



March 21, 2016

John Manning  
*District One*

Cecil L. Pendergrass  
*District Two*

Larry Kiker  
*District Three*

Brian Hamman  
*District Four*

Frank Mann  
*District Five*

Roger Desjarlais  
*County Manager*

Richard Wm. Wesch  
*County Attorney*

Donna Marie Collins  
*Hearing Examiner*

Ray Eubanks, Plan Processing Administrator  
State Land Planning Agency  
Caldwell Building  
107 East Madison – MSC 160  
Tallahassee, FL. 32399-0800

Re: Amendment 16-1 ESR  
Adoption Submission Package

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, this submission package constitutes the adoption of Comprehensive Plan Amendment known locally as CPA2015-13. This amendment packet includes the final action and adopting ordinance for the following amendment:

CPA2015-00013, Pine Island Community Plan Update: Amend the Lee Plan to incorporate updates to the Pine Island Community Plan. The amendments include changes to the Future Land Use Element, the Transportation Element, the Capital Improvement Element, the Conservation and Coastal Management Element, the Glossary and Tables 1(a), 2(a), and 2(b) of the Lee Plan. (Adopted by Ordinance 16-07)

The Lee County Board of County Commissioners held an adoption hearing to adopt the above identified ordinance for the plan amendment on Wednesday, March 16, 2016. As required by F.S. 163.3184, the final action on these amendments was completed within 180 days of the receipt of the State Land Planning Agency's review letter.

Changes were made to the adopted amendment to address comments made by the State Reviewing Agencies. These changes are discussed in Part VII of the staff report and identified in the adopting ordinance as well as in Attachment 1 to the staff report.

The name of the local newspaper in which the Adoption Hearing was published is The News-Press, Fort Myers, Florida.

The name, title, address, telephone number, facsimile number, and email address of the person for the local government who is most familiar with the proposed amendments is as follows:

Mr. Brandon Dunn, Principal Planner  
Department of Community Development  
Planning Section  
P.O. Box 398  
Fort Myers, Florida 33902-0398  
(239) 533-8585  
Fax (239) 485-8344  
Email: bdunn@leegov.com

Included with this package is one paper copy and two CD ROM copies, in PDF format, of the proposed amendment and supporting data and analysis. All documents and reports attendant to this submission are also being sent, by copy of this cover, to:

Comprehensive Plan Review  
Department of Agriculture and Consumer Services

Tracy D. Suber  
Department of Education

Plan Review  
Department of Environmental Protection

Deena Woodward  
Florida Department of State

Scott Sanders  
Florida Fish and Wildlife Conservation Commission

Sarah Catala  
FDOT District One

Margaret Wuerstle  
Southwest Florida Regional Planning Council

Terry Manning, A.I.C.P., Policy and Planning Analyst, Water Supply Coordination Unit  
South Florida Water Management District

Sincerely,  
**DEPT. OF COMMUNITY DEVELOPMENT**  
**Planning Section**



Mikki Rozdolski, Planning Manager



# The News-Press media group

news-press.com A GANNETT COMPANY

Attn: Mikki Rozdolski  
**LCBC-DEPT OF GROWTH MGMT -A**  
**1700 MONROE ST**  
**FORT MYERS, FL 33901**

## STATE OF FLORIDA COUNTY OF LEE:

Before the undersigned authority personally appeared Shari Terrell, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

### Notice Public Hearing

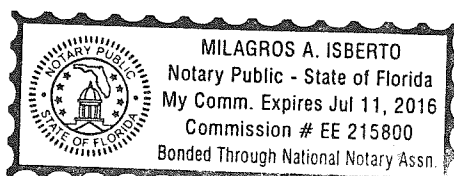
In the Twentieth Judicial Circuit Court was published in said newspaper in the issues of:

**01/11/16**

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 11th of January 2016, by Shari Terrell who is personally known to me.

*Milagros A. Isberto*  
 Milagros A. Isberto  
 Notary Public for the State of Florida  
 My Commission expires July 11, 2016



### NOTICE OF PROPOSED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE LAND USE PLAN (TRANSMITTAL HEARING)

The Lee County Board of County Commissioners will hold a public hearing to consider proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, January 20, 2016. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers at 2120 Main Street in Downtown Fort Myers. At the hearing, the Board will consider the proposed amendments for transmittal to the Florida Department of Economic Opportunity.

CPA2015-000013, Pine Island Community Plan Update Amend the Lee Plan to incorporate updates to the Pine Island Community Plan. The amendments include changes to the Future Land Use Element, the Transportation Element, the Capital Improvement Element, the Conservation and Coastal Management Element, the Glossary and Tables 1(a), 2(a), and 2(b) of the Lee Plan.

This transmittal hearing is the first step in a two step public hearing process to amend the Lee Plan. A second hearing will follow the Department of Economic Opportunity's review of the application.

This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to the proposed plan amendment. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing. Persons with disabilities who need an accommodation to participate in the public hearing should contact Janet Miller at 239-533-8583 or jmliller@leegov.com. To ensure availability of services, please request accommodation as soon as possible but preferably five or more business days prior to the event. Persons using a TDD may contact Janet Miller through the Florida Relay Service, 711. January 11, 2016 AD#976821

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Attn: Mikki Rozdolski  
LCBC-DEPT OF GROWTH MGMT -A  
1700 MONROE ST  
FORT MYERS, FL 33901

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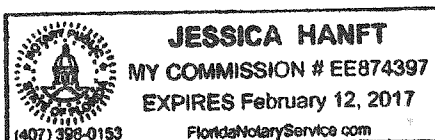
**03/04/16**

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 4th of March 2016, by Shari Terrell who is personally known to me.



Jessica Hanft  
Notary Public for the State of Florida  
My Commission expires February 12, 2017



### NOTICE OF PROPOSED AMENDMENT: TO THE LEE COUNTY COMPREHENSIVE LAND USE PLAN (ADOPTION HEARING)

The Lee County Board of County Commissioners will hold a public hearing to consider the adoption of proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, March 16, 2016. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers, 2120 Main Street in Downtown Fort Myers.

The Board proposes to adopt an ordinance amending the Lee Plan as follows:

CPA2015-00013 - Pine Island Community Plan Update. Amend the Lee Plan to incorporate updates to the Pine Island Community Plan. The amendments will include changes to the Future Land Use Element, the Transportation Element, the Conservation and Coastal Management Element, the Glossary and Tables 1(a), 2(a), and 2(b) of the Lee Plan.

The Board proposes to adopt an ordinance amending the Lee Plan as follows:

CPA2015-00012 - Hill Tide Estates. The request is to amend the Lee Plan Future Land Use Map to redesignate the future land use category of approximately 9.98 acres located at the southeast corner of Gulf Boulevard and Belcher Road from "Public Facilities" to "Urban Community."

This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to the proposed plan amendment. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing. Persons with disabilities who need an accommodation to participate in the public hearing should contact Janet Miller at 239-533-8583 or jmliller@leegov.com. To ensure availability of services, please request accommodation as soon as possible but preferably five or more business days prior to the event. Persons using a TDD may contact Janet Miller through the Florida Relay Service, 711. AD#1072488 March 4, 2016

### NOTICE OF PROPOSED AMENDMENTS TO THE LEE COUNTY COMPREHENSIVE LAND USE PLAN (ADOPTION HEARING)

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**LEE COUNTY ORDINANCE NO. 16-07  
PINE ISLAND COMMUNITY PLAN UPDATE  
(CPA2015-00013)**

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO THE PINE ISLAND COMMUNITY PLAN UPDATE (CPA2015-00013) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF "THE LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") Policy 2.4.1. and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on December 14, 2015; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on January 20, 2016. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Pine Island Community Plan Update (CPA2015-00013) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the January 20, 2016 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on March 16, 2016, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:**

## SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map and text amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "Pine Island Community Plan Update Ordinance (CPA2015-00013)."**

## SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, which amends the Lee Plan to incorporate updates to the Pine Island Community Plan. The amendments include changes to the Future Land Use Element, the Transportation Element, the Capital Improvement Element, the Conservation and Coastal Management Element, the Glossary and Tables 1(a), 2(a), and 2(b) of the Lee Plan, known as Pine Island Community Plan Update (CPA2015-00013).

The corresponding Staff Reports and Analysis, along with all attachments for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached as Exhibit A.

## SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

## SECTION FOUR: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

## SECTION FIVE: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.



## SECTION SIX: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

## SECTION SEVEN: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

## SECTION EIGHT: EFFECTIVE DATE

The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status.

THE FOREGOING ORDINANCE was offered by Commissioner Manning, who moved its adoption. The motion was seconded by Commissioner Hamman. The vote was as follows:

|                     |     |
|---------------------|-----|
| John E. Manning     | Aye |
| Cecil L Pendergrass | Aye |
| Larry Kiker         | Nay |
| Brian Hamman        | Aye |
| Frank Mann          | Aye |

DONE AND ADOPTED this 16<sup>th</sup> day of March, 2016.

ATTEST:  
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF  
COUNTY COMMISSIONERS

BY: Michelle Miller  
Deputy Clerk

BY: Franklin B. Mann  
Franklin B. Mann, Chair



DATE: 3/16/2016

Approved as to Form for the  
Reliance of Lee County Only

[Signature]  
County Attorney's Office

Exhibit A: Adopted revisions to Pine Island Community Plan  
(Adopted by BOCC March 16, 2016)



## EXHIBIT A

**Note: Text depicted with underscore represents additions to the Lee Plan. Strike-through text represents deletions from the Lee Plan.**

### **Text Amendments:**

#### **Future Land Use Element:**

**POLICY 1.1.2:** The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers, East Fort Myers west of I-75, and South Fort Myers. 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 encouraged to be developed as described in Policy 2.12.3., where appropriate. As Lee County develops as a metropolitan complex, 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~~ eight dwelling units per acre (7–8 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum total density is twenty-two dwelling units per acre (22 du/acre). The maximum total density may be increased to thirty dwelling units per acre (30 du/acre) utilizing Greater Pine Island Transfer of Development Units.

**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 with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. 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 total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units.

**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, South Fort Myers, Iona/McGregor, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to

maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6) with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre). The maximum total density may be increased to fifteen dwelling units per acre (15 du/acre) utilizing Greater Pine Island Transfer of Development Units. ~~Any bonus densities approved on the properties added to the Urban Community future land use category in conjunction with CPA2010-00002 must be achieved through use of the transfer of development rights program.~~

**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. This category has a standard density range from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre). The maximum total density may only be increased to eight dwelling units per acre (8 du/acre) utilizing Greater Pine Island Transfer of Development Units. Other forms of bonus densities are not allowed.~~

**POLICY 1.4.7:** The Coastal Rural land use category is established for the Greater Pine Island Planning Community to address the area's predominantly rural character, coastal environment, existing agricultural uses, limited public infrastructure, and its location within and proximity to the Coastal High Hazard Area and Hurricane Vulnerability Zone. ~~areas will remain rural except for portions of properties where residential lots are permitted in exchange for permanent preservation or restoration of native upland habitats or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, on the remainder of the property.~~

The standard maximum density is one dwelling unit per 2.7 acres (1 du/2.7 acres) ~~ten acres (1 DU/10 acres).~~ Maximum densities ~~may~~ will be increased to an "Adjusted Maximum Density" of one dwelling unit per acre (1 du/acre) where 70% of the overall development parcel(s) is: maintained as native habitat; or restored as native habitat; or maintained in agricultural use on those parcels identified as existing farmland on Lee Plan Map 21. ~~as higher percentages of native habitat are permanently preserved or restored on the uplands portions of the site, or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, in accordance with the chart below.~~

Residential developments containing ten (10) or more dwelling units must be approved through the planned development rezoning process and as part of the planned development

process must: a) demonstrate the implementation of adopted design standards and development approaches that support and maintain the rural character; b) provide notification to property owners of permitted adjacent agricultural uses and their right to continue operations; and c) provide mitigation for impacts to hurricane evacuation clearance times and shelter needs.

Permitted land uses include agriculture, fill-dirt extraction, conservation uses, minimal non-residential land uses, limited to marinas, fish houses, and minor commercial uses that are necessary to provide basic commercial services to serve the island residents and visitors as set forth in Policy 14.4.5, and low density residential uses up to the following densities. Bonus densities are not allowed in this land use category.

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

Existing farmland is depicted on Map 21. Areas for buffers, lakes, and utilities may consist of up to 10% of the upland preserve areas.

**POLICY 4.2.4:** The Mixed Use Overlay may include areas within the Coastal High Hazard Area when unique public benefits exist. Such benefits may include providing workforce housing options for employees of businesses located on barrier islands when transit is provided between the workforce housing and the employment areas. Bonus densities within the Coastal High Hazard Area may only be achieved through the site-built affordable housing program.

**POLICY 4.2.7:** ~~Development located in the Mixed Use Overlay applying Chapter 32—Compact Communities of the Lee County Land Development Code will not be subject to the site location standards listed in Policy 6.1.2 and 6.1.2.7.~~



**POLICY 4.3.8:** Properties in a Mixed Use Overlay Zone, ~~not within the Coastal High Hazard Area,~~ will be considered as are preferred receiving areas for Transferable Development Rights (TDRs) and will allow these TDRs to serve as a method for obtaining achieving allowable bonus densities. Projects utilizing Greater Pine Island TDUs are eligible for increased maximum total densities, as set forth in this plan, and additional development incentives to encourage a compact and functional development pattern.

**POLICY 6.1.2:** Commercial development in non-urban future land use categories is limited to minor commercial and located so that the retail use, including buildings and outdoor sales area, is located at the intersection (within 330 feet of the adjoining rights-of-way of the intersecting roads) of arterial and collector roads or two collector roads with direct access to both intersecting roads. Direct access may be achieved with an internal access road to either intersecting roads. On islands, without an intersecting network of collector and arterial roads, commercial development may be located at the intersection of local and collector, or local and arterial, or collector and collector roads. Commercial development must be consistent with the location criteria in this policy except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Policy 32.2.4 or located in the Mixed Use Overlay utilizing Chapter 32—Compact Communities of the Land Development Code.

~~1. Minor Commercial~~

~~a. Major function: Provides for the sale of convenience goods and services.~~

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

~~(3) Within a residential planned development provided it is located and designed primarily to meet the commercial needs of the residents of the development.~~

~~e. Site Area: Two acres or less.~~

~~d. Range of Gross Floor Area: Less than 30,000 square feet.~~

~~e. When developed as part of a mixed use planned development, and meeting the use limitations, modified setback standards, signage limitations and landscaping provisions, retail uses may deviate from the locational requirements and maximum square footage limitations, subject to conformance with the Estero Community Plan as outlined in Policies 19.2.3 and 19.2.4, and through approval by the Board of County Commissioners.~~

## ~~2. Neighborhood Commercial~~

~~a. Major function: Provide for the sale of convenience goods and personal services such as food, drugs, sundries, and hardware items.~~

~~b. Typical leading tenants: Supermarket and drug store.~~

~~c. Location: Must be located as follows (except where this plan provides specific exceptions):~~

~~At the intersection of an arterial and a collector or two arterials so that direct access is provided to both intersecting roads. Such direct access may be provided via an internal access road to either intersecting road. On Lee County's islands where there is no intersecting network of collectors and arterials, neighborhood commercial centers may be located using the standards for minor commercial centers.~~

~~d. Site Area: 2 to 10 acres.~~

~~e. Range of Gross Floor Area: 30,000 to 100,000 square feet.~~

~~f. In that portion of North Fort Myers lying between the Cape Coral city limits and the old S.A.L. railroad grade and north of the junction of the 41s, an exception to the strict adherence to the location standards in subsection (c) may be granted upon the approval of an application for Commercial Planned Development rezoning if the Board of County Commissioners makes a formal finding that the proposed project:~~

~~(1) is located on an existing arterial road;~~

~~(2) is located at the intersection of that arterial with a future collector or arterial that is indicated on the Official Trafficways Map; and~~  
~~(3) will provide (or at~~

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

### ~~3. Community Commercial~~

- ~~a. Major function: Some functions of neighborhood commercial, in addition to providing for the sale of retail goods such as clothing, variety items, appliances, and furniture.~~
- ~~b. Typical leading tenants: Supermarket, drug store, minor department store, variety store, or discount center.~~
- ~~c. Location: Must be located as follows (except where this plan provides specific exceptions):~~

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

- ~~d. Site Area: 10 to 35 acres~~
- ~~e. Range of Gross Floor Area: 100,000 to 400,000 square feet.~~
- ~~f. Notwithstanding prohibitions contained elsewhere in this plan, community commercial development may be granted in a portion of the Suburban land use category in North Fort Myers lying between the Cape Coral city limits and the old S.A.L. railroad grade and north of the junction of the 41s upon the approval of an application for Commercial Planned Development rezoning if the Board of County Commissioners makes a formal finding that the proposed project:~~

- ~~(1) — is located on an existing arterial road;~~
- ~~(2) — is located at the intersection of that arterial with a future arterial road that is indicated on the Official Trafficways Map; and~~
- ~~(3) — will provide (or at least not interfere with) an acceptable alignment for the future roadway which is the justification for the approval, relative to both extensions of that future roadway from the point of intersection with the existing road.~~

### ~~4. Regional Commercial~~

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



- b. ~~Typical leading tenants: One or more full-line department stores.~~
  - e. ~~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.~~
5. ~~Commercial development at the intersection will extend no more than one-quarter mile from the centerline of the intersection and must include proper spacing of access points, with the following exception: in a commercial development approved under the planned development rezoning process, at the intersection may extend beyond one-quarter mile from the intersection, provided that:~~
- a. ~~direct access is provided to the development within one-quarter mile of the intersection;~~
  - b. ~~an internal access road or frontage road provides access to the intersecting street prior to occupancy of the development; and~~
  - e. ~~all access points meet Land Development Code requirements for safety and spacing.~~
  - d. ~~the retail commercial use, including any outdoor sales, does not extend beyond one-half mile from the centerline of the intersection.~~

