)	54%	55%
	Southbound	Southbound
Peak Flow between 4 p.m. and 6 p.m.		
1) as a % of weekday traffic	7.1%	6.8%
2) directional Split (peak direction)	52%	52%
	Northbound	Northbound

**PERMANENT COUNT STATION 8
SAN CARLOS BLVD (SR 865) S OF PRESCOTT ST**



**PERMANENT COUNT STATION 35
SUMMERLIN RD (CR 869) S OF PARK MEADOWS**

2006 AADT = 34300

K100 Factor - 0.104

Monthly ADT as a % of Annual ADT

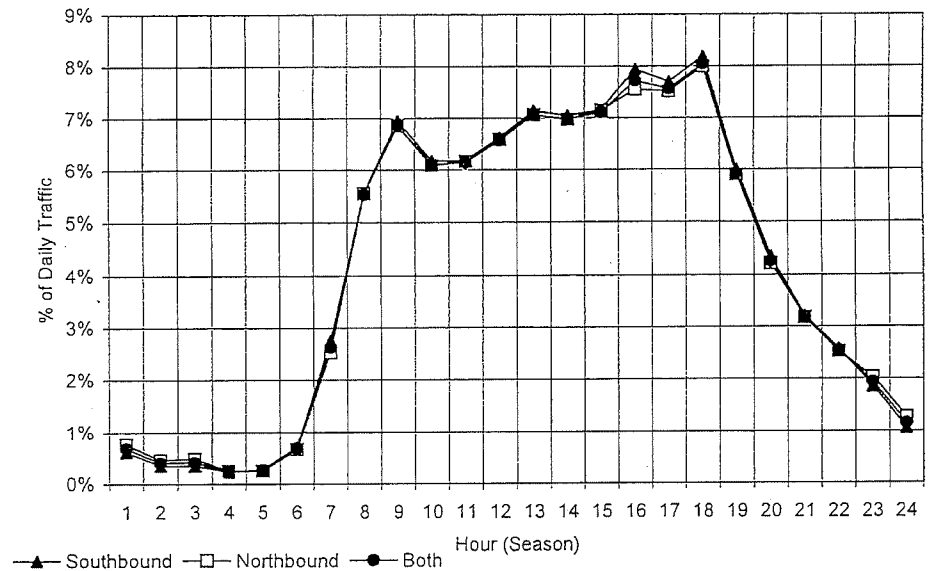
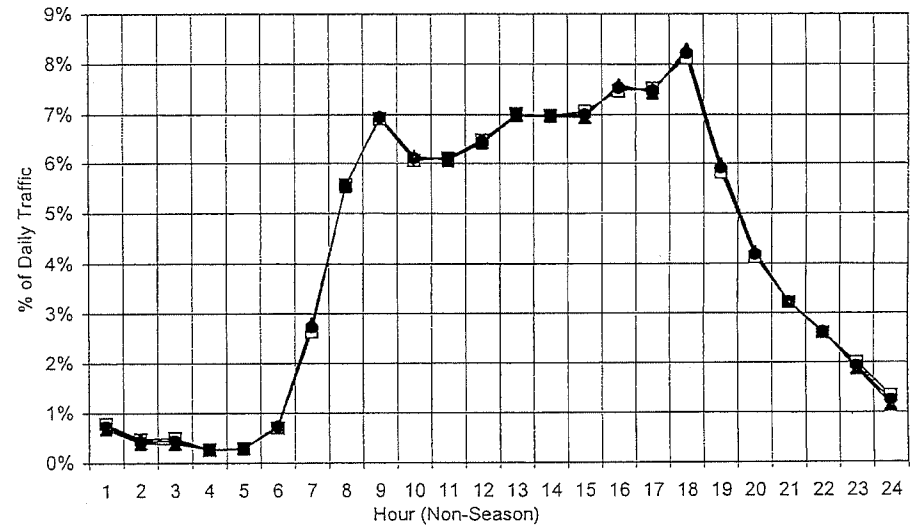
January	109%
February	113%
March	112%
April	102%
May	98%
June	95%
July	85%
August	92%
September	96%
October	95%
November	98%
December	106%

Day of Week as a % of Annual ADT

Monday	109%
Tuesday	114%
Wednesday	115%
Thursday	116%
Friday	115%
Saturday	76%
Sunday	57%

Weekday Peak Flow Characteristics	Non-Season	Season
Peak Flow between 7 a.m. and 9 a.m.		
1) as a % of weekday traffic	6.2%	6.2%
2) directional Split (peak direction)	50%	50%
	Southbound	Southbound
Peak Flow between 4 p.m. and 6 p.m.		
1) as a % of weekday traffic	7.8%	7.8%
2) directional Split (peak direction)	50%	51%
	Southbound	Southbound

**PERMANENT COUNT STATION 35
SUMMERLIN RD (CR 869) S OF PARK MEADOWS**



**PERMANENT COUNT STATION 36
SUMMERLIN RD (CR 869) E OF JOHN MORRIS RD**

2006 AADT = 17300

K100 Factor - 0.104

Monthly ADT as a % of Annual ADT

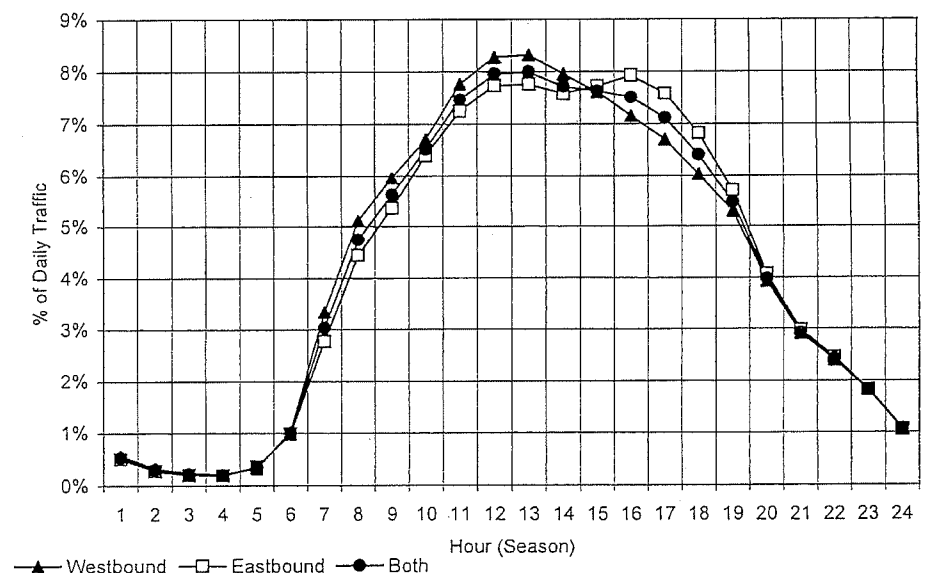
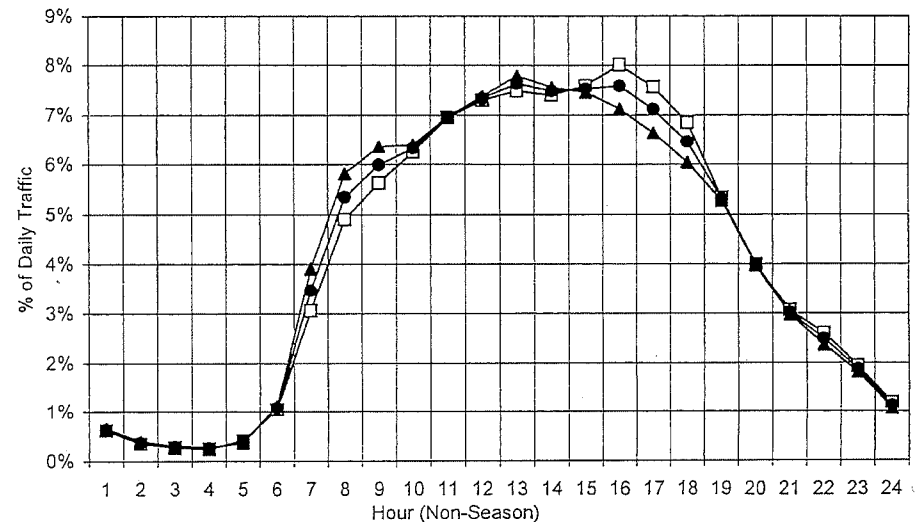
January	119%
February	130%
March	134%
April	117%
May	96%
June	90%
July	88%
August	79%
September	75%
October	83%
November	100%
December	106%

Day of Week as a % of Annual ADT

Monday	99%
Tuesday	101%
Wednesday	104%
Thursday	103%
Friday	111%
Saturday	101%
Sunday	81%

Weekday Peak Flow Characteristics	Non-Season	Season
Peak Flow between 7 a.m. and 9 a.m.		
1) as a % of weekday traffic	5.7%	5.2%
2) directional Split (peak direction)	54%	53%
	Westbound	Westbound
Peak Flow between 4 p.m. and 6 p.m.		
1) as a % of weekday traffic	6.8%	6.8%
2) directional Split (peak direction)	53%	53%
	Eastbound	Eastbound

**PERMANENT COUNT STATION 36
SUMMERLIN RD (CR 869) E OF JOHN MORRIS RD**



PERMANENT COUNT STATION 37
McGREGOR BLVD (SR 867) S OF PINE RIDGE RD

2006 AADT = 29900

K100 Factor - 0.091

Monthly ADT as a % of Annual ADT

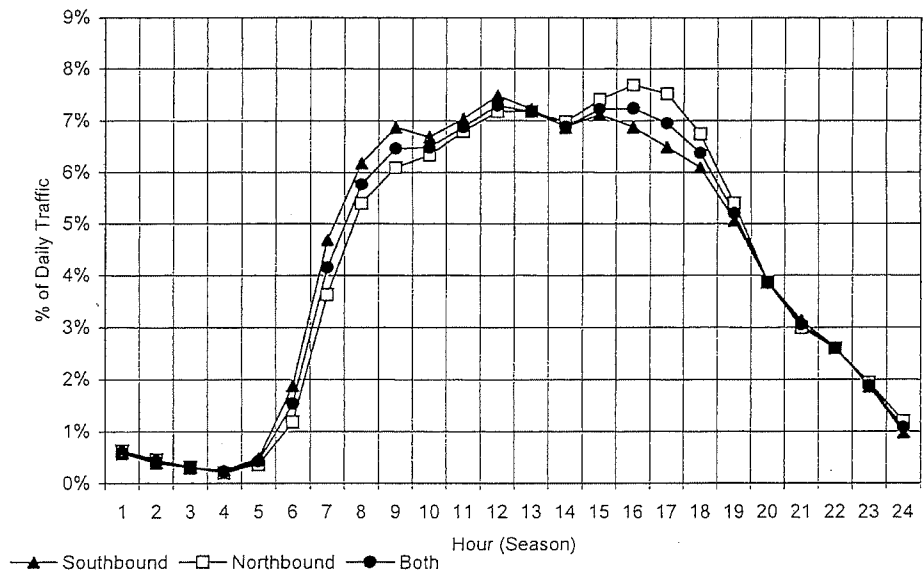
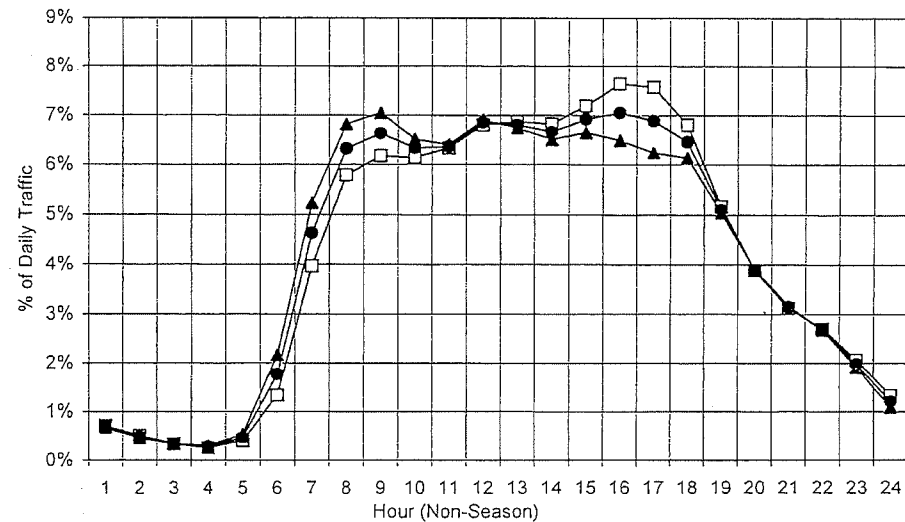
January	104%
February	115%
March	125%
April	111%
May	97%
June	92%
July	86%
August	87%
September	86%
October	95%
November	104%
December	97%

Day of Week as a % of Annual ADT

Monday	101%
Tuesday	105%
Wednesday	106%
Thursday	107%
Friday	112%
Saturday	94%
Sunday	76%

Weekday Peak Flow Characteristics.	Non-Season	Season
Peak Flow between 7 a.m. and 9 a.m.		
1) as a % of weekday traffic	6.5%	6.1%
2) directional Split (peak direction)	54%	53%
	Southbound	Southbound
Peak Flow between 4 p.m. and 6 p.m.		
1) as a % of weekday traffic	6.7%	6.7%
2) directional Split (peak direction)	54%	53%
	Northbound	Northbound

PERMANENT COUNT STATION 37
McGREGOR BLVD (SR 867) S OF PINE RIDGE RD



**PERMANENT COUNT STATION 44
ESTERO BV N OF DONORA BV**

2006 AADT = 15300

K100 Factor - 0.085

Monthly ADT as a % of Annual ADT

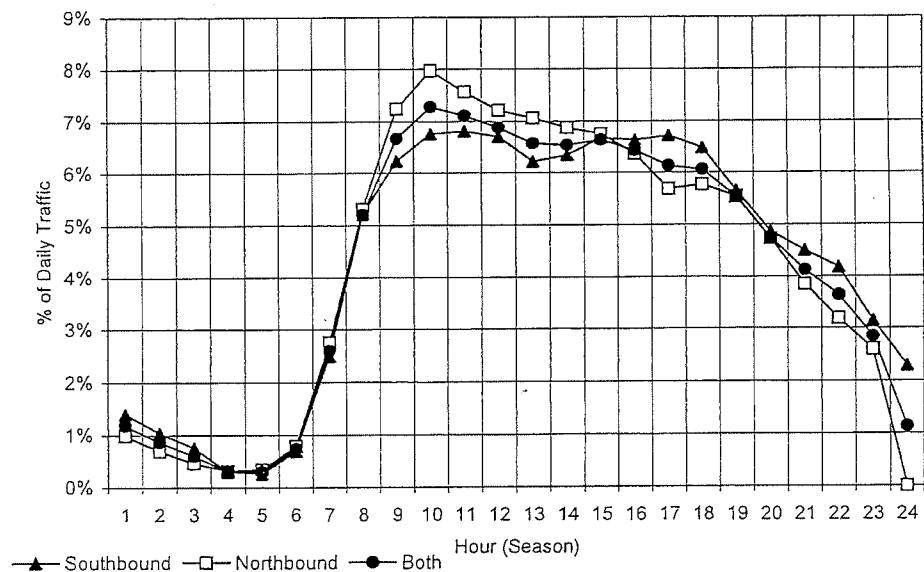
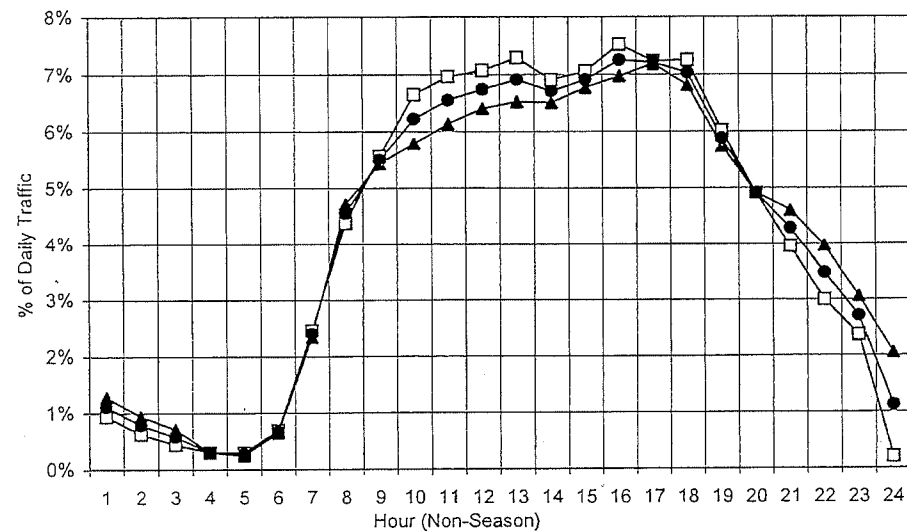
January	110%
February	110%
March	107%
April	110%
May	100%
June	95%
July	97%
August	87%
September	83%
October	95%
November	105%
December	102%

Day of Week as a % of Annual ADT

Monday	100%
Tuesday	100%
Wednesday	101%
Thursday	102%
Friday	108%
Saturday	100%
Sunday	91%

Weekday Peak Flow Characteristics	Non-Season	Season
Peak Flow between 7 a.m. and 9 a.m.		
1) as a % of weekday traffic	5.0%	5.9%
2) directional Split (peak direction)	51%	52%
	Southbound	Northbound
Peak Flow between 4 p.m. and 6 p.m.		
1) as a % of weekday traffic	7.1%	6.1%
2) directional Split (peak direction)	51%	54%
	Northbound	Southbound

**PERMANENT COUNT STATION 44
ESTERO BV N OF DONORA BV**



Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment B-2a

Utilities Analysis (Sanitary Sewer and Portable Water)

EBBTIDE COMPREHENSIVE PLAN AMENDMENT

DELISI FITZGERALD, INC.
Planning - Engineering - Project Management

1500 Royal Palm Square Blvd., Suite 101
Fort Myers, FL 33919
239-418-0691 • 239-418-0692 fax

UTILITIES ANALYSIS

Under the current land use designations of the Comprehensive Plan, the subject property can be developed with 134 residential units and 145,000 square feet of industrial uses generating an approximate water and wastewater demand of 40,025 gallons-per-day (GPD).

Utility demand for the proposed amendment was analyzed based on the highest potential demand generated from the mixture of uses including 271 residential units, 100,000 square-feet of commercial retail, a 464 unit hotel, 15,000 square-feet of office, and a marina facility. Utility demand for civic type uses of the property are considered ancillary to the resort hotel for this analysis. Based on the attached analysis, the proposed project will increase the total utility demand for the property by 239,995 GPD with a total demand of 280,020 GPD.

Potable water service will be provided by the Lee County Utilities (LCU) system which is permitted for a total of 38.5 MGD. Current demand on the system is 25.6 MGD. The projected demand for the Lee County Utilities Water System in 2018 is 40.4 MGD. Projected capacity in 2018 is 60.13 MGD. The Green Meadows plant is in closest proximity to the proposed project with transmission lines sufficient to serve the project located within a mile of the property.

Wastewater service will be provided by the Fort Myers Beach plant of Lee County Utilities (LCU) which has a permitted capacity to serve 6.0 million gallons per day (MGD) while operating at 4.1 MGD. Based on the attached excerpt from the Updated Capacity Analysis Report (Exhibit A) dated June, 2003, the plant is projected to operate at 4.37 MGD in 2020. With the development, there will be as much as 1.3 MGD of excess capacity available in the plant.

Based on current capacities and planned expansions of the utilities, there will be excess capacity to serve the proposed development.

Ebbtide Comprehensive Plan Amendment

Utility Analysis

Category	Unit Type	# of Units	Flow per Unit (GPD)	Total (GPD)
Residential High Rise	unit	271	220	59,620
Resort Hotel/Timeshare	unit	464	200	92,800
Laudry Facilities	machine	30	750	22,500
Office	sf	15,000	0.15	2,250
Retail	sf	100,000		
*Restaurant (70%)	1 person/50 sf	1,400	60	84,000
**Bar (30%)	21 people/1000 sf	630	20	12,600
Marina	slip	250	25	6,250

Total Demand = 280,020 GPD

* Total Restaurant Area = 70,000 sf

** Total Bar Area = 30,000 sf

Exhibit A

UPDATED CAPACITY ANALYSIS REPORT

**DEPARTMENT OF LEE COUNTY UTILITIES
FORT MYERS BEACH/IONA MCGREGOR WASTEWATER
TREATMENT PLANT
LEE COUNTY, FLORIDA**

**GMS ID NO. 5236M01544
FDEP PERMIT NO.: FL0144215-001-DWIP
PERMIT EXPIRATION DATE: DECEMBER 16, 2003**

RECEIVED

JUNE 2003

JUN 16 2003

D.E.P. - South District

Prepared by:

**Hole, Montes, Inc.
950 Encore Way
Naples, FL 34110**

239.254.2000

In Conjunction with:

**Lee County Utilities
1500 Monroe Street
Fort Myers, FL 33902-0398**

239.479.8181

CHAPTER 3

FUTURE CONDITIONS

3.1 POPULATION PROJECTIONS

The population projections from the previously submitted Updated Capacity Analysis Report of September 1996 have been reviewed. Additionally, from 1995 through 2002, the billing records along with the reported equivalent residential unit (ERU) have been evaluated. Table 3.1 shows the estimated population from 1995 through 2020. The populations from 1995 through 2010 (in bold) were obtained from the previous report. Populations from 2011 through 2020 were projected using an annual growth rate of 1.6 percent.

3.2 FLOW PROJECTIONS

The projected annual average daily flows (AADFs) are shown in **Table 3.1**. The flow projections from 2003 through 2020 were based on the flow rate per capita of 100 gals/day/person. By 2020, the AADF is projected to reach approximately 4.37 mgd. The maximum monthly average daily flows (Max MADFs) from 1995 through 2020 are shown in **Table 3.2**. The Max MADF was projected using 1.3 for the Max MAADF/AADF ratio, which is the average of the previous years. The Max MADF is projected to reach approximately 5.68 mgd by 2020. Additionally, the maximum three-month average daily flows (Max 3 MADF) are also presented in **Table 3.2**. Using a 1.2 for the Max 3 MADF/AADF ratio, the flows from 2003 through 2020 were projected. This ratio is an average of the previous years. By 2020 the Max 3 MADF is projected to reach approximately 5.24 mgd.

Figure 3.1 illustrates the past and projected AADF, Max 3 MADF and Max MADF. Prior to 1999, the flows were more highly influenced by seasonal rain falls. The projected flows for Max 3 MADF and Max MADF averages the influences of high and low rain periods. Additionally, since 1999, numerous improvement projects for infiltration and inflow have been completed. This is associated with the observed reduction in the fluctuation in flows. Future Capacity Analysis Report updates should monitor these projections and actual flows, and if the deviation consistently increases, an adjustment to the flow projections may be warranted.

Daily discharges to the slow rate land application sites are currently being met by the existing reuse storage tank, but to meet future peak daily demands, an additional storage tank should be considered.

Table 3.1
Flow and Population Projections

Year	AADF (mgd)	Reported ERU's	Flow/ERU	Projected Population Reported 1997	Annual Growth Rate	Population per ERU	Flow Rate/capita (gals/day/person)
1995	2.83	12,604.2		26,138		2.1	108.3
1996	2.74	13,403.9		27,160	0.039	2.0	100.9
1997	2.81	14,256.2	196.9	28,181	0.038	2.0	99.6
1998	3.11	23,936.4	129.9	29,202	0.036	1.2	106.5
1999	3.16	25,448.2	124.0	30,223	0.035	1.2	104.4
2000	3.00	26,633.2	112.7	31,224	0.033	1.2	96.1
2001	3.00	27,726.9	108.4	31,847	0.020	1.1	94.3
2002	3.11			32,449	0.019		96.0
2003	3.31			33,052	0.019		100.0
2004	3.37			33,654	0.018		100.0
2005	3.43			34,257	0.018		100.0
2006	3.49			34,859	0.018		100.0
2007	3.55			35,462	0.017		100.0
2008	3.61			36,064	0.017		100.0
2009	3.67			36,667	0.017		100.0
2010	3.73			37,269	0.016		100.0
2011	3.79			37,865	0.016		100.0
2012	3.85			38,471	0.016		100.0
2013	3.91			39,087	0.016		100.0
2014	3.97			39,712	0.016		100.0
2015	4.03			40,347	0.016		100.0
2016	4.10			40,993	0.016		100.0
2017	4.16			41,649	0.016		100.0
2018	4.23			42,315	0.016		100.0
2019	4.3			42,992	0.016		100.0
2020	4.37			43,680	0.016		100.0

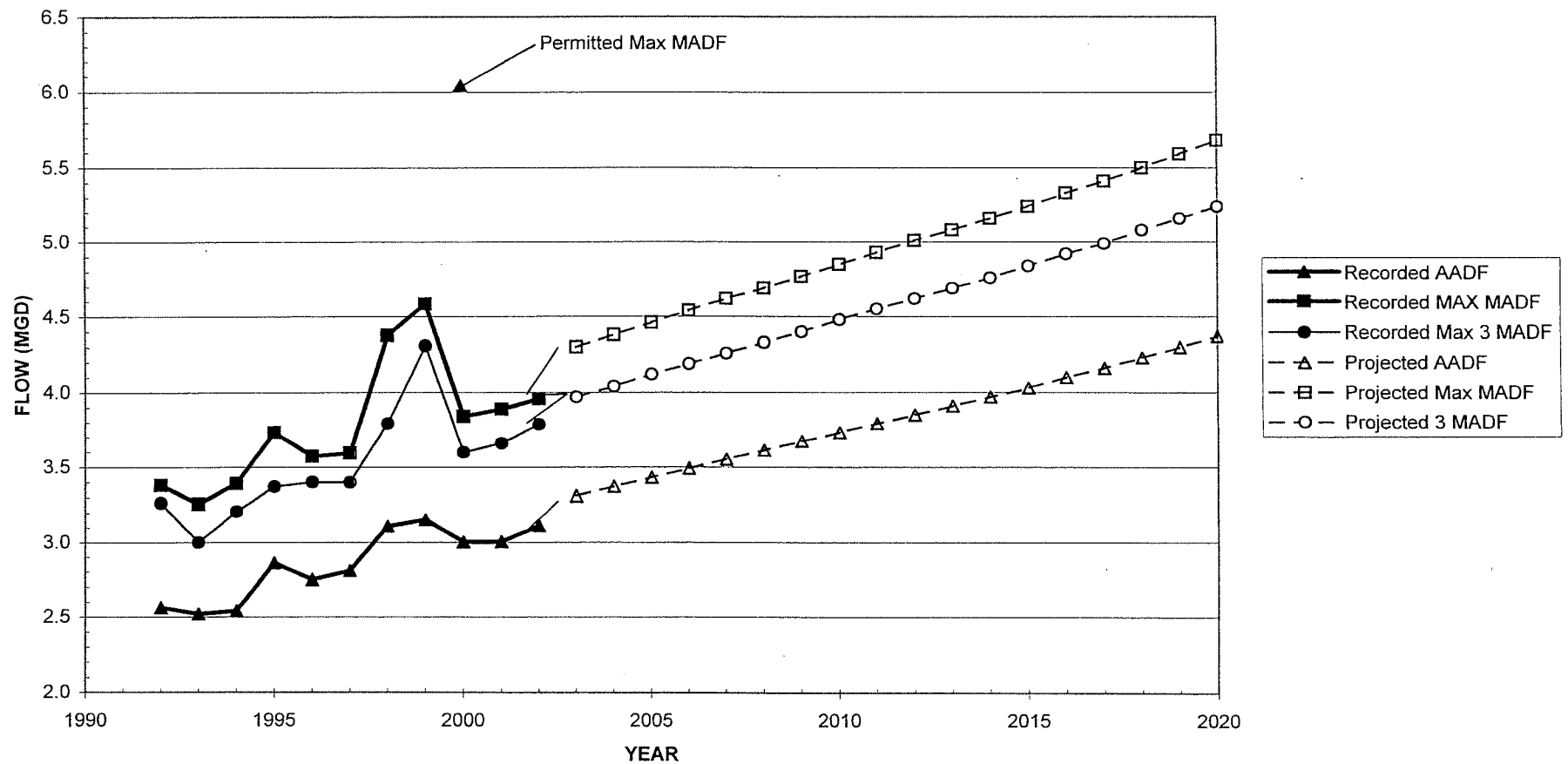
6/13/2003

Table 3.2
Projection of AADF and Maximum MADF

Year	AADF (mgd)	Maximum MADF (mgd)	Ratio Maximum MADF/AADF	Maximum Three MADF (mgd)	Ratio Maximum Three MADF/AADF
1992	2.56	3.38	1.32	3.27	1.27
1993	2.52	3.26	1.29	3.00	1.19
1994	2.54	3.39	1.33	3.21	1.26
1995	2.86	3.73	1.30	3.37	1.18
1996	2.75	3.57	1.30	3.40	1.24
1997	2.81	3.59	1.28	3.40	1.21
1998	3.11	4.38	1.41	3.79	1.22
1999	3.16	4.58	1.45	4.31	1.37
2000	3.00	3.84	1.28	3.60	1.2
2001	3.00	3.89	1.29	3.66	1.22
2002	3.11	3.96	1.27	3.79	1.22
2003	3.31	4.30	1.3	3.97	1.2
2004	3.37	4.38	1.3	4.04	1.2
2005	3.43	4.46	1.3	4.12	1.2
2006	3.49	4.54	1.3	4.19	1.2
2007	3.55	4.62	1.3	4.26	1.2
2008	3.61	4.69	1.3	4.33	1.2
2009	3.67	4.77	1.3	4.40	1.2
2010	3.73	4.85	1.3	4.48	1.2
2011	3.79	4.93	1.3	4.55	1.2
2012	3.85	5.01	1.3	4.62	1.2
2013	3.91	5.08	1.3	4.69	1.2
2014	3.97	5.16	1.3	4.76	1.2
2015	4.03	5.24	1.3	4.84	1.2
2016	4.10	5.33	1.3	4.92	1.2
2017	4.16	5.41	1.3	4.99	1.2
2018	4.23	5.50	1.3	5.08	1.2
2019	4.30	5.59	1.3	5.16	1.2
2020	4.37	5.68	1.3	5.24	1.2

FIGURE 3.1
FORT MYERS BEACH/IONA MCGREGOR
WASTEWATER TREATMENT PLANT
AADF, MAXIMUM THREE MADF
AND MAXIMUM MADF

1992 - 2020



Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment B-2b

Surface Water/Drainage Basins Analysis

EBBTIDE COMPREHENSIVE PLAN AMENDMENT

1500 Royal Palm Square Blvd., Suite 101
Fort Myers, FL 33919
239-418-0691 • 239-418-0692 fax

DRAINAGE FACILITIES ANALYSIS

Existing Facilities

Most of the upland portions of the subject property are developed with higher intensity development including a higher density mobile home park, a dry boat storage facility, a restaurant, and other commercial/industrial marina support facilities. A significant portion of the property is submerged lands that were created as part of Hurricane Pass when a no-name hurricane made landfall in Lee County. These lands and the mangrove islands associated with it remain under fee simple ownership. There are no dedicated water management facilities that currently exist on the property which allows surface water run-off and pollutants to discharge directly to Matanzas Pass to the south and Hurricane Pass to the north.

Proposed Facilities

The proposed development will include a water management system consisting of lakes and dry detention areas that will provide water quality and quantity treatment prior to discharge into Hurricane Pass and Matanzas Pass. The ability to incorporate a modern water management system in place of the uncontrolled surface discharge from the developed areas of the property should allow for the reduction of pollutants discharging directly to the surrounding water bodies.

Level of Service

The proposed project will provide water quality for 2.5" of rainfall in a one hour storm event, attenuation for the 25 year, 3 day storm event, and flood protection from the 100 year storm event. All proposed works will follow the current South Florida Water Management Requirements as a minimum. These include meeting the 5 year year, 1 day event for the road centerlines and parking, the 25 year, 3 day event for allowable discharge control, and the 100 year, 3 day and FEMA flood zones for finished floor elevations.

Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment B-2c

Parks, Recreation, and Open Space Analysis

FACILITIES ANALYSIS

The following analysis, demonstrates how the proposed Ebbtide development land use category will support the additional public facilities to service the property.

Parks

Level of Service and generation rates for park and recreational facilities are adopted as part of the Lee County Comprehensive Plan in the Capital Improvements Element. The level of service for Parks is established in Policy 95.1.3.5 as follows:

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

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

In establishing a facility needs analysis for park and recreation lands, the most recent available demographic data is still the 2000 US Census. According to the census data we can assume an average permanent population of 77%. This is very conservative number based on similar developments with much higher seasonal populations. It is envisioned that the Ebbtide development property will be marketed substantially toward a seasonal and second home buyer population. However, to be very conservative we are using a county wide average. According to the census data the average household size is 2.31 people per household.

Table 1 below shows the park generation created by the proposed development:

Park Type	Generation Rate	Population	Park Acreage
Regional Park	6 acres/1,000 people total	1,076	6.5
Community Park	.8 acres/1,000 people permanent	829	0.7

In addition to park area, the Lee County Land Development Code specifies general open space and preserve guidelines for development. The requirement in the LDC is generally 40% open space for residential developments and 30% for commercial. The Ebbtide development will need to meet those guidelines as well, generating significant open space area.

The Ebbtide development will need to pay impact fees, which will pay the proportionate amount of money to off set any impacts that are created for new parks in Lee County. In addition to impact fees, the Ebbtide amendment will maintain a significant public waterfront access opportunity for both the new residents added by this development as well as existing Lee County residents. With the existing marina and other waterfront amenities, the park amenities that will be provided for well exceed the impacts of this Lee Plan amendment.

Exhibit IV.B.2
Parks, Recreation and Open Space
Level of Service Standards

Background

Policy 95.1.3 of The Lee Plan states the minimum acceptable level-of-service standards that will be the basis for planning the provision of required public facilities within Lee County. Some of the standards will be the basis for determining the adequacy of public facilities for the purpose of permitting new development. The "Minimum Acceptable Level of Service" will be the basis for facility design, for setting impact fees, and the operation of the Concurrency Management System (where applicable).

"Regulatory" standards are those that are identified by state law as being essential to support development which includes parks and recreation facilities.

Community Parks "Regulatory" level-of-service standards are **0.8 acres** of developed standard community parks open for public use per 1,000 permanent population, unincorporated county only.

Section IV.B.2.: Comprehensive Plan Amendment Support Documentation

Current and Projected LOS

The subject property is located in *District 44- South Fort Myers Community Park Impact Fee Benefit District*.

The regulatory level-of-service was met in 2006 according to the Lee County 2007 Concurrency Report, and the level-of-service policy standards identified in The Lee Plan and will continue to be met through 2010.

There are currently twelve existing parks within the South Fort Myers Community Park Benefit District that consist of 154 total acres.

With a total existing Community Park District inventory of 154 acres provided, the "Regulatory" standard (86.5 acres in 2006) was met in 2006 and will continue to be met through the year 2010 as projected.

The proposed increase in density will have slight impacts on the level of service required. At an assumed 2.09 Persons Per Household (PPH), the additional 116 units will create a demand of 1.45 acres of community park space at the minimum regulatory level-of-service. The proposed amendment meets the regulatory level-of-service in this district.

Improvements/Expansions

The WA-KE Hatchee Park is currently being developed that will consist of an additional 44 acres adjacent to the existing one acre WA-KEE Hatchee Recreation Center.

Anticipated revisions to the Community Facilities and Service Elements

There are no anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element.

Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment B-3a

Fire Protection Letter



*11338 Bonita Beach Road, Suite 3
Bonita Spring, FL 34135
239-948-6688*

September 4, 2007

Mr. Larry Evans
Deputy Chief
Fort Myers Beach Fire Department
100 Voorhis Street
Fort Myers Beach, FL 33931

Re: San Carlos Island-Letter of Availability
Parcel Strap No.: See attached List and location map
Property Address: See attached List and Location map

Dear Mr. Evans:

We are seeking an amendment to the Lee County Comprehensive Plan for a (+/-) 32 acres of upland and 44 acres of submerged lands located at San Carlos Island. The amendment is intended to clean up existing and the future land uses that are out dated due to the decline in the commercial fishing and shrimping industry that are almost non existent today. Another aspect of the amendment is to help facilitate the rezoning of two antiquated RV parks with a mixed use master concept plan that respects the islands history while improving its future. If approved, there will be a maximum increase above the existing uses of 329 residents, a resort type hotel with 300 rooms and an additional 78,000 square feet of commercial support space.

As part of this approval process, Lee County Requires a letter form your agency indicating that there will be adequate facilities to serve the increase in demand for fire and EMS. Attached for you reference, please find the project location map.

At your earliest convenience, please forward a letter to our office verifying that the increase in demand will be served adequately. We thank you in advance for you attention to this item and if you have any questions or require additional information, please contact our office.

With regards


Joseph M. McHarris

McHarris Planning and Design, 11338 Bonita Beach Rd. Suite 103 Bonita Springs FL, 33135
P (239)948-6688, F (239)948-6689

Fort Myers Beach Fire Control District

100 Voorhis Street • Fort Myers Beach, Florida 33931
Mailing Address: PO Box 2880 • Fort Myers Beach, Florida 33932



BOARD OF COMMISSIONERS

John Scanlon - Chairman

Theodore A. (Ted) Reckwerdt -
Vice-Chairman

Betty Goodaere - Sec./Treas.

Carol Morris - Fire Commissioner

Joseph Schmid - Fire Commissioner

FIRE CHIEF

Mike Becker

September 11, 2007

Mr. Joseph M. McHarris
McHarris Planning and Design
11338 Bonita Beach Rd. Suite 103
Bonita Springs, Fl. 33135

Re: San Carlos Island-Letter of Availability

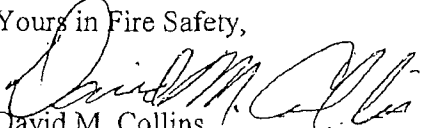
Dear Mr. McHarris:

I am writing this letter to inform you that the Ft. Myers Beach Fire Control District has adequate Fire and EMS. Services to cover your proposed project.

May I suggest that consideration be given to fully sprinkle all buildings considered in this project.

If I can be of further assistance to you please feel free to contact me at 239-463-6163 ext. 226

Yours in Fire Safety,


David M. Collins,
Fire Marshall.

"Providing Tomorrows Quality Service Today"

Phone (239) 463-6163 • FAX (239) 463-6761

Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment B-3b

Emergency Medical Service Letter



*11338 Bonita Beach Road, Suite 3
Bonita Spring, FL 34135
239-948-6688*

September 4, 2007

Kim Dickerson
Deputy Chief
EMS Ground Operations Manager
Lee County Emergency Medical Services
P.O. Box 398
Ft. Myers, FL 33902-0398

Re: San Carlos Island-Letter of Availability
Parcel Strap No.: See attached List and location map
Property Address: See attached List and Location map

Dear Ms. Dickerson:

We are seeking an amendment to the Lee County Comprehensive Plan for a (+/-) 32 acres of upland and 44 acres of submerged lands located at San Carlos Island. The amendment is intended to clean up existing and the future land uses that are out dated due to the decline in the commercial fishing and shrimping industry that are almost non existent today. Another aspect of the amendment is to help facilitate the rezoning of two antiquated RV parks with a mixed use master concept plan that respects the islands history while improving its future. If approved, there will be a maximum increase above the existing uses of 329 residents, a resort type hotel with 300 rooms and an additional 78,000 square feet of commercial support space.

As part of this approval process, Lee County Requires a letter form your agency indicating that there will be adequate facilities to serve the increase in demand. Attached for you reference, please find the project location map.

At your earliest convenience, please forward a letter to our office verifying that the increase in demand will be served adequately. We thank you in advance for you attention to this item and if you have any questions or require additional information, please contact our office.

With regards



Joseph M. McHarris

McHarris Planning and Design, 11338 Bonita Beach Rd. Suite 103 Bonita Springs FL, 33135
P (239)948-6688, F (239)948-6689

Fort Myers Beach Fire Control District

100 Voorhis Street • Fort Myers Beach, Florida 33931

Mailing Address: PO Box 2880 • Fort Myers Beach, Florida 33932

**BOARD OF COMMISSIONERS**

John Scanlon - Chairman

Theodore A. (Ted) Reckwerdt -
Vice-Chairman

Betty Goodacre - Sec./Treas.

Carol Morris - Fire Commissioner

Joseph Schmid - Fire Commissioner

FIRE CHIEF

Mike Becker

September 11, 2007

Mr. Joseph M. McHarris
McHarris Planning and Design
11338 Bonita Beach Rd. Suite 103
Bonita Springs, Fl. 33135

Re: San Carlos Island-Letter of Availability

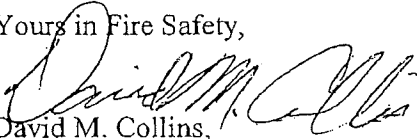
Dear Mr. McHarris:

I am writing this letter to inform you that the Ft. Myers Beach Fire Control District has adequate Fire and EMS. Services to cover your proposed project.

May I suggest that consideration be given to fully sprinkle all buildings considered in this project.

If I can be of further assistance to you please feel free to contact me at 239-463-6163 ext. 226

Yours in Fire Safety,


David M. Collins,
Fire Marshall.*"Providing Tomorrows Quality Service Today"*

Phone (239) 463-6163 • FAX (239) 463-6761

Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment B-3c

Law Enforcement Letter



*11338 Bonita Beach Road, Suite 3
Bonita Spring, FL 34135
239-948-6688*

September 4, 2007

Mr. Kevin Farrell.
Planning and Research
Lee County Sheriff's Office
14750 Six Mile Cypress Parkway
Fort Myers, FL 33912-4406

Re: San Carlos Island-Letter of Availability
Parcel Strap No.: See attached List and location map
Property Address: See attached List and Location map

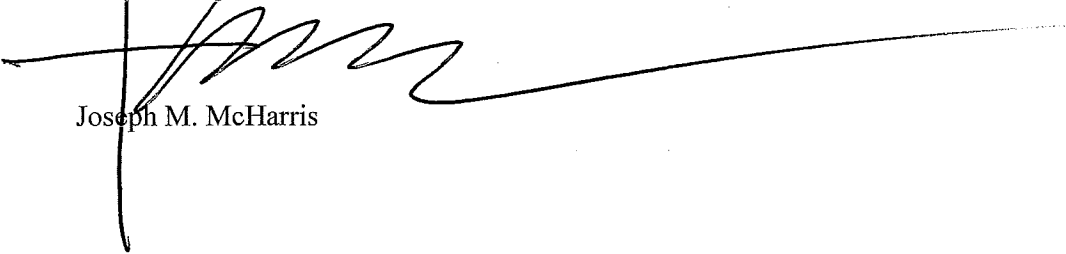
Dear Mr. Farrell:

We are seeking an amendment to the Lee County Comprehensive Plan for a (+/-) 32 acres of upland and 44 acres of submerged lands located at San Carlos Island. The amendment is intended to clean up existing and the future land uses that are out dated due to the decline in the commercial fishing and shrimping industry that are almost non existent today. Another aspect of the amendment is to help facilitate the rezoning of two antiquated RV parks with a mixed use master concept plan that respects the islands history while improving its future. If approved, there will be a maximum increase above the existing uses of 329 residents, a resort type hotel with 300 rooms and an additional 78,000 square feet of commercial support space.

As part of this approval process, Lee County Requires a letter form your agency indicating that there will be adequate facilities to serve the increase in demand. Attached for you reference, please find the project location map.

At your earliest convenience, please forward a letter to our office verifying that the increase in demand will be served adequately. We thank you in advance for you attention to this item and if you have any questions or require additional information, please contact our office.

With regards


Joseph M. McHarris

Mike Scott
Office of the Sheriff



State of Florida
County of Lee

October 31, 2007

Joseph McHarris
McHarris Planning and Design
11338 Bonita Beach Rd
Suite 103
Bonita Springs, Fl 33135
Reference to Project: San Carlos Island Comprehensive Plan

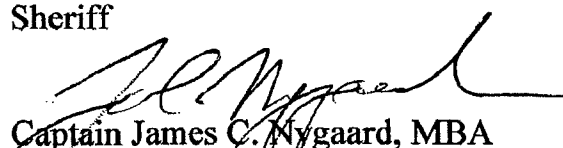
Dear Mr. McHarris

The Lee Plan ammendment identified by you as San Carlos (Island) Comp Plan would not affect the Lee County Sheriff's Office ability to provide core services at this time.

When you make application for a Development Order for this property, please provide the Lee County Sheriff's Office with set of plans and uses for each building in this project. A Crime Prevention Through Environmental Design (CPTED) survey and report will be done at that time with recommendations to you and the county staff.

Please contact Kevin Farrell, Coordinator of the Crime Prevention Unit at 477-2821 with copies of your plans.

Mike Scott
Sheriff



Captain James C. Nygaard, MBA
Lee County Sheriff's Office
Administration Bureau
14750 Six Mile Cypress Pkwy
Fort Myers, Fl 33912
239-477-1424 (Office)



Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment B-3d

Solid Waste letter

Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment B-3e

Mass Transit Letter



*11338 Bonita Beach Road, Suite 3
Bonita Spring, Fl 34135
239-948-6688*

September 4, 2007

Mr. Michael Horsting, AICP
Planning
Transit Division
P.O. Box 398
Fort Myers, Fl 33902-0398

Re: San Carlos Island-Letter of Availability
Parcel Strap No.: See attached List and location map
Property Address: See attached List and Location map

Dear Mr. Horsting:

We are seeking an amendment to the Lee County Comprehensive Plan for a (+/-) 32 acres of upland and 44 acres of submerged lands located at San Carlos Island. The amendment is intended to clean up existing and the future land uses that are out dated due to the decline in the commercial fishing and shrimping industry that are almost non existent today. Another aspect of the amendment is to help facilitate the rezoning of two antiquated RV parks with a mixed use master concept plan that respects the islands history while improving its future. If approved, there will be a maximum increase above the existing uses of 329 residents, a resort type hotel with 300 rooms and an additional 78,000 square feet of commercial support space.

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At your earliest convenience, please forward a letter to our office verifying that the increase in demand will be served adequately. We thank you in advance for you attention to this item and if you have any questions or require additional information, please contact our office.

With regards

A handwritten signature in black ink, appearing to read "J. McHarris", is written over a vertical line that extends from the "With regards" text down to the name "Joseph M. McHarris".

Joseph M. McHarris



LEE COUNTY

OUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Jones
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

September 13, 2007

Mr. Joseph M. McHarris
McHarris Planning and Design
11338 Bonita Beach Rd
Suite 3
Bonita Springs, FL 34135

Re: Service Availability Request for San Carlos Island

Mr. Brawley:

Lee County Transit received your letter dated September 4, 2007 in reference to the Comprehensive Plan Land Use Map Amendment Application for the parcels related to the subject site on San Carlos Island. San Carlos Boulevard is an established transit corridor and Lee County currently provides public transportation services through this corridor which is approximately one-half of a mile from the subject site. We consider all of the parcels related to this Comprehensive Plan Amendment Application to be within our existing service area. Our long range planning activities maintain this transit corridor and document the need for additional, enhanced services on the route providing service to this area. We anticipate the current capacity on this route to be sufficient to meet the needs of the proposed land use and zoning changes you wish to change.

If you have any questions please contact me at (239) 533-0333 or you can send an e-mail to mhorsting@leegov.com.

Sincerely,

Michael Horsting, AICP
Principal Planner
Lee County Transit

Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment B-3f

Schools Letter



*11338 Bonita Beach Road, Suite 3
Bonita Spring, Fl 34135
239-948-6688*

September 4, 2007

Ms. Susan Teston
Long Range Planner
Lee County School Board
Planning Department
2055 Central Avenue
Fort Myers, FL 33901

Re: San Carlos Island-Letter of Availability
Parcel Strap No.: See attached List and location map
Property Address: See attached List and Location map

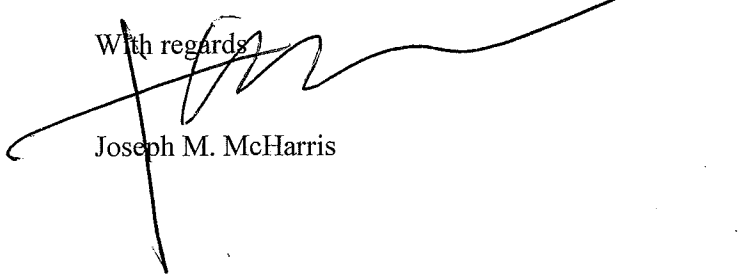
Dear Susan,

We are seeking an amendment to the Lee County Comprehensive Plan for a (+/-) 32 acres of upland and 44 acres of submerged lands located at San Carlos Island. The amendment is intended to clean up existing and the future land uses that are out dated due to the decline in the commercial fishing and shrimping industry that are almost non existent today. Another aspect of the amendment is to help facilitate the rezoning of two antiquated RV parks with a mixed use master concept plan that respects the islands history while improving its future. If approved, there will be a maximum increase above the existing uses of 329 residents, a resort type hotel with 300 rooms and an additional 78,000 square feet of commercial support space.

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At your earliest convenience, please forward a letter to our office verifying that the increase in demand will be served adequately. If you have any questions or require additional information, please contact our office.

With regards,


Joseph M. McHarris

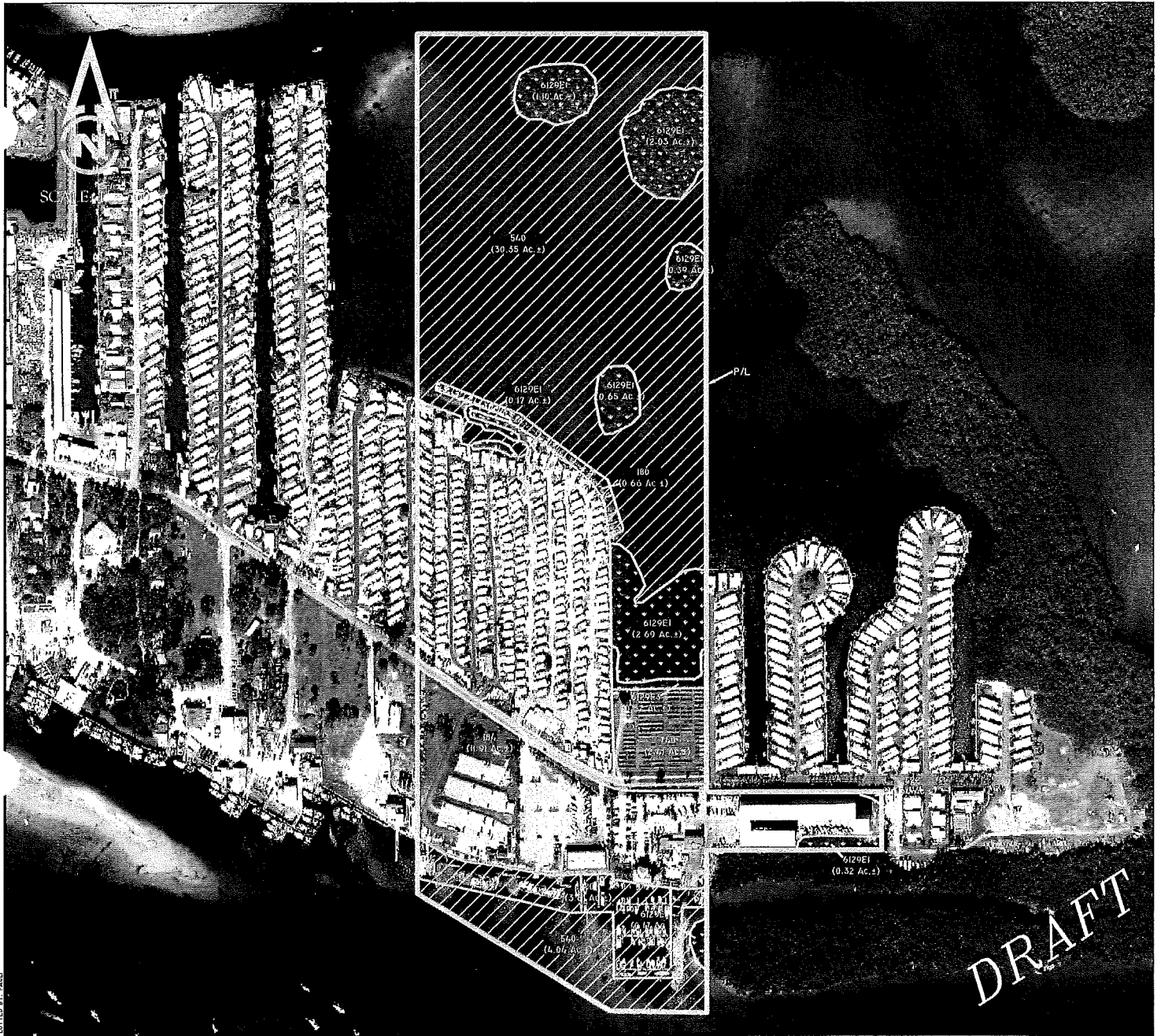
McHarris Planning and Design, 11338 Bonita Beach Rd. Suite 103 Bonita Springs FL, 33135
P (239)948-6688, F (239)948-6689

Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment C-1

FLUCFCS Information and Map



LEGEND:



POTENTIAL SFWMD AND COE
WETLANDS (7.93 Ac.±)



POTENTIAL SFWMD "OTHER SURFACE
WATERS" AND COE WATERS
(38.66 Ac.±)

FLUCFCS CODE

DESCRIPTION	ACREAGE	% OF TOTAL
130 RESIDENTIAL, HIGH DENSITY	14.45 Ac.±	19.0%
180 BOAT DOCKS	4.27 Ac.±	5.6%
184 MARINA	11.91 Ac.±	15.7%
422 BRAZILIAN PEPPER	0.04 Ac.±	0.1%
540 BAYS AND ESTUARIES	34.39 Ac.±	45.2%
6129 E1 MANGROVES, DISTURBED (0-24% EXOTICS)	7.61 Ac.±	10.0%
6129 E3 MANGROVES, DISTURBED (50-75% EXOTICS)	0.32 Ac.±	0.4%
740 DISTURBED LAND	2.55 Ac.±	3.4%
814 ROAD	0.53 Ac.±	0.7%
TOTAL	76.07 Ac.±	100.0%

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY 2005.

PROPERTY BOUNDARY PER DELISI FITZGERALD, INC. DRAWING No.2007 -1114 (2).DWG DATED AUGUST 31, 2007.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

UPLAND/WETLAND LIMITS HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

AERIAL WITH FLUCFCS AND WETLANDS MAP
EBBTIDE

DRAWN BY	DATE
J.I.	8/31/07
REVIEWED BY	DATE
C.E.	8/31/07
REVISED	DATE



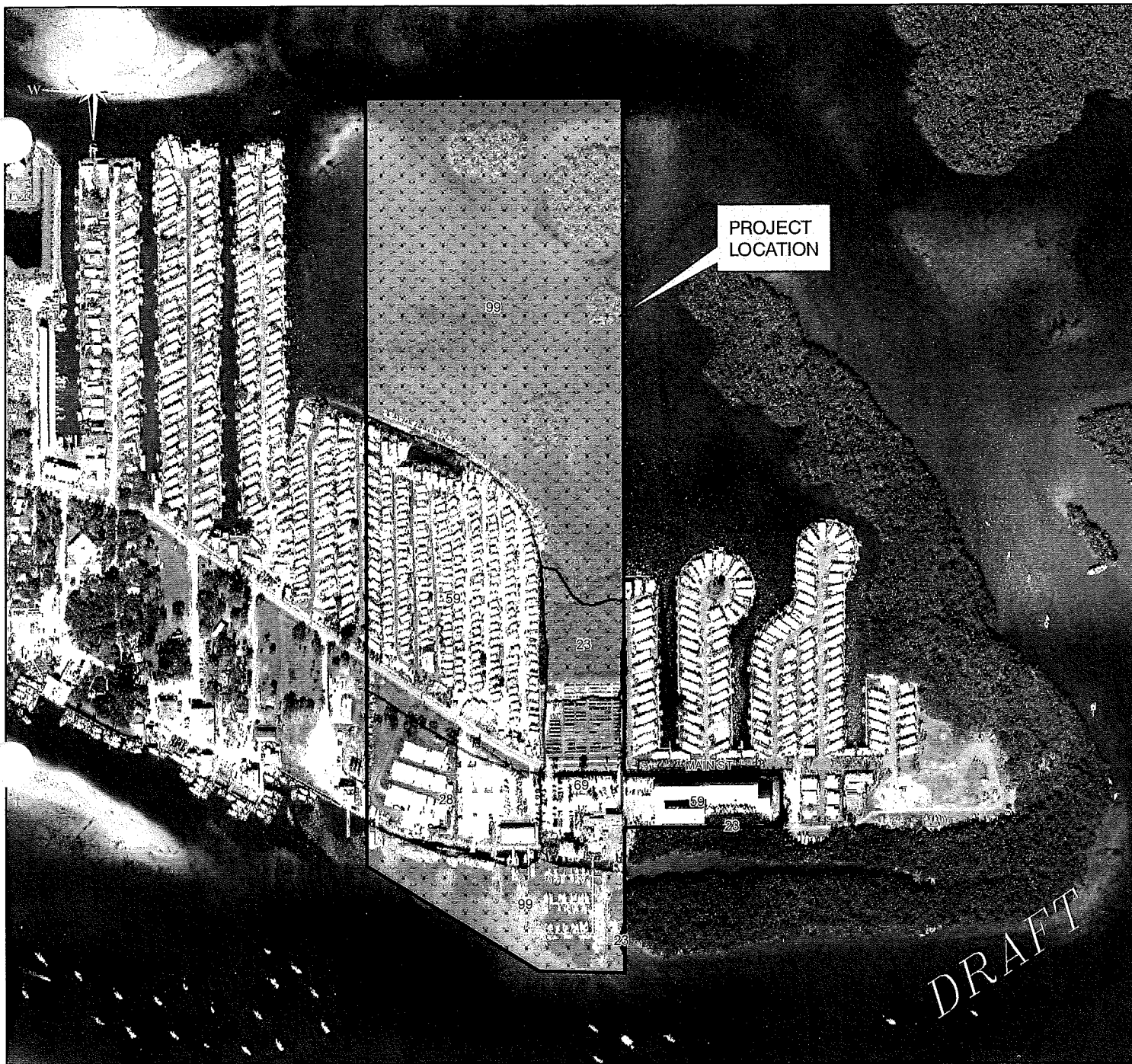
PASSARELLA
& ASSOCIATES, INC.

Old San Carlos Island-Comp Plan Amendment




Lee County Application for a Comprehensive Plan Amendment

Attachment C-2

Soils Information and Map



Legend:

-  EBBTIDE
-  HYDRIC
-  Non-HYDRIC

SOIL UNIT	DESCRIPTION	HYDRIC
23	WULFERT MUCK	YES
28	IMMOKALEE SAND	NO
59	URBAN LAND	NO
69	MATLACHA GRAVELLY FINE SAND	NO
99	OPEN WATER	YES



NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY 2005.

ROADWAY NETWORKS AND SOILS WERE ACQUIRED FROM THE FLORIDA GEOGRAPHIC DATA LIBRARY WEBSITE.

SOILS MAP
EBBTIDE

DRAWN BY	DATE
J.L.	8/31/07
REVIEWED BY	DATE
C.E.	8/31/07
REVISED	DATE



**PASSARELLA
& ASSOCIATES**

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Lee County Application for a Comprehensive Plan Amendment

Attachment C-3

Topographic Map



TOPOGRAPHIC MAP

EBBTIDE

GENERAL NOTE:
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Miles



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Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment C-4

Wetlands Information and Map



LEGEND:



POTENTIAL SFWMD AND COE
WETLANDS (7.93 Ac.±)



POTENTIAL SFWMD *OTHER SURFACE
WATERS* AND COE WATERS
(38.66 Ac.±)

FLUCFCS

CODE	DESCRIPTION	ACREAGE	% OF TOTAL
130	RESIDENTIAL, HIGH DENSITY	14.45 Ac.±	19.0%
180	BOAT DOCKS	4.27 Ac.±	5.6%
184	MARINA	11.91 Ac.±	15.7%
422	BRAZILIAN PEPPER	0.04 Ac.±	0.1%
540	BAYS AND ESTUARIES	34.39 Ac.±	45.2%
6129 E1	MANGROVES, DISTURBED (0-24% EXOTICS)	7.61 Ac.±	10.0%
6129 E3	MANGROVES, DISTURBED (50-75% EXOTICS)	0.32 Ac.±	0.4%
740	DISTURBED LAND	2.55 Ac.±	3.4%
814	ROAD	0.53 Ac.±	0.7%
TOTAL		76.07 Ac.±	100.0%

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY 2005.

PROPERTY BOUNDARY PER DELISI FITZGERALD, INC. DRAWING NO.2007 -1114 (2).DWG DATED AUGUST 31, 2007.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

UPLAND/WETLAND LIMITS HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

AERIAL WITH FLUCFCS AND WETLANDS MAP
EBBTIDE

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REVIEWED BY	DATE
C.E.	8/31/07
REVISED	DATE



Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment C-5

FLUCFCS Tables

DRAFT

EBBTIDE
POTENTIAL FEDERAL, STATE, OR COUNTY PROTECTED SPECIES
BY HABITAT TYPE AND DESIGNATED STATUS

September 4, 2007

FLUCFCS Code and Description		Potential Protected Species	USFWS Status	FWCC Status	County Status
180	Boat Docks*	Eastern Indigo Snake (<i>Drymarchon corais couperi</i>)	T	T	P
		Gopher Tortoise (<i>Gopherus polyphemus</i>)	-	T	P
184	Marina*	Florida Manatee (<i>Trichechus manatus latirostris</i>)	E	E	-
422	Brazilian Pepper*	Eastern Indigo Snake (<i>Drymarchon corais couperi</i>)	T	T	P
		Gopher Tortoise (<i>Gopherus polyphemus</i>)	-	T	P
540	Bays and Estuaries	American Alligator (<i>Alligator mississippiensis</i>)	T	SSC	P
		Roseate Spoonbill (<i>Ajaia ajaja</i>)	-	SSC	P
		Limpkin (<i>Aramus guarauna</i>)	-	SSC	P
		Little Blue Heron (<i>Egretta caerulea</i>)	-	SSC	P
		Reddish Egret (<i>Egretta rufescens</i>)	-	SSC	P
		Snowy Egret (<i>Egretta thula</i>)	-	SSC	P
		Tri-Colored Heron (<i>Egretta tricolor</i>)	-	SSC	P
		Everglades Mink (<i>Mustela vison evergladensis</i>)	-	T	P
		Florida Manatee (<i>Trichechus manatus latirostris</i>)	E	E	-
6129 E1	Mangroves, Disturbed (0-24% Exotics)	Roseate Spoonbill (<i>Ajaia ajaja</i>)	-	SSC	P
		Little Blue Heron (<i>Egretta caerulea</i>)	-	SSC	P
		Snowy Egret (<i>Egretta thula</i>)	-	SSC	P
		Tri-Colored Heron (<i>Egretta tricolor</i>)	-	SSC	P
		Brown Pelican (<i>Pelecanus occidentalis</i>)	-	SSC	P
		Reddish Egret (<i>Egretta rufescens</i>)	-	SSC	P
		Wood Stork (<i>Mycteria americana</i>)	E	E	P
6129 E3	Mangroves, Disturbed (50-75% Exotics)	Big Cypress Fox Squirrel (<i>Sciurus niger avicennia</i>)	-	T	P
		Florida Black Bear (<i>Ursus americanus floridanus</i>)	-	T	P
		American Alligator (<i>Alligator mississippiensis</i>)	T	SSC	P
		Twisted Air Plant (<i>Tillandsia flexuosa</i>)	-	-	P
		Prickly-Apple (<i>Cereus gracillis</i>)	-	-	P
740	Disturbed Land*	Eastern Indigo Snake (<i>Drymarchon corais couperi</i>)	T	T	P
		Gopher Tortoise (<i>Gopherus polyphemus</i>)	-	T	P

*Habitat surveyed for the species noted as a precautionary measure although not required per the LDC.

County-Lee County

USFWS-United States Fish and Wildlife Service

FWCC-Florida Fish and Wildlife Conservation Commission

E-Endangered

P-Protected in Lee County

SSC-Species of special concern

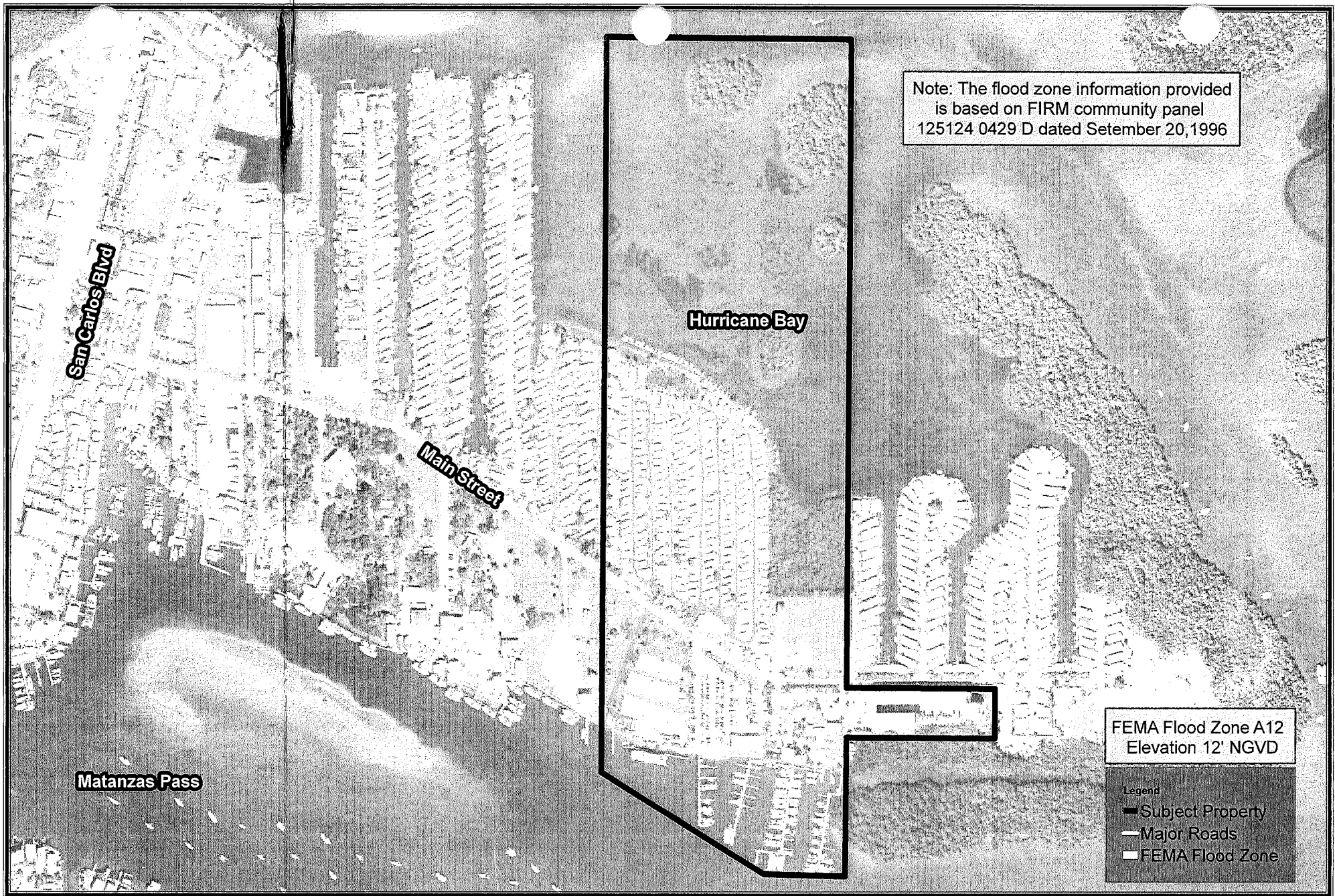
T-Threatened

Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment C-6

Flood Zone Map



FEMA FLOOD ZONE MAP

EBBTIDE

GENERAL NOTE
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Miles



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Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment D-1

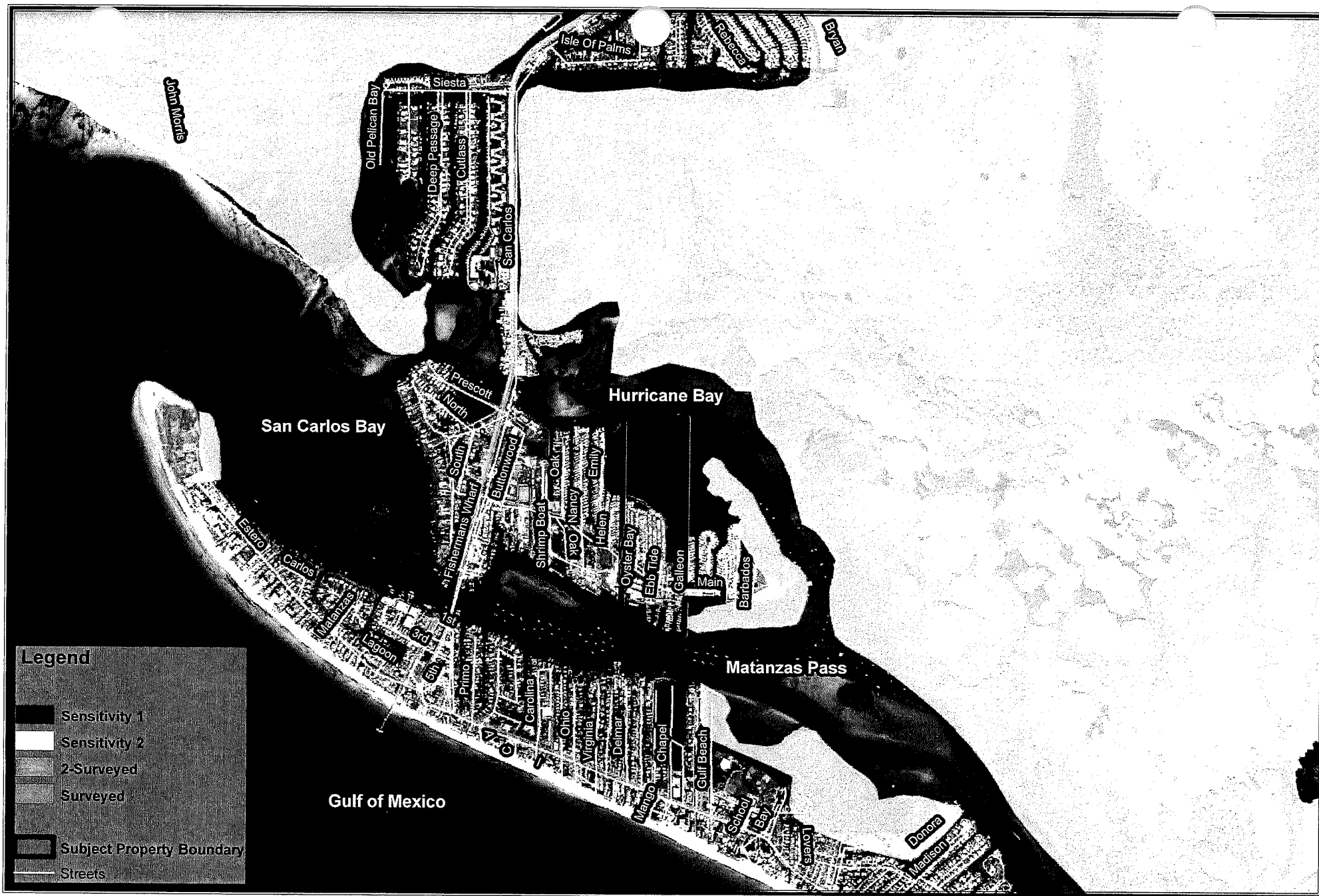
Impacts on Historic Resources

Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment D-2

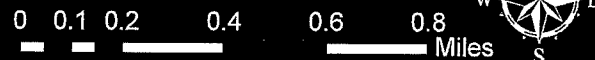
Archeological Sensitivity Map



ARCHAEOLOGICAL SENSITIVITY

EBBTIDE

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Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment E-1

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.

Old San Carlos Island-Comp Plan Amendment

This amendment is in line with the established Lee County population projections. The Lee Plan Future Use Map has availability for additional residential units.

Planning Community of Iona/McGregor

Year	Population
1998	27,621
1999	28,088
2020*	35,287

* Forecast

Residential Use by Future Land Use Category	Acreage		
	Allocation for Year 2020	Existing	Available
Central Urban (CU)	462	238.85	223.15
Urban Community (UC)	697	532.24	164.76
Suburban (S)	2471	2050.54	420.46
Outlying Suburban (OS)	396	197.21	198.79
Industrial (ID)	7	5.4	1.6
Outer Islands (OI)	1	0	1
Total Residential	4034	3024.24	1009.76

Other Uses	Acreage		
	Allocation for Year 2020	Existing	Available
Commercial	782	512.81	269.19
Industrial	298	12.36	285.64

Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment E-2

Internal Consistency with the Lee Plan

2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.

Old San Carlos Island-Comp Plan Amendment

Summary

After a complete and thorough review of the plan I have summarized the appropriate goals without response to that goal. For a more indebt review, please go the individual comment for each policy and objective that pertains to this amendment.

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.

- This amendment is needed to meet the goals as stated above. The current plan is a hodge-podge of uses that do not protect natural resources

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

- This amendment provides for a compact growth patter while opening up green space and providing access to the water. The project is located in an already developed location with many of the necessary provisions of infrastructure readily available.

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.

- Any deficiencies in infrastructure would be funded with impact fees or other sources.

GOAL 4: DEVELOPMENT DESIGN - GENERAL. To maintain innovative land development regulations which encourage creative site designs and mixed-use development

- This amendment utilizes mixed use-design with a creative site plan that opens up the water front, provides open space, and enhances the water dependent uses to name a few of its benefits.

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.

- The north property already has a history of residential type uses; the only difference is that the new amendment would allow more permanent type of structures to replace the existing stock of units and provide additional units on lands that have been zoned differently than the existing pattern has been for this side of the island.

Old San Carlos Island-Comp Plan Amendment

- These replaced and new units would be built to the latest standards of construction and design aesthetics with a variety of sizes and types.

GOAL 6: COMMERCIAL LAND USES. To permit orderly and well-planned commercial development at appropriate locations within the county.

- The south side of the property has been predominantly developed to assist water dependent uses like commercial fishing that where vital to the economy and development of the island. This type of water dependent use is almost nonexistent today. This amendment is looking to the future by replacing past water dependent uses with new water dependent uses that are relative to not only the islands economy but also the county's economic development.

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

- It is the opinion of this amendment that industrial zoned land at this location is not well planned and suitable for this location because of conflicts with the existing population and the fragile nature of the islands eco-system. This zoning was intended to preserve commercial fishing for the island. With the decline in this industry the need for this zoning is confusing if not dangerous to the island. The island will be better served with uses that promote the water and its access.

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.

- This amendment is design to locate marine oriented land uses to the waterfront.

GOAL 11: WATER, SEWER, TRAFFIC, AND ENVIRONMENTAL

This amendment seeks to enhance the environment that has been neglected because of outdated planning. This project is located in an area with a high level of infrastructure that can support the project and will redevelop utilizing the newest and best practices In planning and design

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.

-

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.

- This amendment will not only adhere to the counties Development regulations, but has proposed more stringent regulation to ensure a high quality, aesthetically pleasing project that will be used as a bench mark for the future of the island.

Old San Carlos Island-Comp Plan Amendment

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.

- This amendment is a major key to goal 40 because it provides a terminal for water transportation. It is being design to accommodate water taxis to and from Fort Myers beach, it will rent bikes, accommodate Lee Tran and will interconnect roads, bike path and pedestrian walks into Lee counties exiting systems, making this project a truly multimodal hub.

GOAL 41: COMMUNITY AND ENVIRONMENTAL IMPACTS. Develop and maintain a transportation system that protects community and neighborhood integrity and that preserves critical environmental habitats and significant aesthetic values.

- This amendment will enhances the transportation system with an aggressive landscape program, it will protect neighborhoods by providing adequate buffers , it will enhance environmental habitats by creating new and protecting existing ones and it will do this all with a master concept plan that coordinates the part with aesthetic values on all levels

GOAL 42: INTERGOVERNMENTAL COORDINATION. Cooperate with other governmental entities in the planning, funding, construction, operations and maintenance of transportation improvements within or affecting Lee County.

- This amendment proposes intergovernmental coordination with The town of Fort Myers Beach to work with them on concerns regarding transportation and access

GOAL 43: MASS TRANSIT SERVICE. Provide public transit service to residents and visitors (especially the transportation-disadvantaged population) in and between the concentrated population centers of Lee County, and ensure that this service is integrated with other modes of transportation.

- This amendment has a Mass transit component that not only links the project to population and employment centers but integrates it with other modes of transportation.

GOAL 45: MARINE NAVIGATION MANAGEMENT. Develop and implement a comprehensive marine access program.

-

GOAL 46: COORDINATED SYSTEM OF RAILWAYS, AVIATION, PORTS, AND ROADS. Develop and maintain a coordinated system of railways, aviation, Transportation III-17 December 2004 ports, roads, and related facilities to facilitate the safe and efficient movement of commerce, consistent with community values and economic objectives.

Old San Carlos Island-Comp Plan Amendment

- This amendment maintains and enhances the efficient movement of people and commerce by preserving the access and coordination of services that are and can be available to the water front at this location. Examples of this are the large docks available and the Key West express terminal.

GOAL 53: POTABLE WATER INFRASTRUCTURE. To ensure the public health, welfare, and safety by the provision of high-quality central potable water service throughout the future urban areas of unincorporated Lee County, and to ensure that the costs of providing facilities for the supply of potable water are borne by those who benefit from them.

- Development of this property is located in an area with adequate supply and an existing infrastructure.

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

- Water conservation and other conservation techniques will be developed as part of green and smart growth designs

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

- Conservation techniques will be developed as part of green and smart growth designs

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

- This amendment reduces the protection of life and property by replacing 271 below flood and below current building standard with new up to date facilities while opening up green space and protecting natural resources.

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

- This amendment will replace the almost non-existent water management system with a state of the art water management system that creates natural features and protects and enhances existing wetlands.

Old San Carlos Island-Comp Plan Amendment

GOAL 61: PROTECTION OF WATER RESOURCES. To protect the county's water resources through the application of innovative and sound methods of surface water management and by ensuring that the public and private construction, operation, and maintenance of surface water management systems are consistent with the need to protect receiving waters. Community Facilities and Services IV-14 December 2004

- This amendment will replace the almost non-existent water management system with a state of the art water management system that creates natural features and protects and enhances existing wetlands.

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

- Up to date recycling will be part of the project to ensure proper disposal of waste.

GOAL 65: FIRE PROTECTION. To assist fire districts in providing appropriate levels of high-quality cost-effective fire prevention and suppression services throughout the unincorporated county.

- This project will utilize state of the art fire suppression systems though-out the property in accordance with NFPA

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

- The project will utilize state of the art pollution control to protect both air and water quality to ensure a safe and healthful environment.

GOAL 70: ENERGY CONSERVATION. Lee County will promote the protection and preservation of the county's limited energy resources.

-

GOAL 76: DISTRIBUTION OF FACILITIES. To provide, maintain and preserve a diverse park, recreational, and open space system which provides equitable access and distribution to all residents of unincorporated Lee County regardless of interest, age, sex, income, race, handicap, or location of residency within unincorporated Lee County.

-

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

Old San Carlos Island-Comp Plan Amendment

- The existing uses (except for the new) on the property for the most part is an example of what not to do because in its current state it has no aesthetic appeal, no environmental quality, did not preserve any plants or habitats, and provides almost no open space. The amendment is design to create a master plan for the property which will create an environment of quality, preservation while being aesthetically pleasing in its appearance and its impact on the environment.

GOAL 78: LANDSCAPE/WAYSIDE PARKS. To improve the aesthetics of the community by providing Landscape/Wayside Parks where feasible and appropriate. Parks, Recreation and Open Space V-2 December 2004

- It is the intent of this project to create landscaped areas in and around the site and along its roads and paths.

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

- This project will allow residents and visitors inexpensive access to public waterways through water taxi services, the marina to name a few.

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

- This amendment provides improved public access to the beach by providing an alternative to driving over the bridge to look for a parking space to go to the beach. Our alternative is to park in a shaded parking garage and take the water taxis to the beach.
- We also will be providing many water associated activities that will improve ones access to many different water bodies and experiences.

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

- As part of the amendment we plan to provide a community learning facility that will provide information on the history of the island, indigenous habitats of the area. This facility will also be the jumping of place for eco friendly tours of the back bay, and other interesting and educational activities that are design to provide our residents and guests with a greater understanding of the unique environment and heritage the area has to offer.

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

Old San Carlos Island-Comp Plan Amendment

- This amendment reduces the protection of life and property by replacing 271 below flood and below current building standard with new up to date facilities . It is also replacing the industrial uses for more appropriate uses at this location thus protecting by being proactive.

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

- It is also replacing the industrial uses designated for the property with more appropriate uses at protecting the area and public by being proactive in protecting an area that is surrounded by water.

GOAL 104: COASTAL RESOURCE PROTECTION. To protect the natural resources of the coastal planning area from damage caused by inappropriate development.

- This amendment is by its design, intended to protect, enhance and educate residents and visitors about the uniqueness of this coastal area and its natural resources through proper planning that is site specific.

GOAL 105: PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS. To protect human life and developed property from natural disasters. (See also Goal 110.)

- This amendment reduces the protection of life and property by replacing 271 below flood and below current building standard with new up to date facilities that have been design to resist natural disasters in an effort to protect human life and property.

GOAL 106: LIMITATION OF PUBLIC EXPENDITURES IN COASTAL HIGH HAZARD AREAS. To restrict public expenditures in areas particularly subject to repeated destruction by hurricanes, except to maintain required service levels, to protect existing residents, and to provide for recreation and open space uses.

- While this property is located in a coastal high hazard area, it is the intent of this amendment to sustain existing levels of service while replacing existing and future uses with facilities that protect the resident population while providing for recreational and open space opportunities that are somewhat non existent today with the existing development.

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

- The future land use map has identified on its map a large area of wetlands on this property. This amendment will enhance this area while using it to teach about the needs and benefits of such habits.

Old San Carlos Island-Comp Plan Amendment

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

- The area as exist today does not have a comprehensive water management system and is therefore not helping the estuarine water quality for the area. The new amendment will provide state of the art systems to ensure water quality and the reduction of pollution in the systems. The marina will utilize best practice in its day to day operations also to to protect water quality.

•

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

GOAL 110: HAZARD MITIGATION. To provide through county plans, programs, and regulations means to minimize future property losses from natural disasters such as flooding, tropical storms and hurricanes.

- This amendment can be seen as a mitigation device to prevent future property loses from natural disaster by replacing sub standard facilities with new hurricane and flood resistant buildings

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

- If the community is redeveloped it will not need a Post-Disaster Redevelopment plan as this amendment would prevent such a disaster from happening at this location. I

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

- This amendment has a component to provide coordination with the town of Fort Myers beach to work on this and other issues.

GOAL 113: COASTAL PLANNING AREAS. To conserve, maintain, and enhance the natural balance of ecological functions in the coastal planning area, with particular emphasis on the protection of beach and dune systems so as to retain their contribution to storm protection, natural resources, and economic development.

- While we don not have beaches or dune systems, one of our major goals is to enhance the natural balance of the ecology of the area, while promoting economic development for the area.

GOAL 114: WETLANDS. To maintain and enforce a regulatory program for development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems.

Old San Carlos Island-Comp Plan Amendment

- Existing Wetlands will not be developed as part of this amendment but will be enhanced and preserved as a teaching tool for the community.

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

-

GOAL 117: WATER RESOURCES. To conserve, manage, and protect the natural hydrologic system of Lee County to insure continued water resource availability.

-

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

-

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

-

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

- This amendment is not consistent with the goal stated above due to the fact that the industry is dieing and nothing we do will revive it. This amendment respects the history of the island while looking to its future as a new viable asset to the county.

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

-

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

-

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

-

GOAL 135: MEETING HOUSING NEEDS. To provide decent, safe, and sanitary housing in suitable neighborhoods at affordable costs to meet the needs of the present and future residents of the county.

-

Old San Carlos Island-Comp Plan Amendment

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

•

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

In-depth Internal consistency review

Chapter I

I. Lee County - A Vision for 2020

All units of local government in the State of Florida are required to adopt comprehensive plans pursuant to Chapter 163 of the Florida Statutes. These plans essentially serve three broad purposes. First of all, certain day-to-day public and private activities within each jurisdiction must be consistent with the goals, objectives, and policies in the adopted plan. Second, the plan is a source of authority for the local government's land development regulations and for a wide range of official discretionary actions, including, but not limited to, the capital improvement program. Finally, the plan represents the community's vision of what it will or should look like by the end of the planning horizon. This last function was emphasized in the 1993 ELMS III Bill, which encouraged local governments to use their plans to develop and implement a vision for the future.

The Lee Plan is designed to depict Lee County as it will appear in the year 2020. Given the projected increase in population (to 602,000 permanent and 764,171 seasonal residents) and the probable rate of technological change between the present date and 2020, it is impossible to describe the future face of the county with any degree of certainty or precision. However, the following list of themes will be of great importance as Lee County approaches the planning horizon:

- The growth patterns of the county will continue to be dictated by a Future Land Use map that will not change dramatically during the time frame of this plan. With the exception of Cape Coral and Lehigh Acres, the county's urban areas will be essentially built out by 2020 (pending, in some cases, redevelopment). The county will attempt to maintain the clear distinction between urban and rural areas that characterizes this plan. Its success will depend on two things: the continuing viability of agricultural uses and the amount of publicly-owned land in outlying areas.
- The county will protect its natural resource base in order to maintain a high quality of life for its residents and visitors. This will be accomplished through an aggressive public land acquisition program

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and by maintaining and enforcing cost-effective land use and environmental regulations that supplement, where necessary, federal, state, and regional regulatory programs.

- The county's traditional economic base will be diversified in order to increase the percentage of high-paying jobs, reduce tax burdens on residents, and enhance the stability of the community. Traditional industries, such as agriculture, commercial fishing, tourism, and construction, will continue to play a significant role in the county's economy, but will become less important in relation to new business opportunities afforded by the expanded international airport and the new university.