6. ~~Any contiguous property under one ownership may, at the discretion of the Board of County Commissioners, be developed as part of the interstate interchange, except in the Mixed Use Interchange district, provided the property under contiguous ownership to be developed as part of the interstate interchange does not extend beyond three-quarters of a mile from the interchange centerpoint. Applications seeking interstate uses outside of the interstate highway interchange area will be evaluated by the Board considering the following factors: percentage of the property within the interstate interchange; compatibility with existing adjacent land uses; and, compatibility with surrounding Future Land Use Categories. This is intended to promote planned developments under unified ownership and control, and to insure proper spacing of access points.~~
7. ~~The location standards specified in Subsections 1-4 will apply to the following commercial developments: shopping centers; free-standing retail or service establishments; restaurants; convenience food stores; automobile dealerships; gas stations; car washes; and other commercial development generating large volumes of traffic. These location standards will not apply to the following: banks and savings and loan establishments without drive-in facilities; hotels or motels; marinas; general, medical, or professional offices; industrial, warehouse, or wholesale development; clubs, as defined in Chapter 34 of the Land Development Code (commercial clubs excepted); and other similar development. The distinction in this subsection between these two major types of commercial uses does not apply in Lehigh Acres, where commercial uses are permitted in accordance with Policy 32.2.4. These location standards will not apply to property in the Mixed Use Overlay when Chapter 32—Compact Communities of the Land Development Code is applied.~~
8. ~~The standards specified in Subsections 1-4 for location, floor area and site area will serve as guidelines during the rezoning process (allowing limited discretion by the Board of County Commissioners in special cases in which retail uses are the only reasonable use of the parcel in light of its size, its proximity to arterials and collectors, and the nature of the existing and projected surrounding uses, including but not limited to environmental factors) but are strict requirements during the development order process in the case of zoning that existed prior to the effective date of the Lee Plan (December 21, 1984). The other standards specified in Subsections 1-4 will serve generally to indicate the types of development which are likely to fall within each commercial category. Proposed rezonings to commercial zoning districts that include both uses that are subject to the standards in Subsections 1-4 and uses that are not (see Subsection 7) may be found consistent with the Lee Plan by the Board of County Commissioners even if the subject parcel does not comply with the applicable location standard; provided, however, that no development orders will be issued on any such parcel for any use to which the standards in Subsection 1-4 is applicable, and all such development orders must be consistent with the level of service requirements in Policy 95.1.3.~~



9. ~~The location standards in this policy are not applicable in the following areas:~~
- a. ~~In the Interchange land use category~~
  - b. ~~In Lehigh Acres where commercial uses are permitted in accordance with Goal 32~~
  - c. ~~Within the Captiva community in the areas identified by Policy 13.2.1, in Area 9 of the University Community Conceptual Master Plan, or within the Mixed Use Overlay when utilizing Chapter 32 – Compact Communities of the Land Development Code.~~
  - d. ~~In the Density Reduction/Groundwater Resource land use category where some commercial development is permitted under Objective 33.3.~~
10. ~~The Board of County Commissioners may approve applications for minor commercial centers that do not comply with the location standards for such centers but which are consistent with duly adopted CRA and Community plans.~~
11. ~~Uses that must comply with Subsections 1-4 may occur at the outside of a T-intersection so long as direct access is provided from at least two points on the adjacent intersecting road, one of which must be an extension of the other intersecting road.~~
12. ~~Map 19 illustrates the existing Lee County intersections that are deemed to be consistent with the standards in subsections 2 and 3. Neighborhood and community commercial centers must be located at one of the designated intersections, at another intersection utilizing the list of Functional Classification for Arterial and Collector Roads, or in accordance with one of the exceptions under Goal 6, or in Lehigh Acres in accordance with Policies 1.8.1 through 1.8.3. The map shows some intersections with half circles and others with full circles. Half circles indicate that only the two intersection quadrants shown on the map are deemed to be consistent with the standards. All of the quadrants of intersections designated with full circles are deemed to be consistent with the standards. Proposed neighborhood and community commercial centers that are located at the designated intersections are subject to all of the other Goals, Objectives and Policies of this Plan.~~

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



roads. The map will be revised annually during the county's regular plan amendment cycle.

- ~~13. Freestanding single use commercial retail development of five (5) acres or more does not qualify as a Neighborhood Center as that term is used in the Suburban and Outlying Suburban Future Land Use Categories. (Amended by Ordinance No. 93-25, 94-30, 98-09, 99-15, 99-18, 00-22, 02-02, 07-09, 10-05, 10-16, 10-19, 10-40, 11-18)~~

**GOAL 14: GREATER PINE ISLAND.** To manage future growth on and around Greater Pine Island so as to: maintain the island's unique natural resources, rural character, and coastal environment; ~~and its~~ support the viable and productive agricultural community and other local businesses; and to protect the public health, safety and welfare of ~~insure that~~ island residents and visitors have a reasonable opportunity to evacuate when a hurricane strike is imminent. For the purposes of this plan, the boundaries of Greater Pine Island are indicated on Lee Plan Map 1, Page 2 the Future Land Use Map.

**OBJECTIVE 14.1: NATURAL RESOURCES.** County regulations, policies, and discretionary actions affecting Greater Pine Island will permit no further degradation of estuarine and wetland resources, and ~~no unnecessary loss of~~ will serve the long-term preservation of native upland vegetation and wildlife habitat.

**POLICY 14.1.3:** Lee County will, ~~by 1996,~~ explore the possibility of estimating the aerial extent and maturity of mangroves in Greater Pine Island for the purpose of providing baseline data necessary to ensure that the cumulative impact of mangrove alteration does not decrease the combination of aerial extent and maturity of mangroves relative to the baseline data.

~~**POLICY 14.1.8:** The county reclassified all uplands on Pine Island previously designated as Rural to a new Coastal Rural designation on the Future Land Use Map. The purposes of this redesignation was to provide a clearer separation between rural and urban uses on Pine Island, to discourage the unnecessary destruction of native upland habitats, and to avoid placing more dwelling units on Pine Island that can be served by the limited road capacity to the mainland. The Coastal Rural designation is designed to provide land owners with maximum flexibility while accomplishing these public purposes.~~

**POLICY 14.1.8:** Lee County will support practices that reduce pesticides, fertilizers, animal waste, and other pollutants entering Greater Pine Island's estuarine and wetland resources.

**POLICY 14.1.9:** Lee County will support the use of central sanitary sewer service to reduce potential contamination to groundwater or the surrounding estuarine systems from on-site septic systems.

**OBJECTIVE 14.2: ROAD IMPROVEMENTS.** The county will continually monitor traffic levels within Greater Pine Island to on Pine Island Road to insure that the sum of the current population plus development on previously approved land plus new development approvals will not exceed maintain hurricane evacuation clearance times in accordance with Objective 14.8, the capacity of existing and committed roadways between Pine Island and mainland Lee County.

**POLICY 14.2.1:** Lee County will monitor impacts to the existing transportation infrastructure of Greater Pine Island recognizing the limited access to the community and the seasonal nature of infrastructure demand.

**POLICY 14.2.2:** By 2030 Lee County will work toward attaining a level of service for out of county hurricane evacuation for a Category 5 storm event that does not exceed 18 hours. Lee County will maintain a maximum hurricane evacuation clearance time of 18 hours for Greater Pine Island in accordance with Objective 14.8. When the evacuation clearance time reaches 16 hours, Lee County will develop mitigation regulations to address transportation deficiencies, sheltering needs, and other public safety measures. When the evacuation clearance time of 18 hours is exceeded, Lee County will impose the additional mitigation measures.

**POLICY 14.2.3:** Lee County with the Florida Department of Transportation to identify hurricane evacuation roadway capacity improvements in order to maintain evacuation clearance time standards for Greater Pine Island.

**POLICY 14.2.1:** The minimum acceptable level of service standard for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is hereby established as LOS D on an annual average peak hour basis and LOS "E" on a peak season, peak hour basis. This standard will be measured at the county's permanent count station on Little Pine Island and using the methodology described in the 1985 Highway Capacity Manual, Special Report 209.

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

- When traffic on Pine Island Road reaches 810 peak hour, annual average two-way trips, the regulations will restrict further rezonings which would increase traffic on Pine Island Road through Matlacha. These regulations shall provide reasonable exceptions for minor rezonings on infill properties surrounded by development at similar intensities and those with inconsequential or positive effects on peak traffic flows

~~through Matlacha, and may give preference to rezonings for small enterprises that promote the nature and heritage of Greater Pine Island.~~

- ~~• When traffic on Pine Island Road reaches 910 peak hour, annual average two-way trips, the regulations will provide restrictions on the further issuance of residential development orders (pursuant to chapters 10 of the Land Development Code), or other measures to maintain the adopted level of service until improvements can be made in accordance with this plan. The effect of these restrictions on residential densities must not be more severe than restricting densities to one-third of the maximum density otherwise allowed on that property.~~

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

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

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

**POLICY 14.2.4:** ~~The county will make every effort to continue extending the bicycle path to run the entire length of Stringfellow Road. Wherever possible, t~~This path should be designed as a major public amenity similar to the high-quality design used for similar to the bicycle path north of Pineland that was completed in 2001.

~~**POLICY 14.2.5:** Lee County will investigate the merits of creating a concurrency exception area for a portion of Pine Island Center. The concurrency exception area will promote the expansion of public transportation to and from the Greater Pine Island area.~~

**POLICY 14.2.5:** Lee County will continue to evaluate pedestrian safety and circulation, and will seek to minimize pedestrian-vehicular conflicts within the Matlacha Historic District.

**POLICY 14.2.6:** Lee County will assess the benefits of expanding mass transit services to Greater Pine Island to minimize the number of vehicular trips through Matlacha, and will encourage projects to accommodate bus stops, multi-modal opportunities, ride share lots, water taxis, and/or pedestrian connectivity.



**OBJECTIVE 14.3: RESIDENTIAL LAND USES.** County regulations, policies, and discretionary actions will recognize certain unique characteristics of Greater Pine Island which justify different treatment of existing and future residential areas than in mainland Lee County, as described in the following policies.

**POLICY 14.3.1:** Due to the constraints on future development posed by the limited road connections to mainland Lee County, ~~bonus densities~~ only Greater Pine Island TDUs of any kind are not permitted in Greater Pine Island consistent with Table 1(a), Note 4. Only the portion of Greater Pine Island defined as Pine Island Center is eligible to receive Greater Pine Island TDUs. This prohibition includes, housing density bonuses, off-site transfers from environmentally critical areas, and transfer from on-site wetlands at rates above the standard density rates for environmentally critical areas.

**POLICY 14.3.3:** Adjusted Maximum Density is not permitted to be located within Coastal Rural designated lands within the Coastal High Hazard Area.

**POLICY 14.3.4:** Dwelling units may be transferred from parcels that have a future land use designation of Coastal Rural to parcels with urban future land use categories on Greater Pine Island, subject to the following:

1. The receiving and transferring lands are under the same ownership at the time this policy was adopted, and remain under the same ownership at the time units are transferred;
2. The maximum allowable density that may be transferred from Coastal Rural parcels is limited to one dwelling unit per 2.7 acres (1 du/2.7 acres);
3. The property receiving the additional dwelling units is rezoned to a planned development.
4. Density can be allocated across the planned development-zoned property, including those lands within the planned development that are designated Coastal Rural, provided that the density developed within Coastal Rural designated property does not to exceed 1 dwelling unit per 2.7 acres (1 du/2.7 acres);
5. Development rights for each unit transferred from the transferring parcel are extinguished through a recorded instrument acceptable to the County Attorney's Office and provided to the Department of Community Development with the planned development rezoning application for the receiving parcel;
6. The allowable density on the receiving parcels will be the sum of the allowable densities for the receiving and transferring parcel, subject to the Coastal Rural density limitations set forth in subsection 4 above; and
7. Bona fide agricultural uses on the transferring parcel may continue in accordance with Policy 14.6.1.

**POLICY 14.3.3:** ~~The county's Land Development Code will continue to state that no building or structure on Greater Pine Island will be erected or altered so that the peak of the roof exceeds thirty eight (38) feet above the average grade of the lot in question, or~~

forty-five (45) feet above mean sea level, whichever is the lower. No deviations from these height restrictions may be granted through the planned development process. These height restrictions will not be measured from minimum flood elevations nor will increases in building height be allowed in exchange for increased setbacks. Industrial buildings must also comply with these height restrictions.

~~**POLICY 14.3.4:** The county Zoning Regulations will continue to allow storage of commercial fishing equipment at a fisherman's private residence as a permitted use in residential districts on Pine Island. Reasonable restrictions not having the effect of prohibiting such storage may be developed.~~

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

**OBJECTIVE 14.4: COMMERCIAL LAND USES.** County regulations, policies, and discretionary actions will recognize certain unique characteristics of Greater Pine Island which justify different treatment of existing and future commercial areas than in mainland Lee County, as described in the following policies.

**POLICY 14.4.1:** Future Urban Areas at in Pine Island Center is are targeted for most future commercial and industrial uses as permitted by other portions of this plan. Non-residential developments within Pine Island Center are encouraged to provide employment opportunities; serve the day to day needs of residents and visitors; demonstrate a positive impact on traffic patterns within Greater Pine Island; and reduce the number of vehicular trips through Matlacha.

**POLICY 14.4.2:** Commercial development at other locations outside on Greater Pine Island Center, but within future urban land use categories (such as Bokeelia, Pineland, Matlacha, and St. James City) should be limited must be sited and designed to minimize impacts to residential and adjacent agricultural uses. Permitted uses should be restricted to the following: to marinas; fish houses; and minor commercial uses to serve the day to day needs of local residents and island visitors. Such development must be sited and designed to minimize disruptive influences to the greatest degree possible.

**POLICY 14.4.3:** The county will ~~expand the commercial design standards in its land development code to provide specific architectural and site design standards for Greater Pine Island in the Land Development Code if an acceptable proposal is submitted by the Greater Pine Island community.~~ These standards must: would promote but not mandate rehabilitation over demolition; require smaller rather than larger buildings address the size and scale of building mass in relationship to the built and natural environment; establish community-specific architectural standards in support of Greater Pine Island's coastal rural character; avoid standardized franchise buildings; preserve mature trees wherever

possible; and encourage the location of off-street ~~place most~~ parking to the side and rear of buildings to preserve viewsheds along public roadways; require large windows and forbid most blank walls; and encourage metal roofs and other features of traditional "Old Florida" styles. The new commercial design standards will reflect the different characteristics of Bokeelia, Pineland, Matlacha, and St. James City. Deviations from these standards may not be granted unless the request meets the County approval criteria for variances set forth in Chapter 34 of the Land Development Code.

~~**POLICY 14.4.4:** The county will expand its current sign regulations to include specific standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would reduce the size of ground-mounted signs, discourage or disallow internally lit box signs, allow wall signs on buildings near the right-of-way, and allow small directional signs on Stringfellow Road for businesses not visible from the road.~~

~~**POLICY 14.4.5:** The county will establish a prioritized schedule for an effort to rezone land to zoning districts that properly reflect its development potential under the Lee Plan.~~

**POLICY 14.4.65:** In the Coastal Rural future land use category, non-residential development is limited restricted to minor commercial development. New ~~commercial~~ All zoning requests for commercial projects must utilize the ~~Pplanned D~~development rezoning process and be consistent with the following limitations:

- Total building floor area is limited to 5,000 square feet, unless the development can demonstrate compatibility with adjacent uses, and a positive impact on traffic patterns within Greater Pine Island.
- Development must not exceed two acres of impervious area.
- Uses are limited to those that reflect the Coastal Rural character and unique culture of Greater Pine Island, such as animal clinics, bait and tackle shops, ecotourism, farm and feed supply stores, food stores, lawn and garden supply stores, restaurants (excluding fast food), roadside/produce stands, speciality retail, and plant nurseries.
- Buildings exceeding 5,000 square feet that are lawfully existing or approved as of October 1, 2009 will be deemed vested for the approved and existing square footage for the life of the structure despite a change in use.

~~**POLICY 14.4.7:** During the Comprehensive Plan Evaluation and Appraisal Report process the County will analyze commercial rezoning and commercial development in the Coastal Rural areas and assess their impacts to the Greater Pine Island Community and identify any needed policy modifications.~~



**OBJECTIVE 14.6: AGRICULTURAL USES GREATER PINE ISLAND TRANSFER OF DEVELOPMENT RIGHTS PROGRAM.** To promote and preserve the rural character of Pine Island Lee County will strive to foster a viable and productive agricultural community on the island. Lee County will pursue the incorporation of Greater Pine Island's incorporate several land use "tools" such as purchase and transfer of development rights programs into the Lee County Land Development Code to preserve agricultural uses on Pine Island.

**POLICY 14.6.1:** Lee County will amend its Land Development Code to implement Transfer of Development Rights (TDR) and Purchase of Development Rights (PDR) programs for Greater Pine Island. The new programs will create incentives for property owners within Greater Pine Island to transfer development rights associated with their parcels to: receiving lands outside of the planning community; future urban areas within the planning community that are targeted for development in accordance with these provisions; or, Lee County. The programs will allow for continued agricultural uses on sending lands, in addition to limited non-residential uses that directly support the agricultural operations.

**POLICY 14.6.2:** The Greater Pine Island TDR program will have the following characteristics:

a. Creation of Transferable Development Units.