- Cultural, educational and recreational opportunities will expand dramatically as the result of the county's increased urbanization.

- Increased urbanization will require a commensurate investment in the county's physical and social infrastructure. Public facilities will be maintained at adequate levels of service, partly by the construction of new facilities and partly by the use of new methods to conserve the capacity of existing facilities. Social problems, including, but not limited to, crime and illegal drug use, will be addressed primarily by early intervention and programs designed to eliminate their root causes.

- The Lee Plan's land use accommodation is based on an aggregation of allocations for 22 Planning Communities. These communities have been designed to capture the unique character of each of Vision Statement I-1 December 2005 these areas of the county. Within each community, smaller neighborhood communities may exist; however, due to their geographic size, a planning community could not be created based on its boundaries. These communities and their anticipated evolutions are as follows:

Response: This amendment will continue to support the vision with traditional industries that have been established in an area that is perfect for redevelopment to replace two dying industries. This amendment will create employment opportunities and enhance the stability of the community.

12. Iona/McGregor - This Community is located primarily south of Gladiolus Drive west of Hendry Creek and contains all of the islands not included in the Town of Fort Myers Beach. This community primarily has lands designated as Central Urban, Urban Community, Suburban, and Outlying Suburban. There is also an industrial area located west of Pine Ridge road north and Vision Statement I-6 December 2005 south of Summerlin Road. This community, due to its proximity to the area beaches, will continue to be a popular area for seasonal residents. This community has three discernible subareas: McGregor Boulevard/San Carlos Boulevard, Summerlin Road, and San Carlos Island. The McGregor Blvd./San Carlos Blvd area will be approaching build out by 2020 and some of the older (pre 1980) developments will begin to redevelop to take advantage of a higher end market seeking a combination of quick beach access and closeness to urban services. This area will remain primarily residential with retail uses located at the major intersections. The Summerlin Road Corridor will develop a new look by 2020 and will emerge as one of the county's primary medical service areas. This portion of the community will also continue to develop as a strong residential area with an influx of new gated communities.

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The San Carlos Island area, which is nearly built out today, will continue to develop its infill areas while maintaining its marine oriented nature. Residents of this community will address current planning concerns in a comprehensive review of this area and future amendments to this plan will be made to address these concerns. This area is anticipated to grow from a current permanent population of 24,000 to 32,000 by 2020. The Iona/McGregor area is also expected to be home to an additional 14,000 seasonal residents by 2020.

Response: This amendment is consistent with the above statement/vision for the San Carlos Island area, which acknowledges the need for amendments to address current planning concerns. This amendment address the concerns of the current planning deficiencies by allowing development and redevelopment of an area that is and has been blighted by the decline in the shrimp and commercial fishing industry and the demise of the RV parks due to severe increases in the tax base of the land. This amendment will address future development for the area that the current plan does not allow or never anticipated while maintaining its marine oriented nature.

Chapter II

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 goal of this amendment is to protect and enhance an area that developed a long time ago without the benefits of modern planning and a future land use map. This amendment does not promote sprawl and actually corrects the existing sprawl condition that exist on the site by creating open space, water management, and master planning that will enhance the area and revitalize it not just economically but also environmentally.

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: This amendment is designed to blend existing intensities with appropriate activities based on site conditions.

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

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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 are described in the following policies and summarized in Table 1(a). (Amended by Ordinance No. 94-29, 98-09)

Response: **Our amendment will comply with Policy 1.1.1**

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).

Response: **Not applicable**

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) Future Land Use II-1 December 2004

Response: **Old San Carlos Island is within this "urban core" of the county as described above and is within an area which is designated to have the highest level of urban services.**

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

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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: No Comment

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: The land use map currently designates a large portion of the property as Suburban. This is in direct conflict with the description above. For example the property currently has property zoned industrial which is not a permitted uses as noted above. The amendment will correct this.

POLICY 1.1.6: N/A

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

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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:

Although the area has Industrial zoning, industrial zoning is not intended to be part of this amendment do to the uniqueness of the site and its environmental sensitivity of the area. Also we believe that it is not the greatest and best for the property.

POLICY 1.1.8:

Response: N/A

POLICY 1.1.9: The University Community land use category provides for Florida's 10th University and for associated support development.

Response: N/A

OBJECTIVE 1.2: SOUTHWEST FLORIDA INTERNATIONAL AIRPORT AREA.

Response: N/A

OBJECTIVE 1.3: INTERSTATE HIGHWAY INTERCHANGE AREAS

Response: N/A

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: N/A

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)

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)

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)

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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: This amendment will comply with the wetlands objectives and policies. It will be designed in a way to better achieve conservation of important environmental resources and to initiate area wide surface water management.

OBJECTIVE 1.6: NEW COMMUNITY.

Response: Although we are not a "new Community" this amendment will meet many of the requirements such as:

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 little or no expense to the county.
3. Population, recreation, open space, educational, office, and research facilities are distributed in an orderly and attractive manner;
4. The land will be developed in such a manner as to protect environmentally sensitive areas;
5. The land will be developed as a free-standing community offering a complete range of land uses
6. Off-site impacts will be mitigated; and,
7. On-site levels of service will meet the county-wide standards contained in this plan.

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

POLICY 1.7.5: The Water-Dependent overlay zone designates shoreline areas where priority will be granted to water-dependent land uses. Specific requirements are detailed for such zones on San Carlos Island under Goal 12, in the Greater Pine Island area under Goal 14, and for other areas in Lee County in the Conservation and Coastal Management Element. (Amended by Ordinance No. 94-30, 00-22) Future Land Use II-16 December 2005

Response: This amendment has taken into account the water dependant overlay and enhance it.

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

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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 build-out 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, 0022) 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)

POLICY 1.7.8: **Response:** **N/A**

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: **??????**

POLICY 1.7.10:

Response: **N/A**

POLICY 1.7.11: The Airport Mitigation Lands overlay (Map 3M)

Response: **N/A**

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OBJECTIVE 1.8: LEHIGH ACRES COMMERCIAL USES

Response: N/A

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: This amendment is in line with providing an economically feasible plan that coordinates development with infrastructure.

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 Future Land Use II-19 December 2004 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: This amendment provides for the redevelopment of an area of decay, does not promote sprawl, and is located in an area with existing services are already provided. This amendment will help protect environmental areas while cleaning up an area that is dense with structures that do not meet existing codes.

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: No Comment

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: This amendment will provide a land use that is consistent with the Future Land Use Map and the goals, objectives, policies and standards of this 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 amendment will comply with the policy

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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 amendment will comply with the policy

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: This amendment will comply with the policy

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: N/A

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
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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)

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Response: This amendment does not further burden existing facilities, is not beyond existing developments and does not violate acreage allocation table.

POLICY 2.2.3: When an area within the county is approaching the capacity of the necessary facilities as described above, requested rezoning 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 amendment will comply with the policy

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. 9430, 00-22)

Response: This amendment will comply with the policy

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: This amendment will comply with the policy

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: This amendment will comply with the policy

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

Response: This amendment will comply with the policy

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: This amendment to the land use maps is required because of changes shrimping industry and the increases in property values that are creating hardships for the area under its current plan

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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. (Amended by Ordinance No. 94-30)

Response: No comments

POLICY 2.4.2 N/A

POLICY 2.4.3: N/A

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 amendment will comply with the policy

OBJECTIVE 2.5: ANNEXATION POLICY. N/A

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) Future Land Use II-22 December 2004

Response: This amendment provides the mechanism to direct redevelopment to this area. The amendment has used sound planning principles that meet and exceeds the goals, objectives, and policies contained within this plan. The amendment also provides for design standard to guarantee the desired character for the community.

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: no response

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

Response: This amendment will comply with the policy by providing the following:

- Study of incompatible land uses;
- Correction of outdated zoning classifications;

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- 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;
 - Design guidelines
- Affordable Housing.

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: **No Response**

POLICY 2.6.4: N/A

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 amendment will comply with the policy

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 amendment will comply with the policy

OBJECTIVE 2.9: N/A

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)

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Response: N/A

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 project will work with the county on related infrastructure deficiencies.

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 project will work with the county if this is the required

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: The project will work with the county if this is the required

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: N/A

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: N/A

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

Response: N/A

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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: N/A

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) Future Land Use II-24 December 2004

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 project has provided as part of the comp plan amendment design standards. These standards are design to create innovative land development regulations which encourage mixed use development thus helping to reduce the impact on collector and arterial roads

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: N/A

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: this amendment is design to provide land uses and structures in a site oriented design. The site because of its uniqueness needs to be regulated to ensure the design outcome.

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: This comp plan amendment will comply with this policy

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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: This comp plan amendment will comply with this policy

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: This comp plan amendment will comply with these objectives

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 comp plan amendment will comply with this policy

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: This comp plan amendment will comply with this policy. As the area exists today with the current mobile and recreational vehicle it is a hazard due to flood, storm and other endangerments for a safe neighborhood because of these issues. The new development will be built to correct all of these deficiencies

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: This comp plan amendment will comply with this policy

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: This comp plan amendment will rectify the hap-hazard planning that has taken place over the last 100 years.

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 Future Land Use II-25 December 2004 for conventional rezoning will be denied in the event that the buffers

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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: This comp plan amendment will comply with this policy and will create the appropriate buffers and open space based on the LDC or more stringent requirements of our own.

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: This comp plan amendment will comply with this policy and will rectify a situation that does not reflect this policy as it exists today

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: This comp plan amendment will comply with this policy. All developments within and without will be connected by pedestrian and vehicular paths along with bicycle trails

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: This comp plan amendment will comply with this policy

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 redesign, and replatting. (Amended by Ordinance No. 94-30)

Response: N/A

POLICY 5.1.10: N/A

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

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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 Future Land Use II-26 December 2004

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4. The resultant Planned Development affords further protection to environmentally sensitive lands if they exist on the property.

N/A

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: This comp plan amendment will comply with this policy. The master concept plan will be design to provide a mixture of uses while locating these uses in a will planned development with appropriate locations for the uses.

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: This comp plan amendment will comply with this policy

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: This comp plan amendment will comply with this policy

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

1. Minor Commercial

- a. Major function Provides for the sale of convenience goods and services.

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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;

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

Response N/A

(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 Less than 30,000 square feet. Floor Area

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.

Response : this provision is very similar to the requirements of our commercial need and we will comply with them in a similar manners. The commercial intended for this project is part of a mixed use design concept.

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 Supermarket and drug store. tenants

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

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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 30,000 to 100,000 square feet Floor Area

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; Future Land Use II-28 December 2004

(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 Supermarket, drug store, minor department store, variety tenants 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 100,000 to 400,000 square feet Floor Area

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:

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- (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.

Response: N/A

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). Future Land Use II-29 December 2004
- 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

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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 Future Land Use II-30 December 2004 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

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(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. Future Land Use II-31 December 2004 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)

Response: N/A

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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 comp plan amendment will comply with this policy**

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: **This comp plan amendment will comply with this policy**

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; Future Land Use II-32 December 2004
- acceleration, deceleration and right-turn-only lanes; and
- signalization and intersection improvements (Amended by Ordinance No. 94-30, 00-22)

Response: **This comp plan amendment will comply with this policy**

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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: This comp plan amendment will comply with this policy and will correct existing conditions that do not comply with this policy through the use of a master plan that utilizes landscaping, open space, buffering, and design standard to ensure a quality project

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: This comp plan amendment is located in an existing area with a mixture of uses. It does not open up an area because of it is existing. The reason for the amendment is to rectify errors in the past while creating something nice for the future.

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, 9809)

Response: N/A

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: N/A

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: N/A

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: N/A

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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 comp plan amendment will comply with this policy

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

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: N/A

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

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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);

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- 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: The area in question has some industrial zoning for the property that is incompatible with the adjacent property. With this amendment we will be looking at addressing the issue and resolving it with a master concept plan. This comp plan amendment will comply with this policy

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; Future Land Use II-34 December 2004
- 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: N/A

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

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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: N/A

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: N/A

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: N/A

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: N/A

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, 0022)

Response: N/A

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) Future Land Use II-35 December 2004

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Response: N/A

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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: N/A

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: N/A

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: It is the goal of this amendment to create and enhance the property by utilizing marine oriented land use with a destination mixed use design to stimulate the area. The land use of marine industrial at this location is not appropriate because of the high intensity residential uses that are adjacent to the property

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: The existing water dependent facilities will be incorporated or redeveloped into the new plan. This will ensure the usefulness of the project and help create a project with a unified master plan

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, 0022)

Response: n/a

GOAL 9: AGRICULTURAL LAND USES.

Response: N/A

GOAL 10: NATURAL RESOURCE EXTRACTION.

Response: N/A

GOAL 11: WATER, SEWER, TRAFFIC, AND ENVIRONMENTAL

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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.

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.).
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. Future Land Use II-38 December 2004
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.
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.
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.
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: **This amendment will comply with the stated goal, objectives and policies for this section**

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.

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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.

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.

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.

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; Future Land Use II-39 December 2004
- 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: **This amendment will comply with the stated goal, objectives and policies for this section**

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.

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:

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- 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: This amendment will comply with the stated goal, objectives and policies for this section

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: N/A

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. 9430)

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) Future Land Use II-40 December 2004

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.

Response: No new Petroleum facilities are proposed under this amendment

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.

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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 Future Land Use II-41 December 2004 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)

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

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- 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)

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:

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)

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)

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)

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)

GOAL 13: CAPTIVA.

Response: N/A

GOAL 14: GREATER PINE ISLAND.

Response: N/A

GOAL 15: GASPARILLA ISLAND. N/A

Response: N/A

GOAL 16: PRIVATE RECREATIONAL FACILITIES IN THE DR/GR.

Response: N/A

GOAL 17: BUCKINGHAM.

Response: N/A

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GOAL 18: UNIVERSITY COMMUNITY.

Response: N/A

GOAL 19: ESTERO.

Response: N/A

GOAL 20: BAYSHORE COMMUNITY.

Response: N/A

GOAL 21: CALOOSAHATCHEE SHORES:

Response: N/A

GOAL 22: BOCA GRANDE:

Response: N/A

GOAL 23 - GOAL 35: [RESERVED]

Response: N/A

TRANSPORTATION

Chapter III III. Transportation a. Traffic Circulation

GOAL 36: MAPS. Provide and keep current an integrated series of maps, which, when coordinated with the policies and programs in this plan and the plans of other agencies and jurisdictions, will insure a safe, convenient, and energy-efficient multi modal transportation system for Lee County, within the constraints of financial feasibility. (Amended by Ordinance No. 98-09, 99-15) Transportation III-1 December 2004 development regulations will rely on the existing or future classification of roads. The existing classification of public roads will be kept by the Lee County Department of Transportation. The existing classification of private roads will be kept by the Lee County Division of Development Services. The future classifications are identified on the Official Trafficways Map. (Added by Ordinance No. 99-15)

- Voluntary dedication of rights-of-way necessary for improvements shown on Transportation Map 3A will be encouraged at the time local development orders are granted.
- In cases where there are missing segments in the traffic circulation system, developers will be encouraged to also construct that portion of the thoroughfare that lies within or abuts the development. Road impact fee credits will be granted consistent with the provisions of the Lee County Land Development Code. Site-related improvements are not eligible for credits towards impact fees. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15) Transportation III-2 December 2004 corridors on the Official Traffic ways Map if necessary. (Amended and Relocated by Ordinance No. 99-15)

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POLICY 36.2.3: The Official Trafficways Map is intended to show existing and planned transportation corridors which are needed to ensure county-wide continuity of the future road system. Review for voluntary compliance with these corridors will occur at the time of approval and issuance of local development orders and development permits, as defined in Section 163.3164(6) and (7), respectively, Florida Statutes. (Amended and Relocated by Ordinance No. 99-15)

POLICY 36.2.4: Transportation corridors contained in local development orders, planned development approvals, or DRI development orders will be reviewed by the county to determine compliance with the corridor needs shown on the Official Trafficways Map. Conflicts with these corridors and the corridors contained on the Official Trafficways Map will be identified and mutual resolution of these conflicts will be encouraged. (Amended by Ordinance No. 98-09, Relocated by Ordinance No. 99-15)

POLICY 36.2.5: Standards for use and development permits within Official Trafficways Map corridors will be specified in county zoning and development regulations in a manner consistent with these policies. (Amended and Relocated by Ordinance No. 99-15)

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

GOAL 38: CAPITAL IMPROVEMENTS PROGRAMMING.

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)

- Priority will be given to the construction, maintenance, and reconstruction, where necessary, of roadways needed to serve existing development, including hurricane evacuation needs. Transportation III-7 December 2004

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 amendment will comply with the policy and goals as stated above

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)

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)

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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 amendment will comply with the above stated policy

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)

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. Transportation III-8 December 2004 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)

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)

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

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 multimodal transportation system that is aesthetically-pleasing and furthers the efficient movement of commerce. (Amended by Ordinance No. 98-09, 99-15)

Response: The amendment will comply with the goals as stated above. One of the design intents is to provide a multimodal facility to accommodate people coming and going to the property as well as when they are on the property.

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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, 9915)

Response: This amendment will comply with the policy.

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. Transportation III-9 December 2004
- 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: This amendment will comply with the policy.

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 60, Or access way

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: This amendment will comply with the policy to the best of our ability.

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

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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: This amendment will comply with the policy.

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: This amendment will comply with the policy.

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: This amendment will comply with the policy.

POLICY 40.2.2: Low-cost efficiency and safety improvements will be prioritized, such as: Transportation III-10 December 2004

- 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: This amendment will comply with the policy.

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)

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Response: This amendment will comply with the policy.

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: This amendment will comply with the 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: This amendment will comply with the 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: This amendment will comply with the policy.

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 amendment will comply with the policy.

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: This amendment will comply with the objective and it's policies.

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)

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)

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

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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)

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. 9915)

POLICY 40.4.4: County implementation of the relevant portions of the system as shown in Map 3D will be through incorporation of bicycle/pedestrian facilities where possible in the construction plans of new and expanded roadways, requirements for new development to install facilities, federal and state grant applications, and annual County funding of improvements. (Added by Ordinance No. 99-15)

POLICY 40.4.5: The County will establish as priorities for its annual bicycle/pedestrian funding program the development of a network of bicycle/pedestrian facilities on arterial and collector roadways as identified on Map 3D and the connection of public schools to established residential neighborhoods. The county will establish priorities with assistance from the Bicycle/Pedestrian Advisory Committee. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)

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

GOAL 41: COMMUNITY AND ENVIRONMENTAL IMPACTS. Develop and maintain a transportation system that protects community and neighborhood integrity and that preserves critical environmental habitats and significant aesthetic values. (Amended by Ordinance No. 99-15)

OBJECTIVE 41.1: COMMUNITY IMPACTS. New and expanded transportation facilities will be aligned and designed to protect existing development except where no feasible alternative exists. (Amended by Ordinance No. 98-09, 99-15)

POLICY 41.1.1: Alignments of new and expanded roads and other transportation improvements will be selected to minimize the cost/benefit ratio while:

- Minimizing the number of businesses and residences displaced.
- Using major roads to define neighborhoods.
- Allowing sufficient land area between arterials to enable the formation of new neighborhoods.
- Distributing traffic loadings among available facilities. (Amended by Ordinance No. 98-09)

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POLICY 41.1.2: The alignment of arterials or expressways that penetrate or divide established residential neighborhoods will be avoided except where no feasible alternative exists. (Amended by Ordinance No. 99-15)

POLICY 41.1.3: For those neighborhoods where too much through traffic is a problem, the county will study (and implement when warranted) neighborhood traffic control plans to protect residential areas from the harmful impacts of excessive traffic. (Amended by Ordinance No. 0202)

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POLICY 41.1.4: Local streets will be used to mitigate existing arterial or collector congestion problems only as a last resort. Planning new corridors through such areas will be undertaken in conjunction with reimbursement for losses and a safety and buffering program for remaining residents. (Amended by Ordinance No. 99-15)

OBJECTIVE 41.2: ENVIRONMENTAL IMPACTS. New and expanded transportation facilities will continue to be aligned and designed to protect environmentally sensitive areas and rare and unique habitats (see Conservation and Coastal Management element). (Amended by Ordinance No. 98-09)

POLICY 41.2.1: Construction of new collector and arterial roads will not be undertaken by the county in Non-Urban areas unless fully reimbursed by MSTU/MSBUs or property owners, except where needed for through traffic to or between designated future urban areas. (Amended by Ordinance No. 99-15)

POLICY 41.2.2: New roads or expansion of existing facilities will not be extended through wetland systems and estuarine water bodies except in instances of overriding public interest and unless:

- It is the only feasible route to serve existing or designated future urban areas;
 - The crossing is culverted or bridged to the greatest degree possible, maintaining pre-development volume, direction, distribution, and surface water hydroperiod consistent with County standards and providing adequate wildlife corridors;
 - Scenic overlook opportunities are provided if appropriate; and
 - Equivalent mitigation is provided. (Amended by Ordinance No. 99-15)
- POLICY 41.2.3: The design phase of all new or improved arterial and collector roads which would affect wetland systems and estuarine water bodies will include an environmental impact assessment. This assessment will also address impacts on historic structures, archaeological resources (if the road travels through a zone of archaeological sensitivity), and rare and unique upland habitats (RU, see Objective 104.1). (Amended by Ordinance No. 99-15)

POLICY 41.2.4: Adequate provision will be included for the safe passage of wildlife across new or reconstructed county roads where required by law, permit conditions or where otherwise appropriate. (Amended by Ordinance No. 99-15)

POLICY 41.2.5: New and expanded roadways will not destroy archaeological sites unless full recovery of data and artifacts is included in the process. (Amended by Ordinance No. 99-15) Transportation III-13 December 2004

Response: The amendment will comply with the Goals, objectives and policies as stated above

GOAL 42: INTERGOVERNMENTAL COORDINATION. Cooperate with other governmental entities in the planning, funding, construction, operations and maintenance of transportation improvements within or affecting Lee County. (Amended by Ordinance No. 99-15, 02-02)

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Response: N/A

b. Mass Transit

GOAL 43: MASS TRANSIT SERVICE. Provide public transit service to residents and visitors (especially the transportation-disadvantaged population) in and between the concentrated population centers of Lee County, and ensure that this service is integrated with other modes of transportation. (Amended by Ordinance No. 99-15)

Response: A mass transit element is proposed for this development and will include trolley stops, and a water taxi to Fort Myers beach

GOAL 44: TRANSIT DEVELOPMENT PLAN. To continue the development of a Transit Development Plan (TDP) for the county. (Amended by Ordinance No. 99-15)

Response: N/A

GOAL 45: MARINE NAVIGATION MANAGEMENT. Develop and implement a comprehensive marine access program. (Added by Ordinance No. 98-09, Amended by Ordinance No. 99-15)

OBJECTIVE 45.1: CHANNEL DREDGING. The county will maintain the support facility and service systems of existing ports. (Amended by Ordinance No. 99-15)

POLICY 45.1.1: The county will monitor the maintenance of support facility and service systems of existing ports, with responsibility for:

- Coordination between the U.S. Army Corps of Engineers and Lee County on the timing of maintenance dredging on federally maintained channels.
- Assessing the possibility of instituting a private channel maintenance assessment on properties benefiting from the channels. (Amended by Ordinance No. 99-15)

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

GOAL 46: COORDINATED SYSTEM OF RAILWAYS, AVIATION, PORTS, AND ROADS. Develop and maintain a coordinated system of railways, aviation, Transportation III-17 December 2004 ports, roads, and related facilities to facilitate the safe and efficient movement of commerce, consistent with community values and economic objectives. (Amended by Ordinance No. 99-15)

Response: N/A

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GOAL 47: COORDINATED SYSTEM OF AVIATION FACILITIES. Develop and maintain a coordinated system of aviation facilities to facilitate the safe, cost-effective, and efficient movement of commerce consistent with community values and economic objectives. (Amended by Ordinance No. 99-15)

Response: N/A

GOAL 48 – GOAL 52: [RESERVED]

Transportation III-24 December 2004 COMMUNITY FACILITIES AND SERVICES

Chapter IV

IV. Community Facilities and Services

a. Potable Water

GOAL 53: POTABLE WATER INFRASTRUCTURE. To ensure the public health, welfare, and safety by the provision of high-quality central potable water service throughout the future urban areas of unincorporated Lee County, and to ensure that the costs of providing facilities for the supply of potable water are borne by those who benefit from them.

OBJECTIVE 53.1: The County will ensure the provision of acceptable levels of potable water service throughout the future urban areas of the unincorporated county, either directly by Lee County Utilities, or indirectly through franchised utility companies. (Amended by Ordinance No. 94-30, 0022, 03-04)

POLICY 53.1.1: The Board of County Commissioners hereby establishes service areas for the Lee County Utilities water systems throughout which it will provide standard service as required by demand, and within which it will challenge applications by private water utilities to obtain a Certificate of Operation from the Florida Public Service Commission and reject all applications for a county franchise therein. These service areas are illustrated in Map 6. Within the Fort Myers urban reserve area, the service areas shown on the map are subject to modifications in accordance with existing and future interlocal agreements. (Amended by Ordinance No. 93-25)

POLICY 53.1.2: The minimum acceptable level-of-service standards (see Policy 95.1.3) for potable water connections to Lee County Utilities will be:

- An available supply and treatment capacity of 250 gallons per day per equivalent residential connection (ERC) for the peak month, except that facilities serving only mobile home residential structures must have a capacity of 187.5 gallons per day and facilities serving only travel trailer residential structures must have a capacity of 150 gallons per day. (Amended by Ordinance No. 92-35, 00-22)
- POLICY 53.1.3: The Board of County Commissioners encourages all private utilities to set a minimum acceptable level of service to be adopted herein for use in the concurrency management system within their respective franchised or certificated areas. After the effective date of this plan or September 1, 1989, whichever is later, if the county has not adopted such standards into this plan, the

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standards adopted for the Lee County Utilities' water systems will apply in those certificated or franchised areas and will be used in enforcing concurrency regulations (see Policy 95.1.3).

After the deadline set above any private utility that cannot meet the Level-of-Service standards set forth for Lee County Utilities will have the opportunity to petition for a Plan Amendment for a revised Level-of-Service requirement for the specific private utility plant if it can be proved that such utility has sufficient plant and system capacity to properly service its franchised or certificated area. The proof will be in the form of properly documented daily flow reports, occupancy rates or related statistical information, and any other necessary information that may be pertinent to the justification of the requested action, to establish a new individual Level-Of-Community Facilities and Services IV-1 December 2004 Service standard. This data should be for a period covering at least the last two prior years. (Amended by Ordinance No. 92-35, 00-22)

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

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

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

POLICY 53.1.7: In allocating Industrial Development Revenue Bond capacity, the county will give priority to private water utility firms proposing to construct basic facilities and to provide or upgrade

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infrastructure serving developed areas and antiquated subdivisions undergoing redevelopment.
(Amended by Ordinance No. 00-22)

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

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

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

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

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

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

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

- creating incentives for "gray water" systems or other recycling activities;
- adopting incentives for household and commercial use of appliances with low water consumption rates;
- advising householders to reduce water use;
- creating a demand for low water use appliances by publishing ratings of water use efficiency for appliances analogous to the energy efficiency ratings for electrical appliances;

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

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

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

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

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

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

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

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

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

POLICY 54.1.9: Lehigh Acres (as defined by outer boundaries of its Privately Funded Infrastructure overlay on the Future Land Use Map) is hereby declared a critical area for future potable water supply due to fluctuating water levels in the Sandstone aquifer. In response to this designation, the county will amend current regulations to provide that new wells in Lehigh Acres must be constructed to accommodate submersible pumps. (Also see Policy 1.7.10 for new permit requirements for irrigation)

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wells in Bonita Springs, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.) (Amended by Ordinance No. 94-30, 00-22, 02-02)

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

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

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

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

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

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

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

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

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

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

b. Sanitary Sewer

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

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

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

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

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

POLICY 56.1.3: The Board of County Commissioners encourages all private utilities to set a minimum acceptable level of service to be adopted herein for use in the concurrency management system within their respective franchised or certificated areas. After the effective date of this plan or September 1, 1989, whichever is later, if the county has not adopted such standards into this plan, the standards adopted for Lee County Utilities' sanitary sewer systems will apply in those certificated or franchised areas and will be used in enforcing concurrency regulations (see Policy 95.1.3). After the deadline set above any private utility that cannot meet the Level-of-Service standards set forth for Lee County Utilities will have the opportunity to petition for a Plan Amendment for a revised Level-of-Service

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

POLICY 57.1.1: Using the personnel and resources of various county agencies, Lee County will continue to design programs of public information and education to reduce demands on sewer facilities and natural systems. This program should include the use of print media, advertising, and public service

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announcements on radio and television highlighting and advocating various strategies to reduce demand for wastewater services, including, but not limited to:

- creating incentives for "gray water" systems or other recycling activities;
- adopting incentives for household and commercial use of appliances with low water consumption rates;
- advising householders to reduce water use;
- supporting various aspects of the concurrent water conservation program, particularly reliance on appliances and fixtures that use less water and maximizing the cost-effective use of those appliances;
- providing information on proper maintenance of septic tanks and package plants; and
- generally encouraging the thoughtful use of water in all necessary activities that generate wastewater. (Amended by Ordinance No. 94-30, 00-22)

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

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

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

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

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

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

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

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

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

GOAL 58: ORGANIZATION OF SERVICE AND FACILITY

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

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

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

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

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

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

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

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

POLICY 59.1.1: The County will continue to prepare and implement a comprehensive county-wide surface water management master plan, with full attention to issues of regional water quality Community Facilities and Services IV-9 December 2004 and environmental integrity. The County will complete basin plans for all of the remaining watersheds in Lee County by 2005. As each basin plan is

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completed, it will be scheduled for adoption by the Board of County Commissioners. (Amended by Ordinance No. 98-09)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- natural flow ways and drainage patterns;

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

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

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

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

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

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

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

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

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C. Other Watersheds (see Map 18): Gator Slough, Yellow Fever Creek, Yellow Fever Creek-East Branch, Powell Creek, Billy Creek, Whiskey Creek, Deep Lagoon, Cow Creek, Hendry Creek, Ten Mile Canal, and Imperial River Watersheds. Community Facilities and Services IV-12 December 2004 The level-of-service standard for the above watersheds will be that all arterial roads at their crossing of the trunk conveyances, as referenced in the Lee County Surface Water Management Master Plan, will be free of flooding from the 25-year, 3-day storm event (rainfall). This standard will not apply to Chiquita Boulevard because it is located within the City of Cape Coral. The following additional standards are hereby established as desired future level-of-service standards to be achieved by September 30, 1994:

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

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

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

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

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

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

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

OBJECTIVE 60.4: CRITICAL AREAS. The Six Mile Cypress Basin (as defined in Chapter 10 of the Land Development Code) and the Density Reduction/Groundwater Resource land use category are both identified as "critical areas for surface water management." The county will maintain Community Facilities and Services IV-13 December 2004 existing regulations to protect the unique environmental and water resource values of these areas. (Amended by Ordinance No. 94-30, 00-22) POLICY 60.4.1: The county will maintain provisions in Chapter 10 of the Land Development Code that reduce or eliminate the exemptions allowable in the Six Mile Cypress Basin. (Amended by Ordinance No. 94-30, 00-22)

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

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

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

Response:

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

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

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

POLICY 60.5.5: The County will continue to coordinate the review of flow-ways with the other regulatory agencies and assist in the development of incentives and /or credits for implementation of regional

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surface water management systems that address flood protection, water quality/ environmental enhancement and water conservation. (Added by Ordinance No. 03-06)

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

GOAL 61: PROTECTION OF WATER RESOURCES. To protect the county's water resources through the application of innovative and sound methods of surface water management and by ensuring that the public and private construction, operation, and maintenance of surface water management systems are consistent with the need to protect receiving waters. Community Facilities and Services IV-14 December 2004

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

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

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

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

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

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

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

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

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

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

Response: This project will comply with the policy above

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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d. Solid Waste

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

e. Groundwater Recharge

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

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

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

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

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

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

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

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

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

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

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

f. Libraries

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

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

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

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

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

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

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

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

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

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

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

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

g. Fire Protection

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

h. Education

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

OBJECTIVE 66.1: SCHOOL LOCATION PLANNING. Cooperate with the Lee County District Board of Education and representatives of private and parochial school associations to ensure that school locations are consistent with county growth policies and the needs of the future population. (Amended by Ordinance No. 94-30)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

i. Health Care

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

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

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

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

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

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

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

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

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

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

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

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

j. Police and Justice

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

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

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

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

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

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

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

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

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

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

k. Energy Conservation

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

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

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

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

GOAL 71 – GOAL 75: [RESERVED]

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PARKS, RECREATION AND OPEN SPACE

Chapter V

V. Parks, Recreation and Open Space

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GOAL 80: [RESERVED]

GOAL 81: [RESERVED]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GOAL 89 – GOAL 94: [RESERVED]

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CAPITAL IMPROVEMENTS Chapter VI VI. Capital Improvements

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

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

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

a. Preparation of the CIP:

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

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

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

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

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

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

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

b. Priorities for the CIP:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Changes in adjusted level of service standards.

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

POLICY 95.1.2: CAPITAL FACILITY FINANCING POLICIES.

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

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

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

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

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

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

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

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

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

REGULATORY STANDARDS

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

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

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

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

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3. Facilities for Disposal of Solid Waste:

Minimum Acceptable Level of Service:

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

4. Stormwater Management Facilities:

Minimum Acceptable Level of Service: INTERIM

(a) Existing Infrastructure/Interim Standard

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

(b) Six Mile Cypress Watershed

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

(c) Regulation of Private and Public Development

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

5. Parks and Recreation Facilities:

Minimum Acceptable Level of Service:

(a) Regional Parks

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

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

6. Roadway Facilities:

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

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

State & County Roads: (Non-FIHS Roads)

Arterials E

Collector E

Freeways (non-FIHS system) D

FIHS Roads (1):

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

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

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

(Transitioning Area) C (2)

(Urbanized Area) D (2)

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

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

(Transitioning Area) C (2)

(Urbanized Area) D (2)

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

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

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

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

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

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

NON-REGULATORY STANDARDS

7. Recreation Facilities:

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

8. Libraries:

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

9. Emergency Medical Service:

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

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

1. Stormwater Management Facilities:

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

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

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

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

2. Parks and Recreation Facilities:

a. Regional Parks:

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

b. Community Parks:

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

3. Libraries:

2 items per capita (permanent residents) and .424 square feet of space per capita in 2000.
(Amended by Ordinance No. 91-19, 93-25, 94-30, 98-09, 00-22)

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

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

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

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

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

b. The CMS will consider:

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

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

d. In administering the CMS, the estimated (remaining) capacity of any specified facility will be adjusted to take into account the dormant demand represented by land for which local or DRI

Development Orders were issued prior to the effective date of this plan, and by any land the development of which is exempt from the requirements of the Land Development Code. (Amended by Ordinance No. 94-30, 00-08, 00-22)

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

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

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

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

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

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

Response: N/A

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

CONSERVATION AND COASTAL MANAGEMENT

Chapter VII

VII. Conservation and Coastal Management

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Response: N/A

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

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

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

Response: N/A

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

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

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

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

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

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

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

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

Response: we are not an undeveloped island.

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

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

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served by the new bridge is limited to levels which can safely be served by the new and existing bridges.
(Amended by Ordinance No. 00-22) Conservation and Coastal Management VII-4 December 2005

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

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

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

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

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

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

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- c. Beginning in 1997, the county will adopt and implement a program to acquire and manage lands critical to water supply, flood protection, wildlife habitat, and passive recreation. The program will be funded by an ad valorem tax of up to 0.50 (1/2) mil annually for a period not to exceed seven years. A fifteen member advisory group to be called the Conservation Lands Acquisition and Stewardship Advisory Committee Conservation and Coastal Management VII-5 December 2004 (CLASAC) will develop and implement the program. Ten percent of the funds will be used to manage the lands acquired.
- d. The county will take full advantage of opportunities to cooperatively acquire and manage sensitive lands and to leverage other funding sources by working with state land acquisition and land management agencies such as the Florida Communities Trust and the Florida Game and Fresh Water Fish Commission and by participating in state land acquisition programs such as the Save Our Rivers program and the Conservation and Recreational Lands program.
- e. The county (or other appropriate agency) will prepare a management plan for each acquired site for the long term maintenance and enhancement of its health and environmental integrity. The management plan will address any necessary people management (e.g., fences and signage to prevent incompatible uses such as off road vehicle use and hunting); surface water management and restoration; ecosystems restoration; litter control; fire management; invasive exotic plant and animal control; and, where appropriate, compatible recreational use facilities. The plan will also address how maintenance will be funded.
- f. The county will encourage the establishment of and provide assistance to community-based land trusts, whose purpose is the preservation and protection of Lee County's natural resources.

5. Maintaining a central clearinghouse for all environmental studies and recommendations by both public and private organizations.

6. Compiling, maintaining and regularly updating county mapping of vegetation communities; listed species habitat and sitings; and water resources including watersheds, floodplains, wetlands, aquifers, and surface water features.

7. Preparing recommendations for maintaining or restoring the desired seasonal base flows and water quality after reviewing monitoring data.

8. Coordinating in the preparation of plans with the municipalities, South Florida Water Management District, and Southwest Florida Water Management District to better control flows of freshwater and reduce pollutant discharges into the Lee County coastal waters.

9. Providing an annual progress report to the county commission on the resource management program. The report should address the adequacy of the program and land use regulations to protect and enhance these natural systems.

10. Providing an annual report to the County Commission on the status of wetlands and rare and unique uplands by 1996. (Amended by Ordinance No. 94-30, 98-09, 00-22)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Preparing management plans for estuarine watersheds, with priority to the watershed of Estero Bay, a critical estuary undergoing development impacts.
 2. Recommending modifications to the Sanibel causeway in order to improve estuarine water quality.
 3. Reviewing the feasibility of changing canal patterns and retrofitting existing stormwater collection systems in order to reduce the impact of freshwater on estuaries.
 4. Assessing the adequacy of disaster preparedness plans for coastal oil storage facilities.
- (Amended by Ordinance No. 94-30, 00-22)

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

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

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

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

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

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

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

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

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

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

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

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

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Hurricane Vulnerability Zone; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GOAL 116: [RESERVED]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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GOAL 119: [RESERVED]

GOAL 120: [RESERVED]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GOAL 123: [RESERVED]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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GOAL 126: [RESERVED]

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

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

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

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

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

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

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

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

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

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

POLICY 128.1.1: Commercial and government-operated multi-slip docking facilities indicated on the Future Land Use Map as having water-dependent overlay zones will be reclassified by the county to marina zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing. (Amended by Ordinance No. 00-22)

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Response: N/A

POLICY 128.1.2: The Future Land Use Map will designate water-dependent overlay zones over existing commercial fishing, port and docking sites and commercial marinas to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing.

(Amended by Ordinance No. 00-22)

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

POLICY 128.1.3: The county will encourage the maximum use of dry storage by multi-slip docking facilities when reviewing rezoning and/or development-of-regional-impact applications.

(Amended by Ordinance No. 00-22)

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

POLICY 128.1.4: The county will maintain an inventory of all multi-slip docking facilities, including the name, location, and STRAP number of the facility, and, as feasible, the number of wet and dry storage spaces, boat ramp lanes, and other services provided. This inventory will be updated as needed.

(Amended by Ordinance No. 00-22)

Response: N/A

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

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

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

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

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

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

Response: No Response

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

Response: No Response

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

Response: No Response

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

Response: No Response

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

Response: No Response

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

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

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

Response: agreed

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

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

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

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

Response: No Response

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

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

- Aquatic Preserve (DEP)
- Outstanding Florida Waters (DEP)
- Class I Waters (DEP)
- Marine or Estuarine Sanctuaries (NOAA)
- Manatee Sanctuaries or Critical Manatee Habitats (DEP, USFWS, USACE)
- Approved or conditionally approved shellfish harvesting areas (DEP)
- Federal navigation channel setbacks (USCG, USACE)
- Bridge/road right-of-way easement (County DOT, State DOT)
- Other Endangered/Threatened Species Habitat (USFWS, DEP, USACE)

Extra caution and consideration will be given prior to authorizing use of areas with high environmental values. (Amended by Ordinance No. 00-22)

POLICY 128.5.2: Cumulative effects of several marinas and/or boat ramps in a small area will be considered in the review of proposed marina projects. (Amended by Ordinance No. 00-22)

POLICY 128.5.3: Marina and/or boat ramp siting must be consistent with the appropriate aquatic preserve management plan where applicable. (Amended by Ordinance No. 00-22)

POLICY 128.5.4: Marinas and boat ramp siting must be consistent with the following recommendations of the DNR Blue Ribbon Marina Committee (Final Report, January 1983):

- Priority should be given to the expansion of existing facilities, if environmentally sound, over new facilities.
- Marinas are encouraged in previously disturbed areas and in areas that have historically been used for marina-related activities.
- Marinas should be located as close as possible to boating demand.
- Marinas should be encouraged where adequate uplands are available to develop related support activities and to allow for possible future expansion.
- Location of marinas in highly productive marine habitats should be discouraged.
- Location of marinas in or near well-flushed, deep-water areas should be encouraged.

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- Impacts upon state-designed manatee sanctuaries should be considered. Particular marina locations or design features which threaten manatees in these sanctuaries should be discouraged. (Amended by Ordinance No. 00-22)

Response: Response: This amendment will comply with the above stated policies, objectives and goals

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POLICY 128.5.5: New marinas must be designed to avoid erosion on adjacent shorelines. (Amended by Ordinance No. 00-22)

POLICY 128.5.6: Marina and boat ramp siting preference will be given to those properties which are located in proximity to large navigable water bodies outside areas of critical manatee concern. (Amended by Ordinance No. 00-22)

POLICY 128.5.7: Marinas, multi-slip docking facilities, and boat ramps which would disturb or destroy wetlands or grassbeds must demonstrate a pressing need for the proposed facility and must provide for continued use by the general public.

POLICY 128.5.8: New marinas should be located in areas of maximum physical advantage (e.g. adequate water depth). Adequate existing water depths between the proposed facility and any navigational channel, inlet, or deep water, are preferred, as only minimal dredging may be considered.

POLICY 128.5.9: Marina and boat ramp locations which minimize natural shoreline disruption are preferred.

POLICY 128.5.10: Marina and boat ramp construction in dead-end canals are discouraged due to difficulty in meeting state water quality standards.

POLICY 128.5.11: Proposed marinas and boat ramps must demonstrate that the marina site has adequate uplands to provide support facilities for all activities proposed on site without damaging or removing wetlands or rare and unique upland systems. (Amended by Ordinance No. 00-22)

POLICY 128.5.12: Rezoning and DRI applications for marinas and boat ramps will be evaluated in the context of cumulative impacts on manatees and marine resources. (Amended by Ordinance No. 00-22)

OBJECTIVE 128.6: MARINA DESIGN CRITERIA. The county will utilize the following criteria in evaluating the design of new marinas (or expansion of wet slip facilities at existing marinas) in order to minimize

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negative impacts; detailed regulations on these subjects may be contained in the county's development regulations. (Amended by Ordinance No. 00-22)

POLICY 128.6.1: Boat maintenance activities in new or expanded marina sites must be located as far as possible from open water bodies in order to reduce contamination of water bodies by toxic substances common to boat maintenance. Runoff from boat maintenance activities must be collected and treated prior to discharge. (Amended by Ordinance No. 00-22)

POLICY 128.6.2: Open wet slips will be preferred to covered wet slips in marina design to reduce shading of water bodies which results in lowered biological productivity. (Amended by Ordinance No. 00-22)

POLICY 128.6.3: Fuel and/or oil containment facilities or contingency plans is required at all new marina sites and in marina expansion proposals. (Amended by Ordinance No. 00-22)

POLICY 128.6.4: All marinas serving the general public or live-aboards must provide pump-out facilities if sanitary sewer service is available.

Response: Response: This amendment will comply with the above stated policies, objectives and goals

POLICY 128.6.5: All parking, dry storage, and non-water-dependent facilities must be built on existing uplands.

POLICY 128.6.6: Marinas and multi-slip docking facilities must prepare hurricane plans with the assistance of the county which describe measures to be taken to minimize damage to marina sites, neighboring properties, and the environment; this hurricane plan is subject to county approval. (Amended by Ordinance No. 00-22)

POLICY 128.6.7: Fueling facilities associated with marinas must be designed to preclude spills and must be prepared to contain any spills which reach the water. (Amended by Ordinance No. 00-22)

POLICY 128.6.8: Marina design must incorporate natural wetland vegetative buffers near the docking area and in ingress/egress areas for erosion and sediment control, runoff purification, and habitat purposes. (Amended by Ordinance No. 00-22)

POLICY 128.6.9: New fuel facilities must be located on the uplands of a marina site. Proper use and maintenance of fuel pump hoses and other fueling equipment is required. (Amended by Ordinance No. 00-22)

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POLICY 128.6.10: Piling construction and other non-dredge-and-fill techniques shall be utilized where possible to minimize habitat destruction.

POLICY 128.6.11: Mitigation or restoration to offset proposed adverse environmental effects will be required as a condition of approval for any new or expanded marina facilities. Mitigation/restoration is not preferred over preservation of existing resources.

POLICY 128.6.12: To reduce dredging, docks should extend to naturally deep waters when possible. County regulations will specify the criteria for such extensions. (Amended by Ordinance No. 00-22)

POLICY 128.6.13: Dry storage of small boats should be encouraged, with dry storage structures located inland as far as feasible.

POLICY 128.6.14: Marina designs must not reduce water quality in adjacent natural water bodies in order to accommodate an increase in water quality in the marina basin itself. (Amended by Ordinance No. 00-22)

POLICY 128.6.15: Existing navigational channels will be used to access new marina sites where possible. (Amended by Ordinance No. 00-22)

POLICY 128.6.16: Expansion of dry storage capabilities will be strongly encouraged to reduce dredging. (Amended by Ordinance No. 00-22)

OBJECTIVE 128.7: The Regional Planning Council will be the lead agency addressing the need for adequate sites for water-dependent uses on a regional basis.

POLICY 128.7.1: The county will cooperate with the Regional Planning Council in addressing the need for water-dependent sites on a regional basis.

Response: Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 129 – GOAL 134: [RESERVED]

HOUSING

Chapter VIII

VIII. Housing

GOAL 135: MEETING HOUSING NEEDS. To provide decent, safe, and sanitary housing in suitable neighborhoods at affordable costs to meet the needs of the present and future residents of the county. (Amended by Ordinance No. 91-19)

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OBJECTIVE 135.1: HOUSING AVAILABILITY. Work with private and public housing providers to ensure that the approximately 48,562 additional dwellings needed by 2010 are provided in types, costs, and locations to meet the needs of the Lee County population. Lee County will update this forecast of additional dwelling units using state-mandated methodologies during the next update of this Housing Element, which will occur no later than the next scheduled Evaluation and Appraisal Report. (Amended by Ordinance No. 94-30, 98-09)

POLICY 135.1.1: Provide information, technical assistance, and incentives to the private sector to maintain a housing production capacity sufficient to meet the required production. This will be accomplished through the programs identified in the Local Housing Assistance Plan and the Lee County Consolidated Plan. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 135.1.2: The county will continue efforts to form public-private partnerships to produce affordable housing for low- and moderate-income households with local private nonprofit housing agencies, local for profit developers, local lenders, the Lee County Housing Authority, the Lee County Housing Finance Authority. (Amended by Ordinance No. 00-22)

POLICY 135.1.3: In order to eliminate excessive or duplicative regulatory requirements, continue to review, update, and amend (as necessary), the following in accordance with changing household preferences, community needs, and housing industry technology and economics, while continuing to insure the health, safety, and welfare of the residents:

- policies
- ordinances
- codes
- regulations
- permitting process(Amended by Ordinance No. 94-30)

POLICY 135.1.4: Amend the Housing Density Bonus Ordinance by April, 1999 to increase its effectiveness in providing affordable housing. Revisions will be consistent with affordability and income guidelines for very low and low income households as defined by the Local Housing Assistance Plan. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 135.1.5: Continue to provide financial and technical support, including expedited permit processing; the payment, waiver, or reduction of impact fees; the purchase of tax certificates for building lots; site preparation; and the construction of infrastructure by participating on a partnership basis with providers of housing that is affordable to very low, low and moderate income families or individuals, including those with special needs such as the elderly, handicapped, large families, farm workers, and the homeless. (Amended by Ordinance No. 94-30)

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POLICY 135.1.6: Continue the operation of the publicly-owned land bank with the purpose of providing land for affordable housing for low- and moderate-income households in conjunction with local private non-profit and for-profit housing providers. (Amended by Ordinance No. 9430)

POLICY 135.1.7: Site selection criteria will be used in the location of housing for the elderly, transitional housing for the homeless, and institutional housing which will consider accessibility, convenience, and infrastructure availability. Favorable sites include one or more of the following characteristics:

1. Located within the Intensive Development, Central Urban, Urban Community, or New Community categories on the Lee Plan's Future Land Use Map;
 2. Located in a designated Community Redevelopment Area;
 3. Located where central water/sewer service is available and within comfortable walking distance of mass transit;
 4. Located on land previously converted for urban purposes; and
 5. For farm worker housing, a rural site located near active cropland or groves is also acceptable.
- (Amended by Ordinance No. 94-30, 00-22)

POLICY 135.1.8: The county will provide through the rezoning process for the location of adequate sites for low- and moderate-income residential development including mobile homes, migrant worker housing, and transitional housing for the homeless. (Amended by Ordinance No. 00-22)

POLICY 135.1.9: The county will ensure a mix of residential types and designs on a county-wide basis by providing for a wide variety of allowable housing densities and types through the planned development process and a sufficiently flexible Future Land Use Map. (Amended by Ordinance No. 00-22)

Response: Response: As stated in the policy above this amendment is requesting the FLU to be flexible and to allow for varying densities and types of housing.

POLICY 135.1.10: Lee County's housing programs will be administered so as to affirmatively further fair housing. (Amended by Ordinance No. 94-30, 00-22)

POLICY 135.1.11: Lee County will cooperate with the Office of Equal Opportunity to assure compliance with the Lee County Fair Housing Ordinance. (Amended by Ordinance No. 94-30, 00-22)

POLICY 135.1.12: The county will coordinate its activities and cooperate with other affected public and private interests, including consumers and producers of housing and the Affordable Housing Committee and the Housing and Community Development Committee, to ensure effective public participation in the housing planning process. (Amended by Ordinance No. 9430,

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98-09, 00-22)

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POLICY 135.1.13: The county will provide adequate staff support for the Department of Human Service's Homeless Coalition and for a new service, an affordable housing hotline. (Amended by Ordinance No. 98-09, 00-22)

OBJECTIVE 135.2: SEASONAL AND MIGRATORY HOUSING NEEDS. By the year 2005, Lee County will have an additional 619 units of affordable housing that is suitable and affordable for farm labor housing by increasing the stock of standard affordable housing and the removal of substandard conditions. (Amended by Ordinance No. 94-30, 98-09)

POLICY 135.2.1: Assist private agricultural businesses to develop and manage housing for migrant farm workers through information, technical assistance, and financial incentives programs.

POLICY 135.2.2: Assist non-profit agencies and other support groups to plan and coordinate arrangements for low-cost rental housing and other non-housing support services for farm workers and their families through the Lee County Housing Authority.

POLICY 135.2.3: Housing for farm workers, as defined by ss 420.503 Florida Statutes, may be permitted in the Rural, Coastal Rural, Open Lands, and Density Reduction/Groundwater Resource land use categories without respect to the density limitations that apply to conventional residential districts. The density of such housing is limited to 50 occupants per acre of actual housing area and will be reviewed on a case-by-case basis during the planned development or Special Exception zoning process. The applicant must demonstrate that impacts of the farm worker housing will be mitigated. (Amended by Ordinance No. 94-30, 00-22, 03-19, 05-21)

POLICY 135.2.4: Lee County will set aside 10% of its SHIP housing subsidy for funding the development of special needs housing, which will include farmworker housing. (Added by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

POLICY 135.2.5: Lee County will promote the location of farmworker housing close to needed services such as transportation to and from employment, medical facilities, social services, schools and shopping. Lee County will evaluate proximity to these services when county funds are requested for farmworker housing and during any rezoning process. (Added by Ordinance No. 98-09)

POLICY 135.2.6: By January, 1999, Lee County will form partnerships with local vocational training schools and other appropriate agencies to foster job training and economic development opportunities which would enable migrant farmworkers to find employment off-season and therefore become year-round employees. (Added by Ordinance No. 98-09)

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Response: Response: This amendment will comply with the above stated policies, objectives and goals

OBJECTIVE 135.3: REHABILITATION, CONSERVATION, AND IMPROVEMENT.

Continue efforts to reduce substandard housing by five percent annually. (Amended by Ordinance No. 94-30)

Response: Response: This amendment will reduce a substantial amount of substandard housing. Without this amendment it may not happen

POLICY 135.3.1: The county will increase code enforcement activities in neighborhoods where code violations are more prevalent and concentrate code enforcement activities where warranted. (Amended by Ordinance No. 00-22)

POLICY 135.3.2: The Lee County Community Improvement Office will continue to identify homes eligible for various housing rehabilitation programs. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 135.3.3: The county will conserve existing residential areas by enforcing codes, providing appropriate capital improvements providing funding for the Neighborhood Districts Program and disseminating information on the availability of housing programs. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 135.3.4: The county will vigorously enforce its housing code to assure that housing will remain habitable. (Amended by Ordinance No. 00-22)

POLICY 135.3.5: The county will continue to enforce minimum standards of housing and sanitation and require prompt action in the identification of abandoned or dilapidated property which may need demolition, including mobile homes and farm worker housing. (Amended by Ordinance No. 00-22)

POLICY 135.3.6: Seek federal and state funding, or otherwise provide local public funds, for the demolition or rehabilitation of substandard housing.

POLICY 135.3.7: Permit, on a demonstration basis, mixed-use and other innovative reuses of the existing housing stock which will result in the removal of substandard housing units.

Respoce: This is exactly what this amendment will do. It will provide the removal of substandard housing (RV) and replace it with a mixed use type development.

POLICY 135.3.8: Continue to operate the Urban Homesteading program.

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POLICY 135.3.9: Weatherization programs provided by state and federal agencies will be incorporated into the county's comprehensive housing effort as a means of encouraging housing maintenance and preservation by both the public and private sectors. (Amended by Ordinance No. 00-22)

OBJECTIVE 135.4: AFFORDABLE HOUSING. Additional locations for housing for low- and moderate-income persons will be available to meet their housing needs. Very low and low income housing needs will be a priority. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 135.4.1: Support the efforts of the Lee County Housing Finance Authority, Florida Housing Finance Corporation, Lee County Housing Authority, the Lee County Department of Human Services, the Lee County Community Redevelopment Agency, the Lee County Department of Community Development, and local private for profit and private non-profit agencies, and assist in their efforts to determine and develop sites and programs for housing for low- and moderate-income persons, including the homeless, through referrals and staff support. (Amended by Ordinance No. 94-30, 98-09)

POLICY 135.4.2: Publicly assisted housing will be provided in a dispersed rather than a concentrated manner so that, to the maximum extent feasible, all geographic areas will provide low-and moderate-income housing opportunities. (Amended by Ordinance No. 94-30)

POLICY 135.4.3: Pursue federal sources of funding earmarked for housing that will be affordable for very-low- and low- income housing for programs designed to provide sound, safe, and healthful housing and related community services and facilities. (Amended by Ordinance No. 94-30)

POLICY 135.4.4: Support the Lee County Department of Human Services, the Lee County Coalition of Emergency Assistance Providers, and the Homeless Coalition in assisting very low, low- and moderate-income persons, including the homeless, to find adequate housing and support services such as day care, emergency shelter, food and clothing, and coordination with employment services. (Amended by Ordinance No. 98-09)

POLICY 135.4.5: The County Department of Human Services will provide counseling services to low- and moderate-income participants in any of the Department's housing programs, including the homeless. The counseling may include financial guidance, housing maintenance information, and consumer advice to assist households seeking affordable, standard housing. Lee County will continue to offer home buyer training to program beneficiaries. (Amended by Ordinance No. 98-09, 00-22)

POLICY 135.4.6: The county will continue to assist community based organizations and community housing development organizations with technical support and funding. (Amended by Ordinance No. 94-30, 98-09, 00-22)

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POLICY 135.4.7: The county will maintain an ongoing research and information effort on housing and related issues, including state and federal legislation affecting housing, county-wide housing needs, and the provision of advice regarding assistance programs. (Amended by Ordinance No. 00-22)

POLICY 135.4.8: The county will participate in state and federal housing assistance programs to aid the elderly, developmentally disabled, physically disabled, mentally ill, substance abusers, large families, farmworker, and other low and moderate-income households to secure suitable, affordable housing, housing rehabilitation, home buyer training, down payment and closing cost assistance, rental assistance, and new construction home ownership programs. (Amended by Ordinance No. 98-09, 00-22)

POLICY 135.4.9: Give priority to the homeless, elderly, disabled and large families with inadequate housing in recognition of the even greater problems faced by the private sector in providing this needed type of housing. (Amended by Ordinance No. 98-09)

POLICY 135.4.10: Seek to stimulate the production of housing affordable for low-and moderate-income households through the creation of an affordable housing trust fund, an independent private non-profit local housing development corporation, land banking and land acquisition.

POLICY 135.4.11: In order to facilitate the provision of affordable housing, to strengthen the family unit, and to provide increased opportunities for housing for the elderly, accessory apartments will be provided for in the Land Development Code by the end of 1993. (Added by Ordinance No. 93-25, Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 135.5: MANUFACTURED HOUSING. The county will provide adequate locations and standards for manufactured housing and mobile homes through implementation of Chapter 34 of the Land Development Code. (Amended by Ordinance No. 94-30, 00-22)

Response: Response: Manufactured housing is not an adequate location here because of the wind zones

POLICY 135.5.1: The Land Development Code will continue to designate zoning categories for mobile home and manufactured housing parks and subdivisions sufficient to meet the future land requirements for manufactured housing. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 135.6: SPECIAL NEEDS. Locations for group homes or homeless shelters or transitional housing for the homeless will be available at suitable sites to ensure that the needs of persons requiring such housing are met.

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POLICY 135.6.1: The county will continue to enforce non-discriminatory standards and criteria addressing the location of group homes and foster care facilities. (Amended by Ordinance No. 0022)

POLICY 135.6.2: In order to serve persons with special needs, disabilities, or handicaps, the county will provide for the location of adequate sites for group homes and foster care facilities through the approval of appropriate zoning districts dispersed among the residential neighborhoods of Lee County. (Amended by Ordinance No. 00-22)

POLICY 135.6.3: Other community-based residential care facilities needed to serve group homes and the clients of other programs will be encouraged to locate, through the zoning process, at convenient, adequate, and non-isolated sites within the residential areas of the county. (Amended by Ordinance No. 94-30, 00-22)

POLICY 135.6.4: Supporting infrastructure and public facilities necessary for the support and encouragement of independent living for the clients of relevant programs will be provided. (Amended by Ordinance No. 00-22)

POLICY 135.6.5: The county will monitor the development and distribution of publicly-assisted group homes and residential care facilities to insure that adequate sites and infrastructure are provided and that over-concentration in any residential area is avoided. (Amended by Ordinance No. 94-30, 00-22)

POLICY 135.6.6: The county will institute local programs providing assistance to private and non-profit sponsors to insure that adequate group homes, transitional homeless housing, and foster care facilities are developed. (Amended by Ordinance No. 00-22)

POLICY 135.6.7: The county will cooperate with appropriate agencies in order to provide adequate sites for congregate living facilities, including group and foster care homes and homeless shelters and transitional housing, to meet the requirements of persons with special needs, disabilities, and handicaps for a community residential environment and de-institutionalization. (Amended by Ordinance No. 00-22)

OBJECTIVE 135.7: DISPLACEMENT. Uniform and equitable treatment for persons and businesses displaced by state and local government programs will be provided through the Department of Human Relations. (Amended by Ordinance No. 98-09)

POLICY 135.7.1: Ensure that reasonably located standard housing at affordable costs is available to persons displaced through public action prior to their displacement through the county's Voluntary Relocation Program.

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POLICY 135.7.2: The county will support the efforts of local private non-profit agencies to provide standard, affordable housing for Lee County's homeless through staff support, referrals, and financial assistance where applicable. (Amended by Ordinance No. 00-22)

OBJECTIVE 135.8: HISTORIC HOUSING. Historically significant housing will be preserved and protected for residential uses, consistent with the Historic Preservation element.

POLICY 135.8.1: Assist the rehabilitation and adaptive use of historically significant housing through technical and economic assistance programs such as Community Development Block-Grant and HOME funding, State Housing Initiatives Partnership eligibility, and emergency weatherization. Consider the incentives of property tax relief or abatement, transfer of development rights, and below-market interest rate loans, consistent with the Historic Preservation element. (Amended by Ordinance No. 94-30, 98-09)

POLICY 135.8.2: The county will assist property owners of historically significant housing in applying for and utilizing state and federal assistance programs. (Amended by Ordinance No. 0022)

OBJECTIVE 135.9: NEIGHBORHOOD AND HOUSING CONSERVATION. Lee County will continue to conserve existing housing and improve the quality of neighborhoods through the Neighborhood District Program, affordable housing programs, public/private partnerships, community redevelopment programs, and appropriate development regulations. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 135.9.1: Review and amend where necessary the county's housing and health codes and standards relating to the care and maintenance of residential and neighborhood environments and facilities.

POLICY 135.9.2: Designate appropriate areas of the county as CDBG Target areas and Neighborhood Strategy Areas, and carry out program activities in a timely and efficient manner.

POLICY 135.9.3: Plan and implement safe neighborhood programs in designated Neighborhood Improvement Districts. (Added by Ordinance No. 94-30, 98-09)

POLICY 135.9.4: Schedule and concentrate public infrastructure and supporting facilities and services to upgrade the quality of existing neighborhoods.

POLICY 135.9.5: New development adjacent to areas of established residential neighborhoods must be compatible with or improve the area's existing character. (Amended by Ordinance No. 00-22)

Response: This amendment will improve the area's existing character and be protective of the adjacent uses through increased setbacks and landscaping.

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POLICY 135.9.6: Lee County will administer the planning, zoning, and development review process in such a manner that proposed land uses acceptably minimize adverse drainage, environmental, spatial, traffic, noise, and glare impacts, as specified in county development regulations, upon adjacent residential properties, while maximizing aesthetic qualities. (Amended by Ordinance No. 00-22)

POLICY 135.9.7: The county will coordinate residential development within urban areas to coincide with existing or planned and programmed services and facilities so as to avoid premature or non-contiguous urbanization and the use of septic tanks and private wells for potable water within developed urban areas. (Amended by Ordinance No. 00-22)

POLICY 135.9.8: County land development regulations will implement standards to protect aesthetic qualities and the physical natural environment, while providing incentives for residential development designs which emphasize energy-efficient construction, appropriate solar exposure, air circulation, and the use of natural shading. (Amended by Ordinance No. 00-22)

Response: Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 136 – GOAL 140: [RESERVED]

HISTORIC

PRESERVATION

Chapter IX

IX. Historic Preservation

GOAL 141: IDENTIFICATION AND EVALUATION. To provide for the identification and evaluation of the historic resources of Lee County.

OBJECTIVE 141.1: IDENTIFICATION. Maintain existing programs to identify the historic and archaeological resources of Lee County, develop new identification programs (such as, but not limited to, a program to identify Lee County resources listed on the National Register of Historic Places), and make information available to the public and other public agencies. (Amended by Ordinance No. 94-30)

POLICY 141.1.1: Lee County will systematically maintain the Florida Site File by annual updates, corrections, and monitoring of status of listed properties. New information will be transmitted to the Florida Department of State. (Amended by Ordinance No. 94-30, 00-22)

POLICY 141.1.2: Require all applications for development review to identify the location and status of historic resources (including archaeological sites). The Lee County Historic and Architectural Survey and the Lee County Archaeological Management Plan will serve as data bases. The Historic Preservation

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Board will advise the Board of County Commissioners as to any action it deems appropriate or perform other duties as specified in the Historic Preservation Ordinance. (Amended by Ordinance No. 00-22)

POLICY 141.1.3: Maintain an automated system merging data regarding properties designated under Lee County Historic Preservation Ordinance into the county's parcel information system and study the feasibility of developing an automated system merging Florida Site File data into the county's parcel information system. (Amended by Ordinance No. 94-30)

POLICY 141.1.4: Lee County will continue to maintain a streamlined storage and retrieval system of the Florida Site File to allow for fast and easy access and distribution. (Amended by Ordinance No. 94-30, 00-22)

POLICY 141.1.5: Lee County will establish a scenic resource identification and evaluation program. (Amended by Ordinance No. 00-22)

OBJECTIVE 141.2: EVALUATION. Continue to evaluate the historic and archaeological resources of Lee County according to adopted criteria for significance. (Amended by Ordinance No. 94-30)

POLICY 141.2.1: Maintain adopted criteria in the Historic Preservation Ordinance for the evaluation of historic and archaeological resources that are consistent with the requirements of the Certified Local Government Program created pursuant to the National Historic Preservation Act of 1966.

POLICY 141.2.2: Evaluate the historic resources of Lee County for eligibility for nomination to the National Register of Historic Places and a local register of historic places.

GOAL 142: RECOGNITION AND REGISTRATION. To formally recognize significant historic resources and provide for their appropriate registration or local, state, or national listings.

OBJECTIVE 142.1: RECOGNITION. Lee County will continue to implement a program to formally recognize those historic and archaeological resources that are considered historically and archaeologically significant according to the Lee County Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)

POLICY 142.1.1: Lee County will maintain a local register of historic and archaeological places designated under the Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)

POLICY 142.1.2: Lee County will provide plaques and certificates for display on buildings or archaeological sites certifying their historic significance. (Amended by Ordinance No. 00-22)

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POLICY 142.1.3: Lee County will establish a historic marker program with the goal of marking the locations of significant historic resources, the boundaries of historic districts, or archaeological sites. (Amended by Ordinance No. 00-22)

POLICY 142.1.4: Lee County will establish an awards program to officially recognize excellence in historic preservation activities. (Amended by Ordinance No. 00-22)

POLICY 142.1.5: Lee County will distribute certificates of historical and/or archaeological significance to owners of properties designated under the Lee County Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 142.2: REGISTRATION. The county will continue its program to nominate eligible structures, sites, or districts to the National Register of Historic Places. (Amended by Ordinance No. 94-30, 00-22)

POLICY 142.2.1: Lee County will initiate the nomination of eligible historic resources to the National Register of Historic Places through the Lee County Historic Preservation Board according to the Certified Local Government program. (Amended by Ordinance No. 00-22)

POLICY 142.2.2: Lee County will encourage historic property owners to nominate eligible structures, sites, or districts to the National Register of Historic Places through the provision of information and technical assistance. (Amended by Ordinance No. 00-22)

GOAL 143: LOCAL PRESERVATION TECHNIQUES. To provide for the protection, preservation, reconstruction, restoration, rehabilitation, and use of the historic resources of Lee County.

OBJECTIVE 143.1: DEVELOPMENT REGULATIONS. Lee County will continue to enact, amend, or revise, as appropriate, regulatory measures that will further historic preservation goals and policies as stated in this element and any subsequent revisions thereof. (Amended by Ordinance No. 94-30, 00-22)

POLICY 143.1.1: Lee County will maintain in effect a Historic Preservation Ordinance in conformance with the requirements of the Certified Local Government program. (Amended by Ordinance No. 00-22)

POLICY 143.1.2: Lee County will amend the Zoning Regulations and the Development Standards Regulations, as necessary, to incorporate the findings contained within this Historic Preservation element and any subsequent revisions thereof. (Amended by Ordinance No. 94-30, 00-22)

POLICY 143.1.3: The Lee County Building Code will be amended so as to depart from the provisions of the Southern Standard Building Code and applicable fire codes, to the extent permitted by state law and proper safety practices, so as to be consistent with the Historic Preservation Ordinance and any amendment thereof. (Amended by Ordinance No. 94-30, 00-22)

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POLICY 143.1.4: County development regulations will be amended in response to the recommendations contained in the Archaeological Zone Management Plan for Lee County (Piper Archaeological Research, Inc., 1987) and in any future update or revision thereof. (Amended by Ordinance No. 94-30, 00-22)

POLICY 143.1.5: Lee County will continue to study the feasibility of various incentives (such as transfer of development rights and property tax relief) as a means of accomplishing the goals and recommendations of the Historic Preservation element. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 143.2: INNOVATIVE TECHNIQUES. Lee County will continue to make available information, as appropriate, on a variety of legal techniques that will further historic preservation goals and aid in the implementation of the Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)

POLICY 143.2.1: Lee County will make information available generally to the public on easements, covenants, options to purchase, right of first refusal, and eminent domain, for historic preservation purposes. (Amended by Ordinance No. 00-22)

OBJECTIVE 143.3: INCENTIVES. Lee County will continue to maintain a program for the provision of financial incentives for historic preservation purposes. (Amended by Ordinance No. 9430, 00-22)

POLICY 143.3.1: Lee County will investigate the establishment of a Historic Preservation Trust Fund to be administered by the Board of County Commissioners or a non-profit organization after recommendations by the Historic Preservation Board. The Trust Fund will consist of all monies received from federal and state sources and all monies, if any, appropriated by Lee County, and monies contributed to the fund from any other source. A framework for the administration of the fund will be established. (Amended by Ordinance No. 94-30, 00-22)

POLICY 143.3.2: Lee County will continue to seek and make applications for historic and archaeological preservation grants from private, state, and federal sources. Funds will be administered by the Historic Preservation Trust Fund, once established. (Amended by Ordinance No. 00-22)

POLICY 143.3.3: Lee County will consider implementation of the historic preservation property tax exemption program to put into effect Sections 196.1997 and 196.1998, Florida Statutes. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 143.3.4: Lee County will make available Community Development Block Grant funds, when available, for historic preservation purposes. (Amended by Ordinance No. 00-22)

POLICY 143.3.5: Lee County will explore the issuance of low- interest loans for the rehabilitation of historic resources with funds from the Historic Preservation Trust Fund. (Amended by Ordinance No. 00-22)

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POLICY 143.3.6: Lee County will explore ways in which the historic preservation program and the Community Redevelopment Agency can work together using tax increment financing to restore historic districts in slum or blighted areas. (Amended by Ordinance No. 94-30, 00-22)

POLICY 143.3.7: Lee County will provide information and technical support in the use of community reinvestment or rehabilitation investment tax credits. (Amended by Ordinance No. 00-22)

OBJECTIVE 143.4: PUBLICLY OWNED SITES. Lee County will continue to preserve and protect the historic and archaeological resources owned, acquired, or disposed of by Lee County by designating them under the Lee County Historic Preservation Ordinance if feasible. By 1999, Lee County will develop a program to preserve and protect those historic and archaeological resources owned, acquired or disposed of by Lee County which do not qualify for designation under the Lee County Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)

POLICY 143.4.1: Lee County will inventory and prepare a preservation plan for all county-owned historic resources. (Amended by Ordinance No. 00-22)

POLICY 143.4.2: Lee County will consider the acquisition of historic and archaeological resources, where necessary, and in so doing will follow the Standards for Acquisition established by the U.S. Department of the Interior. (Amended by Ordinance No. 00-22)

POLICY 143.4.3: In disposing of county-owned historic and archaeological resources, Lee County will attach a preservation easement or protective covenants to said property. (Amended by Ordinance No. 94-30, 00-22)

GOAL 144: EDUCATION AND PUBLIC PARTICIPATION. To provide for the public awareness and involvement in all aspects of historic preservation in Lee County.

OBJECTIVE 144.1: EDUCATION. Lee County will maintain a public information program with the purpose of educating the public about local history, the Lee County historic preservation program, and the historic preservation incentives. (Amended by Ordinance No. 94-30, 00-22)

POLICY 144.1.1: Lee County will maintain and make available to the public an historic preservation manual to help property owners preserve and maintain their properties consistent with historic preservation standards. (Amended by Ordinance No. 94-30, 00-22)

POLICY 144.1.2: Lee County will continue to develop, in cooperation with local historical groups, programs and displays, maps, tours, and brochures that illustrate Lee County's history and its historic preservation programs. (Amended by Ordinance No. 94-30, 00-22)

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POLICY 144.1.3: Lee County will continue to compile, store, and make available to the public published manuals relating to historic preservation. (Amended by Ordinance No. 94-30, 00-22)

POLICY 144.1.4: Lee County will continue to support local historical museums through information and technical assistance. (Amended by Ordinance No. 94-30, 00-22)

POLICY 144.1.5: Lee County, in cooperation with the Lee County School Board, will continue to study the development of historic preservation programs for school-aged children as well as to maintain, as necessary, those programs previously developed. (Amended by Ordinance No. 9430, 00-22)

POLICY 144.1.6: Lee County, in cooperation with local historic or archaeological groups and the public library, will study the feasibility of establishing a depository for the archival of materials pertaining to the history of Lee County. (Amended by Ordinance No. 00-22)

OBJECTIVE 144.2: PUBLIC PARTICIPATION. Lee County will continue to implement mechanisms for the notification and involvement of historic property owners and the interested public in county historic preservation activities. (Amended by Ordinance No. 94-30, 00-22)

GOAL 145: COORDINATION. To cooperate and coordinate with various private preservation groups and governments to achieve an efficient and responsible system for the exchange of information relating to historic preservation.

OBJECTIVE 145.1: IMPACT REVIEW. Lee County will continue its integration of the review of impacts to historic and archaeological resources into the existing regulatory framework of local and state government agencies. (Amended by Ordinance No. 94-30, 00-22)

POLICY 145.1.1: Provide survey and inventory information to all local and state agencies.

POLICY 145.1.2: All county departments must notify the Lee County Historic Preservation Board of any proposals that would affect a historic resource. The Historic Preservation Board will advise the Board of County Commissioners as to any action they deem appropriate or perform other duties as specified in a historic preservation ordinance. (Amended by Ordinance No. 00-22)

OBJECTIVE 145.2: RECOGNITION AND REGISTRATION. Assist local and state government agencies in the recognition and registration of the historic resources in Lee County.

POLICY 145.2.1: Participate in the Certified Local Government Program (36 CFR 61.5).

POLICY 145.2.2: Lee County will exert every effort to enter into an interlocal agreement with the municipalities within Lee County to perform shared functions with the Historic Preservation Board. (Amended by Ordinance No. 00-22)

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POLICY 145.2.3: Lee County will assist the Lee County School Board in the nomination of eligible school board properties to the National Register of Historic Places. (Amended by Ordinance No. 00-22)

POLICY 145.2.4: The county will consider establishing or supporting a staff position for a county or regional archaeologist to undertake the educational and cultural research requirements of the Lee County archaeological resource base. (Amended by Ordinance No. 00-22)

OBJECTIVE 145.3: EDUCATION. To improve coordination with other governmental agencies in promoting and increasing public awareness of historic resources.

POLICY 145.3.1: Maintain a liaison with the School Board in the establishment of a historic preservation education program.

POLICY 145.3.2: Provide information to those private and public agencies that function to promote the general interest of Lee County for tourism, industry, and commerce.

Response:: This amendment will comply with the above stated policies, objectives and goals and while there are no historic buildings on the site, it is the intent of the amendment to include as of the development not only historical references to the site but educate about the history of the island through innovative ideas such as the community learning center and history boards throughout the site depicting historical life on the island.

GOAL 146 – GOAL 150: [RESERVED]

INTERGOVERNMENTAL COORDINATION

Chapter X

X. Intergovernmental Coordination

GOAL 151: SERVICE COORDINATION. To provide for efficient and effective coordination of provision of public services by Lee County and its special districts, bodies, boards, and other entities.

OBJECTIVE 151.1: SPECIAL DISTRICTS. Lee County will utilize the Department of Community Affairs' special district information program so as to provide for the regular exchange of information, proposals, and plans between the county and its special districts, bodies, boards, and other entities; and Lee County will monitor the effectiveness of this program as it pertains to intergovernmental coordination. (Amended by Ordinance No. 94-30, 00-22)

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POLICY 151.1.1: The office of the County Administrator will be responsible for monitoring and utilizing the special district information program for the purpose of coordinating the programs, activities and procedures for the provision of services and information. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 151.2: LEVEL-OF-SERVICE STANDARDS. Lee County will continue to monitor for conflicts or potential conflicts in level-of-service standards for public facilities in other affected jurisdictions and will pursue resolution of those conflicts. (Amended by Ordinance No. 94-30, 00-22)

POLICY 151.2.1: Lee County will maintain and annually update an inventory and analysis of the various level-of-service standards for public facilities and will recommend means of coordinating those standards which are not in agreement. (Amended by Ordinance No. 94-30, 0022)

POLICY 151.2.2: Where conflicts with other entities regarding service standards cannot be resolved through discussion among those concerned, Lee County will pursue resolution through interlocal agreements and/or the informal mediation process of the Southwest Florida Regional Planning Council. (Amended by Ordinance No. 94-30, 00-22)

POLICY 151.2.3: Development proposals within Lee County will be reviewed for their impacts on levels of service for public facilities as stated in the comprehensive plans of adjacent governments. (Amended by Ordinance No. 00-22)

OBJECTIVE 151.3: COORDINATION OF ROADWAY AND UTILITY IMPROVEMENTS.

Coordinate, where possible, between the Lee County Department of Transportation (DOT) and utility companies, including Lee County Utilities and the various privately operated water and wastewater companies, to insure that capital and maintenance projects are not adversely affected by subsequent utility construction. (Added by Ordinance No. 94-30)

POLICY 151.3.1: By 1995, enter into interlocal agreements between Lee County DOT and the various water and wastewater utility companies to establish a process to coordinate expected utility construction projects with programmed roadway maintenance and capital projects. (Added by Ordinance No. 94-30)

OBJECTIVE 151.4: COORDINATION OF AIRPORT DEVELOPMENT AND IMPROVEMENTS AT THE SOUTHWEST FLORIDA INTERNATIONAL AIRPORT WITH ALL PERMITTING AGENCIES.

The Port Authority will coordinate with Lee County, the Southwest Florida Regional Planning Council, the Florida Department of Community Affairs, Federal Aviation Administration, and the Florida Department of Transportation to ensure that the development of the Southwest Florida International Airport is consistent with the Lee Plan. (Added by Ordinance No. 0416)

POLICY 151.4.1: Port Authority staff will ensure that Lee County staff is directly involved in the review and approval process related to the ongoing update of the Airport Master Plan. This mandatory inter-

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agency coordination will provide an official means for scheduled review and comment regarding Airport Master Plan Updates, related Lee Plan amendments, annual updates of the Airport Layout Plan and Capital Improvement Program, permitting for scheduled capital improvement projects, amendments to the Airport zoning approvals and compliance with the Lee County Land Development Code. (Added by Ordinance No. 04-16)

POLICY 151.4.2: The Port Authority will submit and County staff will review and provide comments regarding the following:

- (1) Scope and content of ongoing updates to the Airport Master Plan pursued in accordance with Federal Aviation Administration Advisory Circular 150/5070-6A and the Florida Department of Transportation Guidebook for Airport Master Planning.
- (2) Consistency of proposed amendments to the Airport Master Plan and resulting Airport Layout Plan (Map 3F) with the Lee Plan, Land Development Code (LDC) and local zoning approvals.
- (3) Compatibility and compliance of individual CIP projects with the Lee Plan, LDC regulations, zoning approvals and other applicable regulations.
- (4) Proposed Lee Plan Amendments necessary to support revisions to the Airport Layout Plan (Map 3F), the Southwest Florida International Airport Proposed Development Schedule (Table 5), the Airport Master Plan, or CIP project list. (Added by Ordinance No. 04-16)

POLICY 151.4.3: Prior to submittal of any application to amend the Lee Plan, the Port Authority staff must obtain an endorsement of the proposed plan amendment application package, including the Airport Layout Plan, from the Board of Port Commissioners. Written evidence of this endorsement must be included in the plan amendment application package. The Port Authority staff will coordinate the date and time the endorsement request will be presented to the Port Commissioners with the County in order to provide County staff with ample opportunity to attend the meeting and address the Port Commissioners as necessary. (Added by Ordinance No. 04-16)

POLICY 151.4.4: Prior to formal submittal of any Lee Plan amendment package, rezoning request, or development order application, the Port Authority staff will informally present the proposed application to Lee County staff for initial comments and input regarding consistency with the Lee Plan and County regulations. (Added by Ordinance No. 04-16)

POLICY 151.4.5: The Port Authority is the lead agency in coordinating efforts to obtain approval for Southwest Florida International Airport access improvements with agencies participating in the Lee County Metropolitan Planning Organization. This includes the incorporation of improvements into the Financially Feasible Transportation Plan (Map 3A) and the Lee County Metropolitan Planning Organization Financially Feasible Highway Plan and Needs Assessment. The Port Authority will work with local, state, and federal transportation agencies to identify and obtain funding for access improvements to the airport. (Added by Ordinance No. 04-16)

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Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 152: GROWTH MANAGEMENT. To coordinate the plans and policies of Lee County, its municipalities, and adjacent local governments so as to guide, manage, and regulate urban growth in a compatible fashion.

OBJECTIVE 152.1: EFFECTS OF NEW DEVELOPMENT. Lee County will continue to review impacts of planned developments on the municipalities within Lee County and on adjacent counties, regional agencies, and other governmental units in a coordinated and efficient manner. (Amended by Ordinance No. 94-30, 00-22)

POLICY 152.1.1: Lee County will adopt formal coordination procedures for mandated planning activities with other local governments, regional agencies, the state, and other governmental units. (Amended by Ordinance No. 00-22)

POLICY 152.1.2: Where conflicts regarding growth management and development issues cannot be resolved through discussion among those concerned, the informal mediation process of the Southwest Florida Regional Planning Council will be used where judicial action can be avoided. (Amended by Ordinance No. 00-22)

POLICY 152.1.3: Lee County will enter into interlocal agreements with appropriate entities for the notification and exchange of information regarding changes in land use or zoning of areas within one mile of its boundaries. (Amended by Ordinance No. 00-22)

POLICY 152.1.4: The county will strive to negotiate interlocal agreements with all incorporated municipalities to resolve planning issues relating to areas outside the cities' limits which they would like to target for annexation. "Urban Reserve" boundaries adopted in such agreements will be designated on the future land use map (see Policy 1.7.3). (Amended by Ordinance No. 00-22)

POLICY 152.1.5: The county will protect natural resource systems that cross governmental boundaries through the means described under Goal 112 of this plan. (Amended by Ordinance No. 00-22)

POLICY 152.1.6: The county will coordinate transportation planning and road improvements with other jurisdictions through the means described under Goal 42 of this plan. (Amended by Ordinance No. 00-22)

POLICY 152.1.7: The county will continue to pursue efforts to implement a plan for surface water management with the surrounding affected counties and affected municipalities within Lee County. (Amended by Ordinance No. 94-30, 00-22)

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POLICY 152.1.8: The principles and guidelines to be used in the planning, siting and location of new schools have been established under Goal 66: Education. (Added by Ordinance No. 03-04)

OBJECTIVE 152.2: POLITICAL INTERVENTION. In 1995, and on a continuing basis thereafter, Lee County will initiate vehicles for dialogue and communication with other local governments to address issues, which have an effect beyond the boundaries of unincorporated Lee County. (Amended by Ordinance No. 94-30, 00-22)

POLICY 152.2.1: In order to address issues which cross-jurisdictional boundaries, such as the re-establishment of the Urban Reserve Area with the City of Fort Myers, the chairman of the Board of County Commissioners will initiate and coordinate interactions with political counterparts in municipalities and counties in the region. (Amended by Ordinance No. 94-30, 0022)

POLICY 152.2.2: Lee County will continue to:

- utilize the Metropolitan Planning Organization (MPO) for matters of coordination in transportation planning and implementation; and utilize the Technical Advisory Committee to the MPO in matters requiring communication, cooperation, and coordination between Lee County and other jurisdictions. (Amended by Ordinance No. 00-22)

Response: Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 153 – GOAL 157: [RESERVED]

ECONOMIC ELEMENT

Chapter XI

XI. Economic Element

GOAL 158: Lee County will achieve and maintain a diversified and stable economy by providing a positive business climate that assures maximum employment opportunities while maintaining a high quality of life. (Amended by Ordinance No. 00-22)

Response: This amendment provides a positive business climate that assures maximum employment opportunities while creating a high standard of life and the protection of the environment

OBJECTIVE 158.1: Lee County will encourage the conservation and enhancement of those natural and cultural resources that represent the foundation of the county's existing retirement, recreation, and tourist oriented economy in order to place Lee County in a competitive position to enable the retention and expansion of these and other business opportunities. (Amended by Ordinance No. 0022)

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Response: this amendment represents the future while maintaining the retention and expansion of the existing retirement, tourist, and recreation economies that has made lee county what it is today.

POLICY 158.1.1: Lee County will encourage the development of diverse cultural facilities, through public, private, or public/private partnerships, that meet the needs of the residents and visitors of Lee County. (Amended by Ordinance No. 00-22)

Response: Response: This amendment will be providing a community learning facility that encourages educates the community and visitors in regards to the history and environments of South West Florida.

POLICY 158.1.2: Lee County will promote the opportunity for development and support of hospitals, nursing homes, and additional medical related facilities in order to promote a continuum of care to enhance the quality of life throughout the county. (Amended by Ordinance No. 00-22)

POLICY 158.1.3: Lee County will cooperate with state entities and other social service providers to encourage the establishment of programs and facilities that assist the elderly population of Lee County. (Amended by Ordinance No. 00-22)

POLICY 158.1.4: Lee County will work with the sheriff, fire districts, municipalities, and other appropriate entities to provide a strong public safety program capable of protecting the citizens of Lee County and their property. (Amended by Ordinance No. 00-22)

POLICY 158.1.5: Lee County will maintain a publicly sponsored recycling program as well as "Keep Lee County Clean," "Adopt a Road," and "Adopt a Beach" programs to maintain a positive public image. (Amended by Ordinance No. 00-22)

POLICY 158.1.6: Lee County will protect the environment that sustains the commercial fishing and tourist industries by opposing the leasing of off-shore tracts for the purpose of oil exploration and drilling. The county will oppose off-shore oil drilling in the region south of latitude 27 degrees north to the state waters north of the Florida Keys and west to longitude 86 degrees west. (Amended by Ordinance No. 00-22)

POLICY 158.1.7: Lee County will encourage the preservation of sensitive natural resources, including beaches, wetlands, estuaries, clean air and water, historic resources, scenic vistas and other unique natural resources through public acquisition and/or regulatory protection. (Amended by Ordinance No. 00-22)

POLICY 158.1.8: Lee County will ensure a continued commitment of a portion of the Tourist Development Tax to be used for beach and shore-related improvements such as restoration and erosion

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control, re-nourishment, future beach acquisition, fishing piers, and beach access points, beach parking facilities, and maintenance. (Amended by Ordinance No. 00-22)

POLICY 158.1.9: Lee County, in response to current and projected needs of Lee County residents, will encourage a diverse mix of housing types, sizes, prices, and rents by maintaining mixed use land use categories in the Future Land Use Element. (Amended by Ordinance No. 0022)

Response : this amendment provides for a mixture of housing while creating a mixed use category that also protect water dependent uses.