1. Up to one (1) TDU may be created per five (5) acres of wetlands.
2. Up to one (1) TDU may be created per one (1) acre of uplands located in non-urban future land use categories.
3. Up to three (3) TDUs may be created per one (1) acre of uplands located in the Outlying Suburban future land use categories.
4. Up to two (2) TDUs may be created in a single-family lot or parcel designated as wetlands that holds an affirmative determination of the single-family residence provision pursuant to Chapter XIII of the Lee Plan.

b. Receiving area Density and Intensity Equivalents of Greater Pine Island TDUs.

1. One (1) Greater Pine Island TDU will be equal up to two (2) dwelling units when transferred to eligible receiving lands outside of the Greater Pine Island Planning Community.
2. One (1) Greater Pine Island TDU will be equal up to one (1) dwelling unit when transferred to receiving lands in Pine Island Center.
3. Lee County may establish non-residential incentives for the use of Greater Pine Island TDUs within Future Urban Areas of the unincorporated Lee County.

- c. The Land Development Code may include regulations that permit the County to evaluate the effectiveness of the Greater Pine Island TDR program and make changes that may further condition or restrict the use of Greater Pine Island TDUs.

**POLICY 14.6.1:** Lee County will maintain a map (Map 21) of all existing farmland on Pine Island. These mapped existing farmlands and Pine Island lands containing indigenous vegetation are the primary targeted sending areas for the creation of transfer of development rights (TDR) on Pine Island.

**POLICY 14.6.23:** The county will administer the TDR program and will develop clear and concise forum to disseminate program information and records, including but not limited to a: TDR program website that will provide general program information, rules and guidelines; TDU administrative determination application; county-approved form of conservation easement; certified TDU database with ownership information; and, for-sale TDU clearinghouse information for those individuals that request to be included within the TDU clearinghouse program.

**POLICY 14.6.2:** Lee County, by 2009, will evaluate creating a Purchase of Development Rights Program with the objective of preserving Pine Island agricultural uses.

**POLICY 14.6.3:** By 2007 Lee County will amend the Lee County Land Development Code to establish a Pine Island Transfer of Development Rights (TDR) program to supplement the existing wetland TDR program. The program will be encouraged for properties depicted on Map 21 as well as other Pine Island lands as promoting reduced densities in the Coastal High Hazard Area.

**POLICY 14.6.4:** The property owners of lands designated Intensive Development, Central Urban, or Urban Community are eligible to receive Pine Island TDRs. The property owners of lands designated Suburban and Outlying Suburban are eligible to receive Pine Island TDRs consistent with the Lee Plan's definition of Density and if approved through the planned development rezoning process. The land development code will maintain several approval processes such as by right, administrative and planned development approval. Developments receiving TDR units will be evaluated for the following criteria: compact site design, innovative open space design, well designed pedestrian/bicycle connections to commercial and employment areas, locations on or a walkable distance to mass transit service, and mixed use buildings. Utilization of in-fill and brownfield sites are encouraged. Land Development Code incentives will be given to projects that incorporate concepts from traditional neighborhood design, transit oriented development, and new urbanism principles.

**POLICY 14.6.5:** Participation in the Pine Island TDR by right and administrative approval processes for receiving sites requires that the subject property be already conventionally zoned in a zoning district that would permit the proposed development consistent with allowable densities and with the zoning district's lot size, setback, open space and height requirements. The by right process will be limited to adding one additional dwelling unit to a receiving parcel that is one acre or less in size. If the receiving



parcel is larger than one acre, TDR units may be used to add one dwelling unit per acre by right. The resulting density may not exceed the maximum total density range for the land use category of the subject site.

**POLICY 14.6.6:** Adding Pine Island TDR units in excess of one dwelling unit per acre in conventional zoning districts requires administrative approval. The Lee County Department of Community Development director may administratively approve the use of TDR units to increase the density of a proposed development provided that the proposed development is: in compliance with the Lee Plan; zoned for the type and number of dwelling units proposed to be constructed; designed so that the resulting development does not have substantially increased intensities of land uses along its perimeter, unless adjacent to existing or approved development of a similar intensity; in a location where the additional traffic will not be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road; in a location outside of the Category 1 Storm Surge Zone for a land falling storm as defined by the October 1991 Hurricane Storm Tide Atlas for Lee County prepared by the Southwest Florida Regional Planning Council; not in a location where existing and committed public facilities are so overwhelmed that a density increase would be contrary to the overall public interest, and; will not decrease required open space, buffering, landscaping and preservation areas or cause adverse impacts on surrounding land uses.

**POLICY 14.6.7:** The Land Development Code will be amended to specify that Pine Island TDRs may be utilized through the Planned Development approval and amendment rezoning processes for land owners seeking to add additional dwelling units utilizing TDR units. The Code will specify that the application for the rezoning and the request to utilize TDR units may be submitted at the same time for concurrent review.

**POLICY 14.6.8:** The generation rate for Pine Island TDRs will be limited by the Land Development Code to two Transfer of Development Rights per acre for the Coastal Rural land use category, to six Transfer of Development Rights per acre for the Future Urban land use categories, and one Transfer of Development Right per five acres of wetland. The Land Development Code will be amended to establish a creation of development rights process as well as a receiving process.

**OBJECTIVE 14.8: HURRICANE PREPAREDNESS, EVACUATION AND MITIGATION.** Lee County will provide for the protection of Greater Pine Island residents, visitors and property from the physical and economic effects of hurricanes and tropical storms. The following policies will supplement Goal 109 of the Conservation and Coastal Management Element of this plan, as it relates to the hurricane preparedness, evacuation, mitigation and sheltering for residents of Greater Pine Island.

**POLICY 14.8.1:** Lee County will work to maintain hurricane evacuation clearance times for Greater Pine Island, and continue to incorporate those times into the county-wide evacuation decision-making planning.



**POLICY 14.8.2:** Lee County will continue to include Greater Pine Island specific issues in its Comprehensive Emergency Management Plan (CEMP) and related evacuation planning documents.

**POLICY 14.8.3:** Comprehensive Plan amendments within Greater Pine Island must be found consistent with Policy 109.1.5. ~~In the event of a pending hurricane (defined as Categories 1-5) Lee County shall maintain an evacuation clearance time of 18 hours for the resident population of Greater Pine Island. The evacuation clearance time is defined as the time necessary to safely evacuate people from the point when the evacuation order is given until the last evacuee can either leave Greater Pine Island, or arrive at safe shelter within Lee County. In order to maintain the 18-hour evacuation clearance time for residents, mandatory evacuation of non-residents, visitors, recreational vehicles, travel trailers (transient and non-transient) may occur in a phased approach to address evacuation in advance of tropical storm winds in accordance with the CEMP.~~

**POLICY 14.8.4:** Lee County will continue to include Greater Pine Island in its year-round public information program focused on disaster preparedness. The program will include information on hurricane risk, the need for timely evacuation, the availability and location of hurricane shelters and the actions necessary to minimize property damage to protect human life.

**POLICY 14.8.5:** New residential development and redevelopment within, or partially within, the Hurricane Vulnerability Zone must mitigate hurricane sheltering and evacuation impacts in accordance with Chapter 2, Article XI of the Land Development Code.

**POLICY 14.8.6:** Shelters will not be built on barrier or coastal islands within Greater Pine Island. Where financially feasible, geographically appropriate, and in the interest of public health, safety and welfare, Lee County will make every effort to construct new public buildings to hurricane shelter standards.

**POLICY 14.8.7:** Where feasible, Lee County will evaluate the purchase of lands within Greater Pine Island identified as Coastal High Hazard in order to reduce the expansion of new development within vulnerable areas.

**POLICY 14.8.8:** The county will evaluate alternative mechanisms to improve evacuation clearance times within the planning community, including but not limited to: access control; mandatory evacuation notices; one-way evacuation routes; and the preparation and implementation of community-specific mitigation measures.

**POLICY 14.8.9:** Deviations relating to setbacks, lot coverage, and density within the Coastal High Hazard Area may not be granted, unless the request meets the County approval criteria for variances set forth in Chapter 34 of the Land Development Code.

## Transportation Element:

**OBJECTIVE 37.1: GENERAL STANDARDS.** ~~From time of plan adoption, new facilities will be added at a rate equal to growth demands. Establish non-regulatory level of service (LOS) standards on county and state transportation facilities within Lee County. Cooperate with municipalities on the facilities maintained by Lee County within the municipalities and with FDOT on state transportation facilities.~~

**POLICY 37.1.1:** ~~The minimum acceptable peak hour, peak season, peak direction roadway levels of service (see also Policy 95.1.3) will be as follows:~~

| <b>Minimum Level of Service</b>                                                 | <b>Peak — Hour/Peak Season/Peak Direction</b> |
|---------------------------------------------------------------------------------|-----------------------------------------------|
| <b>State &amp; County Maintained Roads (Excluding FHHS, SIS and TRIP Roads)</b> |                                               |
| Expressways (Limited Access Facilities)                                         | D                                             |
| Controlled Access Arterials                                                     | E                                             |
| Arterials                                                                       | E                                             |
| Major Collectors                                                                | E                                             |
| Minor Collectors                                                                | E                                             |
| <b>FHHS Roads<sup>(1)</sup></b>                                                 |                                               |
| I-75                                                                            |                                               |
| Collier County to SR 78                                                         | D                                             |
| SR 78 to Charlotte County                                                       | C                                             |
| SR 80 (Palm Beach Boulevard)                                                    |                                               |
| I-75 to Werner Dr.                                                              | D                                             |
| Werner Dr. to Hendry County                                                     | C                                             |
| <b>SIS Roads</b>                                                                |                                               |
| SR 82 (Immokalee Road)                                                          |                                               |
| Lee Boulevard to Commerce Lakes Dr.                                             | D                                             |
| Commerce Lakes Dr. to Hendry County                                             | C                                             |
| Airport Connector                                                               |                                               |
| I-75 to Ben Hill Griffin Parkway                                                | D                                             |
| <b>TRIP-Funded Roads</b>                                                        |                                               |
| Colonial Boulevard                                                              |                                               |
| I-75 to Lee Boulevard                                                           | D                                             |
| Imperial Parkway                                                                |                                               |
| E. Terry Street to Bonita Bill Dr.                                              | D                                             |
| Six Mile Cypress Parkway                                                        |                                               |
| Daniels Parkway to Winkler Avenue                                               | D                                             |

<sup>(1)</sup> ~~The County may seek variances to the level of service standards for the FHHS facilities as authorized under Section 120.542, F.S. If granted, the level of service standards for I-75 and SR 80 will be as approved by FDOT in the Order Granting Petition for Variance.~~

LOS "E" is the minimum acceptable LOS for principal and minor arterials, and major collectors on county-maintained transportation facilities. Level of service standards for the



State Highway System during peak travel hours are "D" in urbanized areas and "C" outside urbanized areas.

The minimum acceptable level of service as ~~specified above~~ for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is also subject to Objective 14.2 Policies 14.2.1 and 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. (Amended by Ordinance No. 98-09, 99-15, 00-08, 07-09, 10-36)

**POLICY 37.3.1:** Lee County will measure traffic volumes and capacity on all roads on a roadway segment-by-segment basis, except for constrained roads and where alternatives are established pursuant to Chapter 163.3180, F.S., ~~and Rule 9J-5.0055, F.A.C.~~ Transportation for Pine Island will be governed by the policies under Objective 14.2 of this comprehensive plan. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15, Amended by Ordinance No. 00-08, 07-09, 14-09)

### **Capital Improvements Element:**

**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 or inter-local agreements as being essential to support development. These consist of facilities for the provision of public schools, potable water, sanitary sewer, disposal of solid waste, and stormwater management. (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. These consist of facilities for the provision of community and regional parks, and transportation. Compliance with non-regulatory standards will not be a requirement for continued development permitting, but will be used for facility planning purposes.



*No changes to number 1 through 6*

**7. Roadway Facilities:**

Los "E" is the standard LOS for principal and minor arterials, and major collectors on county-maintained transportation facilities. Level of service standards for the State Highway System during peak travel hours are D in urbanized areas and C outside urbanized areas.

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 roads are defined in Table 2(a).

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

~~For minimum 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.~~

**Conservation and Coastal Management Element:**

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

**OBJECTIVE 109.1: EVACUATION.** By 2030 Lee County will work towards attaining a level of service for out of county hurricane evacuation for a Category 5 storm event that does 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. Pursuant to Policy 14.8.4, all new residential development and redevelopment within the Hurricane Vulnerability Zone in Greater Pine Island must mitigate hurricane sheltering and evacuation impacts in accordance with Chapter 2, Article XI of the Land Development Code.

**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.

**POLICY 109.1.3:** Critical roadway links causing congestion on evacuation routes will receive high priority for capital improvement expenditures.

**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. For the purposes of accommodating hurricane evacuation, a new bridge to Pine Island is strongly discouraged due to the costs, design constraints, and potential impacts to growth patterns within Greater Pine Island.

**POLICY 109.1.5:** Comprehensive plan amendments that increase density within coastal high hazard areas or on islands must meet one of the following criteria in accordance with Section 163.3178(89), F.S.:

1. The proposed amendment will not exceed a 16 hour out of county hurricane evacuation time for a category 5 storm event; or
2. Maintain a 12 hour evacuation time to shelter for a Category 5 storm event and ensure shelter space is available to accommodate the additional residents of the development allowed by the proposed comprehensive plan amendment; or
3. Provide appropriate mitigation to satisfy the provisions of either of the previous two paragraphs, which may include without limitation, the payment of money, contribution of land, or construction of hurricane shelters and transportation facilities. The developer must enter into a binding agreement to memorialize the mitigation plan prior to adoption of the plan amendment.
4. Any comprehensive plan amendment that increases density within Coastal High Hazard Areas in Greater Pine Island must meet one of the above criteria, in addition to the community-specific requirements set forth in Goal 14 of this plan.

**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)

**OBJECTIVE 110.1: DEVELOPMENT REGULATIONS.** ~~By 2007,~~ a All development regulations will be reviewed and revised to require that the vulnerability of future development in the Coastal High Hazard Area (CHHA) and the A-Zone (as defined by the Federal Emergency Management Agency) be reduced. (Amended by Ordinance No. 94-30, 00-22, 07-12)

**POLICY 110.1.1:** Regulations and incentives will be examined for additional setbacks in critical erosion areas, conservation and enhancement of dunes and vegetation,



floodproofing 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)

**POLICY 110.1.3:** 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, 07-12)

**POLICY 110.1.4:** 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, 07-12)

**POLICY 110.1.5:** The County will maintain the flood plain management plan and 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 alternatives, and formulate a schedule for implementation. (Amended by Ordinance No. 92-35, 94-30, 00-22, 07-12)

**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)

**POLICY 110.1.8:** Transferable Development Units (TDUs) may not be utilized on property located within the coastal high hazard area.

## **Glossary:**

**COASTAL HIGH HAZARD AREA** – The area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH)



computerized storm surge model and delineated by Map 5 of the Lee Plan as Future Land Use Map Series required by Chapter 163.3177(6)(a)10.c.(VI), F.S.

## **COMMERCIAL DEVELOPMENT,**

**MINOR-** Commercial development that provides for the sale of convenience goods and services and contains less than 30,000 square feet of gross floor area.

**NEIGHBORHOOD-** Commercial development that provides for the sale of convenience goods and personal services, such as food, drug, sundries, and hardware items and has a gross floor area range of 30,000 to 100,000 square feet.

**COMMUNITY-** Commercial development that provides for the sale of retail goods such as clothing, variety items, appliances, and furniture as well as goods that may be found in a neighborhood commercial development and has a gross floor area range of 100,000 to 400,000 square feet.-

**REGIONAL-** Commercial development that provides 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) and has a gross floor area range of 400,000 to 1 million square feet.

**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 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 waterbodies contained within the residential development. When the calculation of the gross density of a development results in a fractional density, 0.50 of a dwelling unit or greater shall be rounded up to the next whole number and fractions less than 0.50 shall be rounded down. No further rounding is permitted. Fractional density rounding may not be applied to parcels subject to the Gasparilla Island Conservation District Act of 1980 (as amended) or existing, undersized parcels that would require a determination through the Single Family Residence provision of the Lee Plan, Chapter XIII to permit one single-family residence on said parcel. Fractional density rounding may not be applied to parcels of land created (subdivided or combined) after [DATE OF ADOPTION] in a manner that would permit greater gross density than that was permitted (with fractional density rounding) prior to creation of the new parcel. Lands for commercial, office, industrial uses natural water bodies, and other non-residential uses must not be included, except within areas identified on the Mixed Use Overlay Map (Future Land Use Map Series Map 1 page 6 of 8) that have elected to use the process described in Objective 4.2 and except within areas identified as Mixed-Use Communities as identified on Map 17 where development rights are concentrated or transferred using the process described under Objective 33.3. Within the Captiva community in the areas identified by Policy 13.2.1, 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 Coastal 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. If development is proposed in accordance with Policy 2.12.3, residential densities are calculated using the total land area included in the mixed use portion of the development.

**HURRICANE VULNERABILITY ZONE** - The areas delineated by the area below the elevation of the category 3 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. ~~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.~~

**PINE ISLAND CENTER** – Central Urban-designated lands that are generally located at the arterial intersection of Pine Island Road and Stringfellow Road within the Greater Pine Island Planning Community.