OBJECTIVE 158.2: Lee County will maintain and develop programs which are designed to expand and enhance the tourism industry so that the county's leading tourism indicator of visitors per point of occupancy will grow by a total annually compounded rate of 2.5% by the year 1995 and by 10.0% by the year 2000. (Amended by Ordinance No. 00-22)

Response: Response: This amendment will help the county reach its goal as stated above.

POLICY 158.2.1: Lee County, in coordination with the Tourist Development Council and other appropriate entities, will continue to support the area's domestic and international tourism development program to ensure continuation and expansion of the tourism industry. (Amended by Ordinance No. 00-22)

Response: This amendment will comply with the above stated policies by creating a world class mixed use resort.

POLICY 158.2.2: Lee County, in coordination with the Tourist Development Council and other appropriate entities, will continue to lead the local tourism industry and work with the community to position Lee County as a friendly and hospitable visitor destination. (Amended by Ordinance No. 00-22)

POLICY 158.2.3: Lee County, in coordination with the Tourist Development Council and other appropriate entities, and in conjunction with the Port Authority, will work toward positioning Lee County as a major aviation international port of entry. (Amended by Ordinance No. 00-22)

POLICY 158.2.4: Lee County, in coordination with the Tourist Development Council and other appropriate entities, should continue the strong research efforts that accurately measure the economic impact of tourism and provide information for planning, marketing and management of tourism for both the private and public sectors.

POLICY 158.2.5: Lee County, in coordination with the Tourist Development Council and other appropriate entities, will promote the development of ecotourism in Lee County. (Amended by Ordinance No. 00-22)

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Response: One of the main goals of this amendment is to promote ecotourism

OBJECTIVE 158.3: Lee County, in coordination with the Horizon Council and other appropriate entities, will establish, continue and maintain programs which are designed to promote and encourage the recruitment of new industries that will facilitate and diversify Lee County's economic base.

(Amended by Ordinance No. 00-22)

POLICY 158.3.1: Lee County will, in coordination with the Horizon Council and other appropriate entities, formulate an economic development plan to assist local organizations in fostering the expansion and diversification of Lee County's economic base, and will set forth the intent, funding, and the means available for its implementation. (Amended by Ordinance No. 0022)

POLICY 158.3.2: Lee County, in coordination with the Horizon Council and other appropriate entities, will sustain a coordinated local, regional, national, and international marketing program that will identify and attract industrial, commercial, and office space users. (Amended by Ordinance No. 00-22)

POLICY 158.3.3: Lee County, in coordination with the Horizon Council and other appropriate entities, will annually report on the progress of non-traditional industry starts. (Amended by Ordinance No. 00-22)

POLICY 158.3.4: Lee County will, in coordination with the Horizon Council and other appropriate entities, develop a presentation packet to actively pursue and encourage businesses to relocate to Lee County. (Amended by Ordinance No. 00-22)

POLICY 158.3.5: Lee County will ensure that adequate land is allocated in the comprehensive plan to meet future commercial, industrial, agricultural, residential, and recreational needs. (Amended by Ordinance No. 00-22)

POLICY 158.3.6: Lee County will study economic incentives utilized by various Florida cities and counties that may also be utilized by Lee County to place the county in a competitive position to attract new businesses. (Amended by Ordinance No. 00-22)

POLICY 158.3.7: Lee County will offer property tax abatement and occupational license fee abatement to new or expanded businesses in the Franklin Park Enterprise Zone for up to 5 years. (Amended by Ordinance No. 00-22)

POLICY 158.3.8: Lee County will pursue any legally available opportunities to establish additional Enterprise Zones. (Amended by Ordinance No. 00-22)

POLICY 158.3.9: Lee County, in coordination with the Horizon Council and other appropriate entities, will encourage the expansion of international banking and finance to better accommodate the needs of

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international visitors to the area and that of local firms engaged in global markets. (Amended by Ordinance No. 00-22)

POLICY 158.3.10: Lee County, in coordination with the Horizon Council and other appropriate entities, will investigate the possibility of establishing Foreign Trade Zones in Lee County. (Amended by Ordinance No. 00-22)

POLICY 158.3.11: Lee County will, in coordination with local, state, and federal representatives, develop a strategy to increase foreign investment in Lee County. (Amended by Ordinance No. 00-22)

POLICY 158.3.12: Lee County, in coordination with the Horizon Council and other appropriate entities, will continue programs which encourage and assist in the location of new companies that build on the traditional economic base. (Amended by Ordinance No. 00-22)

Response: this amendment supports traditional economic base that has been established

OBJECTIVE 158.4: Lee County, in coordination with the Horizon Council and other appropriate entities, will maintain programs which are designed to encourage the retention and expansion of the county's existing economic base. These programs will assist the expansion of the commercial and industrial tax base to 25% of the total tax base by the year 2000 and to 30% by the year 2010. (Amended by Ordinance No. 00-22)

POLICY 158.4.1: Lee County, in coordination with the Horizon Council and other appropriate entities, will continue programs, such as the "Business Assistance Guide," the "Financial Assistance Guide," economic research, a business and industry Exposition, an economic development magazine, and the "Community Profile on a Disk," which assist existing companies in expansion efforts. (Amended by Ordinance No. 00-22)

POLICY 158.4.2: Lee County, in coordination with the Horizon Council and other appropriate entities, will annually report on the progress of existing industry expansions and traditional industry starts. (Amended by Ordinance No. 00-22)

POLICY 158.4.3: Lee County will protect and promote its existing water port developments. (Amended by Ordinance No. 00-22)

Response: This amendment will comply with the above stated policies.

POLICY 158.4.4: Lee County, in coordination with the Horizon Council and other appropriate entities, will promote economic opportunity through the utilization of the Southwest Regional Airport and strengthen the role of the airport in Lee County's economic development. (Amended by Ordinance No. 00-22)

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POLICY 158.4.5: Lee County will actively pursue state and federal funding for transportation improvements to the local, region, state, and national highway system in Lee County. (Amended by Ordinance No. 00-22)

POLICY 158.4.6: All Lee County Departments and Divisions will communicate and coordinate with the Division of Economic Development (or its successor) to assure interdepartmental coordination of industry and business attraction, expansion and retention in Lee County. (Amended by Ordinance No. 00-22)

POLICY 158.4.7: Lee County will encourage the retention of the agricultural and commercial fishing industries as described in Goals 8, 9, 121, 122, 128, and their associated objectives and policies of the Lee Plan. (Amended by Ordinance No. 00-22)

POLICY 158.4.8: Lee County, in coordination with the Horizon Council and other appropriate entities, may establish an "Ambassador Team", consisting of volunteer representatives from such sources as government, banking/finance, utilities, marketing, chambers of commerce, education, and labor market sectors, in order to assist in the retention of targeted industries and businesses. The function of the team will be to increase communication between county and municipal governments, the Horizon Council, and the business community in Lee County.

POLICY 158.4.9: Lee County, in coordination with other appropriate entities, will work to establish and retain small businesses throughout Lee County. (Amended by Ordinance No. 00-22)

POLICY 158.4.10: The Lee County Community Redevelopment Agency will continue local revitalization efforts in the county's redevelopment areas to leverage private reinvestment activities through public investment in community development and infrastructure improvements. (Amended by Ordinance No. 00-22)

POLICY 158.4.11: Lee County will encourage agriculture industry programs to maintain or improve its economic viability, provide necessary support and promote Lee County produce. (Amended by Ordinance No. 00-22)

OBJECTIVE 158.5: Lee County will encourage the expansion and development of educational facilities that complement economic development and diversification. (Amended by Ordinance No. 00-22)

POLICY 158.5.1: Lee County will continue to coordinate with and assist the Lee County School Board in the orderly and rational expansion of educational facilities that enhance economic growth and a desired quality of life. (Amended by Ordinance No. 00-22)

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POLICY 158.5.2: Lee County will promote the development of programs and facilities at Lee Vo-Tech, Edison Community College, the University of South Florida, Florida Gulf University, and any future institutions of higher learning, including business and commerce, health services, technologies, and education careers. (Amended by Ordinance No. 00-22)

POLICY 158.5.3: Lee County will encourage Lee Vo-Tech, Edison Community College, the University of South Florida, Florida Gulf University, and any future institutions of higher learning, to develop cooperative and integrated curriculums that enhance and increase the productivity of the local work force and attract industries and skilled workers. (Amended by Ordinance No. 00-22)

OBJECTIVE 158.6: Lee County will maintain a system of development regulations that will promote the accomplishment of the goals, objectives, and policies of this element. (Amended by Ordinance No. 00-22)

POLICY 158.6.1: Before adopting any new regulation which potentially imposes new costs to taxpayers and private business, Lee County first will generally assess the impact of that regulation upon the local economy and will adopt such regulations only in cases of compelling public need. (Amended by Ordinance No. 00-22)

POLICY 158.6.2: Lee County will continue to utilize Lee County staff and private citizen committees to recommend revisions that will streamline development regulations. (Amended by Ordinance No. 00-22)

OBJECTIVE 158.7: ECONOMIC MONITORING. The county will develop and maintain an accurate mechanism to track the types of goods imported and exported via various means of transportation by 1996. (Relocated by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

POLICY 158.7.1: The county will conduct or sponsor (in full or in part) the preparation of an economic base study including, but not limited to, agricultural, commercial fishing, and industrial products. The study will identify the importing and exporting sectors of the economy and will be updated, as appropriate. (Relocated by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

POLICY 158.7.2: The county will gather commerce movement data from the government agencies overseeing various means of transportation and/or private operators. (Relocated by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

Response: This amendment will comply with the above stated policies, objectives and goals

GOAL 159 – GOAL 163: [RESERVED]

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GLOSSARY

Chapter XII

XII. Glossary

ACCESSORY APARTMENT -In general terms, a living unit constructed subordinate to a single family residence, or in a separate structure and rules governing such to be further defined in the Lee County Zoning Ordinance. (Added by Ordinance No. 93-25)

ACTIVE RECREATION -Active recreation requires a certain degree of physical exertion. Recreational activities that are of this orientation are generally of an organized or team nature and usually require an established playfield or type of court to accommodate them (e.g. baseball, football, tennis, basketball).

ACTIVITY CENTER -Those areas of such economic, recreational, cultural, or unique locational significance that the community has unusual difficulty in providing transportation facilities consistent with adopted service levels (see Objective 37.3).

AIRPORT (PUBLIC USE) - Is defined as any area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purpose. Airport Facilities (Commercial or General Aviation) typically include areas for shelter, servicing, or repair of aircraft, or for receiving and discharging passengers or cargo, and areas used for access to airport facilities or buildings. (Added by Ordinance No. 04-16)

AIRPORT LAYOUT PLAN - A map of existing and proposed airport property, facilities and development that is created as a result of the Airport Master Planning process. The Airport Layout Plan for Southwest Florida International Airport is adopted as Map 3F. (Added by Ordinance No. 04-16)

AIRPORT MASTER PLAN - A plan of development applicable to an airport that is prepared and approved in accordance with FAA Advisory Circular 150/5070-6A and FDOT Guidebook for Airport Master Planning. By design, the Airport Master Plan process is ongoing and allows an airport to address operational and development needs as they arise. The overall development scheme or concept is depicted in the Airport Layout Plan. (Added by Ordinance No. 04-16)

AIRPORT SUPPORT LAND USES - Airport Support land uses include land uses that provide support facilities to other airport operations, including the air traffic control tower, aircraft rescue and firefighting, airport maintenance, airport utilities, rental car service and storage, fuel farms, aircraft maintenance areas, airline in-flight catering kitchens, airport police department gun range, airport auto repair facility, and

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Port Authority training facility. (Added by Ordinance No. 04-16)

ASSOCIATED SUPPORT DEVELOPMENT -within the University Community land use category is that development which is related to and justified by the University, including but not limited to support facilities, university housing, and development, such as research and development parks, which would not

have come to the University Community except for the synergy created by the University. (Added by Ordinance No. 92-47)

AVIATION-RELATED INDUSTRY -Aviation-Related Industry land uses include manufacturing, fabrication, or assembly activities relating to aviation. Examples of Aviation-Related Industry uses include fuel storage and transfer facilities, aircraft parts/instrument manufacture, facilities for processing

large air cargo shipments, and warehousing. (Added by Ordinance No. 04-16)

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AVIATION RELATED LAND USES - Aviation related land uses are necessary for the safe operation of the airport. These uses include: all uses necessary to support airfield operations such as runway and taxiway safety areas, runway approaches, taxiways and taxiway exits, areas where NAVAIDS will be located, and areas within the building restriction lines and the runway protection zones; all facilities associated with Airline Passenger Terminal areas and Air Cargo areas, including the Federal Inspection Station/customs, aircraft aprons, and terminal auto parking areas, cargo buildings and truck ramps for transshipping cargo between air and ground transportation; all uses associated with General Aviation operations, including aircraft aprons, fixed base operator offices and hangars, and auto parking areas. This term also includes all Airport Support and Aviation-Related Industry. (Added by Ordinance No. 0416)

A-ZONE -Those areas subject to a 100-year flood, as indicated on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency.

BARRIER ISLAND -The term "barrier island" is intended to refer to the following islands: Gasparilla, LaCosta (Cayo Costa), North Captiva, Captiva, Sanibel, Estero, Black, Lovers Key, Big Hickory, and Little Hickory (often referred to as Bonita Beach) Islands.

BASE FLOOD -The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

BASIC FACILITY -As used in the Potable Water and Sanitary Sewer sub- elements of the Community Facilities and Services element, this term is intended to identify the principal productive capital of a water or sewer system, i.e., a wellfield and water treatment plant, as distinguished from the distribution system (see also "infrastructure").

"BEST MANAGEMENT PRACTICE" -That practice which provides reasonable assurance that a given standard of performance can be achieved (South Florida Water Management District).

BIOLOGICAL OXYGEN DEMAND (BOD) -The oxygen used in meeting the metabolic needs of aerobic microorganisms in water rich in organic matter.

CAPACITY, ROAD - The maximum number of vehicles having a reasonable expectation of passing over a given section of roadway during a given time period under prevailing roadway and traffic conditions.

CAPITAL IMPROVEMENTS -The acquisition of land, real property, a physical facility, or the

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construction of a physical facility.

CHEMICAL OXYGEN DEMAND (COD) -The amount of matter available in water with the potential to take up dissolved oxygen from the water by various chemical processes.

CLUSTERING -A development design technique that concentrates a group of buildings or uses in specific areas to allow the remaining area to be used for open space, buffering, joint-parking, recreation, water management, or protection of environmentally sensitive areas.

COASTAL BUILDING ZONE -The barrier islands, except Sanibel; Buck Key; Long Key; the unnamed mangrove island between Broadway and Hogue Channels, in their entirety; and the land area 3,000 feet landward of mean high water from the western tip of Punta Rassa to the peninsula north of Pelican Bay, with the eastern boundary being the eastern shoreline at mean high water of the presently undeveloped peninsula in Siesta Isles as delineated in the aerial map filed with Clerk of the Court as Exhibit A. The bay islands in Gasparilla Sound, Pine Island Sound (including Cabbage Key and Useppa Island), Matlacha Pass and Estero Bay and Pine Island, **San Carlos Island** and the mainland area not expressly referred to in this definition are not included. (Added by Ordinance No. 94-30)

COASTAL CONSTRUCTION CONTROL LINE -The Department of Natural Resources' Coastal Construction Control Line is the line established pursuant to the provisions of Sections 161.052 - 161.053, Florida Statutes.

COASTAL HIGH HAZARD AREA -The category 1 evacuation zone as delineated by the Southwest Florida Regional Planning Council. (Added by Ordinance No. 94-30, Amended by Ordinance No. 99-17)

COASTAL PLANNING AREA -The coastal study area of the 1988 Lee County Coastal Study which is defined as all sections of unincorporated Lee County containing any portion of the 1988 A Zone (the 100 year floodplain as mapped in 1988 by FEMA), lying westward of the municipal boundaries of Fort Myers and Cape Coral. (Added by Ordinance No. 94-30)

COST-EFFECTIVE -An action or technique is "cost-effective" when it offers more benefit per unit cost or lower cost per unit benefit than an alternative.

COMMUNITY PARK -A tract of land designated and used by the public primarily for active recreation but also for educational and social purposes and passive recreation. A community park generally serves a specific community comprised of at least several neighborhoods. The Lee Plan's community park standards are based upon several sub-classifications of community parks: standard community parks; community recreation centers; community pools; and school parks.

DENSITY -The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential

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density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made water-bodies contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included. Within the Caloosahatchee Shores community in the areas identified by Policy 21.4.2, commercial development that includes commercial and residential uses within the same project or the same building do not have to exclude the commercial lands from the density calculation. For true mixed use developments located on the mainland areas of the County, the density lost to commercial, office and industrial acreage can be regained through the utilization of TDRs that are either created from Greater Pine Island Costal Rural future land use category or previously created TDRs. True mixed use developments must be primarily multi-use structures as defined in this Glossary as a mixed use building. (Amended by Ordinance No. 98-09, 00-22, 03-21, 05-21)

DEVELOPMENT -Has the meaning given in Chapter 380, Florida Statutes.

DEVELOPMENT OF COUNTY IMPACT (DCI) -A development which, because of its character, magnitude, location, size, timing, density, or intensity would have a substantial effect upon the health, safety, and welfare of the citizens of the county. Thresholds for Developments of County Impact will be specifically defined in zoning or development regulations and ordinances. (Amended by Ordinance No. 00-22)

DEVELOPMENT ORDER -An order granting, denying, or granting with conditions an application for a development permit. Whenever this plan refers to a "preliminary" or "final" development order, the term will have the same meaning given those terms in the Lee County Development Standards Ordinance as it existed in October of 1989. (Amended by Ordinance No. 94-30, 00-22)

DEVELOPMENT PERMIT -Includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of Lee County having the effect of permitting the development of land.

EDGE EFFECT -The influence of adjacent plant communities on the number of animal species present in the immediate vicinity.

EQUIVALENT RESIDENTIAL CONNECTION (ERC) -The total number of meter equivalents using the methodology of the Florida Public Service Commission. This term is synonymous with "Equivalent Residential Units" as used by the Florida Public Service Commission. It is used to convert commercial and industrial water or sanitary sewer use into standard units, based on typical use in dwelling units.

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FLOODING -A general or temporary condition of partial or complete inundation of normally dry land areas from: (1) overflow of inlands or tidal water; or (2) unusual and rapid accumulation or runoff of surface water from any source.

FLOOD PRONE AREA OR FLOODPLAIN -Any land area susceptible to being inundated by water from any source.

FLOW-WAY - A defined area that conveys surface water during typical seasonal weather patterns. The flow-way may contain uplands, wetlands, defined natural or artificial channels, or a combination thereof. A flow-way may be natural or man-made. A natural flow-way is an area of lower topographic relief where surface water moves within variable dimensions or a well defined channel. The area of flow in this case has enough general confinement to exhibit surface water flow characteristics and is determined through reasonable scientific judgment utilizing all available information including without limitation a review of all the following: vegetation, hydrology, soils maps, aerial photography, topographic maps, USGS maps, drift lines, rack lines, sediment deposits, soils and root scour, absence of litter or groundcover, and field verifications. A natural flow-way can be a series of lower elevation upland areas that allow otherwise isolated wetlands to interconnect when surface water levels rise high enough during typical high water seasonal level to form a continuous flow path. Natural flow-ways typically include but are not limited to rivers, creeks, streams, sloughs, interconnected wetlands, and associated flood plain. A man-made naturalized flow-way is a constructed surface water management system consisting of soft features used for nutrient uptake, surface water treatment, and/or surface water conveyance. Man-made naturalized flow-ways typically include but are not limited to filter marshes, created wetlands, swales planted with native vegetation, created streams/creeks, created pond or lake systems interconnected through native vegetation areas, or combinations thereof.

A man-made structural flow-way is a physical connection between surface water management basins. Man-made structural flow-ways typically include but are not limited to culverts, ditches, canals, pipelines, mowed grass swales, rip-rap swales, or combinations thereof. This will not include roadways, fire breaks, or similar man-made structures. (Added by Ordinance No. 03-06)

FRANCHISE -An exclusive right to sell a good or produce a service within a limited geographic area.

FREEWAY -The term freeway as used herein and as defined by the 1985 Highway Capacity Manual, Special Report 209, is a divided highway facility having two or more lanes for the exclusive use of traffic in each direction and full control of access and egress. Access to and egress from the facility occur only at ramps, which are generally designed to permit high-speed merging and diverging maneuvers to take place, thus minimizing disruptions to mainline traffic. (Added by Ordinance No. 98-09)

FUNCTIONAL STREET CLASSIFICATION -Functional classification is the process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide.

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FUTURE URBAN AREAS -Those categories on the Future Land Use Map which are designated for urban activities: Intensive Development, Central Urban, Urban Community, Suburban, Outlying Suburban, Industrial Development, Public Facilities, Airport, Tradeport, Industrial Interchange, General Interchange, General Commercial Interchange, Industrial Commercial Interchange, University Village Interchange, Mixed Use Interchange, University Community, and New Community. (Amended by Ordinance No. 94-30, 99-18, 04-16)

GREEN INFRASTRUCTURE -Surface water management systems that are "soft" features such as preserved/restored flow-ways, created flow-ways, lakes with littoral plantings, swales planted with native grasses, filtration marshes, preserved/restored wetlands, created wetlands, or other similar design features. (Added by Ordinance No. 03-06)

HISTORIC DISTRICT -A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also be comprised of individual elements separated geographically but linked by association or history.

HISTORIC RESOURCE -Any prehistoric or historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value. These properties or resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, treasure trove, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of the state (s.267.021 (3), F.S. 1986).

HURRICANE VULNERABILITY ZONE -The area requiring evacuation in the event of a specified event (hurricane) as determined by the SLOSH computer model (see the October 1991, Hurricane Storm Tide Atlas for Lee County, prepared by the Southwest Florida Regional Planning Council). This zone is subdivided into maximum areas subject to flooding by each of the five storm categories. (Amended by Ordinance 99-15)

HYDROPERIOD -The cyclic variation in the volume of water flowing in a system through time.

INFILTRATION -The flow of a liquid through a porous material (see also "percolation").

INFRASTRUCTURE -As used in the Potable Water and Sanitary Sewer sub- elements of the Community Facilities and Services element, this term is intended to identify the capital facilities that distribute a service, i.e., the sewer mains, manholes, lift and pump stations, and trunk and interceptor sewers, as distinguished from the wastewater treatment plant and effluent disposal system (see also "basic facility").

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INTENSITY -A measurement of the degree of non-residential uses of land based on use, size, impact, bulk, shape, height, coverage, sewage generation, water demand, traffic generation, or floor area ratios.

LAND USE -The development that has occurred on the land, the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under the adopted Comprehensive Plan or element or portion thereof, land development regulations, or a land development code, as the context may indicate.

LEACHATE -The solution/suspension of material in water which has percolated through a landfill.

LEVEL OF SERVICE -An indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of a facility. Levels of service are generally expressed as the capacity per unit of demand for each public facility. (See Policy 95.1.3 for a description of the various levels of service contained in this plan.) **LOW INCOME** -A person or household whose annual (gross) income does not exceed the 80% percent of the area median income, as determined by HUD. (Added by Ordinance No. 99-15)

MARINA -A commercial or industrial Water-Dependent Use located on property adjacent to water with direct access to a navigable channel. The primary function must be to provide commercial dockage, mooring, storage and service facilities for watercraft and land-based facilities and activities necessary to support the water dependent use. The term "marina" does not apply to docks, davits, boathouses and similar docking facilities that are accessory or ancillary and subordinate to: 1) residential buildings that are located on the same premises and under the same ownership or control as the docks, davits, boathouses, boat ramps, and similar docking facilities; and 2) commercial or industrial establishments that are not Water-Dependent uses. For purposes of this definition only, "residential building" means a mobile home, single-family, two-family, duplex, townhouse or multiple-family dwelling. Sub-classifications of Marinas will be further defined in the Land Development Code for the purpose of establishing permissible ancillary or accessory water and land-based activities and property development regulations. (Amended by Ordinance No. 00-22)

MARINE INDUSTRIAL USES -Uses which generally relate to port activities and commercial fishing. These uses include, but are not limited to, ports, oil and gas transportation facilities, boat manufacturing plants, commercial fishing operations, marine supply stores, boat repairs, and the icing, preparation, shipping, and sale of seafood.

MEDIAN INCOME -A determination made by HUD (the U.S. Department of Housing and Urban Development) through statistical methods establishing a middle point for determining income limits for households within the metropolitan statistical area, the county or the non metropolitan median for the state, whichever is greatest. Median is the amount that divides the distribution into two equal groups: one group having income above the median and the other group having income below the median. (Added by Ordinance No. 99-15)

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MIXED USE -The development, in a compact urban form, of land or building or structure with two or more different but compatible uses, such as but not limited to: residential, office, industrial and technological, retail, commercial, public, entertainment, or recreation. True mixed use developments primarily consist of mixed use buildings as defined by this Glossary. (Amended by Ordinance No. 05-21)

MIXED USE BUILDING - Mixed Use Building means a building that contains at least two different land uses (i.e. commercial and residential, R & D and residential, office and residential, commercial and civic use open to the public) that are related. (Added by Ordinance No. 05-21)

MODERATE INCOME -A person or household whose annual (gross) income does not exceed the 120% percent of the area median income, as determined by HUD. (Added by Ordinance No. 99-15)

NATURAL RESOURCE EXTRACTION - The act of removing, through various techniques, renewable and non-renewable resources, excluding water, in their natural state on or below the surface of the earth. Such resources include but are not limited to sand, gravel, limestone, fill dirt, oil, and natural gas. (Added by Ordinance No. 02-02)

NAVAID - AIR NAVIGATION FACILITY. A facility designed for use as an aid to air navigation, including landing areas, lights, any apparatus or equipment for disseminating weather information, for signaling, for radio direction-finding, or for radio or other electronic communication, and any other structure or mechanism having a similar purpose for guiding and controlling flight in the air or the landing or takeoff of aircraft. (Added by Ordinance No. 04-16)

NON-AVIATION RELATED USES. This phrase refers to the commercial and industrial land uses identified on the Airport Layout Plan (Map 3F) and Table 5. Non-aviation related uses are typically developed in non-aviation settings. Non-aviation uses may be enhanced by proximity to an airport, but these uses are not dependent on access to an airport. These uses could be developed in other locations within the County. Non-aviation related uses will be established on Airport lands through lease agreements with the Port Authority. The areas identified to accommodate these non-aviation uses are not necessary to support the primary aviation facilities comprising the Southwest Florida International Airport. Use of Airport lands for non-aviation use is intended to provide a revenue stream that may be used to enhance airport operations. Though located on airport property, the establishment of non-aviation uses is not necessary for the continued function of the primary aviation facilities associated with the airport. (Added by Ordinance No. 04-16)

OPEN SPACE -Land, public or private, which may be either unoccupied or predominately unoccupied by buildings or structures, having use for parks, recreation, water management, vegetation, agriculture, conservation, protection or preservation of water resources, historic or scenic resources, green space, green belts, natural rivers and streams, forests, wetlands, beaches and dunes, wildlife habitat, preserves, sanctuaries, reserves and refuges, and air and water.

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PASSIVE RECREATION -Passive recreation activities are ones which require a minimal amount of physical effort but help in promoting physical and psychological refreshment. Such activities include: picnicking, camping, strolling in the park, and water-oriented recreation in the forms of fishing and boating.

PERCOLATION -The flow of a liquid through a porous material under the influence of gravity or pressure (see also "infiltration").

PLANNED DEVELOPMENT -A development that is designed and developed as a cohesive, integrated unit under single ownership or unified control which permits flexibility in building siting, mixture of housing types or land uses, clustering, common functional open space, the sharing of services, facilities, and utilities, and protection or enhancement of environmental and natural resources. A "planned development" may be for residential, commercial, industrial, or other specific purposes, or a combination thereof. The Lee County zoning regulations define the various types of "planned developments." (Amended by Ordinance No. 94-30)

POPULATION AT RISK -All people located within an area defined by the vulnerability zone of a Category 3 storm hazard in the month of November. The latest Southwest Florida Region Hurricane Evacuation Study will be used to designate the vulnerability zone of a Category 3 storm hazard. (Amended by Ordinance No. 92-35, 00-22)

PRIVATE RECREATION FACILITIES -Includes nature trails, tent camping areas, boardwalks, play areas (as defined in "Park Planning Guidelines, 3rd Edition"), horse stables and riding areas, service areas, administrative areas, ancillary uses, and golf courses. The location of public wellheads and Aquifer Storage and Recovery facilities may be located in Private Recreational Facilities. (Added by Ordinance No. 99-16)

RARE AND UNIQUE UPLAND HABITATS (RU) -High-quality native upland habitats as identified by the Lee County Coastal Study (Godschalk and Associates, 1988). These habitat types include those classified as sand scrub (320); coastal scrub (322); those pine flatwoods (411) which can be categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation; slash pine/midstory oak (412); tropical hardwood (426); live oak hammock (427); and cabbage palm hammock (428). The numbered references are to the Florida Land Use Cover and Forms Classification System (FLUCFCS) Level III (Florida Department of Transportation, 1985).

RECREATIONAL USE -The occupation, utilization, consumption, or enjoyment of a recreation resource, or of a particular part of a recreation resource.

REGIONAL PARK -A tract of land designated and used by the public for active and passive recreation. A regional park draws users from a larger area than a community park, frequently from the entire county and beyond, by providing access to especially attractive natural resources, amenities, and

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specialized activities. The Lee Plan's regional park standards are based upon several sub-classifications of regional parks: district parks; nature preserves; and special area regional parks.

REHABILITATION -The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

RESOURCE-BASED RECREATION AREAS -These are areas that possess a high degree of natural beauty through the land, air, and water resources that compose them. These areas generally have a higher level of intrinsic value, i.e., visual and other aesthetic qualities of their natural environment. Examples of resource-based recreation areas are beaches, wetland preserves, and riverfront parks.

RESOURCE RECOVERY -Various techniques of recovering reusable or recyclable materials or energy from garbage and trash.

RESTORATION -The act of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or the replacement of missing earlier work.

RETAINING WALL -A generally vertical wall built of concrete, steel, wood, fiberglass, or other materials. It is similar to a seawall but is located well landward of mean high water and of any existing wetland vegetation and/or littoral zone characterized by the presence of intertidal fauna.

REUSE WATER -Treated wastewater which, as a commodity, is sold to various users for agricultural irrigation, grounds management (institutional lawns, golf courses), or industrial use

SANITARY SEWER SYSTEM -The infrastructure required to collect, transport, treat, and dispose of water-borne wastes, and the contaminated water that carries such wastes, from many individual and varied land uses. This definition of "sanitary sewer system" includes those systems operated by developers and homeowner or condominium associations, as well as by county or municipal governments or other public agencies, and by franchised or certificated utility companies.

SEAWALL -A generally vertical wall built of concrete, steel, wood, fiberglass, or other material which holds the material behind it in place and is designed to resist waves and erosion.

SITE-RELATED IMPROVEMENTS -Capital improvements and right-of-way dedications for direct access improvements to the development. Direct access improvements include but are not limited to the following:

1. site driveways and roads;
2. median cuts made necessary by those driveways or roads;

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3. right turn, left turn, and deceleration or acceleration lanes leading to or from those driveways or roads;
4. traffic control measures for those driveways or roads; and
5. roads or intersection improvements whose primary purpose at the time of construction is to provide access to the development. (Amended by Ordinance No. 94-30)

SLUDGE -The solids remaining after settling and treating wastewater (also septage).

SOUTHWEST FLORIDA INTERNATIONAL AIRPORT PROPOSED DEVELOPMENT

SCHEDULE (TABLE 5) -This Table depicts the proposed development schedule for the Southwest Florida International Airport through the year 2020. (Added by Ordinance No.04-16)

SUBSTANTIVE CHANGE - As used in Policies 47.2.5 and 47.3.4, the term "substantive change" means development not specifically stated or identified in Table 5 or depicted on Map 3F. (Added by Ordinance No.04-16)

UNDEVELOPED BARRIER ISLAND -Undeveloped barrier islands are: 1) areas designated by the United States Congress as undeveloped in the Coastal Barrier Resource Act (PL 97-348) as amended; and 2) other barrier islands (see definitions), spits, peninsulas, or portions thereof that have sparse settlement, no infrastructure for support services, and access by watercraft or aircraft only.

URBAN RESERVE -Those specific geographic areas which, by formal interlocal agreement between Lee County and a municipality, have been determined to be suitable for annexation into that municipality (see also Policies 1.7.3 and 152.1.4).

URBAN SERVICES -The requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development at levels of urban density and intensity. Urban services as used in this plan include, but are not limited to:

- public sewer and water
- paved streets and roads
- public transit
- parks and recreation facilities
- urban levels of police, fire, and emergency services
- urban surface water management
- schools
- employment, industrial, and commercial centers
- institutional, public, or administrative facilities
- community facilities such as senior citizens' centers, libraries, and community centers.

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URBAN SPRAWL -The uncontrolled, premature, or untimely expansion and spreading out of urban levels of density or intensity into outlying non-urban areas.

USER-ORIENTED RECREATION AREAS -These are areas where numerous recreational activities can take place which are more or less independent of special natural features. Areas such as these commonly contain ballfields, tennis courts, playgrounds, swimming pools, and the like that are planned and located to help satisfy specific user demands. User-oriented recreation areas generally have a greater amount of extrinsic value where recreational values are created through man-made adaptation, alteration, or addition to the natural landscape.

VERY LOW INCOME -A person or household whose annual (gross) income does not exceed the 50% percent of the area median income, as determined by HUD. (Added by Ordinance No. 99-15)

V-ZONE -Those areas subject to wave action in addition to a 100-year flood, as indicated on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency.

WATER-BASED RECREATION AREA -An area that has within its boundaries a body of salt or freshwater, shoreline frontage, or access to a shoreline where water-related facilities such as boat ramps, docks, fishing piers, and beach areas for swimming can be located.

WATER-DEPENDENT USES -Land uses for which water access is essential and which could not exist without water access.

WATER-RELATED USES -Land uses that might be enhanced by proximity to the water but for which water access is not essential.

WETLANDS -Areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil. Wetland boundaries will be determined by using the methodology in FAC Chapter 17-340 as ratified and amended in F.S. 373.4211. (Amended by Ordinance No. 94-30, 00-22)

XERISCAPE -A style of landscaping using drought-tolerant (emphasizing native) plant materials and water conserving design and maintenance techniques in order to reduce the demand for irrigation water in man-made environments.

PROCEDURES AND ADMINISTRATION

Chapter XIII

XIII. Procedures and Administration

a. Effect and Legal Status of the Plan

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Upon adoption of this amended plan, all development and all actions taken in regard to development orders must be consistent with the plan as adopted. All land development regulations enacted or amended after the effective date of the Lee Plan must be consistent with the Lee Plan. Land development regulations in existence as of the effective date of the Lee Plan which are inconsistent with the Lee Plan will be amended to conform to the goals, objectives, and policies of the Lee Plan, as provided for in the implementation section of the plan. The terms "consistent with" and "in conformity with" will mean that all development actions or orders will tend to further the goals, objectives, and policies of the plan and will not specifically inhibit or obstruct the attainment of articulated policies. Where goals, objectives, or policies of particular elements appear to be in conflict, such conflicts will be resolved upon an analysis of the entire Lee Plan as it may apply to the particular area at issue.

The impact of the Lee Plan upon ongoing development may involve a balancing of public needs reflected in the Lee Plan and the expectations of those persons in the process of developing property in a manner inconsistent with the goals, objectives, and policies of the Lee Plan. Moreover, Section 163.3202(2)(g), Florida Statutes, imposes restrictions on the ability of Lee County to grant development permits notwithstanding an otherwise satisfactory balancing of such needs and expectations. Therefore, there will necessarily be a transition period in which such development rights will have to be balanced with the public needs and purposes expressed in the Lee Plan and this transition may be further complicated by the impact of Section 163.3202(2)(g). During this transition period, in instances where development has been reviewed and determined to be consistent with the 1979 Comprehensive Plan, as amended, and/or the 1984 Lee Plan, as amended, and/or the 1989 Lee Plan, as amended, and a development order or final development order has been issued, such development, to the extent it cannot reasonably comply with the standards established in the Lee Plan, will be deemed consistent with the Lee Plan as outlined below. (Amended by Ordinance No. 94-30, 00-22)

A. A preliminary development order, not otherwise vested, issued prior to the effective date of this plan, and subsequently issued, will be deemed consistent with this plan for a period of three years, only as to:

1. terms specifically approved in writing; or
2. accompanying plans expressly approved as to matters requested to be in said plans and requested to be approved as part of the preliminary development order process.

To be deemed consistent, such preliminary development orders must also meet all applicable public health, safety, and welfare standards.

(Amended by Ordinance No. 00-22)

B. A final development order, not otherwise vested, will be deemed consistent with the amended plan for a period of five years from the date of issuance of the development order, only as to:

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1. terms specifically approved in writing; or
2. accompanying plans expressly approved as to matters requested to be in said plans and requested to be approved as part of the development order process.

To be deemed consistent, such final development orders must also meet all applicable public health, safety, and welfare standards.

C. A development order, not otherwise vested, will be deemed consistent with the amended plan for a period of three years (six years for development orders approved after October 16, 1994) from the date of issuance of the development order, only as to:

1. terms specifically approved in writing; or
2. accompanying plans expressly approved as to matters requested to be in said plans and requested to be approved as part of the development order process.

To be deemed consistent, such development orders must also meet all applicable public health, safety, and welfare standards.

D. In addition to above-mentioned development orders, preliminary and final development orders, the following categories of approvals, projects, and developments will be deemed to be consistent with the Lee Plan, subject to the applicable conditions as set forth below:

1. a development or project that has a building permit issued by Lee County, valid on the effective date of the 1993/94 amendments to the Lee Plan;
2. a development or project that has been granted an approval under the site plan approval process of the Lee County Administrative Code F-0015, or its predecessors, and the approval was obtained prior to the effective date of the Lee Plan (December 21, 1984), PROVIDED THAT construction of the development or project was begun within two (2) years of the approval date and construction has been diligently pursued;
3. a site plan approved by court order or stipulated settlement which is the result of litigation in which Lee County was a party;
4. an approved, platted subdivision pursuant to Part I of Chapter 177, Florida Statutes;
5. final P.U.D. approvals, PROVIDED THAT construction began (or begins) within two (2) years of the final P.U.D. approval and construction has been (is) diligently pursued;
6. all developments approved under a site-specific P.U.D. ordinance;
7. "planned development" zoning approvals which have not been vacated due to inactivity by the developer;
8. for ongoing commercial operations, an addition or interior remodeling, limited to 25% of the existing floor area or 1,500 square feet, whichever is less (this is a one-time addition); no addition or remodeling will be permitted within wetlands (as defined in Goal 114);

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9. development that has been granted an exemption from the requirements of Ordinance No. 82-42, as amended, or Ordinance 92-44, as amended, prior to the effective date of the 1988/89 or the 1993/94 plan, whichever is applicable; and

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10. a project which received a final favorable vested rights determination pursuant to Chapter XIV of the 1984 Lee Plan before its amendment in 1986, if the construction of the project has been or is actually commenced within five years of the date of such determination and construction continues at a reasonable rate under the circumstances to completion of the project; provided, however, that any substantial deviation from a prior approval which has received vested rights or partial vested rights status will cause the development involved to be subjected to the policies and implementing decisions and regulations set forth in the 1988/89 and subsequent amendments to the Lee Plan. These vested rights, as conditioned herein, run with the land and therefore may be transferred from owner to owner. However, even subsequent owners are subject to the possibility that any vested rights determination may be revoked upon a showing by the county of a peril to the public health, safety, or general welfare of the residents of Lee County unknown at the time of approval. The following general conditions will apply to the above ten categories:

1. the activity must comply with all applicable public health, safety, and welfare standards and regulations;
2. these categories will be deemed consistent only insofar as those items specifically approved; and
3. the activity will not be deemed consistent if there has been a substantial deviation from the approval granted.

Notwithstanding anything in this section to the contrary, an approval, project, development order, preliminary development order, or a final development order, which would otherwise be deemed consistent, will not be deemed consistent upon a showing by the county of a peril to the public health, safety, or general welfare of the residents of Lee County, which peril was unknown at the time of approval. Moreover, notwithstanding the fact that an approval, project, development order, preliminary development order, or a final development order is deemed consistent, no development order or permit, as defined in Section 163.3164, Florida Statutes, will be issued which results in a reduction in the levels of service below the minimum acceptable levels established in this plan, as required by Section 163.3202(2)(g), Florida Statutes. Nothing in the Lee Plan will limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to Chapter 380, Florida Statutes.

(E. In other circumstances where development expectations may conflict with the Lee Plan but judicially defined principles of equitable estoppel may override the otherwise valid limitations imposed by the Lee Plan, such expectations may be recognized by Lee County, acting by resolution of its Board of County Commissioners, on a case-by-case basis. (Amended by Ordinance No. 94-30, Amended and Relocated by Ordinance No. 00-22)

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F. Build-back Policy

Structures which have been damaged by fire or other natural forces to the extent that the cost of their reconstruction or repair exceeds 50% of the replacement value of the structure may be reconstructed

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at (but not to exceed) the legally documented actual use, density, and intensity existing at the time of destruction, thereby allowing such structures to be rebuilt or replaced to the size, style, and type of their original construction, including their original square footage; provided, however, that the affected structure, as rebuilt or replaced, complies with all applicable federal and state regulations, local building and life safety regulations, and other local regulations which do not preclude reconstruction otherwise intended by this policy. In order to reconstruct at the legally documented previous use, density, and intensity, a building permit must be applied for within five years after the date of destruction. The date of destruction must be legally documented. Such documentation may include a local, state, or federal declaration of disaster; a fire or police department report on the event; or any insurance claims filed as a result of the destruction. If a building permit is not applied for within five years of the destruction, the property will then become subject to current regulations on use, density, and intensity.

In accordance with this policy, the post-disaster ordinance (Objective 111.2) will provide that:

1. Structures damaged less than 50% of their replacement value at the time of damage can be rebuilt to their original condition, subject only to current building and life safety codes.
2. Structures damaged more than 50% of their replacement value at the time of damage can be rebuilt to their original square footage and density, provided that they comply with:
 - a. federal requirements for elevation above the 100-year flood level;
 - b. building code requirements for floodproofing;
 - c. current building and life safety codes;
 - d. state Coastal Construction Control Lines; and
 - e. any required zoning or other development regulations (other than density or intensity), unless compliance with such regulations would preclude reconstruction otherwise intended by the buildback policy.
3. The ordinance may establish blanket reductions in non-vital development regulations (e.g. buffering, open space, side setbacks, etc.) to minimize the need for individual variances or compliance determinations prior to reconstruction.
4. The ordinance may establish procedures to document actual uses, densities, and intensities, and compliance with regulations in effect at the time of construction, through such means as photographs, diagrams, plans, affidavits, permits, appraisals, tax records, etc.
5. No provision is made to redevelop property containing damaged structures for a more intense use or at a density higher than the original lawful density except where such higher density is permitted under current regulations. (Added by Ordinance No. 94-30, Relocated and Amended by Ordinance No. 00-22, Amended by Ordinance No. 03-04)

b. Administrative Interpretations of the Plan

Persons or entities whose interests are directly affected by the Lee Plan have the right to an administrative interpretation of the plan as it affects their specific interest. Such an interpretation, under the procedures and standards set forth below, will remain in effect and thereafter be binding upon the county only as to the legally described property and any plan of development upon which the interpretation was based. If the plan of development is proposed to be, or is changed, through any

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action of any owner or developer of the property, then the administrative interpretation is no longer binding on the county. Actions that will render a previous interpretation no longer binding include any of the following: significant changes in parcel or platted lot(s) configuration; changes to land uses; decreases in the amount of open space or preserved land; increases in density or intensity of use; increases in the size or acreage of the property; or any other change that makes the plan of development less consistent with the current Lee Plan. (Note: combining lands consistent with XIII.b.B.4.b.(4) is allowed.) A determination of whether or not a plan of development has been, or would be changed sufficiently to render the previous interpretation no longer binding on the county will be made on a case by case basis by the Administrative Designee using the above-described criteria. Administrative interpretations are intended to expedite and reduce disputes over interpretations of the Lee Plan, resolve certain map or boundary disputes, avoid unnecessary litigation, ensure consistency in plan interpretation, and provide predictability in interpreting the plan. All such administrative interpretations, once rendered, are subject to challenge under the provisions of Section 163.3215, Florida Statutes. Anyone seeking an administrative interpretation must submit an application with requested information and will have the burden of demonstrating compliance with the standards set forth below. (Amended by Ordinance No. 00-22)

A. Subject Matter of Administrative Interpretations

Administrative interpretations will be provided only as to the matters set forth below. In no event will administrative interpretations hereunder involve questions of the consistency of development or land use regulations with the Lee Plan. Administrative interpretations will be limited to:

1. County Attorney's Office:

a. Whether the single-family residence provision as hereinafter defined applies and the applicant desires a written opinion for future use, or a concurrent building permit application has not been approved under 2.a. below.

2. County Administrator (or his designee):

a. Whether the single-family residence provision as hereinafter defined applies and the applicant is also applying for a building permit. If said permit application is not approved, a separate application for the single-family residence provision may be submitted to the County Attorney's Office for final review and, if applicable, written denial.

b. Whether an area has been (or should have been) designated Wetlands on the basis of a clear factual error. A field check will be made prior to the issuance of such an interpretation.

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c. Clarification of land use map boundaries as to a specific parcel of property.

(Amended by Ordinance No. 94-30, 00-22)

B. Standards for Administrative Interpretations

Administrative interpretations of the Lee Plan will be determined under the following standards:

1. Interpretations which would be confiscatory, arbitrary, capricious, unreasonable, or which would deny all economically viable use of property will be avoided;
2. Interpretations should be consistent with background data, other policies, and objectives of the plan as a whole;
3. Interpretations should, to the extent practical, be consistent with comparable prior interpretations;
4. Single-Family Residence Provision:
 - a. Applicability

Notwithstanding any other provision of this plan, any entity owning property or entering or participating in a contract for purchase agreement of property, which property is not in compliance with the density requirements of the Lee Plan, will be allowed to construct one single-family residence on said property PROVIDED THAT:

(1) Date Created:

- (a) the lot or parcel must have been created and recorded in the official Plat Books of Lee County prior to the effective date of the Lee Plan (December 21, 1984), and the configuration of said lot has not been altered; OR
- (b) a legal description of the lot or parcel was lawfully recorded in the Official Record books of the Clerk of Circuit Court prior to December 21, 1984; OR
- (c) the lot was lawfully created after December 21, 1984, and the lot area was created in compliance with the Lee Plan as it existed at that time.

(2) Minimum Lot Requirements: In addition to meeting the requirements set forth above, the lot or parcel must:

- (a) have a minimum of 4,000 square feet in area if it was created prior to June 27, 1962; OR
- (b) have a width of not less than 50 feet and an area of not less than 5,000 square feet if part of a subdivision recorded in the official Plat Books of Lee County after June 27, 1962, and prior to December 21, 1984; OR
- (c) have a minimum of 7,500 square feet in area if it was created on or after June 27, 1962, and prior to December 21, 1984, if not part of a subdivision recorded in the official Plat Books of Lee County; OR Procedures and Administration XIII-6 December 2004
- (d) have been in conformance with the zoning regulations in effect at the time the lot or parcel was recorded if it was created after December 21, 1984; OR
- (e) have been approved as part of a Planned Unit Development or Planned Development.

(3) Access and Drainage: In addition to meeting the requirements set forth above:

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(a) the road that the lot or parcel fronts on must have been constructed and the lot must be served by drainage swales or equivalent drainage measures. The road must have, at a minimum, a graded surface of shell, marl, gravel base rock, or other compacted fill material, suitable for year-round use; OR

(b) the lot or parcel must be located within a subdivision which was approved under Chapter 177, Florida Statutes, as long as the subdivision improvements have been made or security for their completion has been posted by the sub-divider. If the lot or parcel cannot meet the requirement of access and drainage, this requirement will not apply to the extent that it may result in an unconstitutional taking of land without due process.

(4) Interchange, Tradeport, and Industrial Development land use categories: In addition to the requirements set forth above, a residential use must be the only reasonable use of the lot or parcel. The existence of a reasonable commercial or industrial use will be determined by reference to all of the applicable facts and circumstances, including, but not limited to, the nature of the surrounding uses, the adequacy of the lot size (pursuant to Chapter 34 of the Land Development Code) for commercial or industrial uses, and whether adequate infrastructure exists or can reasonably be provided to serve a commercial or industrial use at the location in question.

b. Construction Regulations

Subsequent to a property owner establishing the right to build a single-family residence on a lot through the procedures set forth in this plan, the following policies will prevail:

(1) The residential structure must be in compliance with all applicable health, safety, and welfare regulations, as those regulations exist at the time the application for construction of the residence is submitted.

(2) Lots or parcels which qualify for the right to construct a residence and which contain wetlands will be subject to special provisions of the Wetlands Protection Ordinance.

(3) If two or more contiguous lots or parcels have each qualified for the right to build a single-family residence, the property owner is permitted and encouraged to reapportion properties if the result of the reapportionment is a lot or lots which come closer to meeting the property development regulation standards for the zoning district in which it is located and as long as no property becomes non-conforming or increases in its nonconformity as a result of the reapportionment and as long as the density will not increase.

(4) If a lot or parcel has qualified for the right to construct a single-family residence, nothing herein will be interpreted as prohibiting the combining of said lot or parcel with other contiguous property provided the density will not increase.

(5) If two or more contiguous properties have each qualified for the right to construct a single-family residence and if the lots or parcels are located in a zoning district which permits duplex or two-family dwellings, the property owner(s) may combine the lots to build a single duplex or two-family building in lieu of constructing two single-family residences.

c. Transferability

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This right will run with the land and be available to any subsequent owner if the property which qualifies for the single-family provision is transferred in its entirety. (Amended by Ordinance No. 00-22)

C. Procedure for Administrative Interpretations The following procedures will apply in obtaining administrative interpretations:

1. Except as provided in 3. below, anyone seeking an administrative interpretation of the plan will submit an application, on an appropriate form provided by the county, with all requested information to the Zoning and Development Review Division (single-family residence provision) or the Planning Division (all other applications), or to their successor agencies.
 2. The person authorized by Section A.1. or 2. above will review such information and issue an administrative interpretation in writing within sixty (60) days after submittal of the application and all requested information to the appropriate division. The interpretation will contain findings and reasons for the interpretation rendered.
 3. If the request for a single-family residence provision or Wetlands determination is in conjunction with an application for a building permit, development order, or planned development rezoning, a separate application will not be required. The interpretation will be noted on the building permit, development order, or planned development rezoning approval, or will be contained in the reasons for denial where applicable.
 4. An administrative interpretation may be appealed to the Board of County Commissioners by filing a written request within fifteen (15) days after the administrative interpretation has been made. In reviewing such an appeal, the Board will consider only information submitted in the administrative interpretation process and will review only whether the designated individual has properly applied to the facts presented and the standards set forth in the plan for such administrative interpretation. No additional evidence will be considered by the Board. The Board of County Commissioners will conduct such appellate review at a public meeting.
 5. The Board of County Commissioners will consider the appeal at a hearing to be held within thirty (30) days after the date of the written request for appeal. A decision overruling the written interpretation will be in writing and will be rendered by the Board within thirty (30) days after the date of the hearing. Alternatively, the Board may adopt the administrative interpretation being appealed.
 6. Where appropriate and necessary all administrative interpretations rendered by the designated persons (or upon appeal, approved by the Board of County Commissioners) will be incorporated into the Plan during the next amendment cycle. (Amended by Ordinance No. 94-30, 00-22)
- c. Legislative Interpretations of the Plan In order to apply the plan consistently and fairly, it will be necessary from time to time to interpret provisions in the plan in a manner which insures that the legislative intent of the Board of County Commissioners which adopted the plan be understood and applied by subsequent boards, county employees, private property owners, and all other persons whose rights or work are affected by the plan.

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When the plan is interpreted, it should be done in accordance with generally accepted rules of statutory construction, based upon sound legal advice, and compiled in writing in a document which should be a companion to the plan itself. These goals will be accomplished by the procedures which are set forth below:

A. COMPREHENSIVE PLAN ANNOTATIONS COMMITTEE.

The Director of Community Development, the Planning Director, and the County Attorney will together be empowered to sit as the Comprehensive Plan Annotations Committee. In each instance, these persons may designate one or more subordinates to serve in their place, but only one vote may be cast by or on behalf of each of the aforementioned officials. The purpose of the committee is to make written recommendations to the Local Planning Agency in response to requests for interpretations of specific provisions in the plan. If the committee cannot recommend an interpretation unanimously, then both a majority and minority recommendation will be made to the Local Planning Agency.

Similarly, if the committee cannot reach a majority position with respect to an interpretation, then each official will submit a separate recommendation to the Local Planning Agency. In accomplishing its work, the committee will operate as follows:

1. Organization

The committee will meet regularly at such times and places as it may choose. Its meetings will be either private or open to the public, or a combination thereof, as the committee chooses. The committee will have total discretion in this matter. No public notices of its meetings will be required. It may invite to its meetings such persons as it believes will best assist it in its work. It is intended that the committee will function in an informal workshop atmosphere, with emphasis to be placed on the timely production of concise, written recommendations to the Local Planning Agency in response to requests for interpretations of specific provisions in the plan. The County Attorney will be responsible for reducing the recommendations of the committee in writing, unless he is in the minority, in which case the Planning Director will be responsible for reducing the majority recommendation to writing. In every case, the Planning Director will be responsible for delivering the recommendations to the Local planning Agency on a timely basis as part of the published agenda of the Local Planning Agency.

2. Requests for Interpretations

Requests for interpretations will be placed before the Comprehensive Plan Annotations Committee by any one of its three members in response to a question raised by the Board of County Commissioners, collectively or by any one commissioner, by any member of the county administration who is responsible for administering the plan, by the Local Planning Agency, by the Lee County Hearing Examiner, or by any applicant for a type of development regulated by the plan. In each case, the Planning Director will be responsible for reducing the questions to writing and, to the extent possible, linking them to specific plan provisions which might affect the answer. (Amended by Ordinance No. 00-22)

B. Local Planning Agency

Upon receiving the recommendations from the Comprehensive Plan Annotations Committee, the

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Local Planning Agency will review the same and forward them to the Board of County Commissioners with such comments and recommendations of its own that the Local Planning Agency believes to be appropriate. (Amended by Ordinance No. 00-22)

C. Board of County Commissioners

Upon receiving the recommendations of the Comprehensive Plan Annotations Committee, with such other comments and recommendations as the Local Planning Agency submits with the committee's recommendations, the Board of County Commissioners will render a final decision as to the correct interpretation to be applied. This interpretation will be that which is adopted by absolute majority of the Board of County Commissioners and, upon being reduced to a board resolution drafted by the County Attorney in response to the board majority, it will be signed by the Chairman and recorded in the county's Official Records. The Planning Director will be responsible for maintaining copies of all such resolutions in a single document which will be appropriately indexed and provided to all persons upon request. The document will be updated regularly and the latest version thereof furnished to all persons requesting copies of the plan itself. (Amended by Ordinance No. 00-22)

D. Legal Effect of Annotations

Any provision of the plan specifically construed in accordance with the foregoing procedures may not be re-interpreted or modified except by a formal amendment of the plan itself. Once formally adopted in accordance with these procedures, the annotation will have the force of local law and all persons will be placed on constructive notice of it. Any development orders issued in reliance on legislative interpretations of this plan are subject to challenge under the provisions of Section 163.3215, Florida Statutes. (Amended by Ordinance No. 00-22)

d. Plan Amendment Procedures

This plan, including the Future Land Use Map, may be amended with such frequency as may be permitted by applicable state statutes and in accordance with such administrative procedures as the Board of County Commissioners may adopt. Sections of this plan may be renumbered or relettered, and typographical errors which do not affect the intent, may be authorized by the County Administrator, or his designee, without need of Public Hearing, by filing a corrected copy of same with the Clerk of the Circuit Court. (Amended by Ordinance No. 94-30)

e. Monitoring and Evaluation

Lee County approved the Evaluation and Appraisal Report (EAR) in accordance with F.S. 163.3191 on July 7, 1994. The 1994 Lee Plan is designed to implement the recommendations in the EAR.

An addendum addressing statutory and rule changes that were not discussed in the 1994 EAR will be transmitted to DCA on or before the date prescribed by rule. The Capital Improvements element will be evaluated and amended annually in accordance with FAC Rule 9J-5.016. EAR's meeting the requirements in F.S. 163.3191 and DCA's rules will be adopted and transmitted after 1996 consistent with the timeframe provided by law.

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A. Annual Review: Capital Improvements Element

One procedure for evaluating and monitoring the plan will involve an annual review and update of the Capital Improvements Program and the Capital Improvements element coinciding with the county's budget adoption process. This annual review will meet the evaluation and monitoring requirement for the Capital Improvements element as provided by Rule 9J-5.016(5) FAC. Those policies in other elements of the comprehensive plan affecting capital improvements will also be reviewed. Other more recent events which may have affected the outcome of those policies will be taken into consideration. An annual report will be prepared based upon this examination. This report will address any plan amendments to date, as well as amendments to any local ordinances affecting the implementation of the plan. This annual report will be prepared by the Department of Community Development and will be submitted to the Local Planning Agency and the Board of County Commissioners for review. This report will also identify which agencies within the county government organization have been assigned specific tasks or studies mentioned in the plan.

(Amended by Ordinance No. 94-30, 00-22)

B. Five-Year Evaluation and Appraisal

The next EAR required by law will address the following in addition to any other requirements set out in F.S. 163.3191 and FAC Rule 9J-5.0053:

1. Citizen participation in the planning process. The county will update procedures to provide for and encourage public participation in the planning process, including amendments to the comprehensive plan and preparation of evaluation and appraisal reports. The procedures which are mandated by the Southwest Florida Regional Comprehensive Policy Plan (25-C) will involve a series of advertised public workshops and hearings, the opportunity to provide written comments, and the publication of an executive summary. Specifically, the public participation procedures must include the following:
 - a. Procedures to assure that real property owners are put on notice, through advertisement in a newspaper of general circulation in the area or other method adopted by the county to notify the public of official actions that will affect the use of their property.
 - b. Provisions for notice to keep the general public informed.
 - c. Provisions to assure that there are opportunities for the public to provide written comments.
 - d. Provisions to assure that the required public hearings are held.
 - e. Provisions to assure the consideration of and response to public comments.

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2. Updating appropriate baseline data and measurable objectives to be accomplished in the first five-year period of the plan and for the long-term period. This will be accomplished through the ongoing collection of pertinent data and the systematic recording of progress on the accomplishment of measurable objectives.

3. Accomplishments in the first five-year period, describing the degree to which the goals, objectives, and policies have been successfully reached. This process will involve summarizing the annual reports

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which coincide with the county's budget adoption process. Progress on non-capital projects will be summarized as well.

4. Obstacles or problems which resulted in underachievement of goals, objectives, or policies. In the analysis of the annual reports on the comprehensive plan, the underachievement of goals, objectives, or policies will be assessed and evaluated. Proposals for modifying or eventually achieving the goals, objectives, and policies will be made.

5. New or modified goals, objectives, or policies needed to correct discovered problems. Along with failure to meet stated objectives, the evaluation will recommend new goals, objectives, or policies that will either correct past problems in achievement, or modify the general direction or aim.

6. A means of ensuring continuous monitoring and evaluation of the plan during the five-year period. The annual report process will accomplish a timely and consistent review of the county's progress in implementing the comprehensive plan. This will summarize plan amendments, budget allocation, deferrals or deletions, and the initiation or completion of programs and projects. (Amended by Ordinance No. 94-30, 00-22)

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TABLE 1(a)

SUMMARY OF RESIDENTIAL DENSITIES¹

FUTURE LAND USE CATEGORY

STANDARD OR BASE DENSITY

RANGE

BONUS DENSITY

MINIMUM ²

(Dwelling Units per Gross Acre)

MAXIMUM

(Dwelling Units per Gross Acre)

MAXIMUM TOTAL DENSITY ³

(Dwelling Units per Gross Acre)

Intensive Development 8 14 22

Central Urban 4 10 15

Urban Community 4,5 1 6 10

Suburban 1 6 No Bonus

Outlying Suburban 6 1 3 No Bonus

Rural 11 No Minimum 1 No Bonus

Outer Islands No Minimum 1 No Bonus

Rural Community Preserve 7 No Minimum 1 No Bonus

Open Lands 8 No Minimum 1 du/5 acres No Bonus

Density Reduction/Groundwater No Minimum 1 du/10 acres No Bonus

Wetlands 9 No Minimum 1 du/20 acres No Bonus

New Community 1 6 No Bonus

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University Community 10 1 2.5 No Bonus CLARIFICATIONS AND EXCEPTIONS

- 1 See the glossary in Chapter XII for the full definition of "density."
- 2 Adherence to minimum densities is not mandatory but is recommended to promote compact development.
- 3 These maximum densities may be permitted by transferring density from non-contiguous land through the provisions of the Housing

Density Bonus Ordinance (No. 89-45, as amended or replaced) and the Transfer of Development Rights Ordinance (No. 86-18, as amended or replaced).

4 Within the Future Urban Areas of Pine Island Center, rezonings that will allow in excess of 3 dwelling units per gross acre must "acquire" the density above 3 dwelling units per gross acre utilizing TDRs that were created from Greater Pine Island Costal Rural or Greater Pine Island Urban Categories. (Amended by Ordinance No. 05-21)

5 In all cases on Gasparilla Island, the maximum density must not exceed 3 du/acre.

6 In the Outlying Suburban category: north of the Caloosahatchee River and east of Interstate-75; north of Pondella Road and south of Pine Island Road (SR 78); Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area; in the Buckingham area (see Goal 17); and, all lands 187.5 feet south of the north section line of Section 33, Township 43 S, Range 26 E in the Caloosahatch Shores Community Plan area, the maximum density is 2 du/acre. (Amended by Ordinance No. 03-20, 03-21)

7 Within the Buckingham area, new residential lots must have a minimum of 43,560 square feet.

8 The maximum density of 1 unit per 5 acres can only be approved through the planned development process (see Policy 1.4.4), except in the approximately 135 acres of land lying east of US41 and north of Alico Road in the northwest corner of Section 5, Township 46, Range 25. (Amended by Ordinance No. 99-15)

9 Higher densities may be allowed under the following circumstances:

(a) If the dwelling units are relocated off-site through the provisions of the Transfer of Development Rights Ordinance (No. 86-18, as amended or replaced); or

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(b) Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, Central Urban, or Urban Community at the same underlying density as is permitted for those uplands, so long as the uplands density does not exceed the maximum standard density plus one-half of the difference between the maximum total density and the maximum standard density; or

(c) Dwelling units may be relocated from freshwater wetlands to developable contiguous uplands designated Suburban or Outlying Suburban at the same underlying density as is permitted for those uplands, so long as the uplands density does not exceed eight (8) dwelling units per acre for lands designated Suburban and four (4) dwelling units per acre for lands designated Outlying Suburban, unless the Outlying Suburban lands are located in those areas described in Note 6 above, in which case the maximum upland density will be three (3) units per acre. (Amended by Ordinance No. 00-22) 10 Overall average density for the University Village sub-district must not exceed 2.5 du/acre. Clustered densities within the area may reach 15 du/acre to accommodate university housing. 11 In the Rural category located in Section 24, Township 43 South, Range 23 East and south of Gator Slough, the maximum density is 1du/2.25 acres. (Added by Ordinance No. 02-02)

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Attachment J-3

External Consistency with the Town of Fort Myers Beach Comprehensive Plan

3. Describe how the proposal affects adjacent local governments and their comprehensive plans.

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Consistency Review

Summary: This amendment is consistent with the concerns express in the Fort Myers Comprehensive plan. Below are the highlighted areas of concern with responses to their plan.

Town of Fort Myers Beach Comprehensive Plan

Introduction

The major concern expressed in the introduction for the town is the congestion due to tourism on the island for three months out of the year. This amendment is design with this concern in mind. This amendment will provide alternative modes of transportation to the beach and other destinations. Lake created beaches will be provided on site to provide alternatives to the traditional beach experience. It is also the intent of this amendment to create a place that is all encompassing for the guests and residents so as not to be a stop off to the beach.

Envision Tomorrow

The towns own vision is to have offsite parking, water taxis, ect in an attempt to provide alternative modes of transportation to the beach. This amendment is designed to provide offsite parking, water taxis and an alternative to the Beach experience.

Community Character

While the look of the island is this is not an issue expressed in their comprehensive plan, it should be noted that this amendment provide a pleasing vista for the town.

Coastal Management

It is clear that the town of Fort Myers Beach is not in favor of the Marine industrial zoning for San Carlos Island. This component of their plan brings up the concerns of commercial and non commercial boating conflicts. They are also worried about associated marine industrial activities on land encroaching onto residential neighborhoods; another concern is with the providing Harbor planning between the islands. This amendment addresses the towns concern with the industrial zoning and coordinated planning for the harbor area.

Conservation Element

This amendment supports the Fort Myers Beach

Transportation Element

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island. This amendment provides for the interception of cars before going to the beach by providing additional parking, water taxi, trolley stops, walking paths and bike rentals. It is also interesting to note that the town has identified this property as a potential landing site for a water taxi stop.

Intergovernmental Coordination Element

The town is concerned with off site development in terms of traffic, and storm-water run-off to the pass. It is not against development, but development that does not take these issues into account. This amendment will not only create a better storm water management system, but will also help to reduce traffic, not visitors to the island.

The other concern as noted above is with the lack of planning for the pass. This amendment will help move this issue forward as it is in the interest of the island also.

Conclusion

This amendment has been designed and written to accommodate the needs and concerns of the Fort Meyers comprehensive plan by taking a proactive approach to issues such as traffic, water quality for the bay, and inter-local coordination to create a partnership with our neighbor in this endeavor.

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Attachment J-4

Internal Consistency with the Regional Policy Plan Goals and Policies

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“It should be noted that the leading indicator of growth for Southwest Florida is tourism, in that tourists frequently become residents. Adding to the decision of a tourist to become a resident has been the broad areas prepared for residential development. This has further resulted in a relatively low cost of housing (for growth areas), making the area competitive for both seasonal and retirement lifestyles”

This amendment to the lee plan is consistent with the statement above.

Housing

Goal 1: Supply a variety of housing types in various price ranges to ensure that all residents have access to decent and affordable housing

Response: This amendment will create a variety of housing types

Fourth, mixed-use and compact land-use plans should be encouraged, especially in the rapidly developing areas of the coastal counties. Doing so can reduce commute times and the cost of infrastructure.

Response: This amendment is a mixed use project utilizing a compact land design in an existing coastal county. This should reduce commute time and cost of infrastructure.

Work with local governments to promote structures and developments that combine commercial and residential uses as a means of providing housing that is affordable and near employment opportunities.

Response: this project provides for a live/work environment

LIVABLE COMMUNITIES

Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.

Strategy: Develop livable, integrated communities that offer residents a high quality of life.

Response: this amendment creates an integrated community that is of the highest quality for livability standards.

Actions:

1. Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.

Response: This is an infill development located in an area where we will maximize the use of existing infrastructure.

2. Work with local governments to promote structures and developments that combine commercial and residential uses as a means of providing housing that is affordable and near employment opportunities.

Response: This development will combine commercial and residential uses near employment centers

3. Encourage communities that are pedestrian friendly or offer alternative modes of transportation to overcome transportation problems many low-income families face.

Response: This is a pedestrian friendly multi-modal project

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4. Encourage new housing to be built in higher areas to reduce the need for costly flood insurance.

Response: This amendment provide for the removal of flood prone housing to housing that are built above flood level to reduce the need for costly flood insurance.

5. Promote the mix of affordable and non-affordable housing to create integrated communities.

Response: This project will have a work force housing component as part of its design.

Strategy: Protect existing, well-established neighborhoods and communities and revitalize those experiencing deterioration.

Response: This area is a well established neighborhood that is experiencing deterioration due to economic issues that are non reversible. This amendment will revitalize the area.

Actions:

1. Encourage communities to fill existing infrastructure gaps (such as sidewalks, parks, lighting, etc.) in neighborhoods that offer affordable housing.

Response: infrastructure gaps as well as new infrastructure will be developed and integrated as a whole.

2. Assist communities in identifying neighborhoods that are, or are in danger of, deteriorating.

Response: This is a deteriorating neighborhood

3. Assist communities in their efforts to develop methods for removing or rehabilitating substandard units, abandoned or unsafe property, and blighting influences in residential areas and the surrounding neighborhoods.

Response: While the community exists of old RV units it is well kept and clean. The area is in danger from natural disasters and abandonment of property. This amendment will provide the mechanism to rehabilitate the area while creating safe housing.

4. Assist communities in establishing effective housing codes that include ongoing monitoring and enforcement programs.

Response: N/A

5. Review comprehensive plans and land development regulations to encourage the inclusion of incentives to develop and redevelop land downtown.

Response: N/A

6. Work with local agencies to apply for state or federal programs that assist in community revitalization.

Response: Not needed for this property if the amendment is approved

7. Encourage communities to focus on troubled areas in a comprehensive method that coordinates programs and services, rather than using a shotgun approach.

Response: This amendment provides a comprehensive approach to the area and is not a shotgun approach

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8. Promote resident involvement in neighborhood planning efforts, so residents are active in making decisions that will affect their areas.

Response: N/A as this land is not under individual ownership

Goal 3: The housing needs of persons with special needs will be met.

Response: This will be provided.

ECONOMIC DEVELOPMENT

“Southwest Florida will attract, retain, and create quality businesses to diversify its economic base, while protecting the natural and cultural environments, to promote economic stability, greater job and educational opportunities, and higher income for its residents.”

Response: this amendment is meant to meet all of the objectives as stated above.

Strategy: Ensure the adequacy of lands for commercial and industrial centers, with suitable services provided.

Response: This amendment proposed land for mixed use services that are located at a most suitable location.

Actions:

1. Map or assist in mapping the appropriate distribution of urban uses for growth.

Response: N/A

2. identify existing urban lands and transportation corridors for development or redevelopment, and ensure adequate access and services are provided.

Response: This corridor is part of a multi-modal transportation network with the deep water access and as such should be considered for redevelopment

3. Include in planning efforts the recognition of lands with natural capacity, accessibility, previous preparation for urban purposes, and adequate public facilities.

Response: This site has accessibility, previous preparation for urban used with adequate public facilities. What it does not have is control of its natural resources because of past development. This amendment will correct the natural state of the property.

4. Participate, coordinate, or promote intergovernmental coordination for siting unpopular land uses.

Response: This is not a unpopular site. It will and does call for of intergovernmental coordination

5. Review proposed development for increased densities and infill in suitable urban areas.

Response: This amendment is requesting increase densities in a suitable urban area. The only issue is with evacuation. We believe that the pros out way the cons and this can be overcome.

Strategy: Promote the use of alternative energy resources.

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Response: This amendment promotes alternative energy resources.

Actions:

1. Review proposed development to promote energy conservation.

Response: Energy and green building technologies will be implemented appropriate aspect for this amendment.

THE WORK FORCE

An essential part of regional economic development is the workforce. There must be enough properly trained workers to allow business development and expansion.

Response: The major workforce is already here and trained in many of the jobs that will be created.

Strategy: Ensure a wide range of employment for all Southwest Floridians.

Response: The mixed nature of this development will provide a range of employment opportunities to the area.

Actions:

1. Identify employment sectors that create jobs appropriate to this Region.

Response: This amendment does create jobs appropriate to this area.

2. Participate in business, industrial, and governmental organizations to attract diversified and permanent employment.

Response: This amendment will promote a diversified employment.

Strategy: Reduce seasonal variations in employment.

Actions:

1. Assist in business formation or location in areas with high seasonal or year-round unemployment.
2. Assist in development of off-season tourism for tourist and agricultural centers, focusing on eco-tourism.

Response: this amendment will allow for the development of a conference center that will draw people all year long to help with the seasonal type of employment issues. A major component fo this site is the eco and eco tourism that can be tapped into

LIVABLE COMMUNITIES

Goal 3: A stable regional economy based on a continuing excellent quality of life.

Response: This amendment promotes a stable economy by building on an existing viable one while replacing older ones.

Strategy: Maintain and improve the natural, historic, cultural, and tourist-related resources as primary regional economic assets.

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Response: one of the major themes for the amendment is to embrace the history of the island while moving it forward. Residents and visitors will enjoy this.

Actions:

3. Review proposed development to require that natural and other resources of regional significance are maintained, enhanced, restored, or re-created, as appropriate.

Response: This development will restore, recreate, enhance and maintain areas of natural resources that are significant to the region

DIVERSITY

Goal 4: A diverse regional economy.

Response: This amendment builds the tourist industry to create a divers economy for the area.

Strategy: Diversify the regional economy by attracting new business and industry.

Response: this amendment is design to attract new business to the area with a conference center.

Strategy: Work with communities to develop eco-tourism.

Response: a major component for this location is the eco- tourism. This amendment calls for activities that are designed around this idea.

Actions:

1. Assist in development, expansion, and funding of eco-tourism, especially for rural areas.

Response: this amendment will be eco-tourism friendly.

Goal 5: Increased tourism and business relocation.

Response: This amendment will increase business with the conference center and will increase tourism

Strategy: Promote both internal and inter-regional tourism.

Response: This amendment will promote not only regional but local tourism with a mixed use design concept.

Strategy: Re-evaluate the success of Southwest Florida as a retirement and tourist destination

Response: This amendment will by design draw tourist to the area where many will later want to retire, or relocate to the area because of its wonderful climate.

Strategy: Promote Southwest Florida as a business location.

Response: This amendment will be a catalyst in the promotion of SWF as a business location.

EMERGENCY PREPAREDNESS

NATURAL HAZARDS

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LIVABLE COMMUNITIES

Goal 6: New private and public developments are built further from flood prone areas than in the past and structures and roadways are protected from rain induced flooding.

Response: This amendment will provide relief from property loss and damage due to flooding.

Strategy: New developments and redevelopment of existing areas should provide for increased land elevations for public infrastructure and community infrastructure, including potential sheltering or refuge sites.

Response: This amendment will comply with the statement above

Actions:

1. Promote local development requirements within each mobile home park outside of the category 1 surge zone that there be adequate shelter space within elevated structures to accommodate those who do not want to evacuate outside their community.
2. Promote local development requirements that there will be designated refuge space in condominium and apartment complexes outside of the category 2 zone (but within the category 5 zone.)

Response: This amendment will comply with the statements above

TRANSPORTATION

Goal 13: Evacuation routes identified and clearly designated, and at the capacity and quality needed to carry the expected number of evacuating vehicle

Response: This plan will work with and develop strategies to assist with the stated goal above.

NATURAL RESOURCES

LIVABLE COMMUNITIES

Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.

Response: This development is design to improve the island quality of life while restoring key natural resources.

Economic prosperity is key to our Region's future. Growing according to our values is critical to our quality of life. Livable communities embrace both values. In livable communities, young and old can walk, bike, work and play together.

Response: This is a development that embraces living, working and playing together in a defined community that promotes economic prosperity.

Livable communities are places where we not only protect historic old neighborhoods, but where farms, green spaces, and forests add vigor, context and beauty to the newest of suburbs; places where we work competitively, but spend less time in traffic and more time with our families, friends, and neighbors.

Response: This amendment allows to protect the history of the island, open up green spaces and restore habitat that have long been gone all in an attempt to provide places where we can work, plan, retire, visit each other without a total dependency on the car.

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Each community faces different challenges and will find its own solutions. Strategies to create more livable communities may include efforts to: Preserve green space. Secure safe streets. Strengthen local economies. Reduce traffic and air pollution. Provide transportation choices. Create community-centered schools. Foster citizen and private sector cooperation. Promote collaboration among neighboring communities.

Response: This amendment has been crafted to the specific needs and challenges for this location in an attempt to preserve history while creating a future.

Strategy: Promote through the Council's review roles community design and development principles that protect the Region's natural resources and provide for an improved quality of life.

Response: the design for the project is to improve the quality of life and the environment for an area that is in need of standards and a direction

Actions:

1. Working in cooperation with agencies and local governments provide for the disposal of man's liquid and solid wastes in a manner that will not lead to long-term degradation of air, ground, and water resources.

Response:

2. Working in cooperation with agencies and local governments insure that beaches and inlets that have been damaged by human activity are replaced/renourished and/or managed in order to have the total system function naturally.

Response: We will comply with the greatest extent possible

3. Working in cooperation with agencies and local governments provide for Air quality improvement and maintenance as our population and urban areas increase.

Response: We will comply with the greatest extent possible

5. Working in cooperation with agencies and local governments operations are compatible with our identified natural resource protection areas.

Response: We will comply with the greatest extent possible

6. Working in cooperation with agencies and local governments insure that new public facilities, facility expansions and additions avoid designated natural resource protection areas.

Response: We will comply with the greatest extent possible

9. Insure that opportunities for governmental partnerships and public/private partnerships in preserving wildlife habitats are maximized.

Response: We will comply with the greatest extent possible

REGIONAL COOPERATION

Goal 5: Effective resource management is maintained across the borders of sovereign public agencies.

Response: We will comply with the greatest extent possible

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When viewing the Regionally Significant Natural Resources Map and other information, it is clear that only a partnership between public agencies and private organizations and land owners can implement this level of management, especially on lands that are not currently owned by the public, or that are not listed on current land acquisition programs or included in designated aquatic preserves.

Strategy: All plans concerning the same resource shall have as objectives the same effective results.

Actions:

1. Assist in the creation of proactive boating siting and management programs that will protect the West Indian Manatee, seagrass areas, sanctuaries, fisheries habitat and other necessary natural features and at the same time identify and maximize the use of available land most suitable for public access to the natural resource.
2. The Region shall continue to support the Southwest Florida Regional Harbor Board non-regulatory resource protection program for boating facilities and provide technical assistance in the development of a regional waterway management plan.

Response: We will work to achieve the actions noted above

REGIONAL TRANSPORTATION

BALANCED INTERMODAL/MULTIMODAL SYSTEM

Goal 1: Construct an interconnected multimodal transportation system that supports community goals, increases mobility and enhances Southwest Florida's economic competitiveness.

Response: This location is a major unutilized component of the areas multimodal system. With this amendment the full potential can be realized with such amenities as the Key West express and other forms of water transportation.

Southwest Florida needs to preserve, expand, and manage an integrated, multi-modal transportation system comprised of highway corridors, major streets, public transit, bikeways, pedestrian paths, facilities and services to optimize the efficient mobility of goods and passengers while protecting the environment.

Response: The statement above does not acknowledge the deep water basin and the inter-modal transportation benefits that water transportation can add to the regional transportation system. This amendment will advance such a system with the integration of a water component.

Strategy: Promote Smart growth where residential communities are linked with job centers through transit, carpooling, or other high occupancy vehicle transportation.

Response: this amendment will proved a residential community that is linked with a major job center while providing for other means of transportation for its residents and visitors.

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LIVABLE COMMUNITIES

Goal 2: Livable communities designed to affect behavior, improve quality of life and responsive to community needs.

Response: This amendment has as part of its core value the environment design to improve the quality of life, and promote behavior that is good for the environment as well as the community.

New urbanism design concepts, urban revitalization efforts and land use planning need to be better coordinated with transportation planning to facilitate development of an effective regional multi-modal transportation system that provides for transfers between modes for passengers and freight.

Strategy: Promote through the Council's review function a good environment for driving, walking, bicycling, and public transit using a highly connected network of public streets, green space, and community centers.

Response: This amendment meets and beats the criteria above.

ECONOMIC COMPETITIVENESS

Goal 3: Achieve a competitive and diversified regional economy through improved work force development, enhanced access to technology and education, and investment in multi-modal transportation facilities.

Response: This amendment is designed to promote the area as a place to invest ones future here which will create a competitive and diversified regional economy with all the benefits that come with it.

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Attachment F

Additional Requirements for Specific Future Land Uses Amendments

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1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from)

a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,

Response: the site is accessible to arterial roadways, deep water access, and within 30 miles to the airport.

b. Provide data and analysis required by Policy 2.4.4,

Response: this amendment does not add industrial but reduces it. Industrial Zoning at this location is inappropriate because of the environmentally sensitive area adjacent to the property and the existing land use patterns.

c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.

Response: The removal of this industrial land from this area will allow better suited location to be designated as industrial to meet the Lee Plans objectives

2. Requests moving lands from a Non-Urban Area to a Future Urban Area

a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and

Response: N/A, but this proposal is not urban sprawl because it is not low-density, not single use, is located in an area already developed with infrastructure, is not strip development, but destination mixed-use type development with amenities to keep people on property. This amendment is designed to restore green space and conserve natural resources while creating lasting job and good will to visitors and residents.

3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.

Response: N/A

4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.

Response: N/A

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Attachment G

Justification of Proposed Amendment

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History

San Carlos Island is a unique Island located in unincorporated Lee County just before the Island of Fort Myers Beach.

In the 1920's the way to Fort Myers Beach was from McGregor Boulevard, down John Morris Road, and then a road by Bunch Beach along the shoreline of San Carlos Bay, all the way to where the Coast Guard Station is located today.

The Island was formed by a hurricane (hurricanes were not given names in the North Atlantic until the 1940's).

September of 1926 one of Southwest Florida's worst hurricanes came through and washed land away to form San Carlos Island and Hurricane Pass when the fierce storm separated it from the mainland. A Fort Myers News Press article stated that there were 40ft waves at Punta Rassa and two ladies were killed trying to flee the area.

In a 1999 Observer News Paper interview, David Green (Deceased), San Carlos Islands oldest living resident at that time, remembered the storm that created the Island.

" Hurricane Pass was created by that storm," said Green.

San Carlos Island which, until recently, has had little major redevelopment since the 1920's. Along about the 1950's Shrimp and good Commercial Fishing was discovered here and around the Dry Tortugas Islands that are 120 miles to our Southwest and 70 miles West of Key West, Florida and that became the major industry on San Carlos Island.

The Mid 1960's for San Carlos Island was a time of great economical achievement for the island. Shrimping and Commercial Fishing was in it's heyday with a large fleet of about 300 Shrimp Boats calling San Carlos Island home port (today, the fleet is down to about 55 Shrimp Boats and falling).

The island remained pretty much the same for over half a century but, in the past 10 years the declining Shrimp and Commercial Fishing industry has almost disappeared due to numerous hardships.

One of the first, was the declining Shrimp and Fish populations and catch rates. Then came all the Government Regulatory restrictions and permits, the Net Ban (which was good) the closing of Shrimping and Fishing grounds in areas around the Dry Tortugas, the Humps out in the Gulf of Mexico and areas around the Key's. This alone has been taking its toll on the industry for years.

With the very high cost of Fuel, Insurance on most boats are almost non existent due to the high cost and most of the remaining Shrimp boats are currently for sale and have no buyers because of the dieing business

The remaining 55 Shrimp boats continues to spiral downward with the US Government allowing imported, way below market Shrimp and Fish that the local industry can not compete against, even with a tariffs and the local restaurants are buying them because, they are cheaper even though they are of very low quality and have no USDA safety inspections and most are raised in ponds using antibiotic pellets to keep the bacteria to a minimum.

Now add to that, the increases in property tax situation that is now affecting the entire Commercial and residential property land owners on the island. Many of the old local businesses, mom and pop places and

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the Commercial Fishing Industry can not survive.



Even the two big seasonal, not year round Senior Adult only RV Parks (Oyster Bay RV Park with 123 rental sites and Ebb Tide RV with 148 rental sites) who rent out sites during the Winter months and have been in operation since the 1960's are failing due to the pass thru charges (Property Taxes only) from the last 3 years of Property Tax increases and can no longer afford the seasonal rent that must be charged to cover the land owners operating expenses and property tax bill.

Therefore, due to the above mentioned item's the Eastern half of San Carlos Island (both waterfronts) are in desperate need of revitalization and redevelopment in order to save a future history for the island .

The Shrimp boats have been long gone from this area (east end) for over 10 years and the remaining 55 in the mid area are on their way out soon. Hopefully there will always be just a few to supply the local market...but, most will be gone forever. The largest fleet owner Villers Seafood with about 28 Shrimp boats sold his property last March due to the business losses and got rid of most of the boats to foreign countries and the main commercial fuel supplier Ballard oil who has been here for over 40 years is trying to sell due to the fact they do not have enough fuel sales to commercial vessels anymore along with the property tax increases, they feel they may not be able to continue the operation much longer. They only have one man, the owner working the business and had closed down the Ice House about 5 years ago due to the decline of boats needing ice. Valspar Paint Company had to sell and moved because the property taxes got to high to test their paint chips on that property that was originally the Sears Weatherbeater paint testing base.

The main problems the land owners are facing are current Zoning. Many of the properties were rezoned back in 1991 to industrial marine by the county to try and save/protect the Shrimp industry but, it did not work as, other forces (economic, imports, fuel, taxes, insurance,ect.) outside the Counties, Boat owners , Land owners control have all but shut down the Commercial fishing industry on the eastern ½ of San Carlos Island. And those same Zoning Reg.'s that were suppose to help have failed and have been failing for the past 7 years and are now outdated and inefficient to the changing economic environment of this part of the island. Therefore, changes to the Comp Plan/Zoning for this part of San Carlos Island are much needed and past due.