**TABLE 1(a)  
SUMMARY OF RESIDENTIAL DENSITIES<sup>1</sup>**

| FUTURE LAND USE<br>CATEGORY                                   | STANDARD OR BASE DENSITY<br>RANGE                          |                                               | BONUS DENSITY                                                               |
|---------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------|-----------------------------------------------------------------------------|
|                                                               | MINIMUM <sup>2</sup><br>(Dwelling Units<br>per Gross Acre) | MAXIMUM<br>(Dwelling Units per<br>Gross Acre) | MAXIMUM TOTAL<br>DENSITY <sup>3</sup><br>(Dwelling Units per Gross<br>Acre) |
| Intensive Development <sup>14</sup>                           | 8                                                          | 14                                            | 22                                                                          |
| Central Urban <sup>15</sup>                                   | 4                                                          | 10                                            | 15                                                                          |
| Urban Community <sup>4,5,16</sup>                             | 1                                                          | 6                                             | 10                                                                          |
| Suburban <sup>17</sup>                                        | 1                                                          | 6                                             | No Bonus                                                                    |
| Outlying Suburban                                             | 1                                                          | 3                                             | No Bonus                                                                    |
| Sub-Outlying Suburban                                         | 1                                                          | 2                                             | No Bonus                                                                    |
| Rural <sup>10</sup>                                           | No Minimum                                                 | 1                                             | No Bonus                                                                    |
| Outer Islands                                                 | No Minimum                                                 | 1                                             | No Bonus                                                                    |
| Rural Community Preserve <sup>6</sup>                         | No Minimum                                                 | 1                                             | No Bonus                                                                    |
| Open Lands <sup>7</sup>                                       | No Minimum                                                 | 1 du/5 acres                                  | No Bonus                                                                    |
| Density Reduction/Groundwater<br>Resource                     | No Minimum                                                 | 1 du/10 acres                                 | No Bonus                                                                    |
| Wetlands <sup>8</sup>                                         | No Minimum                                                 | 1 du/20 acres                                 | No Bonus                                                                    |
| New Community                                                 | 1                                                          | 6                                             | No Bonus                                                                    |
| University Community <sup>9</sup>                             | 1                                                          | 2.5                                           | No Bonus                                                                    |
| Destination Resort Mixed Use<br>Water Dependent <sup>11</sup> | 6                                                          | 9.36                                          | No Bonus                                                                    |
| Burnt Store Marina Village <sup>12</sup>                      | No Minimum                                                 | 160 Dwelling Units;<br>145 Hotel Units        | No Bonus                                                                    |
| Coastal Rural <sup>18</sup>                                   | No Minimum                                                 | 1 du/2.7 acres                                | No Bonus                                                                    |

#### CLARIFICATIONS AND EXCEPTIONS

<sup>1</sup> See the glossary in Chapter XII for the full definition of “density”.

<sup>2</sup> Adherence to minimum densities is not mandatory but is recommended to promote compact development.

<sup>3</sup> These maximum densities may be permitted by transferring density from non-contiguous land through the provisions of the Bonus Density Program identified in chapter 2 of the Land Development Code 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).

<sup>4</sup> 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 TDUs that were created from Greater Pine Island Coastal Rural or Greater Pine Island Urban Categories (see Policy 14.3.14), or transfer dwelling units in accordance with Policy 14.3.45.

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

<sup>6</sup> Within the Buckingham area, new residential lots must have a minimum of 43,560 square feet.

<sup>7</sup> 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.

<sup>8</sup>Higher densities may be allowed under the following circumstances where wetlands are preserve on the subject site:

- (a) If the dwelling units are relocated off-site through the provision of Transfer of Development Rights Ordinance (86-18, as amended or replaced); or
- (b) Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, Central Urban, Urban Community, Suburban, Sub-Outlying Suburban, from preserved freshwater wetlands at the same underlying density as permitted for those uplands. Impacted wetlands will be calculated at the standard Wetlands density of 1 dwelling units per 20 acres. Planned Developments or Development Orders approved prior to October 20, 2010 are permitted the density approved prior to the adoption of CPA2008-18.

<sup>9</sup>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.

<sup>10</sup>In the Rural category located in Section 24, Township 43 South, Range 23 East and south of Gator Slough, the maximum density is 1 du/2.25 acres.

<sup>11</sup>Overall number of residential dwelling units is limited to 271 units in the Destination Resort Mixed Use Water Dependent district.

<sup>12</sup>The residential dwelling units and hotel development portions of this redevelopment project must be located outside of the designated Coastal High Hazard Area in accordance with Lee Plan, Map 5.

<sup>13</sup>See Policies 33.3.2, 33.3.3, and 33.3.4 for potential density adjustments resulting from concentration or transfer of development rights.

<sup>14</sup>The maximum total density may be increased to 30 du/acre utilizing Greater Pine Island TDUs.

<sup>15</sup>The maximum total density may be increased to 20 du/acre utilizing Greater Pine Island TDUs.

<sup>16</sup>The maximum total density may be increased to 15 du/acre utilizing Greater Pine Island TDUs.

<sup>17</sup>The maximum total density may be up to 8 du/acre when utilizing Greater Pine Island TDUs.

<sup>18</sup>The standard maximum density is 1 du/2.7 acres unless the "Adjusted Maximum Density" of 1 du/acre is achieved in accordance with requirements of Policy 1.4.7 and Chapter 33 of the Land Development Code.

\*\*\*\*\*

**TABLE 2(a)**  
**CONSTRAINED ROADS**  
**STATE AND COUNTY ROADS**

| ROADWAY                                          | SEGMENT                                  | MAINTENANCE RESPONSIBILITY | CONSTRAINED CONDITIONS                          |
|--------------------------------------------------|------------------------------------------|----------------------------|-------------------------------------------------|
| Captiva Road                                     | Blind Pass/South Seas Plantation         | County                     | ROW, Scenic, Aesthetic, Environmental           |
| Daniels Parkway                                  | Metro Parkway/I-75                       | County                     | ROW                                             |
| Estero Boulevard                                 | Center Street/Big Carlos Pass            | County                     | ROW, Scenic, Aesthetic                          |
| Hickory Boulevard                                | Big Carlos Pass/Bonita Beach Road        | County                     | Scenic, Aesthetic, Environmental                |
| McGregor Boulevard (SR 867)                      | Colonial Boulevard/College Parkway       | State                      | ROW, Scenic, Aesthetic, Historic, Environmental |
| Pine Island Road (Matlacha)                      | Shoreview Drive/Little Pine Island       | County                     | ROW, Scenic, Aesthetic, Historic, Environmental |
| San Carlos Boulevard (SR 865) (Mantanzas Bridge) | Center Street/Main Street                | State                      | ROW, Scenic, Aesthetic, Environmental           |
| US 41                                            | South of Daniels Road/North Airport Road | State                      | ROW                                             |
| Gulf Boulevard                                   | Boca Grande                              | County                     | Scenic, Aesthetic, Historic, Environmental      |
| Stringfellow Road                                | 8th Avenue/Main Street                   | County                     | Environmental                                   |

**TABLE 2(b)****RECOMMENDED OPERATIONAL IMPROVEMENTS ON CONSTRAINED ROADS**

| <b>ROADWAY</b>                | <b>SEGMENT (or INTERSECTION)</b>   | <b>AUXILIARY LANES</b>                                                      | <b>GEOMETRICS</b>                                                                                                                                                                                                      | <b>SIGNAL TIMING PROGRESSION</b>                                                                                    | <b>MISC.</b>                |
|-------------------------------|------------------------------------|-----------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|-----------------------------|
| Captiva Road                  | Blind Pass/South Seas Plantation   | (1)                                                                         | (1)                                                                                                                                                                                                                    | (1)                                                                                                                 |                             |
| Daniels Parkway               | Metro Parkway/I-75                 | Provide frontage road connections                                           | Potential removal of direct left turns @ Brookshire/International (2); Close median openings at minor side street approaches (2); Potentially eliminate EB left turn and NB/SB left turns at Danport Blvd. signal (2). | Continue monitoring/ updating of signal system.                                                                     | Access management           |
| Estero Boulevard              | Center Street/Big Carlos Pass      | (1)                                                                         | (1)                                                                                                                                                                                                                    | (1)                                                                                                                 |                             |
| Hickory Boulevard             | Big Carlos Pass/Bonita Beach Road  | Left turn lane at new park entrance on Lovers Key.                          | (1)                                                                                                                                                                                                                    | (1)                                                                                                                 |                             |
| McGregor Boulevard (SR 867)   | Colonial Boulevard/Winkler Road    | Provide a NB right-turn lane Davis Dr. to Colonial Blvd. (2)                | (1)                                                                                                                                                                                                                    | (1)                                                                                                                 |                             |
| Pine Island Road (Matlacha)   | Shoreview Drive/Little Pine Island | Construct left turn lanes at intersections with local roads, where feasible | (1)                                                                                                                                                                                                                    | (1)                                                                                                                 |                             |
| San Carlos Boulevard (SR 865) | Center Street/Main Street          | (1)                                                                         | (1)                                                                                                                                                                                                                    | Consider alternating signal for southbound approach and signal/lane controls to create a preferential transit lane. | Encourage transit ridership |



|                          |                                          |                                            |                                                                                         |                                                |                                                                                 |
|--------------------------|------------------------------------------|--------------------------------------------|-----------------------------------------------------------------------------------------|------------------------------------------------|---------------------------------------------------------------------------------|
| US 41                    | S. of Daniels Parkway/North Airport Road | (1)                                        | (1)                                                                                     | Continue monitoring/ updating of signal system | Maintain access control. Pursue installation of bike paths through MPO process. |
| Gulf Boulevard           | Boca Grande                              | (1)                                        | (1)                                                                                     | (1)                                            |                                                                                 |
| <u>Stringfellow Road</u> | <u>8<sup>th</sup> Avenue/Main Street</u> | <u>Improved route efficiency, shelters</u> | <u>Greenway, add/widen sidewalks, improved pedestrian crossings in activity centers</u> | <u>Bicycle lanes or shared lanes</u>           | <u>Turn lanes. On-street parking</u>                                            |

*Footnotes:*

- (1) *No specific operational improvement identified at this time, but operational improvements may still be possible and warranted in relation to development approval requests. Additional operational improvements may still be possible and warranted in relation to development approval requests.*
- (2) *Indicates that the recommended improvement should increase the estimated service volume multimodal system capacity of the facility.*

|                          |                                          |                                            |                                                                                         |                                                |                                                                                 |
|--------------------------|------------------------------------------|--------------------------------------------|-----------------------------------------------------------------------------------------|------------------------------------------------|---------------------------------------------------------------------------------|
| US 41                    | S. of Daniels Parkway/North Airport Road | (1)                                        | (1)                                                                                     | Continue monitoring/ updating of signal system | Maintain access control. Pursue installation of bike paths through MPO process. |
| Gulf Boulevard           | Boca Grande                              | (1)                                        | (1)                                                                                     | (1)                                            |                                                                                 |
| <u>Stringfellow Road</u> | <u>8<sup>th</sup> Avenue/Main Street</u> | <u>Improved route efficiency, shelters</u> | <u>Greenway, add/widen sidewalks, improved pedestrian crossings in activity centers</u> | <u>Bicycle lanes or shared lanes</u>           | <u>Turn lanes. On-street parking</u>                                            |

*Footnotes:*

- (1) *No specific operational improvement identified at this time, but operational improvements may still be possible and warranted in relation to development approval requests. Additional operational improvements may still be possible and warranted in relation to development approval requests.*
- (2) *Indicates that the recommended improvement should increase the estimated service volume multimodal system capacity of the facility.*

I CERTIFY THIS DOCUMENT TO BE A  
TRUE AND CORRECT COPY OF THE  
ORIGINAL ON FILE IN MY OFFICE  
LINDA DOGGETT, CLERK CIRCUIT COURT  
LEE COUNTY, FLORIDA  
DATED: 3/18/16  
BY: Michelle M Miller  
Deputy Clerk

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM  
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 16-07  
(e.g., 93-001)

PRIMARY KEYFIELD

DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD

DESCRIPTOR: Planning

OTHER KEYFIELD

DESCRIPTOR: Land Use Planning

ORDINANCE DESCRIPTION: Pine Island Community Plan  
(25 Characters Maximum Including Spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT #1: 89-02 AMENDMENT #2: \_\_\_\_\_

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL #1: \_\_\_\_\_ ; REPEAL #3: \_\_\_\_\_

REPEAL #2: \_\_\_\_\_ ; REPEAL #4: \_\_\_\_\_

(Others Repealed: List All That Apply): \_\_\_\_\_

-----  
(FOR OFFICE USE ONLY):

COUNTY CODE NUMBER: \_\_\_\_\_

KEYFIELD 1 CODE: \_\_\_\_\_

KEYFIELD 2 CODE: \_\_\_\_\_

KEYFIELD 3 CODE: \_\_\_\_\_





## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

March 17, 2016

Honorable Linda Doggett  
Clerk of the Circuit Courts  
Lee County  
Post Office Box 2469  
Fort Myers, Florida 33902-2469

Attention: Michelle Miller

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy for Lee County Ordinance No. 16-07, which was filed in this office on March 17, 2016.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

**RECEIVED**

*By mmmiller at 8:47 am, Mar 18, 2016*



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**COMPREHENSIVE PLAN  
AMENDMENT**

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**CPA2015-13  
PINE ISLAND  
COMMUNITY PLAN UPDATE**

**County-Initiated Amendment**

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**Board of County Commissioners  
Adoption Document**

**3/16/2016**

**LEE COUNTY  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
PLANNING SECTION**

**STAFF REPORT  
COMPREHENSIVE PLAN AMENDMENT  
CPA2015-13**

☒

**Text Amendment**

☐

**Map Amendment**

|   |                                                              |
|---|--------------------------------------------------------------|
|   | <b>This Document Contains the Following Reviews</b>          |
| ✓ | <b>Staff Review</b>                                          |
| ✓ | <b>Local Planning Agency Review and Recommendation</b>       |
| ✓ | <b>Board of County Commissioners Hearing for Transmittal</b> |
| ✓ | <b>Staff Response to Review Agencies' Comments</b>           |
| ✓ | <b>Board of County Commissioners Hearing for Adoption</b>    |

Staff Report Publication Date: December 4, 2015

**PART I  
APPLICATION SUMMARY**

**A. PROJECT NAME:**

Pine Island Community Plan Update

**B. APPLICANT:**

Lee County Board of County Commissioners

**C. REPRESENTATIVES:**

Lee County Department of Community Development, Planning Section, and  
Lee County Attorney's Office

**D. PROPOSED LEE PLAN AMENDMENTS:**

Amend the Lee Plan to incorporate updates to the Pine Island Community Plan. The amendments include changes to the Future Land Use Element, the Transportation Element, the Capital Improvement Element, the Conservation and Coastal Management Element, the Glossary and Tables 1(a), 2(a), and 2(b) of the Lee Plan. The proposed amendments are included as Attachment 1 in strikethrough and underline format.



## **PART II GREATER PINE ISLAND COMMUNITY PLAN BACKGROUND**

In 1989 the Greater Pine Island community conducted a planning study that resulted in the adoption of a Lee Plan goal and subsequent objectives and policies specific to Greater Pine Island. The intent of these amendments was to maintain the Island's unique resources and character and to provide reasonable opportunities to evacuate. More specifically, the amendment:

- Prohibited new artificial channels in natural waterways;
- Required a 50 foot wide vegetated buffer adjoining State designated aquatic preserves and associated natural tributaries;
- Established levels of service standards for Pine Island Road;
- Established the 810 rule, prohibiting rezoning;
- Established the 910 rule; prohibiting residential Development Orders;
- Prohibited bonus density;
- Allowed the storing of fishing equipment at private residences;
- Targeted Pine Island Center for the island's commercial development; and,
- Commercial development in other portions of the island was limited to marinas, fish houses, and minor commercial uses to serve island residents and visitors.

A similar planning effort in 2001 proposed several amendments that were adopted by the Board of County Commissioners on January 9, 2003. These amendments:

- Established the Coastal Rural future land use category;
- Allowed a return to one dwelling unit per acre if 70% of a property's native lands were preserved or if 70% of improved farmland was restored to native habitat;
- Provided exceptions to the 810 rule to allow minor rezoning on infill property; and,
- Lessened the prohibition on residential Development Orders, allowing one-third the density.

A study known as the Hanson Report was completed on August 4, 2004. It indicated that the Coastal Rural future land use category could adversely affect passive and active agriculture. On November 26, 2004, the Board voted to initiate a Special Amendment cycle to address concerns identified in the Hanson Report. An amendment was adopted on October 12, 2005. These amendments:

- Restored the 157 acres designated Coastal Rural back to Outlying Suburban;
- Amended the percentages of preserved or restored uplands required by the Coastal Rural category and further defined restoration standards
- Allowed improved farmland preservation to be used to regain Coastal Rural densities; and,
- Directed staff to evaluate the creation of a transfer of development rights program for Greater Pine Island.

The amendments proposed through the current Greater Pine Island Community Plan Update, discussed in Part III of this staff report, build upon these previous efforts by:

- Updating hurricane evacuation and mitigation requirements;
- Creating a TDR program as directed in the 2005 update to the Community Plan; and,
- Addressing legal issues resulting from implementation of the Greater Pine Island Community Plan.

### **PART III STAFF DISCUSSION AND ANALYSIS**

#### **A. UPDATED DATA AND ANALYSIS:**

The basis for the Greater Pine Island Community Plan Update is additional data and analysis provided by experts in the fields of Transportation and Hurricane Evacuation. Memos from these experts explaining the data and analysis are attached. Based on this new information, Lee County staff recommends that the Board of County Commissioners adopt amendments to the Lee Plan as identified in Attachment 1. The update and recommended amendments are generally based on analysis of the following:

**Hurricane Evacuation and Transportation Issues** - Increasing hurricane evacuation times and road constraints, especially at the Matlacha Bridge are a concern to the Greater Pine Island Community. Lee County Staff, including the Department of Community Development, Department of Transportation, and the Department of Public Safety, worked with traffic consultants and an expert in hurricane evacuation and preparedness to determine evacuation times using current capacity calculations and different land use scenarios to assure that maximum evacuation times in the event of a hurricane would be maintained.