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The future can be a bright one for San Carlos Island ... There is currently a resurgence starting on the Eastern end of San Carlos Island, it began with the new upscale Salty Sam' Marina, which used old Florida style architecture and more recently the Key West Ferry boat operation. The Casino cruise ship operation for the past 10 years and currently operating/under lease from one the (east end) properties as back up dockage/parking so, you can clearly see... it is time for a change and change is going to happen as nothing ever stays the same.

Now is the time for the County to come together with the land owners and help be a part of a fantastic rebirth of and old quaint island.... The new beginnings of what will one day become a World Wide destination and recognized name "San Carlos Island".

August 24th, 2007. Coordinated by, Robert W. Beasley, a lifelong Native of Fort Myers Beach, Florida and ex-shrimper, ex-commercial/charter boat fisherman himself and a Licensed U.S.C.G. 100 Ton Master Captain since 1979.

Credits for some of the information gathered in this brief (however, not a complete history of the island) go to many of the old local people and fishing families of San Carlos Island and Fort Myers Beach. The Beach Observer, The Fort Myers News Press, San Carlos Island Festival Booklet and Joanne Semmer, Paradise Found article by Margaret Dawson and the late Capt. Dave Green A.K.A. One of the best commercial fisherman there ever was and the first boy to be born of Fort Myers Beach.

Existing Zoning

The existing zoning for the property is a hap hazard mixture of Marine industrial, Mobile Home-2, light industrial, marine commercial with no rhyme or reason for the location of each designation. For example light industrial zoning is located between two residential areas and clearly in an area that has a development pattern of residential for this side of the road and not industrial.



Existing Land Use

The existing Land Use (see Map "existing land use") is a hap hazard mixture of residential, industrial, office, commercial, piers, Boat docks and boat storage.

Old San Carlos Island-Comp Plan Amendment

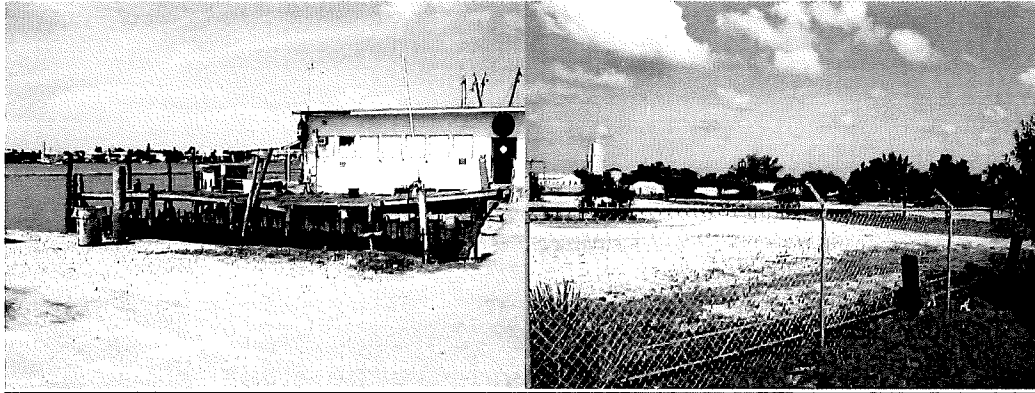
Current Conditions

The Residential portion of the property exists today with close to 300 mobile homes. There ages range for 30yrs old to the newest being some 10 yrs new. This stock of housing is of major concern because of its age in respect hurricane construction standards and its close proximity to the water and the potential for flooding and or destruction and displacement. The land as developed has few if any tree and or water management on the property. The surface water management for the property is non-existent and currently runs into the water and wetlands untreated. Major areas of the site are paved or covered with impervious material. Landscaping and buffers as noted above for much of the site is non-existent. Set backs are minimal. Many of the former tenants for the space have been unable to afford the increase in rent because of the increase in the land values over the past decade. The rents have increase but only due to the increases passed on to the consumer to pay the taxes without increased profits. Rental for the spaces has seen a 40 percent decline in use over the last couple of years.



Old San Carlos Island-Comp Plan Amendment

The commercial / industrial lands for the property as exist today are dependent on the tourist trade more so than commercial fishing. The commercial shrimp industry is a mere fraction of what it was in the past due to imports from such countries as Thailand, China, and Vietnam to name a few. The minimal development that has occurred on the property has been more tourist/seasonal water dependant uses such as the restaurant and the boat storage facility. Both of these indicate a demand for Water dependent mixed use type of designation for the property in question. The overlay district at present is somewhat of a Band-Aid for development of any significance that would result in a planned and unified project. It is a direct result of these that the two owners would like to develop a master plan for the property that utilizes the property in unified design with state of the art planning.



Future land Use

The future land use map does not take into account the marine dependant nature of the island and is one of the reasons for the creation of an overlay district (see overlay Zoning below). The FLU for this area shows a mixture of uses that are not coordinate as a unifying mix of uses that would allow a comprehensive redevelopment of the island.

Overlay Zoning

The overlay zoning district for the island was enacted to protect marine-orientated land uses on San Carlos Island from incompatible or pre-emptive land uses. This district has not been a success for several reasons, but mostly because it does not allow for development that will transform the island from what it is today to what it can and should be in the future. The overlay district does not allow for water dependant tourist uses such as a resort hotel focused on the water and built on the ideas and history of the island. The overlay zoning district also does not recognize the existing land use of seasonal residents that are and should be maintained as major element of the island. This amendment will protect marine-orientated land uses on San Carlos Island from incompatible or pre-emptive land uses while creating diverse water-dependent functions while creating a sense of place, identity and additional opportunities for the Island.

Old San Carlos Island-Comp Plan Amendment

Justification

The island has a rich history that has always been tied to the water with a transient seasonal population that enjoys its location with respect to the water and the urban infrastructure that has helped it grow in the past. While the current conditions have been deteriorating because of inadequate and outdated zoning, and existing uses that are hindering its rebirth. The county has tried to spur redevelopment in this area with an overlay zone that hasn't worked because it has not recognized the true potential for the island.

This amendment provides the vehicle that has been missing to spur redevelopment that will provide that will allow and provide the mechanism for the redevelopment of a valuable and underutilized resource for the county and the island for its future economic benefits.

Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment H

Summary of Proposed Development

Old San Carlos Island-Comp Plan Amendment

The project is a Destination resort mixed use water dependent facility. The north portion of the project will be more residential to reflect the current development pattern. This area will have less intense commercial and facilities that are passive in nature, like kayak rentals, the learning center, informative trails, man-made beach activities, to name a few. The Southern property will be a mixture of hotel and condominiums with retail and amenities to create a self sustaining destination. The facility will be focused around water type uses and activities. The facilities that will make up the project include but not limited to :

- Hotel capacity for 300 units
- Conference rooms and offices to support the hotel
- A community learning Center
- Pool facilities
- Lake Beaches
- Canoe and Kayak boat house and launch
- Docks
- Bicycle and walking trails that interconnects with the water and the amenities for the site
- A mixture of retailers along the waterfront such as restaurants, retailers, boat sales, ice cream parlors ect.
- Residential units not to exceed 600 units
- Gate house(s)
- Kiosk(s)
- Improve buffers along street and property line
- On site water management
- Live aboard
- Time share
- Charter boats
- Water taxis
- Bike and boat rentals

Old San Carlos Island-Comp Plan Amendment

- Employee housing
- Mass transit friendly design
- Mass transit terminals/trolley stops
- Cruise ship terminals
- Shuttle service to Key West and or other destinations
- Surface parking and garages to support the complex
- Tennis facilities
- Marina and Boat storage with amenities like a Ships store, parts, and a maintenance shop

Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment I

Land Use Analysis

Old San Carlos Island-Comp Plan Amendment

1. Existing today

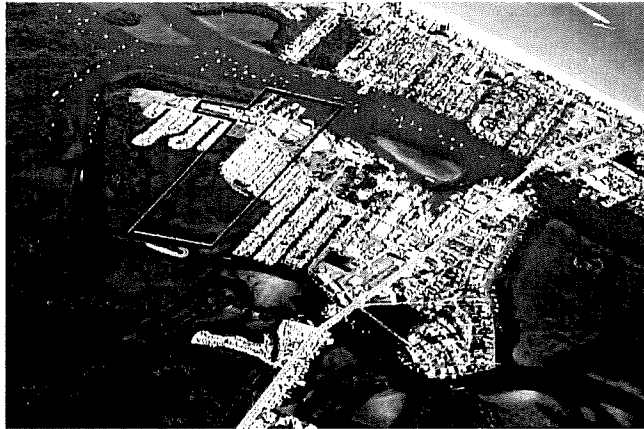
RV Units: **271 units** on **14.83 acres** of uplands for a density of **18.27 units per acre**, or **36.05 acres** of upland and submerged lands for a total density of **7.52 units per acre**

Live aboard: **127-250 units**

Commercial acres: **11.98 acres** with potential for **101,830 square feet of commercial** based on **8500 feet per acre**

Industrial acres: **5.34 acres** with development potential for **53,400**, of **industrial space** based on **10,000 per acre**

Submerged Land: **44.07** with a potential to add additional live aboard and boat slips at the north property of approximately **350 units**



2. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density: **152 units**

Live a board: **600 units**

Commercial intensity: **0**

Industrial intensity: **145,000 square feet**

Boat storage: **500**

3. Calculation of maximum allowable development under existing overlay:

Residential Units/Density: **152**

Live a board: **600 units**

Commercial intensity: **0**

Marine Industrial intensity: **125,000**

Marine Support facilities: **20,000**

Boat storage: **500**

Old San Carlos Island-Comp Plan Amendment

4. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density: +/- 271 units for a density of 9.36 units per total acres of uplands

Live aboard: 110

Mixed Use commercial intensity: 350 unit hotel +/- 110 timeshares with associated amenities, marina uses with 500 boat storage building and amenities, office, civic uses and 98,000 square feet of commercial

Industrial intensity: (O)

Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment J

Shrimp Industry Documentation

Florida Shrimp: Wild and Wonderful!

Florida Shrimp: "Wild and Wonderful!"

Fact Sheet

- Florida's shrimp industry supports 4,400 jobs and contributes \$185,000,000 to the state's economy.
- Imported shrimp dominates the U.S. market. According to the National Marine Fisheries Service, foreign countries have captured 88 percent of the total U.S. market, with domestic shrimp representing 12 percent.
- Shrimp imports to the U.S. from 2000-2005 have increased dramatically:
 - Vietnam -- up 172 percent China -- up 150 percent
 - India -- up 25 percent
 - Average percentage increase from Vietnam, China, India and Brazil during this time frame is 86%.
 - Shrimp imports to the U.S. from around the world are up 54% during this time frame.
- An estimated 200,000 U.S. jobs have been lost; thousands more have left the industry entirely.
- The federal government levied tariffs against some countries to fight against shrimp being brought into the U.S. at prices below fair market value.
- The United States Congress approved fishery disaster assistance funding in 2003, with nearly \$7 million in federal assistance going to Florida's shrimp industry.
- In a consumer survey conducted by the Florida Department of Agriculture and Consumer Services, 82 percent of respondents who preferred domestic shrimp indicated they would be willing to pay \$1 to \$3 more per pound for the quality of domestic shrimp.
- The "WildFloridaShrimp.com!" program was developed to increase public awareness of the economic value of Florida's shrimp industry and the critical challenges posed by foreign competition, and to show consumers the benefits of purchasing shrimp from Florida.
- The "WildFloridaShrimp.com!" program encourages consumers to look for the "Ask for Shrimp from Florida" seal.
- Shrimp caught in Florida waters are of premium quality and 100 percent natural.
- For more information about Florida shrimp, visit www.WildFloridaShrimp.com.

Contact:

Joanne McNeely, Bureau Chief
Florida Department of Agriculture and Consumer Services
Bureau of Seafood and Aquaculture Marketing
(850) 488-0163 or mcneelj@doacs.state.fl.us

Additional Information

- Wild Florida Shrimp campaign summary
- Wild Florida Shrimp backgrounder
- Wild Florida shrimp program overview
- Florida shrimp news archives

Back to Media

Florida Shrimp: Wild and Wonderful!

September 8, 2006

Marketing Campaign Helps Florida Shrimp Industry Beset By Flood Of Foreign Imports

A three-year marketing campaign helped keep Florida's shrimp industry viable in the face of unrelenting competition from foreign countries, Florida Agriculture Commissioner Charles H. Bronson said today.

The "Wild and Wonderful Florida Shrimp" promotion, conducted by the Florida Department of Agriculture and Consumer Services from 2004 to 2006, was instrumental in the sale of 2.7 million pounds of Florida wild-caught shrimp by participating retail stores. Some stores reported sales increases as high as 2,000 percent over the same periods in prior years.

"Florida's shrimp industry has faced an onslaught of competition from foreign countries that have exported more than a billion pounds of shrimp into the U.S. market in the past few years," Bronson said. "Many of our state's shrimpers have been forced out of business altogether, and the remaining ones have experienced very difficult times. This marketing campaign was crucial in helping keep Florida's shrimp industry alive."

According to the National Marine Fisheries Service, foreign countries have captured 88 percent of the total U.S. market. Vietnam, China, India and Brazil have dramatically increased exports to the United States in recent years. An estimated 200,000 U.S. jobs have been lost.

The state and federally funded campaign focused on raising consumer awareness about the benefits of buying Florida wild-caught shrimp and highlighted the Florida shrimp industry's economic value to the state. Florida's shrimp industry supports 4,400 jobs and contributes more than \$185 million to the state's economy.

"Florida shrimp is a premium quality product with superior taste," Bronson said. "We believe that consumers deserve to have a choice, and we encourage them to ask for shrimp from Florida. When they do, they receive a wholesome, natural product -- and they help our fishermen and our state's economy."

The advertising incentive program required retailers and restaurants to use the "Ask for Shrimp from Florida" logo in their advertising and encouraged in-store shrimp promotions. A total of 3,011 stores in 14 supermarket chains located in 26 states and Washington, D.C., participated. Participating Florida supermarket chains were Publix, Winn-Dixie and Kash 'N' Karry SweetBay. National stores included Kroger, Harris Teeter, HEB Grocers, Giant Foods, Schnucks, Jewell Food Stores, Ukrops, Roundys, Bi-Lo, Cub Foods, Heinen's, King Soopers, Fred Meyer, and Farm Fresh.

In addition to the advertising incentive program, the "Wild and Wonderful Florida Shrimp" campaign included the following components: radio and television public service advertisements; media relations initiatives to educate consumers on the quality of Florida shrimp; point-of-purchase materials including brochures, posters and static clings for use by retailers; partnerships with chefs including in-store demonstrations, television appearances and celebrity chef programs; trade show and festival participation; sponsorship of the "Ask for Shrimp from Florida" race car in the NASCAR ARCA circuit; the www.WildFloridaShrimp.com web site which features shrimp recipes and industry facts and statistics.

Florida Shrimp: Wild and Wonderful!

June 1, 2004

Campaign Seeks To Help Ailing Florida Shrimp Industry Turn The Tide Against Flood Of Foreign Imports

Showing consumers the economic importance of Florida's shrimp industry and encouraging them to ask for shrimp harvested in Florida waters are goals of a campaign launched by the Florida Department of Agriculture and Consumer Services.

The "**WildFloridaShrimp.com!**" campaign comes in response to the growing onslaught of imported shrimp that has nearly decimated Florida's shrimp industry that for decades has contributed to the state's economic well-being. Florida's shrimp industry supports 4,400 jobs and has an annual impact estimated at \$225,928,724 according to the Department.

"A disparity in labor costs and overhead enables foreign producers to flood the U.S. market with imported shrimp at prices so low that Florida's shrimpers cannot compete," Florida Agriculture Commissioner Charles H. Bronson said. "We want consumers to know that they have a choice, and when they purchase Florida shrimp, they are helping our fishermen, our coastal communities, and our overall economy."

Today, Florida's shrimp industry is besieged by more than a billion pounds of low-priced foreign imports flooding the United States each year. Foreign countries now dominate the U.S. shrimp market, having captured 88 percent of the national market share, while domestic shrimp represents only 12 percent, according to the National Marine Fisheries Service.

Since 2000, shrimp imports have dramatically increased from Vietnam (up 169 percent), India (up 74 percent), China (up 73 percent) and Brazil (up 210 percent). An estimated 200,000 U.S. jobs have been lost, and thousands more have left the industry entirely. Concerned about the economic implications of this trend, the United States Congress approved fishery disaster assistance funding in 2003, with nearly \$7 million in federal assistance going to Florida's shrimp industry.

"**WildFloridaShrimp.com!**" is designed to increase public awareness of the economic value of Florida's shrimp industry and the critical challenges posed by foreign competition, as well as showing the benefits of buying shrimp from Florida.

"Florida shrimp is a premium-quality product with superior taste," Bronson said. "When given a choice, we feel that many consumers will choose shrimp from Florida."

A recent consumer survey conducted by the Department showed that 82 percent of respondents preferred domestic shrimp and indicated they would be willing to pay \$1 to \$3 more per pound for the quality of domestic shrimp.

"**WildFloridaShrimp.com!**" promotes the clean, wild-caught, superior quality and premium taste of this natural resource, and encourages consumers to look for the "Ask for Shrimp from Florida" seal.

For more information:

Joanne McNeely
(850) 488-0163
mcneelj@doacs.state.fl.us

[Back to News Archives](#)

Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment K

RV Industry Documentation

Things are not going to change until they have a hard time filling their sites.
Florida Cracker you are right on. There are darn few of us that will turn down a big profit. It's the American way.

Ben & Jean
Tick a GSP
Full time since 1995
2002 39' Winnabago Jouney DL
330 Cat
2005 GMC 4X4 PU
2 Yamaha Kodiak ATVs
web site



Posted By: PRT on 03/13/06 08:33pm

Well, when you think about it, the snowbirds are down here for six months max. We're only here for three, and both parks we stay in have been sold - but as RV parks. At least **next year** they will be parks. And as bigben mentioned, park model sales are heavily promoted. We have looked into it, to be honest, but it's not for us right now.

Anyway, the cgs only make real money for half the year. If we owned one and a condo/home developer made us an offer we couldn't refuse, we'd take it.

We are in central Florida (Clermont) and the building going on here has escalated incredibly in the six years we have stayed here. I imagine the parks in the popular coastal areas will go first. There is only so much coastline.

Pat

2001 Windsport 33SL
2000 Saturn



Posted By: nelson on 03/14/06 04:02am

In just a few years we will not be able to get near the coast of FL. in an RV. We just got back from Port Richey, FL and found was told that another five campgrounds near Palm Harbor have been sold. We also stayed in one in Riverview that has been sold and will be condos in 3 to 5 years. Our favorite campground in Palm Harbor was sold 3 years ago. Feel sorry for the older folks that have been going to those campgrounds for the last 20 years but wonder where we will do

2002 Damon Challenger 348 Ford V10
Blue Ox Auto Stop and Aventa II Tow Bar
2001 Ford Sport Trac with Remco Driveshaft Disconnect

Posted By: dobbler98 on 03/14/06 04:58am

big ben wrote:

Well who in the heck do you think are buying the park models Daaaaa. Snow Birds that's who. If you own a park and can collect rent 12 months a year for a park model for 3 months for a RV what would you do. Many of the parks here in SW Florida won't rent for the month of Feb. unless you well stay 3 month.

The whole thing is getting nuts down here and for one have spent my last winter down here. Oh by the way Lee County has increased their tax to 11% for RV sites.

Things are not going to change until they have a hard time filling their sites.

Florida Cracker you are right on. There are darn few of us that will turn down a big profit. It's the American way.

Perhaps you should check into just who the "owners" of some of the big condo corporations are. It's not the "American" way you're crowing about. Florida in particular is targeting wealthy multi-home owners who will only use the "investment" condotels for short periods of time; stay lengths are built into all the ownership contracts. And it's not snowbirds buddy. Read the studies, understand the target market. The constant land sales and condo development are bad for local tax bases, state tax bases, long-term social infrastructure; and bad for FL in general as it drives away the transient tourist money in favor of the rich owning more and paying less. That seems to be the new American way.

Posted By: deereone on 03/14/06 05:36am

It's not just happening in Florida, but any coastal area especially in the warm regions of the country. In the north cold country campgrounds that are on lakes are now selling or being looked at as new housing areas.

Posted By: soren on 03/14/06 05:36am

I just saw an interesting news report about Miami and how the condo market has hit a wall. There are eighty thousand units in the process of being built, and the market is slowing to a standstill. The developers are putting on their game faces, and claiming that they don't see a need to adjust prices. Yea right, I would bet that, in private, they are sweating like a dog trying to poop a peach pit. Looks like a wild ride, coming to the overpriced FL. market. As Dobbler98 mentions, investors and speculators are the problem. They create an artificial demand, then run like rats once things get a little rough. They have little interest in the local community, and are not an asset in the least. it should be interesting.

Posted By: sesco on 03/14/06 05:44am

Us in SW Georgia can sure tell it. People are coming out of Florida in droves, buying up everything in sight. Prices are going through the roof here.

Lindy B.

'01 American Tradition
'05 Harley Heritage Classic
'00 Jeep Sahara for Toad

Posted By: MichDoc on 03/14/06 06:02am

I think that the Florida land speculators may be in for a letdown in the near future. They have been buying property and overdeveloping in anticipation of the baby boomers, but they may have over-reached. There are only so many people willing, or able, to spend a quarter million or more on a place to spend three to six months a year at, and many people don't want to be here longer than that. We like living up north, and only come down here to escape the snow for a few months. There are other states we can visit to accomplish that if necessary. Coupled with the iffy hurricane seasons, many people don't want to own property on, or near, the coast. We just came down from the

coastal area of the panhandle, and a huge number of the homes and lots were for sale there. Long time residents have moved inland and out of state, and the property doesn't seem to be selling.

Posted By: Oday on 03/14/06 07:36am

There are still plenty of campgrounds and RV parks in the southwest Florida area (Naples/Ft.Myers) Granted some are closing, but new ones are being build. It is simply a natural business transition. Rv Parks move out in the lesser populated ares and condos take their place. There are two RV parks currently under construction in Naples area. Lets not discuss rental rates though in these new parks.....they are pricy. Visit the rest of Florida.....plenty of RV spots available. Good Luck

Ken

'04 Mountain-Aire pusher with tag
'99 Jeep GC Ltd. Toad
One small wife
One small dog

Posted By: big ben on 03/14/06 09:29am

Dobbler said "Perhaps you should check into just who the "owners" of some of the big condo corporations are. It's not the "American" way you're crowing about."

Where did you get the idea that I was crowing about any thing. And it the American way to sell to who ever has the cash. We are so far in debt that they are sell off BLM land. Guess who will be bidding on that. We even sell off our security to the highest bidder.

Posted By: fhammer1 on 03/14/06 09:45am

Oday is correct in one sense: There are quite a few RV sites available, but at \$56 to \$65 per day (Weekly rates are simply NOT available.), you are being gouged when -- for January and February -- ONLY the daily rates are available.

An RVer can stay those months, but only by purchasing a three-month package. The campground chooses the months: ie. Dec.-Jan.-Feb, or Feb.-Mar.-Apr. By the time one adds the 13% bed tax, the cost per month is over \$866 and you still have \$35-\$50 electric to contend with.

And -- these package months run only from the first to the end of the month, so that if the RVer can't arrive (until after Christmas?) on the first day, he simply loses those days: paid for, but not enjoyed.

The particular campground where I am staying is not the exception. Their rates fairly well reflect many campgrounds in southern Florida.

The flip side -- (There's gotta be a bright spot somewhere.) -- is that one can still purchase a six-month package for a slightly less- expensive stay.

Now, if only we could do something about the ATTITUDE of CG owners and workers.....Maybe that's another forum?

Posted By: dmpoo1 on 03/16/06 07:54am

OK! Sooo....Where in the RGV would be a good place to go next year say about December for two or three months. I could use a few CG names to check out and a couple or three diff cities. would prefer away from ocean breezes as that gets old quick. thanks

98 Cruise Master

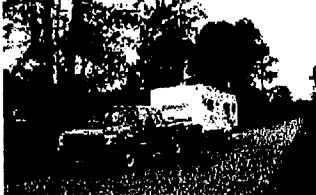
TSeck wrote:

Yep. As one of the last Florida Natives (5th generation) this place is getting crowded and way too crazy expensive. What kills me is all the complaining going on as soon as a hurricane comes through and "re-claims" the waterfront. Oh, and did you know part of your insurance premium goes into a "fund" to help those poor unfortunate people who keep re-building. Where you ask? Right back on the beach.

Oh yeah don't get me started on that waste of money! ☹

Yeah that is a load of horse chips, they keep jacking me up(nowhere near the coast) to help the poor unfortunate beachfront and waterfront owners who couldn't get insurance.

05 Super Duty XLT CC 5.4/3.73 5 sp auto Torqshift
06 Keystone Hornet 29 RLS/(The"Cracker Cabana")
Reese HP Dual Cam
Proud citizen of the GatorNation
Emerald Coast cult member

My Camping Albums

Posted By: Tommy Tucker on 03/13/06 07:22pm

Hi, we're here in central Florida ,(Lakewood RV Resort ,Davenport Fl.) and our campground was sold to developers too . Now I know there's big money here, but Its a crying shame that the Snow Birds who made this state for years , and now there pushing us out for big business . I for one are considering Georgia who would appreciate our business and we would save a bunch of fuel in the process . I'm sure Mr. Bush won't give a "hoot " if he lost a couple thousand snow birds . Take care, Tommy Tucker .

Tommy Tucker

Posted By: STANNSAL on 03/13/06 07:38pm

snowhawkwoman wrote:

Property in Florida is skyrocketing - if you were a campground owner and someone came along and said here's 5 million - wouldn't you say "THANKS and see ya!!!" Owners are probably packing up their new RV and enjoying the road too! Florida land is premium - all the folks from the northeast want to retire there - guess the folks in Georgia, Mississippi, and Louisiana need to do some serious thinking about opening RV parks along the gulf coast!

Better check the map, I think it would be tough for Georgia to build RV parks or anything else on the gulf coast. 🌐

Posted By: pawatt on 03/13/06 07:59pm

Come on down to the Rio Grand Valley, over 500 RV Parks, Low prices & lots of room for you. You won't be a Snowbird though you will be a Winter Texan, Yes we do have sand beaches on the gulf too.

pawatt

Posted By: Florida Cracker on 03/13/06 08:03pm

"but Its a crying shame that the Snow Birds who made this state for years , and now there pushing us out for big business ."

You aren't getting pushed out for big business but for individual folks coming down south to retire or whatever. I'd love to see us back the way we were in the 30s and 40s but I also can't fault anyone for selling property for the best price they can get.

Bill

(And one spoiled rotten little dog)

Posted By: jojolou on 03/13/06 08:19pm

If we are in a 30 yr. cycle of increasing hurricanes, (which was reported by the meteorologists after last year's storms)then maybe with increasing storms and subsequent rising insurance costs, things will change. People should stop the government from susidizing these re-builds for the rich property owners of beach front homes! The insurance companies just pass on the cost to the rest of the country as they have for years. Maybe 10 yrs. from now Florida real estate will hold much less appeal for investors. After last year's storms and the promise of MORE every year for the next few DECADES, snowbirds might find RV parks springing up in place of all the condos. Time will tell.....JMHO

jojolou

Lou
2005 Winnebago Minnie 31-C



Posted By: big ben on 03/13/06 08:23pm

Well who in the heck do you think are buying the park models Daaaaa. Snow Birds that's who. If you own a park and can collect rent 12 months a year for a park model for 3 months for a RV what would you do. Many of the parks here in SW Florida won't rent for the month of Feb. unless you well stay 3 month.
The whole thing is getting nuts down here and for one have spent my last winter down here. Oh by the way Lee County has increased their tax to 11% for RV sites.

Open Roads Forum

Print | Close

Topic: What's happening to Florida RV Parks?**Posted By:** rad1 on 03/13/06 05:47pm

The park we just left in the Florida Keys has been sold and this is the last season it will operate as an RV park. It was sold to a developer and will be turned into condos starting at \$1.2M each. In looking for a replacement RV park for next winter in the Southwest Florida area we were quite surprised to find almost everything we looked at in the Naples/Ft. Myers area to be converting to mobile home/pre-fab home parks. Many RV Parks that we looked at were comprised of 90% mobile homes and only 10% RVs. Some of these parks were nice and clean, but they didn't have the feel of an RV park. Is this happening all over, or is this just a situation that's happening in Southwest Florida?

Bob

Posted By: snowhawkwoman on 03/13/06 06:13pm

Property in Florida is skyrocketing - if you were a campground owner and someone came along and said here's 5 million - wouldn't you say "THANKS and see ya!!!" Owners are probably packing up their new RV and enjoying the road too! Florida land is premium - all the folks from the northeast want to retire there - guess the folks in Georgia, Mississippi, and Louisiana need to do some serious thinking about opening RV parks along the gulf coast!

☺ Snowhawkwoman

☺ Big Owl

☺ the traveling dogs Xena, Phoebe, Callie, Coco, and Spooker

☺ Punky - the amazing insane Rving Squirrel

1997 Fleetwood Jamboree 29'

The traveling Zoo!

**Posted By:** dobbler98 on 03/13/06 06:16pm<http://www.rv.net/forums/index.cfm/fuseaction/thread/tid/17104393/gotomsg/17123263.cfm#17123263><http://www.rv.net/forums/index.cfm/fuseaction/thread/tid/17036130/gotomsg/17036201.cfm#17036201>

These two links will take you to a couple of the threads from this forum since last fall about this very subject. All are being sold for condo development. Soon you will need a condo reservation to get into the keys cos there won't be anywhere to park your tent or rv.

1993 Minnie Winnie

Class C 24'

Chevy 350

Usually pulling one of my toys ☺

**Posted By:** magicbus on 03/13/06 07:05pm

Old San Carlos Island-Comp Plan Amendment

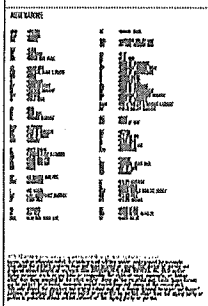
Lee County Application for a Comprehensive Plan Amendment

Attachment L

Survey

10	6	14	20	28
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James M. A. Douglas, Inc.
Lyster & Land Company, Inc.

[illegible]

Went into the East 1/2 of Government Lot 3 July 31 at 11:00 A.M. (Assumed?)

Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment M

Manatee Protection Plan

Permit No: SAJ-2005-7466 (IP-CW) - Oyster Bay Commercial Docks

Standard Manatee Construction Conditions
Attachment B

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK
July 2005

Permittee shall comply with the following conditions intended to protect manatees from direct project effects:

a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The Permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees, which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

c. Siltation or turbidity barriers shall be made of material in which manatees can not become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (904-232-2580) for north Florida or Vero Beach (888-561-562-3909) for south Florida.

f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft., which reads *Caution: Manatee Area* must be posted. A second sign measuring at least 11 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and "Shut down of in-water operations" must be posted in a location prominently visible to all personnel engaged in water-related activities.

FWC Approved Manatee Educational Sign Suppliers

SAP Signs & Designs

1000 B Pinellas Street
33556

Phone: (727) 443-4878

Fax: (727) 442-7573

Key Largo, FL 33037

Vital Signs

104615 Overseas Highway Clearwater, FL

Phone: (305) 451-5133

Fax: (305) 451-5163

Wilderness Graphics, Inc.

P.O. Box 1635

Ft. Pierce, FL 34947

Phone: (850) 224-6414

Fax: (850) 561-3943

www.wildernessgraphics.com

Universal Signs & Accessories P. O.
2912 Orange Avenue Tallahassee, FL 32302

Phone: (800) 432-0331 or

(772) 461-0665

Fax: (772) 461-0669

ape Coral Signs & Designs

311 Del Prado Boulevard

ape Coral, FL 33990

72-9992

Fax: (239) 772-3848

Phone: (727) 323-7897

New City Signs

182928 Street North

St. Petersburg, FL 33713 Phone: (239)

Fax: (727) 323-1897

Municipal Supply & Sign Co.

195 Fifth Avenue, North

P.O. Box 1765

Ft. Pierce, FL 33939-1765

Phone: (800) 329-5366 or

(239) 262-4639

Fax: (239) 262-4645

www.municipalsigns.com

**United Rentals Highway
Technologies**

309 Angle Road

Ft. Pierce, FL 34947

Phone: (772) 489-8772 or

(800) 489-8758 (FL only)

Fax: (772) 489-8757

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work
all in-water activities must

SHUT DOWN

Report any collision or injury to :
1-888-404-FWCC (1-888-404-3922)

Florida Fish and Wildlife Conservation Commission

Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorization from the Board of Trustees prior to commencing activity on sovereignty lands or other state owned lands.

13. The permittee is advised that the rules of the South Florida Water Management District require the permittee to obtain a water use permit from the South Florida Water Management District prior to construction dewatering, unless the work qualifies for a general permit pursuant to subsection 40E-20.302(4), F.A.C., also known as the "No Notice" rule.

14. The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by this permit.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.

16. The permittee shall notify the Department in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Section 62-343.130, F.A.C. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.

17. Upon reasonable notice to the permittee, Department authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.

18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate Department office.

19. The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

SPECIFIC CONDITIONS:

1. The permittee shall provide the notice required in General Condition 4 in this permit to the Department's South District office, P. O. Box 2549, Fort Myers, FL 33902-2549.

2. The permittee shall comply with the following manatee protection construction conditions:

a. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatees.

b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees, which are protected under the Marine Mammal Protection Act of 1972, The Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.

c. Siltation barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exit from essential habitat.

d. All vessels associated with the construction project shall operate at no wake/idle speeds at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

e. If a manatee is sighted within 100 yards of the project area, precautions shall be implemented by the permittee and the contractor to ensure protection of manatees. These precautions shall include not operating any equipment closer than 50 feet to a manatee, and immediately shutting down equipment if a manatee comes within 50 feet of the equipment. Activities will not resume until the manatees have departed the project area of their own volition.

f. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission at 1-888-404-FWCC (1-888-404-3922). Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for North Florida or in Vero Beach (1-561-562-3909) for South Florida.

g. Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. All signs are to be removed by the permittee upon completion of the project. A sign measuring at least three feet by four feet which reads "*Caution: Manatee Area*" shall be posted in a location prominently visible to water related construction crews. A second sign shall be posted if vessels are associated with the construction and shall be placed visible to the vessel operator. The second sign shall be at least 8 1/2 inches by 11 inches and read:

Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50

feet of the operation. Any collision with and/or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC (1-888-404-3922). The U.S. Fish and Wildlife Service should also be contacted in Jacksonville (1-904-232-2580) for North Florida or in Vero Beach (1-561-562-3909) for South Florida.

Specific information on obtaining these signs may be obtained by contacting the Department or FWC at (850) 922-4330.

3. The permittee shall install and maintain a manatee informational display at a location (or locations) acceptable to the Florida Fish and Wildlife Conservation Commission (FFWCC), Bureau of Protected Species Management. The display shall inform boaters using the facility of the habitat and mannerisms of manatees and potential threat boats can impose on the continued existence of the endangered manatee. The display shall contain information making operators of vessels moored at this facility aware of the danger boats can cause to the endangered manatee when they are operated above slow speed in grass flats or areas shallower than four feet. The permittee shall install and maintain manatee awareness signs at a location (or locations) acceptable to the FFWCC advising boaters to exercise extreme caution because of the presence of manatees in the area. Permittee shall install and display the signs within 30 days prior to completion of construction of the permitted docking facility. Information concerning this manatee educational program may be obtained from the FFWCC, Bureau of Protected Species Management at the following address: 620 South Meridian Street, Tallahassee, Florida 32399-1600. The manatee caution sign(s) and manatee informational display(s) shall be maintained and replaced as necessary due to fading or damage for the life of the facility.

4. The permittee shall ensure that all boat slip users (purchasers/lessors/renters) receive manatee educational packages prior to use of any boat slip. The permittee shall be responsible for the cost of printing the brochures and pamphlets for the educational packages. Kiosks used in conjunction with these educational packages shall be installed prior to boat slip occupancy and shall be maintained and replaced as necessary due to fading or damage for the life of the facility. Information/guidance for developing and approving this manatee educational program shall be obtained from the FFWCC, Bureau of Protected Species Management at the following address: 620 South Meridian Street, Tallahassee, Florida 32399-1600 (telephone 850/922-4330).

5. The total number of powerboat slips, inclusive of all shoreline and upland storage, shall not exceed 88. Future expansion may be considered if a Lee County Manatee Protection Plan is approved by the Florida Fish and Wildlife Conservation Commission and expansion at this location is consistent with the recommendation in this plan.

6. Best management practices (primarily turbidity screens) for erosion and turbidity control shall be implemented and maintained at all times during construction (including the seawall installation, dredging, debris removal, dock and piling removal, dock and piling installation, and stormwater construction) and operation of the permitted activity to prevent siltation and turbid

3. All areas disturbed by construction shall be stabilized by riprap, seed, sod or revegetation with native wetland and upland species within 72 hours of attaining final grades to prevent erosion.

4. Any water generated as a result of dewatering for the construction of facilities in the upland shall be directed to the on-site detention areas (with silt barriers at any outlets and over any top grades) or to a self-contained upland disposal cell with no return of water to wetlands or waters of the State.

5. Fill shall be placed from the upland into Wetlands 1, 3, and 5 as identified on Sheet 5 of 8 in the attached permit drawings and as indicated in the following table:

Wetland	Fill Impact
#1	0.08 acres
#3	0.11 acres
#5	0.04 acres
TOTAL	0.23 acres

6. Operation of heavy equipment in wetlands is prohibited.

7. Any run-off from existing boat repair areas in the upland shall drain to the stormwater treatment system authorized by this permit for treatment prior to any discharge to waters of the State. The existing boat ramp area and travel lift area shall be modified to cause run-off from these areas to drain to the detention area at the southeast corner of the existing marina site (detention area #4) for treatment prior to discharge to waters of the State. Run-off from the boat ramp area and travel lift area shall be treated in a Department approved stormwater treatment system prior to discharge into waters of the State for the life of the facility.

8. The washing of boats shall occur inside the dry storage building (as shown on Sheet 6 of 8 in the attached permit drawings) and drain to the sanitary sewer system. Boat washdown water shall drain into the sanitary sewer system or to a Department approved stormwater treatment system for the life of the facility.

MANATEE PROTECTION AND CONSERVATION:

9. For any in-water construction, the permittee shall comply with the following manatee protection construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s).
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, The endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.
- c. Siltation barriers shall be made of material in which manatees cannot become entangled, are properly secured, and are regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exist from essential habitat.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- e. If manatee(s) are seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.
- f. Any collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol at 1-800-DIAL FMP (1-800-342-5367). Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-407-562-3909) in south Florida.
- g. Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. All signs are to be removed by the permittee upon completion of the project. A sign measuring at least 3 ft. by 4 ft. which reads **Caution: Manatee Area** will be posted in a location prominently visible to water related construction crews. A second sign should be posted if vessels are associated with the construction, and should be placed visible to the vessel operator. The second sign should be at least 8 1/2" by 11" which reads **Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of operation. Any collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol at 1-800-DIAL-FMP (1-800-342-5367). The U.S. Fish and Wildlife Service should also be**

contacted in Jacksonville (1-904-232-2580) for north Florida or in Vero Beach (1-407-562-3909) for south Florida.

10. The occupancy of the dry storage facility shall be phased in two parts. The first phase shall consist of a maximum of 100 slips, and the second phase shall consist of the last 108 boat slips. Occupancy of the second phase shall be prohibited until the comprehensive Lee County manatee protection speed zones are established and posted. The permittee shall submit proof of the posting of the speed zones to the Department and a letter requesting authorization of occupancy of the second phase of the dry storage facility. Upon written approval from the Department, the second phase of the dry storage facility may be occupied.

11. The total number of powerboat slips allowed in this development (for Strap Nos. 19-46-24-00-00022.0000 and 19-46-24-00-00023.0020 and the associated riparian area of the parcels) in perpetuity, inclusive of all shoreline and upland storage, shall not exceed 302.

12. Permanent manatee information and/or awareness sign(s) shall be installed and maintained to increase boater awareness of the presence of manatees, and of the need to minimize the threat of boats to these animals. The signs shall be installed prior to commencement of construction authorized in this permit. The signs shall be replaced in the event that the signs fade or become damaged, and shall be maintained for the life of the facility in a manner acceptable to the Department. The number, type and procedure for sign installation shall be in accordance with the attachment "Permanent Manatee Signs". This attachment that includes addresses for sign suppliers, can be obtained from the Bureau of Protected Species Management, 620 S. Meridian Street, Tallahassee, FL 32399-1600 (phone 851/922-4330).

13. A manatee educational program shall be developed, approved by the Bureau of Protected Species Management and the Department, and implemented before completion of project construction and occupancy of the first phase of the dry storage facility. The permittee shall assure that all slip lessors receive manatee educational packages prior to use of any slip. The permittee shall be responsible for the cost of printing the brochures and pamphlets for the educational packages. Signs and kiosks for the educational program shall be installed prior to the facility opening and beginning operations, shall be replaced in the event of fading or becoming damaged, and shall be maintained for the life of the facility in a manner acceptable to the Department. Guidance in the development and approval of the educational program shall be obtained from the Bureau of Protected Species Management, 620 S. Meridian Street, Tallahassee, FL 32399-1600 (phone 851/922-4330).

MITIGATION:

14. The permittee shall perform the following activities on-site to partially offset the project impacts:

Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment N

Seagrass Study

See separate document provided to staff

Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment O

Protected Species Survey

**EBBTIDE
LEE COUNTY PROTECTED SPECIES SURVEY**

October 2007

Prepared For:

DeLisi Fitzgerald, Inc.
1500 Royal Palm Square Boulevard, Suite 101
Fort Myers, Florida 33919
(239) 418-0691

Prepared By:

Passarella & Associates, Inc.
9110 College Pointe Court
Fort Myers, Florida 33919
(239) 274-0067

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INTRODUCTION

Passarella & Associates, Inc. (PAI) conducted a protected species survey for Ebttide (Project). The purpose of the survey was to review the site for Lee County protected species as outlined in Lee County's Land Development Code (LDC) Chapter 10, Article III, Division 8 (Protection of Habitat).

The Project totals 76.07± acres and is located in Section 19, Township 46 South, Range 24 East, Lee County (Figure 1). The Project is located on San Carlos Island, along the north and south side of Main Street, approximately 0.5 mile east of San Carlos Boulevard. The Project area is an assemblage of existing developments, businesses, and natural areas that include: Ebb Tide and Oyster Bay RV Parks, mangroves, and a portion of the submerged bottomlands of Oyster Bay on the north side of Main Street; and Parrot Key Restaurant, Salty Sam's Marina, Casino Cruises, and portions of the submerged bottomlands of Matanza Pass on the south side of Main Street.

The surrounding land uses consist of roads, high-density residences, commercial businesses, open water and mangroves. Along the north side of Main Street and to the Project's west are Oyster Bay Lane and mobile homes; to the north are Oyster Bay and Hurricane Bay; and to the east are Galleon Way Road, Port Carlos Cove RV Park, Oyster Bay, and mangroves. Along the south side of Main Street and to the Project's west are Ballard Oil and Beach Seafood Market; to the south is Matanzas Pass; and to the east are mangroves and Port Carlos Cove RV Park.

LAND USES AND COVER TYPES

Land uses and cover types for the Project were determined using 2005 rectified Lee County aerials (1" = 200') and on-site field surveys conducted on August 21, 2007. During the surveys, lines were drawn on an aerial delineating the different vegetation associations on-site. These delineations were classified based on the nomenclature of the Florida Land Use, Cover and Forms Classification System (FLUCFCS), Levels III and IV (Florida Department of Transportation 1999). A FLUCFCS and wetlands map is provided as Figure 2. Table 1 outlines the various cover types delineated on-site and their associated acreages, while a brief description of each of the FLUCFCS classifications follows. The FLUCFCS delineations depicted on a 2005 aerial photograph are provided as Appendix A.

Table 1. Vegetation Associations and Land Use Acreages

FLUCFCS Code	Description	Acreage	Percent of Total
130	Residential, High Density	14.45	19.0
180	Boat Docks	4.27	5.6
184	Marina	11.91	15.7
422	Brazilian Pepper	0.04	0.1
540	Bays and Estuaries	34.39	45.2

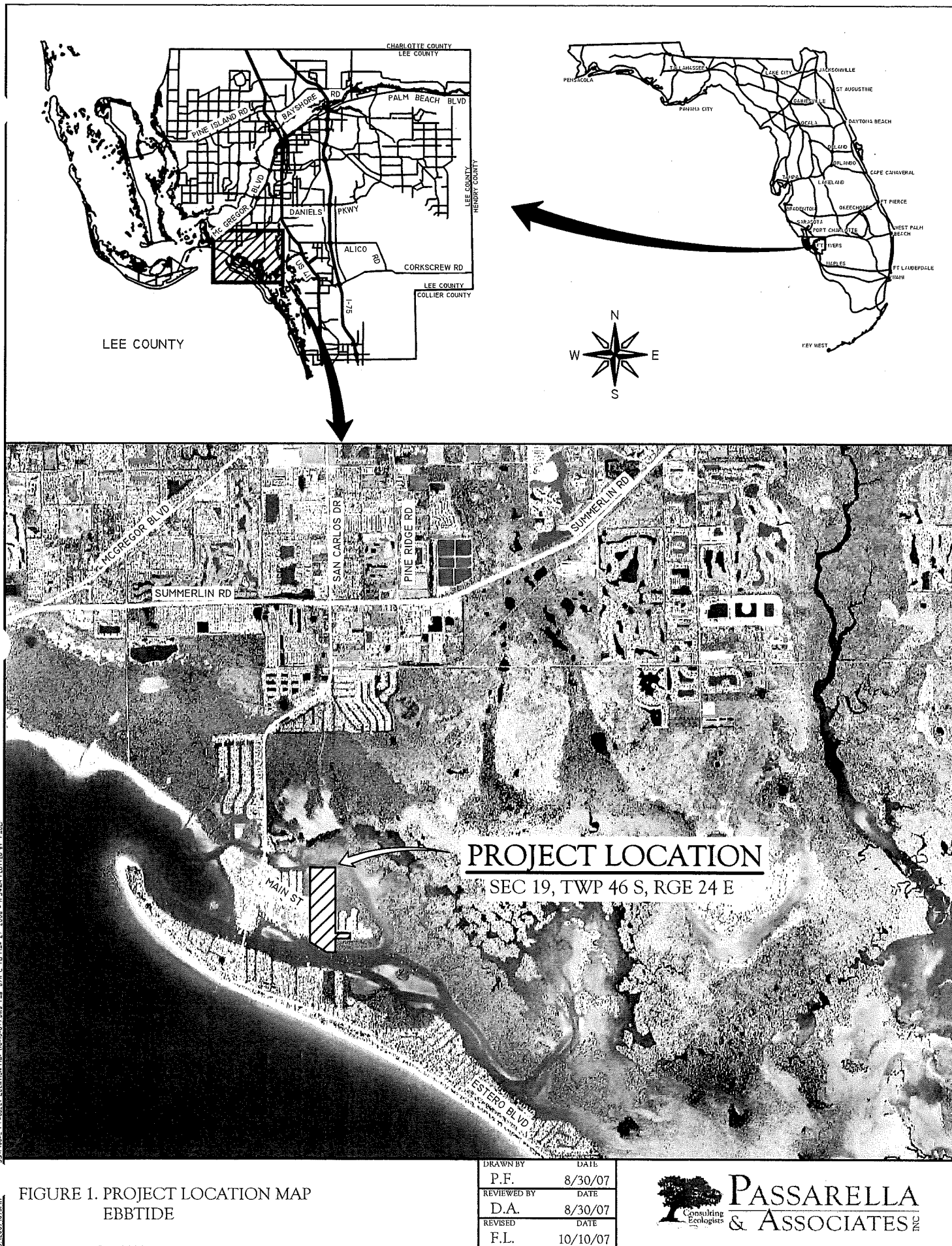


Table 1. (Continued)

FLUCFCS Code	Description	Acreage	Percent of Total
6129 E1	Mangroves, Disturbed (0-24% Exotics)	7.61	10.0
6129 E3	Mangroves, Disturbed (50-75% Exotics)	0.32	0.4
740	Disturbed Land	2.55	3.3
814	Road	0.53	0.7
TOTAL		76.07	100.0

Residential, High Density (FLUCFCS Code 130)

This upland usage totals 14.45± acres or 19.0 percent of the Project and is north of Main Street. It consists of Ebb Tide and Oyster Bay RV Parks. The residential structures average six or more per acre.

Boat Docks (FLUCFCS Code 180)

This land use totals 4.27± acres or 5.6 percent of the Project and consists of wooden structures built over open water for single-family and commercial uses. The smaller docks along the southern shore of Oyster Bay are single-family boat slips associated with the Ebb Tide and Oyster Bay RV Parks. The boat docks within Matanzas Pass are commercial slips associated with Salty Sam's Marina and Casino Cruises.

Marina (FLUCFCS Code 184)

This upland usage totals 11.91± acres or 15.7 percent of the Project and is located along the south side of Main Street. It consists of dry slip storage for watercraft; commercial businesses, which include Casino Cruises, Parrot Key Restaurant and Salty Sam's Marina; and their associated parking lots.

Brazilian Pepper (FLUCFCS Code 422)

This upland community totals 0.04± acre or 0.1 percent of the Project and is located in the northeast corner of the Project, along the southern side of Main Street. There is no canopy. The sub-canopy is dominated by Brazilian pepper (*Schinus terebinthefolius*) and also contains lead tree (*Leucaena leucocephala*) and nickerbean (*Caesalpinia bonduc*). There is no ground cover due to the density of Brazilian pepper.

Bays and Estuaries (FLUCFCS Code 540)

This habitat classification totals 34.39± acres or 45.2 percent of the Project and includes the northern and southern portions of the Project area. The northern portion includes open water and submerged bottomlands of Oyster Bay and Hurricane Bay. The southern portion includes the northern edge of Matanzas Pass. There is no vegetation present, only open water.

Mangroves, Disturbed (0-24% Exotics) (FLUCFCS Code 6129 E1)

This wetland community totals 7.61± acres or 10.0 percent of the Project and is located on the central eastern portion of the Project. Canopy, sub-canopy, and ground cover consist of a mixture of red mangrove (*Rhizophora mangle*), white mangrove (*Laguncularia racemosa*), and black

mangroves (*Avicennia germinans*). Some hurricane debris is present, mainly in the mangrove islands within the northern portion of the Project.

Mangroves, Disturbed (50-75% Exotics) (FLUCFCS Code 6129 E3)

This wetland community totals 0.32± acre or 0.4 percent of the Project and is located in the central eastern portion of the Project. The canopy is dominated by Brazilian pepper and contains some red mangroves. The sub-canopy is also dominated by Brazilian pepper. There is no ground cover.

Disturbed Land (FLUCFCS Code 740)

This upland community totals 2.55± acres or 3.3 percent of the Project and is located at the northwest corner of Main Street and Galleon Way. This area was formerly used as a paint display area by the Valspar Corporation, but is now a cleared field with no canopy or sub-canopy present. Ground cover consists of upland paspalum (*Paspalum* sp.) grasses.

Road (FLUCFCS Code 814)

This upland usage totals 0.53± acre or 0.7 percent of the property and runs east/west through the central portion of the property. There is no vegetation associated with the road.

METHODOLOGY AND DISCUSSION

Surveys for Lee County protected species are based on the presence of specific vegetation associations and habitat types noted on-site, as outlined in the LDC. The frequency of transects performed in these habitats, unless otherwise discussed, were designed to meet the 80 percent minimum coverage requirement. A cursory review was also conducted in those habitats not technically required to be surveyed per the LDC. Based on experience and past conversations with Lee County's Environmental Sciences (ES) staff, these areas were reviewed for certain protected species as a precautionary measure. Table 2 outlines the protected species that may inhabit or utilize a particular vegetation association, according to the LDC, as well as those habitats reviewed as a precautionary measure.

Table 2. Potential Lee County Protected Species by Habitat Type

FLUCFCS Code And Description		Potential Protected Species
130	Residential High Density*	Burrowing Owl (<i>Athene cunicularia floridana</i>)
184	Marina*	Eastern Indigo Snake (<i>Drymarchon corais couperi</i>)
		Gopher Tortoise (<i>Gopherus polyphemus</i>)
		Burrowing Owl (<i>Athene cunicularia floridana</i>)
422	Brazilian Pepper*	Eastern Indigo Snake (<i>Drymarchon corais couperi</i>)
		Gopher Tortoise (<i>Gopherus polyphemus</i>)
		Twisted Air Plant (<i>Tillandsia flexuosa</i>)

Table 2. (Continued)

FLUCFCS Code And Description		Potential Protected Species
540	Bays and Estuaries	American Alligator (<i>Alligator mississippiensis</i>)
		Limpkin (<i>Aramus guarauna</i>)
		Little Blue Heron (<i>Egretta caerula</i>)
		Reddish Egret (<i>Egretta rufescens</i>)
		Roseate Spoonbill (<i>Ajaia ajaja</i>)
		Snowy Egret (<i>Egretta thula</i>)
		Tri-Colored Heron (<i>Egretta tricolor</i>)
		Everglades Mink (<i>Mustela vison evergladensis</i>)
6129 E1	Mangroves, Disturbed (0-24% Exotics)	American Alligator (<i>Alligator mississippiensis</i>)
		Brown Pelican (<i>Pelecanus occidentalis</i>)
		Little Blue Heron (<i>Egretta caerula</i>)
		Reddish Egret (<i>Egretta rufescens</i>)
		Roseate Spoonbill (<i>Ajaia ajaja</i>)
		Snowy Egret (<i>Egretta thula</i>)
		Tri-Colored Heron (<i>Egretta tricolor</i>)
		Wood Stork (<i>Mycteria americana</i>)
6129 E3	Mangroves, Disturbed (50-75% Exotics)	Big Cypress Fox Squirrel (<i>Sciurus niger avicennia</i>)
		Florida Black Bear (<i>Ursus americanus floridanus</i>)
		Prickly-Apple (<i>Cereus gracillis</i>)
		Twisted Air Plant (<i>Tillandsia flexuosa</i>)
740	Disturbed Land*	Eastern Indigo Snake (<i>Drymarchon corais couperi</i>)
814	and Road*	Gopher Tortoise (<i>Gopherus polyphemus</i>)
		Burrowing Owl (<i>Athene cunicularia floridana</i>)

*Habitat surveyed for the species noted as a precautionary measure although not required per the LDC.

The protected species survey was conducted by PAI on August 21, 2007. The survey was conducted for eight hours from 8:00 a.m. to 4:00 p.m. The type of survey utilized included meandering pedestrian transects, per WilsonMiller, Inc.'s methodology, previously approved by Lee County.

Weather conditions during the survey period are summarized in Table 3.

Table 3. Survey Date and Weather Conditions

Survey Date	Weather Conditions
August 21, 2007	Partly cloudy, winds easterly 5-10 mph, and temperatures in the low 90's.

Visibility in the surveyed habitats varied due to the density of vegetation. A summary of the limits of visibility, length of transects walked, and percent of coverage by habitat type is provided in Table 4. A map depicting the walked survey transects is included in Appendix A.

Table 4. Summary of Habitat Coverage

FLUCFCS Code and Description		Total Area (Acres)	Transects Total Length (Feet)	Average Visibility (Feet) ¹	Percent Coverage
130	Residential High Density	14.45	1,850	50	29
180	Boat Docks*	4.27	900	120	100
184	Marina*	11.91	2,070	120	95
422	Brazilian Pepper*	0.04	60	15	83
540	Bays and Estuaries	34.39	8,770	120	100
6129 E1	Mangroves, Disturbed (0-24% Exotics)	7.61	4,155	35	88
6129 E3	Mangroves, Disturbed (50-75% Exotics)	0.32	420	15	90
740	Disturbed Land*	2.55	630	80	91
814	Road*	0.53	20	120	21

*Not required, per the LDC

¹Average visibility to one side of transect

SURVEY RESULTS

During the survey, one Lee County protected specie and one state listed specie was observed on-site (Figure 3 and Appendix B). The Lee County and state protected species included one little blue heron (*Egretta caerulea*) and six white ibis (*Eudocimus albus*), respectively. The white ibis is not listed as a Lee County protected species, but is listed as a species of special concern by the Florida Fish and Wildlife Conservation Commission (FWCC). The little blue heron and white ibis were observed perched in mangrove trees during the survey. A copy of a January 2005 Lee County aerial photograph with the survey transects and observed protected species locations is provided as Appendix A.

ABUNDANCE OF PROTECTED SPECIES OBSERVED

Density calculations for the observed Lee County protected specie was done in accordance with Step 8, Attachment 2 of the Lee County Survey Methodology adopted on August 30, 1989. The Lee County protected specie abundance calculation is provided in Table 5, while Table 6 summarizes the protected species survey findings.

Table 5. Lee County Protected Species Abundance Calculations

Protected Species Density:

$$= \{n/[L (w_1+w_2)]\} (43,560 \text{ ft.}^2/\text{ac})$$

Where n = number of individuals observed

L = length of transect

w₁ = distance of visibility to the right of transect

w₂ = distance of visibility to the left of transect

Little Blue Heron

FLUCFCS Code 6129 E1A

$$= \{1\text{LBHE}/[2,360\text{ft. } (25 \text{ feet} + 25 \text{ feet})]\}(43,560)$$

$$= \{1\text{LBHE} / 118,000 \}(43,560)$$

$$= \{8.4 \times 10^{-6}\}(43,560)$$

$$= 0.37 \text{ LBHE/Acre}$$

Table 6. Lee County Protected Species Survey Summary

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)
Reptiles and Amphibians					
American Alligator	540			X	N/A
	6129 E1			X	N/A
	6129 E3			X	N/A
Eastern Indigo Snake	184			X	N/A
	422			X	N/A
	740			X	N/A
	814			X	N/A
Gopher Tortoise	184			X	N/A
	422			X	N/A
	740			X	N/A
	814			X	N/A
Birds					
Burrowing Owl	180			X	N/A
	184			X	N/A
	740			X	N/A
	814			X	N/A
Limpkin	540			X	N/A

Table 6. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)
Birds (Continued)					
Little Blue Heron	540			X	N/A
	6129 E1		X		
	6129 E3			X	N/A
Reddish Egret	540			X	N/A
	6129 E1			X	N/A
	6129 E3			X	N/A
Roseate Spoonbill	540			X	N/A
	6129 E1			X	N/A
	6129 E3			X	N/A
Snowy Egret	540			X	N/A
	6129 E1			X	N/A
	6129 E3			X	N/A
Tri-Colored Heron	540			X	N/A
	6129 E1			X	N/A
	6129 E3			X	N/A
Wood Stork	6129 E1			X	N/A
	6129 E3			X	N/A
Mammals					
Everglades Mink	540			X	N/A
Florida Black Bear	6129 E1			X	N/A
	6129 E3			X	N/A
Plants					
Prickly-Apple	6129 E1			X	N/A
	6129 E3			X	N/A
	422			X	N/A
	6129 E1			X	N/A
	6129 E3			X	N/A
Twisted Air Plant	6129 E1			X	N/A
	6129 E3			X	N/A
	422			X	N/A
	6129 E1			X	N/A
	6129 E3			X	N/A

MANAGEMENT PLAN

Based on the Lee County protected species survey results and Appendix H of the LDC (i.e., Protected Species List), no management plan or buffer requirements are anticipated for the

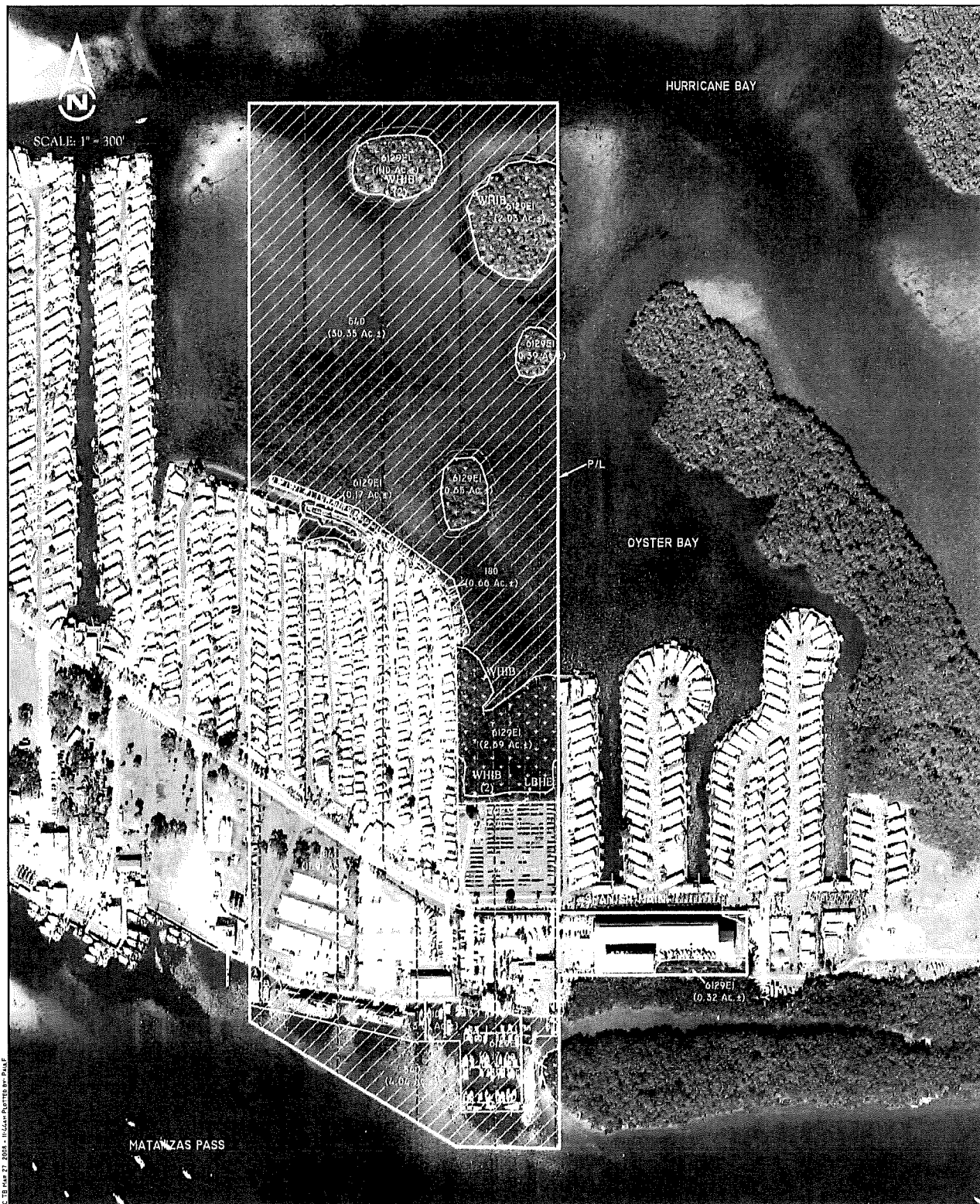
Project. The little blue heron was observed resting on vegetation during the survey and no nests or rookeries for this specie, or any other listed wading birds, including the white ibis, were noted on-site. This survey's findings are subject to the review and approval of ES staff, as well as, other applicable state and federal agencies.

REFERENCES

Florida Department of Transportation. 1999. Florida Land Use, Cover and Forms Classification System. Procedure No. 550-010-001-a. Third Edition.

APPENDIX A

AERIAL WITH FLUCFCS, SURVEY TRANSECTS, AND PROTECTED SPECIES LOCATIONS



SOURCE: AERIAL PHOTOGRAPHS ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY 2005.

- LEGEND:**
- POTENTIAL SFWMD AND COE WETLANDS (7.93 Ac.±)
 - POTENTIAL SFWMD "OTHER SURFACE WATERS" AND COE WATERS (38.66 Ac.±)
 - APPROXIMATE TRANSECT LINE
 - LBHE LITTLE BLUE HERON
 - WHIB WHITE IBIS

FLUCFCS CODE	DESCRIPTION	ACREAGE	% OF TOTAL
130	RESIDENTIAL, HIGH DENSITY	14.45 Ac.±	19.0%
180	BOAT DOCKS	4.27 Ac.±	5.8%
194	MARINA	11.91 Ac.±	15.7%
422	BRAZILIAN PEPPER	0.04 Ac.±	0.1%
540	BAYS AND ESTUARIES	34.39 Ac.±	45.2%
6129 E1	MANGROVES, DISTURBED (0-24% EXOTICS)	7.81 Ac.±	10.0%
6129 E3	MANGROVES, DISTURBED (50-75% EXOTICS)	0.32 Ac.±	0.4%
740	DISTURBED LAND	2.55 Ac.±	3.3%
814	ROAD	0.53 Ac.±	0.7%
TOTAL		76.07 Ac.±	100.0%

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY 2005.

PROPERTY BOUNDARY PER DELIST FITZGERALD, INC. DRAWING No.2007-1114 (2).dwg DATED AUGUST 31, 2007.

FLUCFCS LINES ESTIMATED FROM 1"-200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

UPLAND/WETLAND LIMITS HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

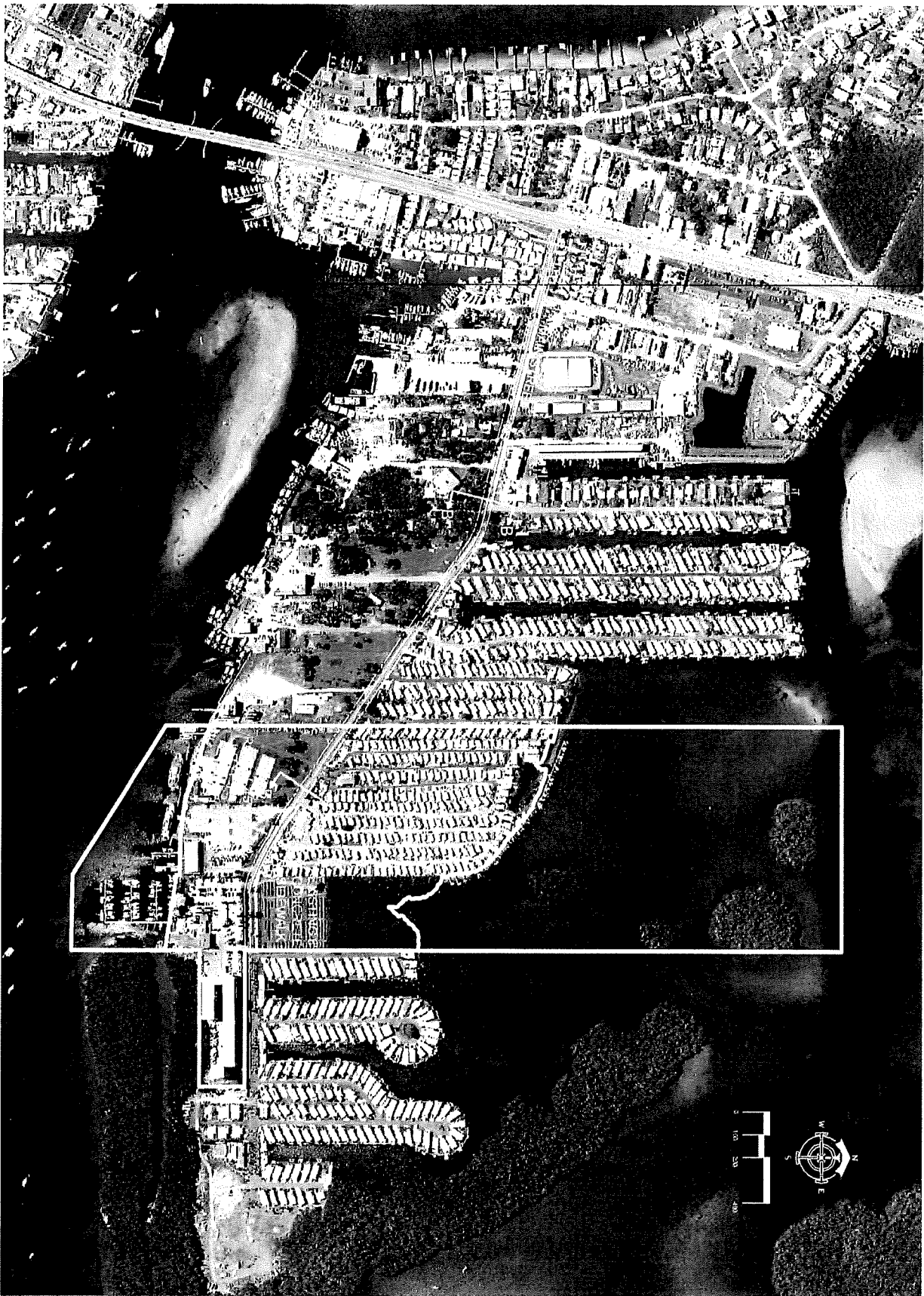
DRAWN BY P.F. DATE 8/30/07 REVIEWED BY D.A. DATE 8/30/07 REVISION F.L. DATE 10/10/07	9110 College Pointe Court Fort Myers, Florida 33919 Phone (239) 274-0067 Fax (239) 274-0069	PASSARELLA & ASSOCIATES CONSULTING ENGINEERS	EBBTIDE AERIAL WITH FLUCFCS, SURVEY TRANSECTS, AND PROTECTED SPECIES LOCATIONS	DRAWING No. 07DFH1738 SHEET No. APPENDIX A
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Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment P

Proposed Road Sections

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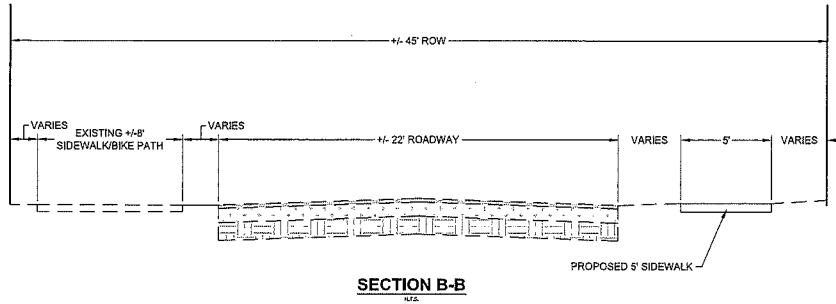
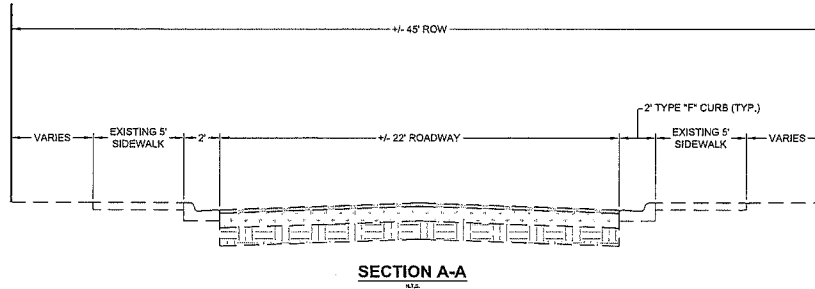
OWNER/DEVELOPER
McHarris Planning & Design 9001 Highland Woods Blvd., Suite 4 Bonita Springs, FL 34135
PROJECT:
EBBTIDE
PART OF SEC. 18 & 19, TWP. 46 S., RNG. 24 E., LEE COUNTY, FL

ENGINEER OF RECORD:
 AVERON S. THOMPSON, P.E., C.E., F.A.S.TE
 1910 ROYAL PLAZA SQUARE, 2ND FLOOR
 "GARY WOOD," SUITE 200
 GARY, IN 46708
 P (219) 418-0991

DELISI FITZGERALD, INC.
Planning • Engineering • Project Management

1500 Royal Palm Square Blvd., Suite 101
Fort Myers, FL 33919
239-418-0691 • 239-418-0692 fax

Florida certificate of authorization:
Engineering LB #: 76978



DELISI FITZGERALD, INC.
Planning · Engineering · Project Management
1500 Royal Palm Square Blvd., Suite 101
Fort Myers, FL 33919
239-418-0691 · 239-418-0692 fax
Florida certificate of authorization:
Engineering LB #: 26978

ENGINEER OF RECORD:
ANDREW B. FITZGERALD, P.E. (FOR THIS FIRM)
1500 ROYAL PALM SQUARE BLVD., SUITE 101
FORT MYERS, FL 33919
PHONE: 239-418-0691
TEXT: 239-418-0692

OWNER/DEVELOPER
McHarris Planning & Design
9001 Highland Woods Blvd., Suite 4
Bonita Springs, FL 34135
PROJECT:
EBBTIDE
PART OF SEC. 18 & 19, TWP. 46 S., RNG. 24 E., LEE COUNTY, FL.

DATE	DESCRIPTION

ROADWAY SECTIONS	
Project Manager:	ADP
Drawn By:	KDA
Checked By:	ADP
Project Number:	21079
Call File:	KCS1079-EBBTIDE\CAD\21079 ROW
Scale:	-
Scale:	-
Status: FOR PERMITTING PURPOSES ONLY NOT FOR CONSTRUCTION	
Sheet Number:	02

Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

Attachment Q

Water Taxi Analysis

San Carlos Island Water taxi



What is it?

Water taxis are the best way to see and get around San Carlos Island and Fort Myers Beach without all the hassle of traffic and parking. Our boats provide regular service between the islands hottest spots and attractions. Water Taxis are fast and fun, so you'll see more sights in less time and enjoy a stress-free, breezy ride.

How does it work?

Boats pick up at each stop on a regular schedule. You can also buy passes as you board the boat or get a day pass and hop on and off as much as you like . Please note: a ticket for this service does not guarantee availability aboard the Water Taxi.

What does it cost?

Water Taxi Tickets -Tickets can be purchased on board, online or at our ticket kiosk, and must be paid with cash, travelers' checks, or local-area personal checks.

Fare Details (Effective May 5, 2008)

Family Pack \$XX.00

Includes 2 regular fares and up to 3 youth or seniors.

Regular \$XX.00

Unlimited rides all day.

Youth/Senior \$ XX.00

Seniors 65 and over, Youth 12 and under.

Proof of age is required.

Monthly Pass\$XX.00

valid for unlimited rides for one person for the month purchased

- Water Taxi Tickets are not redeemable, refundable, or transferable.
- Damaged, illegible tickets are invalid and will not be replaced by Water Taxi or its authorized distributors.
- US Coast Guard Regulations limit our boat's maximum capacity. Seating is subject to availability.

Annual Pass \$XX.00

Valid for unlimited rides for one person for one calendar year from the date of purchase.

- Water Taxi Tickets are not redeemable, refundable, or transferable.
- Damaged, illegible tickets are invalid and will not be replaced by Water Taxi or its authorized distributors.
- US Coast Guard Regulations limit our boat's maximum capacity. Seating is subject to availability.

Water Taxi FAQ

What is the Water Taxi?

The Water Taxi is a private company based out of the Hotel offering transportation and recreation on and around Matanzas Pass. We offer three types of service:

1. Beach Routes. Operating peak hours seven days a week, these routes provide a fast and comfortable way to get to beach without taking your car.
2. Hop-on/Hop-off. Operating from 8am to 8pm, this service provides a fun way to get around the islands and a great way to see the sights. 1-Day and 2-Day unlimited passes are available, or you can buy a one-way ticket.
3. Harbor Tours. The best way to see the sites, the dolphins, the sunset and more. .

I'm trying to get from A to B - how do I find the right schedule?

The best way is to look at our maps, to find the routes that go to your desired destination. Remember that beach services operate rush hours only, and the Hop-on/Hop-off service runs 11 am- 7:40 pm weekends. There is no service on the gulf side.

Can I call a Water Taxi to pick me up?

No, Water Taxis operate on a set schedule.

Can I rent a Water Taxi for a private event?

Yes. Please call our office at 239 742 1969 ext 217. More info.

Are animals allowed on board?

Only Assisted Life Doges and Seeing Eye Dogs - no other animals are permitted.

Can you bring bikes on board?

Yes. The crew will help you fasten them to the rail on the front deck (they cannot be brought into the interior cabin).

Are the boats accessible to the handicapped?

All our boats are designed to be ADA accessible, as are all docks that we install. We also stop at public docks, however, so if you're not sure about whether you can board at a specific location, please call ahead and ask. Wheelchairs do not have access to the top deck.

Can I bring food?

Yes, passengers may bring their own food and soft drinks. No alcoholic beverages may be brought on board.

How do I buy tickets?

Most tickets (including Hop-on/Hop-off passes, commuter tickets and harbor tours) can be bought on the boat at the time of departure or online. For harbor tours and special events, we recommend booking in advance, either by calling us at 239 742 1969 ext 0 with a credit card, or buying online through this website. Monthly passes for commuters must be

purchased through the office at 239 742 1969 ext 201.

Do you offer group discounts?

Yes for groups of 10 or more. Please call 212 742 1969 ext 211 to book a group tour with us.

Do you sell a monthly pass?

Yes

Do you allow smoking on the boats?

Water Taxi boats are smoke-free.

Does the service run all year long?

Yes, we run all year long. Service In the summer months our beach service continues to run, but Hop-on/Hop-off is suspended and harbor tours run on a reduced schedule.

What happens if the weather is bad?

Our Taxi vessels are safe in all conditions and include a climate-controlled interior cabin. Unless announced otherwise, services run rain or shine.

Are your boats good for the harbor?

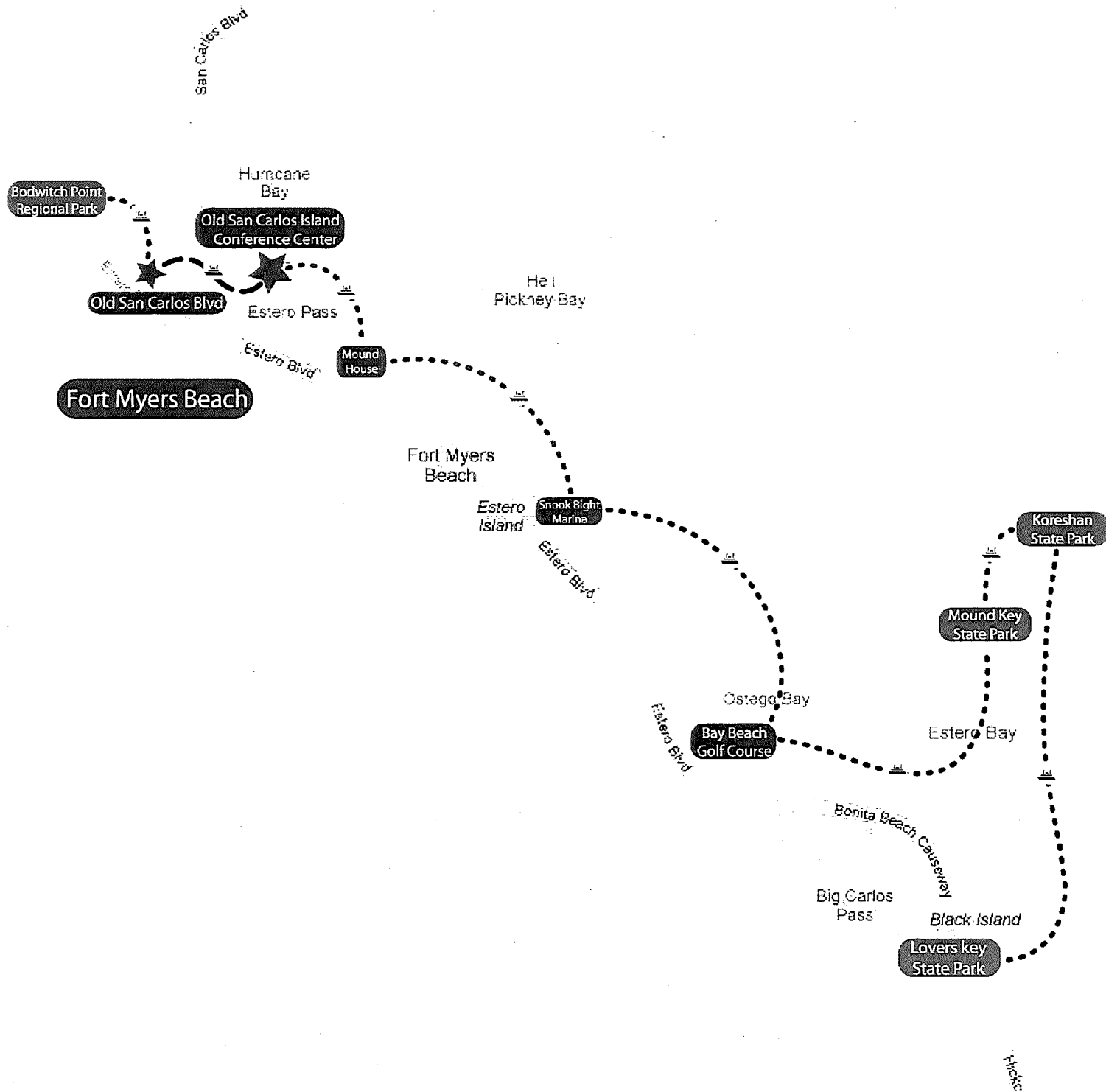
Yes. Our Taxis are designed with low-wake hulls to minimize impact on aquatic life and employ state-of-the-art low-emission technology. They are some of the most environmentally friendly boats pass.

Does the service run on Holidays?

Yes.

How many passengers do the boats carry?

We have xx-passenger vessels and xx-passenger vessels.



San Carlos Blvd

Hurricane Bay

Bodwitch Point Regional Park

Old San Carlos Island Conference Center

Old San Carlos Blvd

Estero Pass

Estero Blvd

Mound House

Fort Myers Beach

Fort Myers Beach

Coconut



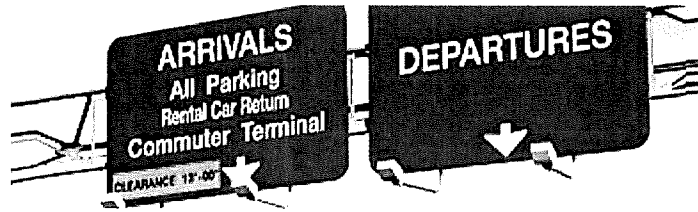
Old San Carlos Island-Comp Plan Amendment

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Attachment R

Airport Shuttle Analysis

The San Carlos Island Hotel and Resort Shuttle Service

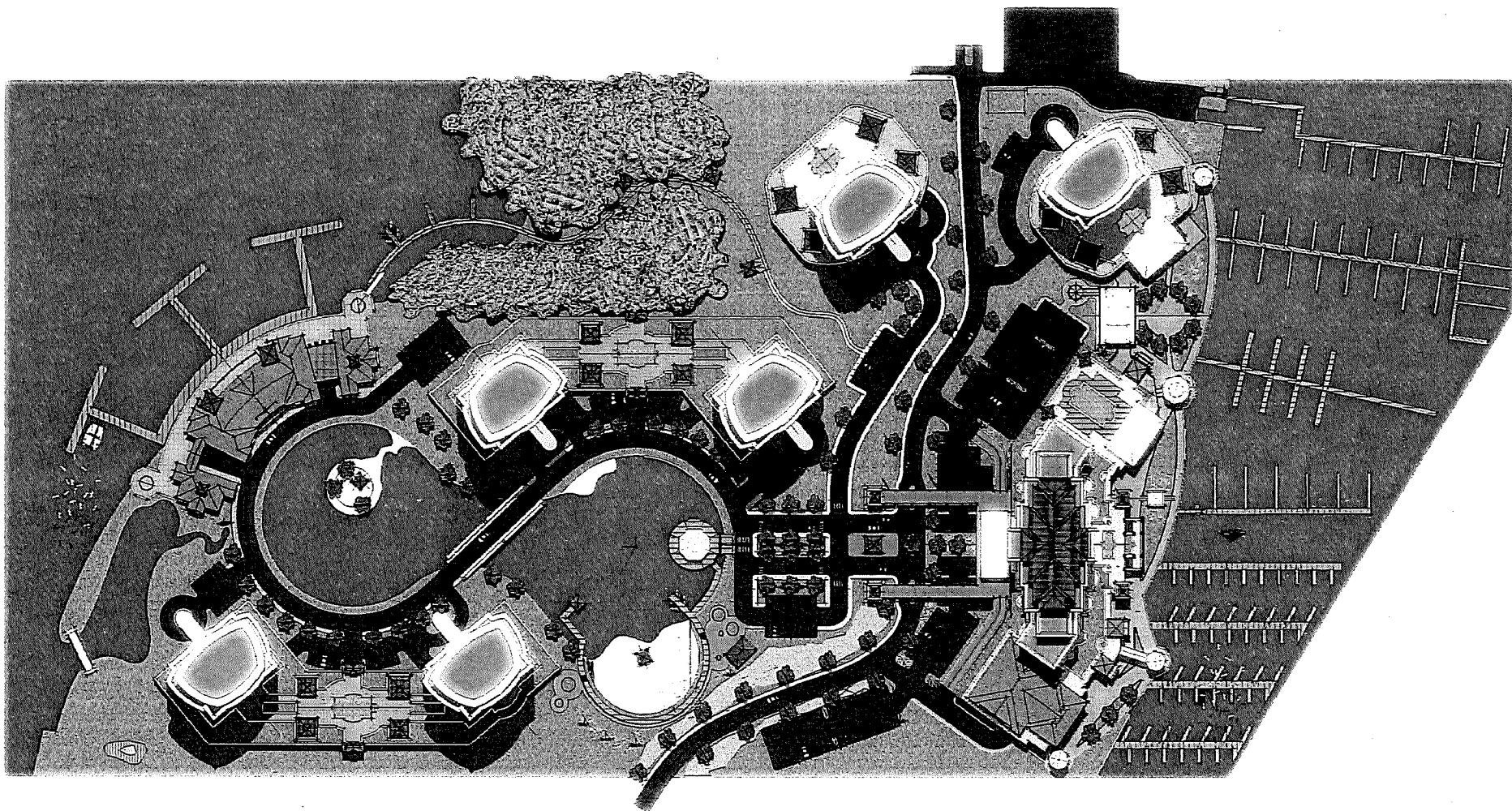


Free International Airport Transportation

As a courtesy to our guests, we provide complimentary airport transportation to and from Southwest Florida international Airport located just x miles from the San Carlos Island Hotel. Shuttle transportation is available from 5:30 am – 10:30 pm seven days a week (upon arrival, please contact the hotel to request shuttle transportation). Special arrangements can be made for pickup outside those hours by contacting the hotel directly at XXX-XXX-2000.









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Lee County Application for a Comprehensive Plan Amendment

Attachment S

Project Conceptual Analysis