**Residential Land Use/Density** - This plan update, along with updates proposed to the Land Development Code, establish the Greater Pine Island Transfer of Development Rights (TDR) and Purchase of Development Rights (PDR) programs. These programs have been anticipated since the last Pine Island Community Plan update in 2005 when a policy was adopted that required Lee County to evaluate the creation of TDR and PDR programs. Lee County's existing TDR programs have been underperforming in part because they are difficult to use. The Greater Pine Island TDR program incentivizes the removal of density and preservation on Pine Island without eliminating property rights. In addition, the process for creating and using Transferable Development Rights (TDUs) is simplified, and in certain cases, TDUs can be approved by right or through an administrative process. In addition, the proposed updates will provide property owners with a feasible method to achieve densities of one unit per acre through an Adjusted Maximum Density of the Coastal Rural future land use category.

Additional amendments are identified and summarized in the next subsection of this staff report. These amendments have been reviewed by various County Departments, Pine Island residents and other interested parties.

## **B. SUMMARY AND DISCUSSION OF RECOMMENDED AMENDMENTS:**

The Greater Pine Island Community Plan Update was developed through a coordinated community outreach effort that included input from stakeholders involved in the original Greater Pine Island community plan preparation and subsequent updates; landowners (both large and small); local business owners; residents; and other interested parties.

The stakeholder committee reviewed the first preliminary draft amendments in a meeting with county staff and consultants on June 9, 2015 and again on July 13, 2015. Comments were received from the committee members at the meeting and in subsequent email correspondence. On October 14, 2015, the county and consultant team conducted a community presentation on Pine Island to present the changes to the proposed community plan update based on the comments that were received. There was general consensus that the proposed amendments maintained the adopted community vision for protecting Greater Pine Island's coastal rural character, and created strong incentives for the transfer of density out of the planning community via the proposed TDR program.

The following section of this report generally discusses the proposed amendments to the Lee Plan. These amendments include revisions within Goals 1, 4, 6 and 14 of the Future Land Use Element; Goal 37 of the Transportation Element; Goal 95 of the Capital Improvements Element; and Goal 109 of the Conservation and Coastal Management Element. In addition, staff is recommending amendments to the Glossary, including new and revised definitions, as well as amendments to Tables 1(a), 2(a), and 2(b). The recommended amendments are identified in strike-through, underline format.

### **Future Land Use Element Amendments**

Policies 1.1.2, 1.1.3, 1.1.4, and 1.1.5 address Lee County's Future Urban Area land use categories (Intensive Development, Central Urban, and Urban Community) as well as the Suburban future land use category. The proposed amendments allow densities to be increased above the maximum total density if using Transferable Development Units (TDUs) that are created on lands from within the Greater Pine Island Planning Community. The proposed amendment to Policy 1.1.4 also removes a specific reference to CPA2010-00002, which is for property located within the Village of Estero and no longer subject to the Lee Plan. The recommended amendments to these policies are identified below:

**POLICY 1.1.2:** The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers, East Fort Myers west of I-75, and South Fort Myers. 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 encouraged to be developed as described in Policy 2.12.3., where appropriate. As Lee County develops as a metropolitan complex, 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~~ eight dwelling units per acre (~~7-8~~ du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum total density is twenty-two dwelling units per acre (22 du/acre). The maximum total density may be increased to thirty dwelling units per acre (30 du/acre) utilizing Greater Pine Island Transfer of Development Units.

**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 with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. 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 total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units.

**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, South Fort Myers, Iona/McGregor, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6) with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre). The maximum total density may be increased to fifteen dwelling units per acre (15 du/acre) utilizing Greater Pine Island Transfer of Development Units. ~~Any bonus densities approved on the properties added to the Urban Community future land use category in conjunction with CPA2010-00002 must be achieved through use of the transfer of development rights program.~~

**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.~~ This category has a standard density range from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre). The maximum total density may

only be increased to eight dwelling units per acre (8 du/acre) utilizing Greater Pine Island Transfer of Development Units. Other forms of bonus densities are not allowed.

Policy 1.4.7 describes the uses and residential densities that are allowable in the Coastal Rural future land use category. The proposed amendments to Policy 1.4.7 modify the Coastal Rural standard maximum density from one dwelling unit per ten acres to one dwelling unit per 2.7 acres. The amendment also replaces the density table that currently exists with the ability to achieve an “Adjusted Maximum Density” of up to one dwelling unit per acre. This is the same density that may be achieved through the existing table identified in Policy 1.4.7. The recommended amendments to this policy are identified below:

**POLICY 1.4.7:** The Coastal Rural land use category is established for the Greater Pine Island Planning Community to address the area’s predominantly rural character, coastal environment, existing agricultural uses, limited public infrastructure, and its location within and proximity to the Coastal High Hazard Area and Hurricane Vulnerability Zone. ~~areas will remain rural except for portions of properties where residential lots are permitted in exchange for permanent preservation or restoration of native upland habitats or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, on the remainder of the property.~~

The standard maximum density is one dwelling unit per 2.7 acres (1 du/2.7 acres) ~~ten acres (1 DU/10 acres).~~ Maximum densities ~~may~~ will be increased to an “Adjusted Maximum Density” of one dwelling unit per acre (1 du/acre) where 70% of the overall development parcel(s) is: maintained as native habitat; or restored as native habitat; or maintained in agricultural use on those parcels identified as existing farmland on Lee Plan Map 21. ~~as higher percentages of native habitat are permanently preserved or restored on the uplands portions of the site, or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, in accordance with the chart below.~~

Residential developments containing ten (10) or more dwelling units must be approved through the planned development rezoning process and as part of the planned development process must: a) demonstrate the implementation of adopted design standards and development approaches that support and maintain the rural character; b) provide notification to property owners of permitted adjacent agricultural uses and their right to continue operations; and c) provide mitigation for impacts to hurricane evacuation clearance times and shelter needs.

Permitted land uses include agriculture, fill-dirt extraction, conservation uses, minimal non-residential land uses, limited to marinas, fish houses, and minor commercial uses that ~~are necessary to provide basic commercial services to serve the island residents and visitors as set forth in Policy 14.4.5, and low density residential uses up to the following densities.~~ Bonus densities are not allowed in this land use category.

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

Existing farmland is depicted on Map 21. Areas for buffers, lakes, and utilities may consist of up to 10% of the upland preserve areas.

Staff recommends amendments to Policies 4.2.4, 4.2.7, and 4.3.8 which address development within the Mixed Use Overlay. The amendments within Goal 4 are to clarify that Transferable Development Units cannot be transferred into the Coastal High Hazard Area, a matter of public health, safety and welfare, and to update outdated cross references. The recommended amendments to these policies are identified below:

**POLICY 4.2.4:** The Mixed Use Overlay may include areas within the Coastal High Hazard Area when unique public benefits exist. Such benefits may include providing workforce housing options for employees of businesses located on barrier islands when transit is provided between the workforce housing and the employment areas. Bonus densities within the Coastal High Hazard Area may only be achieved through the site-built affordable housing program.

~~**POLICY 4.2.7:** Development located in the Mixed Use Overlay applying Chapter 32—Compact Communities of the Lee County Land Development Code will not be subject to the site location standards listed in Policy 6.1.2 and 6.1.2.7.~~

**POLICY 4.3.8:** Properties in a Mixed Use Overlay ~~Zone, not within the Coastal High Hazard Area,~~ will be considered as are preferred receiving areas for Transferable Development Rights (TDRs) and will allow these TDRs to serve as a method for obtaining achieving allowable bonus densities. Projects utilizing Greater Pine Island TDUs are eligible for increased maximum total densities, as set forth in this plan, and additional development incentives to encourage a compact and functional development pattern.

Policy 6.1.2 addresses commercial site location standards. The proposed amendments will eliminate commercial site location standards for Lee County's Urban Areas. Eliminating site location standards in our urban areas will encourage a diverse mix of



commercial and residential development. The Greater Pine Island TDUs can be used for both residential density and commercial intensity. The target receiving areas for the TDUs are in urban areas. Removal of site location standards from the urban areas will add demand for use of Greater Pine Island TDUs. The proposed amendments retain site location standards for Lee County's non-urban future land use categories (Rural, Coastal Rural, DR/GR, Rural Community Preserve, Outer Islands, Open Lands, Conservation Lands, and Wetlands). These amendments will also distinguish between urban and non-urban development patterns. The recommended amendments to this policy are identified below:

**POLICY 6.1.2:** Commercial development in non-urban future land use categories is limited to minor commercial and located so that the retail use, including buildings and outdoor sales area, is located at the intersection (within 330 feet of the adjoining rights-of-way of the intersecting roads) of arterial and collector roads or two collector roads with direct access to both intersecting roads. Direct access may be achieved with an internal access road to either intersecting roads. On islands, without an intersecting network of collector and arterial roads, commercial development may be located at the intersection of local and collector, or local and arterial, or collector and collector roads. ~~Commercial development must be consistent with the location criteria in this policy except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Policy 32.2.4 or located in the Mixed Use Overlay utilizing Chapter 32—Compact Communities of the Land Development Code.~~

~~1. Minor Commercial~~

~~a. Major function: Provides for the sale of convenience goods and services.~~

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

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

~~(3) Within a residential planned development provided it is located and designed primarily to meet the commercial needs of the residents of the development.~~

~~c. Site Area: Two acres or less.~~

~~d. Range of Gross Floor Area: Less than 30,000 square feet.~~

~~e. When developed as part of a mixed use planned development, and meeting the use limitations, modified setback standards, signage limitations and landscaping provisions, retail uses may deviate from the locational requirements and maximum square footage limitations, subject to conformance with the Estero Community Plan as outlined in Policies 19.2.3 and 19.2.4, and through approval by the Board of County Commissioners.~~

## ~~2. Neighborhood Commercial~~

~~a. Major function: Provide for the sale of convenience goods and personal services such as food, drugs, sundries, and hardware items.~~

~~b. Typical leading tenants: Supermarket and drug store.~~

~~c. Location: Must be located as follows (except where this plan provides specific exceptions):~~

~~At the intersection of an arterial and a collector or two arterials so that direct access is provided to both intersecting roads. Such direct access may be provided via an internal access road to either intersecting road. On Lee County's islands where there is no intersecting network of collectors and arterials, neighborhood commercial centers may be located using the standards for minor commercial centers.~~

~~d. Site Area: 2 to 10 acres.~~

~~e. Range of Gross Floor Area: 30,000 to 100,000 square feet.~~

~~f. In that portion of North Fort Myers lying between the Cape Coral city limits and the old S.A.L. railroad grade and north of the junction of the 41s, an exception to the strict adherence to the location standards in subsection (c) may be granted upon the approval of an application for Commercial Planned Development rezoning if the Board of County Commissioners makes a formal finding that the proposed project:~~

~~(1) is located on an existing arterial road;~~

~~(2) is located at the intersection of that arterial with a future collector or arterial that is indicated on the Official Trafficways Map; and (3) will provide (or at least not interfere with) an acceptable alignment for the future roadway which is the justification for the approval, relative to both extensions from the point of intersection with the existing road.~~

### ~~3. Community Commercial~~

- ~~a. Major function: Some functions of neighborhood commercial, in addition to providing for the sale of retail goods such as clothing, variety items, appliances, and furniture.~~
- ~~b. Typical leading tenants: Supermarket, drug store, minor department store, variety store, or discount center.~~
- ~~c. Location: Must be located as follows (except where this plan provides specific exceptions):~~

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

- ~~d. Site Area: 10 to 35 acres~~
- ~~e. Range of Gross Floor Area: 100,000 to 400,000 square feet.~~
- ~~f. Notwithstanding prohibitions contained elsewhere in this plan, community commercial development may be granted in a portion of the Suburban land use category in North Fort Myers lying between the Cape Coral city limits and the old S.A.L. railroad grade and north of the junction of the 41s upon the approval of an application for Commercial Planned Development rezoning if the Board of County Commissioners makes a formal finding that the proposed project:~~
  - ~~(1) is located on an existing arterial road;~~
  - ~~(2) is located at the intersection of that arterial with a future arterial road that is indicated on the Official Trafficways Map; and~~
  - ~~(3) will provide (or at least not interfere with) an acceptable alignment for the future roadway which is the justification for the approval, relative to both extensions of that future roadway from the point of intersection with the existing road.~~

### ~~4. Regional Commercial~~

- ~~a. Major Function: Some functions of community commercial, in addition to providing a full range and variety of shopping goods for comparative shopping (such as general merchandise, apparel, furniture, and home furnishings).~~
- ~~b. Typical leading tenants: One or more full-line department stores.~~
- ~~c. Location: Must be located in such a manner as to provide direct access to two and preferably three arterial roads. Such direct access may be via an internal access road to one or more arterials.~~
- ~~d. Site Area: 35 to 100 acres.~~



- e. ~~Range of Gross Floor Area: 400,000 to 1 million square feet or more.~~
- f. ~~The Commercial Site location standards described in this policy do not apply to Regional Commercial development approved as a single mixed-use Development of Regional Impact containing regional shopping opportunities on a 483-acre portion of Section 9, Township 47 South, Range 25 East, that is bounded on the west by U.S. 41, on the east by the Seminole Gulf Railroad tracks, on the south by Coconut Road, and on the north by a line located one half mile north of Coconut Road designated Urban Community, provided that the DRI specifically addresses:
  - 1) ~~Impacts to flow ways,~~
  - 2) ~~Community and Regional Park levels of service,~~
  - 3) ~~Roadway levels of service,~~
  - 4) ~~Public Schools,~~
  - 5) ~~Fire protection services, and~~
  - 6) ~~Affordable housing.~~~~
- 5. ~~Commercial development at the intersection will extend no more than one quarter mile from the centerline of the intersection and must include proper spacing of access points, with the following exception: in a commercial development approved under the planned development rezoning process, at the intersection may extend beyond one quarter mile from the intersection, provided that:~~
  - a. ~~direct access is provided to the development within one quarter mile of the intersection;~~
  - b. ~~an internal access road or frontage road provides access to the intersecting street prior to occupancy of the development; and~~
  - c. ~~all access points meet Land Development Code requirements for safety and spacing.~~
  - d. ~~the retail commercial use, including any outdoor sales, does not extend beyond one half mile from the centerline of the intersection.~~
- 6. ~~Any contiguous property under one ownership may, at the discretion of the Board of County Commissioners, be developed as part of the interstate interchange, except in the Mixed Use Interchange district, provided the property under contiguous ownership to be developed as part of the interstate interchange does not extend beyond three quarters of a mile from the interchange centerpoint. Applications seeking interstate uses outside of the interstate highway interchange area will be evaluated by the Board considering the following factors: percentage of the property within the interstate interchange; compatibility with existing adjacent land uses; and, compatibility with surrounding Future Land Use Categories. This is intended to promote planned developments under unified ownership and control, and to insure proper spacing of access points.~~
- 7. ~~The location standards specified in Subsections 1-4 will apply to the following commercial developments: shopping centers; free standing retail or service establishments; restaurants;~~

~~convenience food stores; automobile dealerships; gas stations; car washes; and other commercial development generating large volumes of traffic. These location standards will not apply to the following: banks and savings and loan establishments without drive-in facilities; hotels or motels; marinas; general, medical, or professional offices; industrial, warehouse, or wholesale development; clubs, as defined in Chapter 34 of the Land Development Code (commercial clubs excepted); and other similar development. The distinction in this subsection between these two major types of commercial uses does not apply in Lehigh Acres, where commercial uses are permitted in accordance with Policy 32.2.4. These location standards will not apply to property in the Mixed Use Overlay when Chapter 32 Compact Communities of the Land Development Code is applied.~~

- ~~8. The standards specified in Subsections 1-4 for location, floor area and site area will serve as guidelines during the rezoning process (allowing limited discretion by the Board of County Commissioners in special cases in which retail uses are the only reasonable use of the parcel in light of its size, its proximity to arterials and collectors, and the nature of the existing and projected surrounding uses, including but not limited to environmental factors) but are strict requirements during the development order process in the case of zoning that existed prior to the effective date of the Lee Plan (December 21, 1984). The other standards specified in Subsections 1-4 will serve generally to indicate the types of development which are likely to fall within each commercial category. Proposed rezonings to commercial zoning districts that include both uses that are subject to the standards in Subsections 1-4 and uses that are not (see Subsection 7) may be found consistent with the Lee Plan by the Board of County Commissioners even if the subject parcel does not comply with the applicable location standard; provided, however, that no development orders will be issued on any such parcel for any use to which the standards in Subsection 1-4 is applicable, and all such development orders must be consistent with the level of service requirements in Policy 95.1.3.~~
- ~~9. The location standards in this policy are not applicable in the following areas:
  - a. In the Interchange land use category
  - b. In Lehigh Acres where commercial uses are permitted in accordance with Goal 32
  - c. Within the Captiva community in the areas identified by Policy 13.2.1, in Area 9 of the University Community Conceptual Master Plan, or within the Mixed Use Overlay when utilizing Chapter 32 Compact Communities of the Land Development Code.
  - d. In the Density Reduction/Groundwater Resource land use category where some commercial development is permitted under Objective 33.3.~~
- ~~10. The Board of County Commissioners may approve applications for minor commercial centers that do not comply with the location standards for such centers but which are consistent with duly adopted CRA and Community plans.~~

11. Uses that must comply with Subsections 1-4 may occur at the outside of a T-intersection so long as direct access is provided from at least two points on the adjacent intersecting road, one of which must be an extension of the other intersecting road.
12. Map 19 illustrates the existing Lee County intersections that are deemed to be consistent with the standards in subsections 2 and 3. Neighborhood and community commercial centers must be located at one of the designated intersections, at another intersection utilizing the list of Functional Classification for Arterial and Collector Roads, or in accordance with one of the exceptions under Goal 6, or in Lehigh Acres in accordance with Policies 1.8.1 through 1.8.3. The map shows some intersections with half-circles and others with full circles. Half circles indicate that only the two intersection quadrants shown on the map are deemed to be consistent with the standards. All of the quadrants of intersections designated with full circles are deemed to be consistent with the standards. Proposed neighborhood and community commercial centers that are located at the designated intersections are subject to all of the other Goals, Objectives and Policies of this Plan.

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

13. Freestanding single-use commercial retail development of five (5) acres or more does not qualify as a Neighborhood Center as that term is used in the Suburban and Outlying Suburban Future Land Use Categories. (Amended by Ordinance No. 93-25, 94-30, 98-09, 99-15, 99-18, 00-22, 02-02, 07-09, 10-05, 10-16, 10-19, 10-40, 11-18)

Staff is recommending some minor amendments to Goal 14, Objective 14.1: Natural Resources and its subsequent policies. These amendments: remove old dates and policies that describe actions that have already been taken; support practices that reduce pollutants entering Greater Pine Island's estuarine and wetland resources; and, support the use of central sanitary sewer on Pine Island. The recommended amendments are identified below:

**GOAL 14: GREATER PINE ISLAND.** To manage future growth on and around Greater Pine Island so as to: maintain the island's unique natural resources, rural character, and coastal environment; ~~and its support the~~ viable and productive agricultural community and other local businesses; and to protect the public health, safety and welfare of ~~insure that~~ island residents and visitors ~~have a reasonable opportunity to evacuate when a hurricane strike is imminent~~. For the purposes of this plan, the boundaries of Greater Pine Island are indicated on Lee Plan Map 1, Page 2 the Future Land Use Map.

**OBJECTIVE 14.1: NATURAL RESOURCES.** County regulations, policies, and discretionary actions affecting Greater Pine Island will permit no further degradation of estuarine and wetland resources, and ~~no unnecessary loss of~~ will serve the long-term preservation of native upland vegetation and wildlife habitat.

**POLICY 14.1.3:** Lee County will, ~~by 1996,~~ explore the possibility of estimating the aerial extent and maturity of mangroves in Greater Pine Island for the purpose of providing baseline data necessary to ensure that the cumulative impact of mangrove alteration does not decrease the combination of aerial extent and maturity of mangroves relative to the baseline data.

~~**POLICY 14.1.8:** The county reclassified all uplands on Pine Island previously designated as Rural to a new Coastal Rural designation on the Future Land Use Map. The purposes of this redesignation was to provide a clearer separation between rural and urban uses on Pine Island, to discourage the unnecessary destruction of native upland habitats, and to avoid placing more dwelling units on Pine Island that can be served by the limited road capacity to the mainland. The Coastal Rural designation is designed to provide land owners with maximum flexibility while accomplishing these public purposes.~~

**POLICY 14.1.8:** Lee County will support practices that reduce pesticides, fertilizers, animal waste, and other pollutants entering Greater Pine Island's estuarine and wetland resources.

**POLICY 14.1.9:** Lee County will support the use of central sanitary sewer service to reduce potential contamination to groundwater or the surrounding estuarine systems from on-site septic systems.

Staff is recommending amendments to Objective 14.2: Road Improvements, and its subsequent policies that address hurricane evacuation. Currently the objective addresses hurricane evacuation through an adjusted Level of Service (LOS) requirement which measures two-way traffic. Staff continues to be concerned with hurricane evacuation times within the Hurricane Vulnerability Zone; however, LOS measurements measure two-way traffic, which misrepresents capacity and does not accurately reflect hurricane evacuation procedures. Lee County staff, including the Departments of Public Safety and Community Development, worked with consultants to analyze hurricane evacuation times from Pine Island (data and analysis is attached). Based on this analysis, staff recommends new language to plan for hurricane evacuation in increments of time (hours) instead of the LOS measurement. Staff is also proposing additional policies to address pedestrian safety and transit services on Pine Island.

In addition, the use of traffic concurrency to regulate growth is no longer legally feasible. Amendments to Florida Statutes in 2011 removed the ability of local government to deny applications for new development based on deficient transportation infrastructure. The Lee Plan was amended on April 16, 2014 as a result of the 2011 Florida Statute amendments. Policy 95.1.3 was amended in 2014 to change transportation and parks from being a regulatory standard to a non-regulatory standard, reflective of the 2011 legislative requirements. The amendments to Objective 14.2 are consistent with these 2014 concurrency amendments to the Lee Plan. Recommended amendments to these policies are identified below:



**OBJECTIVE 14.2: ROAD IMPROVEMENTS.** The county will continually monitor traffic levels within Greater Pine Island to on Pine Island Road to insure that the sum of the current population plus development on previously approved land plus new development approvals will not exceed maintain hurricane evacuation clearance times in accordance with Objective 14.8.the capacity of existing and committed roadways between Pine Island and mainland Lee County.

**POLICY 14.2.1:** Lee County will monitor impacts to the existing transportation infrastructure of Greater Pine Island recognizing the limited access to the community and the seasonal nature of infrastructure demand.

**POLICY 14.2.2:** Lee County will maintain a maximum hurricane evacuation clearance time of 18 hours for Greater Pine Island in accordance with Objective 14.8. When the evacuation clearance time reaches 16 hours, Lee County will develop mitigation regulations to address transportation deficiencies, sheltering needs, and other public safety measures. When the evacuation clearance time of 18 hours is exceeded, Lee County will impose the additional mitigation measures.

**POLICY 14.2.3:** Lee County, in conjunction with the Florida Department of Transportation, will identify hurricane evacuation roadway capacity improvements, including critical intersections and manual traffic control provisions, to maintain evacuation clearance time standards for Greater Pine Island.

**POLICY 14.2.1:** The minimum acceptable level-of-service standard for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is hereby established as LOS D on an annual average peak hour basis and LOS "E" on a peak season, peak hour basis. This standard will be measured at the county's permanent count station on Little Pine Island and using the methodology described in the 1985 Highway Capacity Manual, Special Report 209.

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

- ~~When traffic on Pine Island Road reaches 810 peak hour, annual average two-way trips, the regulations will restrict further rezonings which would increase traffic on Pine Island Road through Matlacha. These regulations shall provide reasonable exceptions for minor rezonings on infill properties surrounded by development at similar intensities and those with inconsequential or positive effects on peak traffic flows through Matlacha, and may give preference to rezonings for small enterprises that promote the nature and heritage of Greater Pine Island.~~
- ~~When traffic on Pine Island Road reaches 910 peak hour, annual average two-way trips, the regulations will provide restrictions on the further issuance of residential development~~

~~orders (pursuant to chapters 10 of the Land Development Code), or other measures to maintain the adopted level of service until improvements can be made in accordance with this plan. The effect of these restrictions on residential densities must not be more severe than restricting densities to one third of the maximum density otherwise allowed on that property.~~

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

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

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

**~~POLICY 14.2.4:~~** ~~The county will make every effort to continue extending the bicycle path to run the entire length of Stringfellow Road. Wherever possible, tThis path should be designed as a major public amenity similar to the high quality design used for similar to the bicycle path north of Pineland that was completed in 2001.~~

**~~POLICY 14.2.5:~~** ~~Lee County will investigate the merits of creating a concurrency exception area for a portion of Pine Island Center. The concurrency exception area will promote the expansion of public transportation to and from the Greater Pine Island area.~~

**POLICY 14.2.5:** Lee County will continue to evaluate pedestrian safety and circulation, and will seek to minimize pedestrian-vehicular conflicts within the Matlacha Historic District.

**POLICY 14.2.6:** Lee County will assess the benefits of expanding mass transit services to Greater Pine Island to minimize the number of vehicular trips through Matlacha, and will encourage projects to accommodate bus stops, multi-modal opportunities, ride share lots, water taxis, and/or pedestrian connectivity.

Staff is recommending amendments to Objective 14.3: Residential Land Uses, and its subsequent policies. The recommended language clarifies that only Greater Pine Island TDUs may be used on Pine Island and only in the Pine Island Center. The amendments also provide a provision for the transfer of units within the Greater Pine Island Planning Community. Units may be transferred from rural areas to lands with urban future land use categories if the properties on which the transfer occurs have common ownership and meet specific requirements. For the purposes of public health, safety, and welfare, the amendments make clear that lands within the Coastal High Hazard Area are not eligible

for the Adjusted Maximum Density. Also within this Objective, the limitation on building height within Greater Pine Island is proposed to be deleted since it is duplicative of requirements that exist in the Land Development Code. The recommended amendments to these policies are identified below:

**OBJECTIVE 14.3: RESIDENTIAL LAND USES.** County regulations, policies, and discretionary actions will recognize certain unique characteristics of Greater Pine Island which justify different treatment of existing and future residential areas than in mainland Lee County, as described in the following policies.

**POLICY 14.3.1:** Due to the constraints on future development posed by the limited road connections to mainland Lee County, ~~bonus densities only~~ Greater Pine Island TDUs of any kind are not permitted in Greater Pine Island consistent with Table 1(a), Note 4. Only the portion of Greater Pine Island defined as Pine Island Center is eligible to receive Greater Pine Island TDUs. This prohibition includes, housing density bonuses, off-site transfers from environmentally critical areas, and transfer from on-site wetlands at rates above the standard density rates for environmentally critical areas.

**POLICY 14.3.3:** Adjusted Maximum Density is not permitted to be located within Coastal Rural designated lands within the Coastal High Hazard Area.

**POLICY 14.3.4:** Dwelling units may be transferred from parcels that have a future land use designation of Coastal Rural to parcels with urban future land use categories on Greater Pine Island, subject to the following:

1. The receiving and transferring lands are under the same ownership at the time this policy was adopted, and remain under the same ownership at the time units are transferred;
2. The maximum allowable density that may be transferred from Coastal Rural parcels is limited to one dwelling unit per 2.7 acres (1 du/2.7 acres);
3. The property receiving the additional dwelling units is rezoned to a planned development.
4. Density can be allocated across the planned development-zoned property, including those lands within the planned development that are designated Coastal Rural, provided that the density developed within Coastal Rural designated property does not to exceed 1 dwelling unit per 2.7 acres (1 du/2.7 acres);
5. Development rights for each unit transferred from the transferring parcel are extinguished through a recorded instrument acceptable to the County Attorney's Office and provided to the Department of Community Development with the planned development rezoning application for the receiving parcel;
6. The allowable density on the receiving parcels will be the sum of the allowable densities for the receiving and transferring parcel, subject to the Coastal Rural density limitations set forth in subsection 4 above; and
7. Bona fide agricultural uses on the transferring parcel may continue in accordance with Policy 14.6.1.

**POLICY 14.3.3:** ~~The county's Land Development Code will continue to state that no building or structure on Greater Pine Island will be erected or altered so that the peak of the roof exceeds thirty-eight (38) feet above the average grade of the lot in question, or forty-five (45) feet above~~

mean sea level, whichever is the lower. No deviations from these height restrictions may be granted through the planned development process. These height restrictions will not be measured from minimum flood elevations nor will increases in building height be allowed in exchange for increased setbacks. Industrial buildings must also comply with these height restrictions.

**POLICY 14.3.4:** The county Zoning Regulations will continue to allow storage of commercial fishing equipment at a fisherman's private residence as a permitted use in residential districts on Pine Island. Reasonable restrictions not having the effect of prohibiting such storage may be developed.

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

Staff is recommending amendments to Objective 14.4: Commercial Land Uses, and its subsequent policies. The recommended language helps reinforce that commercial development is targeted for the urban areas near the center of Pine Island, where infrastructure currently exists. Staff is also recommending deleting policies that direct Lee County to take actions that have already been completed. The recommended amendments to these policies are identified below:

**OBJECTIVE 14.4: COMMERCIAL LAND USES.** County regulations, policies, and discretionary actions will recognize certain unique characteristics of Greater Pine Island which justify different treatment of existing and future commercial areas than in mainland Lee County, as described in the following policies.

**POLICY 14.4.1:** Future Urban Areas at in Pine Island Center is are targeted for most future commercial and industrial uses as permitted by other portions of this plan. Non-residential developments within Pine Island Center are encouraged to provide employment opportunities; serve the day to day needs of residents and visitors; demonstrate a positive impact on traffic patterns within Greater Pine Island; and reduce the number of vehicular trips through Matlacha.

**POLICY 14.4.2:** Commercial development at other locations outside on Greater Pine Island Center, but within future urban land use categories (such as Bokeelia, Pineland, Matlacha, and St. James City) should be limited must be sited and designed to minimize impacts to residential and adjacent agricultural uses. Permitted uses should be restricted to the following: to marinas; fish houses; and minor commercial uses to serve the day to day needs of local residents and island visitors. Such development must be sited and designed to minimize disruptive influences to the greatest degree possible.

**POLICY 14.4.3:** The county will expand the commercial design standards in its land development code to provide specific architectural and site design standards for Greater Pine Island in the Land Development Code if an acceptable proposal is submitted by the Greater Pine Island community. These standards must: would promote but not mandate rehabilitation



over demolition; require smaller rather than larger buildings address the size and scale of building mass in relationship to the built and natural environment; establish community-specific architectural standards in support of Greater Pine Island's coastal rural character; avoid standardized franchise buildings; preserve mature trees wherever possible; and encourage the location of off-street place most parking to the side and rear of buildings to preserve viewsheds along public roadways; require large windows and forbid most blank walls; and encourage metal roofs and other features of traditional "Old Florida" styles. The new commercial design standards will reflect the different characteristics of Bokeelia, Pineland, Matlacha, and St. James City. Deviations from these standards may not be granted unless the request meets the County approval criteria for variances set forth in Chapter 34 of the Land Development Code.

~~**POLICY 14.4.4:** The county will expand its current sign regulations to include specific standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would reduce the size of ground-mounted signs, discourage or disallow internally lit box signs, allow wall signs on buildings near the right-of-way, and allow small directional signs on Stringfellow Road for businesses not visible from the road.~~

~~**POLICY 14.4.5:** The county will establish a prioritized schedule for an effort to rezone land to zoning districts that properly reflect its development potential under the Lee Plan.~~

**POLICY 14.4.65:** In the Coastal Rural future land use category, non-residential development is limited restricted to minor commercial development. ~~New commercial~~ All zoning requests for commercial projects must utilize the Planned Development rezoning process and be consistent with the following limitations:

- Total building floor area is limited to 5,000 square feet, unless the development can demonstrate compatibility with adjacent uses, and a positive impact on traffic patterns within Greater Pine Island.
- Development must not exceed two acres of impervious area.
- Uses are limited to those that reflect the Coastal Rural character and unique culture of Greater Pine Island, such as animal clinics, bait and tackle shops, ecotourism, farm and feed supply stores, food stores, lawn and garden supply stores, restaurants (excluding fast food), roadside/produce stands, speciality retail, and plant nurseries.
- Buildings exceeding 5,000 square feet that are lawfully existing or approved as of October 1, 2009 will be deemed vested for the approved and existing square footage for the life of the structure despite a change in use.

~~**POLICY 14.4.7:** During the Comprehensive Plan Evaluation and Appraisal Report process the County will analyze commercial rezoning and commercial development in the Coastal Rural areas and assess their impacts to the Greater Pine Island Community and identify any needed policy modifications.~~

Staff is recommending that Objective 14.6: Agricultural Uses, and its subsequent policies, should be replaced with Objective 14.6: Greater Pine Island Transfer of Development

Rights Program. Currently, Objective 14.6 directs Lee County to evaluate the creation of a TDR and/or PDR program with the intention of encouraging continued agricultural uses within the Greater Pine Island Planning Community. One of the main objectives of these proposed amendments is the establishment of the Greater Pine Island TDR program. creation of the Greater Pine Island TDR Program. Therefore, staff is proposing to delete the objective that directed staff to evaluate the possibility of a TDR program. The recommended amendments to these policies are identified below:

**OBJECTIVE 14.6: AGRICULTURAL USES GREATER PINE ISLAND TRANSFER OF DEVELOPMENT RIGHTS PROGRAM.** To promote and preserve the rural character of Pine Island Lee County will ~~strive to foster a viable and productive agricultural community on the island. Lee County will pursue the incorporation of Greater Pine Island's incorporate several land use "tools" such as purchase and transfer of development rights programs into the Lee County Land Development Code to preserve agricultural uses on Pine Island.~~

**POLICY 14.6.1:** Lee County will amend its Land Development Code to implement Transfer of Development Rights (TDR) and Purchase of Development Rights (PDR) programs for Greater Pine Island. The new programs will create incentives for property owners within Greater Pine Island to transfer development rights associated with their parcels to: receiving lands outside of the planning community; future urban areas within the planning community that are targeted for development in accordance with these provisions; or, Lee County. The programs will allow for continued agricultural uses on sending lands, in addition to limited non-residential uses that directly support the agricultural operations.

**POLICY 14.6.1:** Lee County will maintain a map (Map 21) of all existing farmland on Pine Island. These mapped existing farmlands and Pine Island lands containing indigenous vegetation are the primary targeted sending areas for the creation of transfer of development rights (TDR) on Pine Island.

**POLICY 14.6.2:** The county will administer the TDR program and will develop clear and concise forum to disseminate program information and records, including but not limited to a: TDR program website that will provide general program information, rules and guidelines; TDU administrative determination application; county-approved form of conservation easement; certified TDU database with ownership information; and, for-sale TDU clearinghouse information for those individuals that request to be included within the TDU clearinghouse program.

**POLICY 14.6.23:** Lee County, by 2009, will evaluate creating a Purchase of Development Rights Program with the objective of preserving Pine Island agricultural uses.

**POLICY 14.6.3:** By 2007 Lee County will amend the Lee County Land Development Code to establish a Pine Island Transfer of Development Rights (TDR) program to supplement the existing wetland TDR program. The program will be encouraged for properties depicted on Map 21 as well as other Pine Island lands as promoting reduced densities in the Coastal High Hazard Area.

**POLICY 14.6.4:** The property owners of lands designated Intensive Development, Central Urban, or Urban Community are eligible to receive Pine Island TDRs. The property owners of lands designated Suburban and Outlying Suburban are eligible to receive Pine Island TDRs consistent with the Lee Plan's definition of Density and if approved through the planned development rezoning process. The land development code will maintain several approval processes such as by right, administrative and planned development approval. Developments receiving TDR units will be evaluated for the following criteria: compact site design, innovative open space design, well designed pedestrian/bicycle connections to commercial and employment areas, locations on or a walkable distance to mass transit service, and mixed use buildings. Utilization of in-fill and brownfield sites are encouraged. Land Development Code incentives will be given to projects that incorporate concepts from traditional neighborhood design, transit oriented development, and new urbanism principles.

**POLICY 14.6.5:** Participation in the Pine Island TDR by right and administrative approval processes for receiving sites requires that the subject property be already conventionally zoned in a zoning district that would permit the proposed development consistent with allowable densities and with the zoning district's lot size, setback, open space and height requirements. The by right process will be limited to adding one additional dwelling unit to a receiving parcel that is one acre or less in size. If the receiving parcel is larger than one acre, TDR units may be used to add one dwelling unit per acre by right. The resulting density may not exceed the maximum total density range for the land use category of the subject site.

**POLICY 1 4.6.6:** Adding Pine Island TDR units in excess of one dwelling unit per acre in conventional zoning districts requires administrative approval. The Lee County Department of Community Development director may administratively approve the use of TDR units to increase the density of a proposed development provided that the proposed development is: in compliance with the Lee Plan; zoned for the type and number of dwelling units proposed to be constructed; designed so that the resulting development does not have substantially increased intensities of land uses along its perimeter, unless adjacent to existing or approved development of a similar intensity; in a location where the additional traffic will not be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road; in a location outside of the Category 1 Storm Surge Zone for a land falling storm as defined by the October 1991 Hurricane Storm Tide Atlas for Lee County prepared by the Southwest Florida Regional Planning Council; not in a location where existing and committed public facilities are so overwhelmed that a density increase would be contrary to the overall public interest, and; will not decrease required open space, buffering, landscaping and preservation areas or cause adverse impacts on surrounding land uses.

**POLICY 14.6.7:** The Land Development Code will be amended to specify that Pine Island TDRs may be utilized through the Planned Development approval and amendment rezoning processes for land owners seeking to add additional dwelling units utilizing TDR units. The Code will specify that the application for the rezoning and the request to utilize TDR units may be submitted at the same time for concurrent review.

**POLICY 14.6.8:** The generation rate for Pine Island TDRs will be limited by the Land Development Code to two Transfer of Development Rights per acre for the Coastal Rural land use category, to six Transfer of Development Rights per acre for the Future Urban land use

~~categories, and one Transfer of Development Right per five acres of wetland. The Land Development Code will be amended to establish a creation of development rights process as well as a receiving process.~~

Staff is recommending a new Objective for the Pine Island Community Plan, Objective 14.8: Hurricane Preparedness, Evacuation and Mitigation, and its subsequent policies. These proposed amendments are based on the attached data and analysis and reviewed by the Departments of Public Safety and Transportation. The recommended language is provided below:

**OBJECTIVE 14.8: HURRICANE PREPAREDNESS, EVACUATION AND MITIGATION.** Lee County will provide for the protection of Greater Pine Island residents, visitors and property from the physical and economic effects of hurricanes and tropical storms. The following policies will supplement Goal 109 of the Conservation and Coastal Management Element of this plan, as it relates to the hurricane preparedness, evacuation, mitigation and sheltering for residents of Greater Pine Island.

**POLICY 14.8.1:** Lee County will work to maintain hurricane evacuation clearance times for Greater Pine Island, and continue to incorporate those times into the county-wide evacuation decision-making planning.

**POLICY 14.8.2:** Lee County will continue to include Greater Pine Island specific issues in its Comprehensive Emergency Management Plan (CEMP) and related evacuation planning documents.

**POLICY 14.8.3:** In the event of a pending hurricane (defined as Categories 1-5) Lee County shall maintain an evacuation clearance time of 18 hours for the resident population of Greater Pine Island. The evacuation clearance time is defined as the time necessary to safely evacuate people from the point when the evacuation order is given until the last evacuee can either leave Greater Pine Island, or arrive at safe shelter within Lee County. In order to maintain the 18-hour evacuation clearance time for residents, mandatory evacuation of non-residents, visitors, recreational vehicles, travel trailers (transient and non-transient) may occur in a phased approach to address evacuation in advance of tropical storm winds in accordance with the CEMP.

**POLICY 14.8.4:** Lee County will continue to include Greater Pine Island in its year-round public information program focused on disaster preparedness. The program will include information on hurricane risk, the need for timely evacuation, the availability and location of hurricane shelters and the actions necessary to minimize property damage to protect human life.

**POLICY 14.8.5:** New residential development and redevelopment within, or partially within, the Hurricane Vulnerability Zone must mitigate hurricane sheltering and evacuation impacts in accordance with Chapter 2, Article XI of the Land Development Code.

**POLICY 14.8.6:** Shelters will not be built on barrier or coastal islands within Greater Pine Island. Where financially feasible, geographically appropriate, and in the interest of public



health, safety and welfare, Lee County will make every effort to construct new public buildings to hurricane shelter standards.

**POLICY 14.8.7:** Where feasible, Lee County will evaluate the purchase of lands within Greater Pine Island identified as Coastal High Hazard in order to reduce the expansion of new development within vulnerable areas.

**POLICY 14.8.8:** The county will evaluate alternative mechanisms to improve evacuation clearance times within the planning community, including but not limited to: access control; mandatory evacuation notices; one-way evacuation routes; and the preparation and implementation of community-specific mitigation measures.

**POLICY 14.8.9:** Deviations relating to setbacks, lot coverage, and density within the Coastal High Hazard Area may not be granted, unless the request meets the County approval criteria for variances set forth in Chapter 34 of the Land Development Code.

### **Transportation Element and Capital Improvement Element Amendments**

Objective 37.1 and Policies 37.1.1, 37.3.1, and 95.1.3 are within the Transportation Element and the Capital Improvement Element of the Lee Plan. The proposed amendments to Objective 37.1 and Policy 37.1.1 provide consistency with amendments to the Capital Improvements Element as the result of CPA2013-06, which addressed Lee County concurrency requirements. Policy 37.1.1 is also being amended to update a cross reference to Objective 14.2 which addresses hurricane evacuation times for Greater Pine Island. Policy 37.3.1 is being amended to remove an outdated reference to the Florida Administrative Code. Policy 95.1.3, in the Capital Improvements Element, is being amended to remove duplicative language that the policy currently shares with Policy 37.1.1. The recommended amendments to these policies are identified below:

**OBJECTIVE 37.1: GENERAL STANDARDS.** ~~From time of plan adoption, new facilities will be added at a rate equal to growth demands.~~ Establish non-regulatory level of service (LOS) standards on county and state transportation facilities within Lee County. Cooperate with municipalities on the facilities maintained by Lee County within the municipalities and with FDOT on state transportation facilities.

**POLICY 37.1.1:** ~~The minimum acceptable peak hour, peak season, peak direction roadway levels of service (see also Policy 95.1.3) will be as follows:~~

| <b>Minimum Level of Service</b>                                                 | <b>Peak — Hour/Peak Season/Peak Direction</b> |
|---------------------------------------------------------------------------------|-----------------------------------------------|
| <b>State &amp; County Maintained Roads (Excluding FHHS, SIS and TRIP Roads)</b> |                                               |
| <del>Expressways (Limited Access Facilities)</del>                              | <del>D</del>                                  |
| <del>Controlled Access Arterials</del>                                          | <del>E</del>                                  |
| <del>Arterials</del>                                                            | <del>E</del>                                  |
| <del>Major Collectors</del>                                                     | <del>E</del>                                  |
| <del>Minor Collectors</del>                                                     | <del>E</del>                                  |
| <b>FHHS Roads<sup>(1)</sup></b>                                                 |                                               |
| <del>I-75</del>                                                                 |                                               |
| <del>Collier County to SR 78</del>                                              | <del>D</del>                                  |

|                                                |              |
|------------------------------------------------|--------------|
| <del>SR 78 to Charlotte County</del>           | <del>C</del> |
| <del>SR 80 (Palm Beach Boulevard)</del>        |              |
| <del>I 75 to Werner Dr.</del>                  | <del>D</del> |
| <del>Werner Dr. to Hendry County</del>         | <del>C</del> |
| <del>SIS Roads</del>                           |              |
| <del>SR 82 (Immokalee Road)</del>              |              |
| <del>Lee Boulevard to Commerce Lakes Dr.</del> | <del>D</del> |
| <del>Commerce Lakes Dr. to Hendry County</del> | <del>C</del> |
| <del>Airport Connector</del>                   |              |
| <del>I 75 to Ben Hill Griffin Parkway</del>    | <del>D</del> |
| <del>TRIP Funded Roads</del>                   |              |
| <del>Colonial Boulevard</del>                  |              |
| <del>I 75 to Lee Boulevard</del>               | <del>D</del> |
| <del>Imperial Parkway</del>                    |              |
| <del>E. Terry Street to Bonita Bill Dr.</del>  | <del>D</del> |
| <del>Six Mile Cypress Parkway</del>            |              |
| <del>Daniels Parkway to Winkler Avenue</del>   | <del>D</del> |

<sup>(4)</sup> ~~The County may seek variances to the level of service standards for the FIHS facilities as authorized under Section 120.542, F.S. If granted, the level of service standards for I 75 and SR 80 will be as approved by FDOT in the Order Granting Petition for Variance.~~

LOS “E” is the minimum acceptable LOS for principal and minor arterials, and major collectors on county-maintained transportation facilities. Level of service standards for the State Highway System during peak travel hours are “D” in urbanized areas and “C” outside urbanized areas.

The minimum acceptable level of service ~~as specified above~~ for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is also subject to Objective 14.2 ~~Policies 14.2.1 and 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.

**POLICY 37.3.1:** Lee County will measure traffic volumes and capacity on all roads on a roadway segment-by-segment basis, except for constrained roads and where alternatives are established pursuant to Chapter 163.3180, F.S., ~~and Rule 9J-5.0055, F.A.C.~~ Transportation for Pine Island will be governed by the policies under Objective 14.2 of this comprehensive plan.

**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 or inter-local agreements as being essential to support development. These consist of facilities for the provision of public schools, potable water, sanitary sewer, disposal of solid waste, and stormwater management. (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. These consist of facilities for the provision of community and regional parks, and transportation. Compliance with non-regulatory standards will not be a requirement for continued development permitting, but will be used for facility planning purposes.

*No changes to numbers 1 through 6*

#### 7. Roadway Facilities:

Los "E" is the standard LOS for principal and minor arterials, and major collectors on county-maintained transportation facilities. Level of service standards for the State Highway System during peak travel hours are D in urbanized areas and C outside urbanized areas.

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 roads are defined in Table 2(a).

~~The minimum acceptable level of service for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is subject to Policies 14.2.1 and 14.2.2.~~

~~For minimum 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.~~

### **Conservation and Coastal Management Element Amendments**

Policies 109.1.1, 109.1.2, 109.1.4, and 109.1.5 are within the Conservation and Coastal Management Element and address hurricane evacuation within the Coastal High Hazard Area and the Hurricane Vulnerability Zone. These policies are being updated to supplement and be consistent with Objective 14.8 of the Pine Island Plan. The recommended amendments to these policies are identified below:

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

**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. Pursuant to Policy 14.8.4, all new residential development and redevelopment within the Hurricane Vulnerability Zone in Greater Pine Island must mitigate hurricane sheltering and evacuation impacts in accordance with Chapter 2, Article XI of the Land Development Code.

**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.

**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. For the purposes of accommodating hurricane evacuation, a new bridge to Pine Island is strongly discouraged due to the costs, design constraints, and potential impacts to growth patterns within Greater Pine Island.

**POLICY 109.1.5:** Comprehensive plan amendments that increase density within coastal high hazard areas must meet one of the following criteria in accordance with Section 163.3178(9), F.S.:

1. The proposed amendment will not exceed a 16 hour out of county hurricane evacuation time for a category 5 storm event; or
2. Maintain a 12 hour evacuation time to shelter for a Category 5 storm event and ensure shelter space is available to accommodate the additional residents of the development allowed by the proposed comprehensive plan amendment; or
3. Provide appropriate mitigation to satisfy the provisions of either of the previous two paragraphs, which may include without limitation, the payment of money, contribution of land, or construction of hurricane shelters and transportation facilities. The developer must enter into a binding agreement to memorialize the mitigation plan prior to adoption of the plan amendment.
4. Any comprehensive plan amendment that increases density within Coastal High Hazard Areas in Greater Pine Island must meet one of the above criteria, in addition to the community-specific requirements set forth in Goal 14 of this plan.

### **Glossary Amendments**

Staff recommends that the Glossary of the Lee Plan be updated due to the proposed amendments discussed in this staff report. Staff proposes to add definitions to the Glossary for Community, Minor, Neighborhood, and Regional Commercial Development, which were previously described in Policy 6.1.2. Staff is also proposing an amendment to the definition for density, which provides clarification to the way density is calculated, and



to update the definitions for Coastal High Hazard Area and Hurricane Vulnerability Zone to be consistent with the definitions used elsewhere in Lee County's Land Development Code. The recommended amendments to the Glossary are identified below:

**COASTAL HIGH HAZARD AREA** – The area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model and delineated by Map 5 of the Lee Plan as Future Land Use Map Series required by Chapter 163.3177(6)(a)10.c.(VI), F.S.

## **COMMERCIAL DEVELOPMENT,**

**MINOR-** Commercial development that provides for the sale of convenience goods and services and contains less than 30,000 square feet of gross floor area.

**NEIGHBORHOOD-** Commercial development that provides for the sale of convenience goods and personal services, such as food, drug, sundries, and hardware items and has a gross floor area range of 30,000 to 100,000 square feet.

**COMMUNITY-** Commercial development that provides for the sale of retail goods such as clothing, variety items, appliances, and furniture as well as goods that may be found in a neighborhood commercial development and has a gross floor area range of 100,000 to 400,000 square feet.

**REGIONAL-** Commercial development that provides 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) and has a gross floor area range of 400,000 to 1 million square feet.

**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 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 waterbodies contained within the residential development. When the calculation of the gross density of a development results in a fractional density, 0.50 of a dwelling unit or greater shall be rounded up to the next whole number and fractions less than 0.50 shall be rounded down. No further rounding is permitted. Fractional density rounding may not be applied to parcels subject to the Gasparilla Island Conservation District Act of 1980 (as amended) or existing, undersized parcels that would require a determination through the Single Family Residence provision of the Lee Plan, Chapter XIII to permit one single-family residence on said parcel. Fractional density rounding may not be applied to parcels of land created (subdivided or combined) after [DATE OF ADOPTION] in a manner that would permit greater gross density than that was permitted (with fractional density rounding) prior to creation of the new parcel. Lands for commercial, office, industrial uses natural water bodies, and other non-residential uses must not be included, except within areas identified on the Mixed Use Overlay Map (Future Land Use Map Series Map 1 page 6 of 8) that have elected to use the process described in Objective 4.2 and

except within areas identified as Mixed-Use Communities as identified on Map 17 where development rights are concentrated or transferred using the process described under Objective 33.3. Within the Captiva community in the areas identified by Policy 13.2.1, 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 Coastal 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. If development is proposed in accordance with Policy 2.12.3, residential densities are calculated using the total land area included in the mixed use portion of the development.

**HURRICANE VULNERABILITY ZONE** - The areas delineated by the area below the elevation of the category 3 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. ~~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.~~

**PINE ISLAND CENTER** – Central Urban-designated lands that are generally located at the arterial intersection of Pine Island Road and Stringfellow Road within the Greater Pine Island Planning Community.

### **Amendments to Lee Plan Tables**

Staff is recommending amendments to Table 1(a), Summary of Residential Densities; Table 2(a), Constrained Roads; and Table 2(b), Recommended Operational Improvements on Constrained Roads. The proposed amendments to Table 1(a) will allow for the increased Maximum Total Densities when using Greater Pine Island TDUs in the Intensive Development, Central Urban, and Urban Community future land use categories consistent with the proposed amendments to the Future Land Use Element. The proposed amendments to Table 2(a) and Table 2(b) identify Stringfellow Road as a constrained road and provide some recommended operational improvements which include turn lanes and bicycle and pedestrian improvements. The recommended amendments to the tables are included in Attachment 1.

## **PART IV**

### **CONCLUSIONS, FINDINGS OF FACT, AND RECOMMENDATION**

#### **A. CONCLUSIONS:**

The Greater Pine Island Community Plan was adopted in the Lee Plan as a mechanism to: manage future growth on and around Greater Pine Island; maintain the island's unique natural resources, character and its viable and productive agricultural community; and ensure that island residents and visitors are able to evacuate when a hurricane strike is imminent.

The proposed amendments maintain much of the existing Greater Pine Island Community Plan's intent and preserves the original vision developed by the Greater Pine Island community. The proposed amendments are only to those portions of the current plan that are supported by new data and analysis, or needed to create the Greater Pine Island TDR program, as directed in Objective 16.3 as it currently exists.

The proposed amendments discussed in this staff report and provided in Attachment 1 support and implement the vision of the Greater Pine Island community while also benefiting development in appropriate urban areas of mainland Lee County.

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

- The Greater Pine Island Community Plan update was initiated by the Board of County Commissioners on March 17, 2015.
- Lee County Staff and consultants met with Greater Pine Island residents to discuss the proposed amendments on June 9, 2015, July 13, 2015 and October 14, 2015.
- The Pine Island Community Plan was first included in the Lee Plan in 1989 and was updated in 2003 and 2005.
- The amendments proposed as part of the current update establish the Greater Pine Island TDR and PDR programs. Pine Island Objective 14.6 which was adopted during the 2005 Pine Island Community Plan update directed Lee County to evaluate the creation of a Pine Island TDR/PDR program.
- TDUs created through the Greater Pine Island TDR program will be directed to areas within Lee County that are currently served by adequate public services.
- The proposed amendments require that Lee County maintain maximum hurricane evacuation times for Greater Pine Island of 18 hours.
- The Adjusted Maximum Density identified in the proposed amendments is one unit per acre, the same as the 1 unit per acre that can currently be achieved through Policy 1.4.7. Therefore, the allowable densities within the Coastal Rural future land use category will remain the same.
- The requirements to achieve the Adjusted Maximum Density have been revised to provide property owners with a feasible method to achieve 1 unit per acre under Policy 1.4.7.

**C. RECOMMENDATION:**

Staff recommends that the Board of County Commissioners *transmit* the proposed amendments as identified in Attachment 1.

**PART V  
LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: December 14, 2015

**A. LOCAL PLANNING AGENCY REVIEW:**

A County Attorney gave a brief introduction to the proposed Pine Island Community Plan update which includes amendments to both the Lee County Comprehensive Plan and Land Development Code (LDC). Following the introduction, county consultants provided a presentation regarding the proposed amendment.

Members of the LPA asked questions throughout the presentation that mostly concerned the open space requirements contained in the LDC. One member of the LPA asked for clarification about the uses that would be permitted after the creation of Transferable Development Units. It was clarified that the uses would have to be agricultural in nature and consistent with the LDC. A member of the LPA asked if staff or the consultants had looked into the creation of a Purchase of Development Rights (PDR) program through an Municipal Service Taxing Unit (MSTU). A member of the consultant team verified that a PDR program had been explored but it had been determined that due to the projected cost it should be voted on through a referendum.

Four members of the public addressed the LPA concerning the proposed amendments. The comments from the public were in support of the proposed amendments, but some had questions about open space requirements contained in the LDC amendments.

Following public comment there was general discussion from the LPA concerning open space on the residential lots and continuation of existing agriculture. Staff suggested that the questions concerning open space may be addressed through modifying setback requirements in the LDC.

**A motion was made to recommend that the BoCC transmit CPA2015-00013 Pine Island Community Plan Update. The motion was called and passed 7-0.**

The motion also directed staff to make changes to the setback/open space requirements in the LDC amendments. The motion did not necessitate any changes to the proposed Lee Plan amendments.

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

**1. RECOMMENDATION:**

The LPA recommended that the Board of County Commissioners ***transmit*** the amendment to the Lee Plan as proposed by staff.



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

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

**C. VOTE:**

|                      |            |
|----------------------|------------|
| <b>NOEL ANDRESS</b>  | <b>AYE</b> |
| <b>TIMOTHY BROWN</b> | <b>AYE</b> |
| <b>DENNIS CHURCH</b> | <b>AYE</b> |
| <b>JIM GREEN</b>     | <b>AYE</b> |
| <b>RICK JOYCE</b>    | <b>AYE</b> |
| <b>DAVID MULICKA</b> | <b>AYE</b> |
| <b>GARY TASMAN</b>   | <b>AYE</b> |

**PART VI**  
**BOARD OF COUNTY COMMISSIONERS**  
**HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

**DATE OF TRANSMITTAL HEARING:** January 20, 2016

**A. BOARD REVIEW:**

Staff gave a brief presentation and made a recommendation that the BoCC transmit the proposed amendment. Staff pointed out that there were members of the consultant team available for questions should the Board have any. There were no questions.

No members of the public provided public comment.

**A motion was made that the BOCC transmit staff's recommendation. The motion was called and passed 5-0.**

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

**1. BOARD ACTION:**

The Board of County Commissioners ***transmitted*** the proposed amendment as recommended by staff and the Local Planning Agency.

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

The Board of County Commissioners accepted the findings of fact as advanced by staff and the Local Planning Agency.

**C. VOTE:**

|                            |                   |
|----------------------------|-------------------|
| <b>BRIAN HAMMAN</b>        | <u><b>AYE</b></u> |
| <b>LARRY KIKER</b>         | <u><b>AYE</b></u> |
| <b>FRANK MANN</b>          | <u><b>AYE</b></u> |
| <b>JOHN MANNING</b>        | <u><b>AYE</b></u> |
| <b>CECIL L PENDERGRASS</b> | <u><b>AYE</b></u> |

**PART VII**  
**STATE REVIEWING AGENCIES OBJECTIONS,**  
**RECOMMENDATIONS, AND COMMENTS**

DATE OF REVIEWING AGENCY COMMENTS: Comments from the State Reviewing Agencies were due to Lee County by February 24, 2016.

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

Lee County received responses from the following review agencies addressing the transmitted amendment:

- Florida Department of Agriculture and Consumer Services
- Florida Department of Economic Opportunity,
- Florida Department of Environmental Protection,
- Florida Department of Transportation,
- South Florida Water Management District,
- Southwest Florida Regional Planning Council (Staff Only), and
- Florida Fish and Wildlife Conservation Commission.

There were no objections to the proposed amendments.

Comments and recommendations were made by the Florida Department of Economic Opportunity, the Florida Department of Transportation, and the Southwest Florida Regional Planning Council.

**FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY (FLORIDA DEO)**

The Florida DEO provided Lee County with correspondence stating that they had “identified no comments related to important state resources and facilities within the Department’s authorized scope of review that will be adversely impacted by the amendment if adopted.” The Florida DEO provided technical assistance comments which are summarized below (in italics), along with the staff response. The letter from Florida DEO is attached to the staff report.

*Technical Assistance Comment (TDR Density Generation Rates): The Florida DEO is concerned that the proposed amendments do not clearly define with meaningful and predictable standards the maximum amount of density (dwelling units per acre of sending parcel) that may be generated/transferred from the proposed Greater Pine Island TDR program and recommends that the County revise proposed TDR Policy 14.6.1 to establish meaningful and predictable standards defining the TDR generation rate for density transferred from the sending parcels.*

**Staff Response:** Staff appreciates this comment from the Florida DEO. Staff is proposing generation rates and redemption rates for the Greater Pine Island TDR program in Land Development Code amendments that are being proposed concurrent with the proposed amendments to the comprehensive Plan. To address the technical assistance provided by the Florida DEO staff proposes

changes to proposed Policy 14.6.1 that provide the TDR generation rates. The changes are identified in Attachment 1.

*Technical Assistance Comment (TDR and CHHA): The Florida DEO is concerned that the proposed Future Land Use Element amendments increase the potential maximum allowable density in the Coastal High Hazard Area (CHHA) by allowing the transfer of development rights into the CHHA. They recommend that the amendments be revised to include a provision prohibiting the transfer of density into CHHA areas located outside of Greater Pine Island in order to further planning goals regarding hurricane evacuation and public safety.*

**Staff Response:** Staff appreciates this comment from the Florida DEO. It was not the intent of the proposed amendments to allow the use of Transferable Development Units within the CHHA. This was clarified in the Land Development Code amendments that are being proposed concurrent with the proposed amendments to the Lee Plan. To address the technical assistance provided by the Florida DEO, staff proposes amendments to Objective 110.1 and a new Policy 110.1.8 that clearly provide a provision within the Lee Plan that prohibits the transfer of density into CHHA through the Greater Pine Island TDR program or any other TDR program that Lee County may implement. The changes are identified in Attachment 1.

*Technical Assistance Comment (Hurricane Evacuation): Florida DEO is concerned that the proposed amendments to Pine Island specific Objective 14.8 and subsequent policies are not consistent with Goal 109, addressing county-wide planning for hurricane preparedness, evacuation and mitigation. To address this, the Florida DEO recommended that proposed Policy 14.8.3 be revised to clarify that the evacuation clearance time is the time necessary to safely evacuate people from the point when the evacuation order is given until the last evacuee can safely evacuate out of Lee County or arrive at safe shelter within Lee County.*

**Staff Response:** Staff appreciates this comment from the Florida DEO. To address the concern of the Florida DEO, staff is proposing changes to proposed Policy 14.8.3. The changes are identified in Attachment 1.

## **FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)**

The Florida DOT provided Lee County with the comments and recommendations in italics below. Many of the comments are the same or similar to their recommendations, in these instances Staff has provided a single response. The letter from Florida DOT is attached to the staff report.

### **FDOT Comment #1:**

*Comment #1: The proposed amendment to Policy 1.4.7 includes an increase in the standard maximum density from one dwelling unit (DU) per 10 acres to one DU per 2.7 acres for the Coastal Rural land use category established for the Greater Pine Island Planning Community. In addition to Policy 1.4.7, Policies 4.2.4 and 14.3.4 further support other increased residential densities on Greater Pine Island.*

*Greater Pine Island is a barrier island which currently has a transportation network that is limited to only one point of access to and from the mainland via Pine Island Road. While the segment of Pine Island Road from Stringfellow Road to Burnt Store Road is a County facility (CR 78), and the segment east of Burnt Store Road is a State facility (SR 78), the County facility directly impacts the safety and operation of the State's portion of Pine Island Road. Following is a planning-level analysis of the roadway operations for Pine Island Road.*

*Based on preliminary analysis, the roadway segments of Pine Island Road from Stringfellow Road to Burnt Store Road and from Chiquita Boulevard to Santa Barbara Boulevard are expected to fail to meet the County and FDOT LOS standards respectively by year 2035. The Lee County MPO 2040 Long Range Transportation Plan identifies the segment of Pine Island Road from Chiquita Boulevard to Santa Barbara Boulevard as a needed widening improvement project (widening from 4lanes to 6 lanes).*

*FDOT is concerned that the proposed text amendments, which increase residential densities on the Island, is anticipated to adversely impact the segment of Pine Island Road/SR 78 from Chiquita Boulevard to Santa Barbara Boulevard.*

**Staff Response:** Staff appreciates this comment from FDOT. Staff notes that existing Policy 1.4.7 provides a method to achieve one unit per acre. This is consistent with the proposed adjusted maximum density, also in Policy 1.4.7, that provides a method to achieve one unit per acre. In addition, the lands on Pine Island that are designated Coastal Rural were in the Rural future land use category prior to December 24, 2004. The Rural future land use category has a standard density of 1 unit per acre. The proposed text amendments do not change the “worst case” scenario for residential density on Pine Island. No additional changes are needed to the proposed amendments to address this comment.

**FDOT Comment #2 and Recommendation b:**

**Comment #2:** *The proposed amendments to TDR program Policies 1.1.2 thru 1.1.5 and 4.3.8 allow DU densities to be increased above the existing maximum total density for TDUs created on lands within the Greater Pine Island Planning Community. The program is intended to transfer density out of the Greater Pine Island Community into more urbanized areas of the County, thereby preserving lands within Pine Island. FDOT notes that until a Greater Pine Island TDR project is proposed, the impact of the proposed changes to the TDR program on the roadway network within Lee County cannot be determined.*

**Recommendation b:** *FDOT recommends Lee County include a policy to coordinate with the Department in the review of any TDU-related projects, to assess potential impacts of density increases on State transportation facilities in areas where density is being transferred to (Receiving Areas).*



**Staff Response:** Staff appreciates the comment and recommendation from FDOT. Coordination with FDOT is currently part of our local development order process. Development proposed on State transportation facilities are discussed with FDOT during the review process. Lee County will maintain this coordination with FDOT for TDU related projects. No changes are needed to the proposed amendments as part of this response.

**FDOT Comment #3:**

*Comment #3: Based on the proposed text amendments in Policies 14.3.1, 14.3.4 and 14.3.5, it is unclear what densities can and/or cannot be transferred onto Greater Pine Island.*

*Policy 14.3.1 states that only Greater Pine Island TDUs are permitted in Greater Pine Island consistent with Table 1(a), Note 4, and that only the portion of Greater Pine Island defined as Pine Island Center is eligible to receive Greater Pine Island TDUs. However, Table 1(a) states that within the Future Urban Areas of Pine Island Center, rezonings allowing more than 3 dwelling units per gross acre must "acquire" the additional density utilizing TDUs that were created from Greater Pine Island in accordance with Policy 14.3.4, or transfer dwelling units in accordance with Policy 14.3.5.*

**Staff response:** Staff appreciates this comment from FDOT. It is not the intent to allow TDUs created outside of Greater Pine Island to be transferred into Greater Pine Island. Please see proposed amendments to Policy 14.3.1 in Attachment 1 that only allow the use of Greater Pine Island TDU's within Pine Island Center. Policy 14.3.4 allows units to be transferred within Pine Island, but does not include any multiplier. In addition, staff has proposed changes to correct the policy references in Table 1(a), Note 4.

**FDOT Comments #4, #5, and #10; Recommendations d and e:**

*Comment #4: Based on the information provided by the Applicant, there appears to be an inconsistency between the existing Lee County Plan policies for hurricane evacuation times, the proposed policy amendments, and F.S. 163.3178(8)(a).*

*Policy 109.1.5 states that a proposed comprehensive plan amendments that increase density within a CHHA will not exceed a 16-hour evacuation time out of the County for a Category 5 storm event, or that the 12-hour evacuation time to shelter will be maintained. However, proposed policies 14.2.2 and 14.8.3 establish a hurricane evacuation clearance time of 18 hours for Greater Pine Island. F.S. 163.3178(8)(a) states that a proposed comprehensive plan amendment shall be found in compliance with state coastal high hazard provisions if it will not exceed a 16-hour evacuation time out of the County or the 12-hour evacuation time to shelter is maintained for a Category 5 storm event, therefore this proposed amendment appears to be in conflict with F.S. 163.3178(8)(a).*

*The proposed amendment data and analysis indicates current hurricane evacuation clearance times for the Pine Island area to be 6.2 hours. However, it is unclear if the data and analysis establishing the existing condition included all existing platted and buildable vacant lands on the Island. FDOT notes that an adequate analysis of clearance times based on potential increase of densities associated with this amendment to justify increasing clearance times to 18 hours has not been provided.*

*Comment #5: Policy 109.1.5 states that proposed comprehensive plan amendments that increase density within a CHHA will not exceed a 16-hour evacuation time out of the County for a Category 5 storm event, or that the 12-hour evacuation time to shelter will be maintained. FDOT is concerned that the proposed text amendment only applies to the CHHA and does not apply to areas on Greater Pine Island outside of the CHHA. This Policy appears to be inconsistent with F.S. 163.3178(8)(a). Further, since all residents of Greater Pine Island, including the CHHA, must evacuate through the same constrained corridor, the most restrictive hurricane evacuation time should be applied to all.*

*Comment #10: Policy 109.1.5 references F.S. 163.3178(9). Please revise to the correct reference of F.S. 163.3178(8).*

*Recommendation d: FDOT recommends evacuation times identified in Policies 14.2.2 and 14.8.3 be revised to reflect F.S. 163.3178(8)(a) to limit evacuation times from Greater Pine Island to shelter to 12 hours or out of the County to 16 hours for a Category 5 storm.*

*Recommendation e: FDOT recommends evacuation times identified in Policy 109.1.5 be revised to be consistent with F.S. 163.3178(8)(a) for shelter evacuation times, and apply to all proposed comprehensive plan amendments on Greater Pine Island within the hurricane evacuation zone for a Category 5 storm, and not just within the CHHA.*

**Staff Response:** Staff appreciates these comments and recommendations from FDOT. An addendum to the data and analysis, as requested, is provided. The proposed amendments are not intended to be inconsistent with F.S. 163.3178(8)(a); therefore, Staff has made changes to the proposed amendments, specifically to Policies 14.2.2, 14.8.3 and 109.1.5, for consistency. In addition staff has updated the reference to F.S. 163.3178(8) in Policy 109.1.5 as noted in FDOT Comment #10. These changes are shown in Attachment 1.

**FDOT Comment #6 and Recommendation f:**

*Comment #6: Policy 109.1.4 restricts the ability to mitigate potential traffic impacts by discouraging a new bridge to/from the island. Policy 14.2.3 places the burden on Lee County and FDOT to identify potential improvements to mitigate impacts associated with increased density. In addition, Table 2(a) identifies Pine Island Road (Matlacha) as a constrained roadway facility. Table 2(b) identifies*

*recommended operational improvements on constrained roads, which includes constructing left turn lanes at intersections with local roads, where feasible.*

*FDOT is concerned that no data and analysis was provided indicating a maximum development scenario resulting from the proposed amendments. Additionally, no capacity improvements (especially along SR 78) are identified in support of the maximum development scenario to maintain evacuation clearance time standards for Greater Pine Island.*

*Recommendation f:* *FDOT recommends the County conduct an analysis to determine the impact of future development scenarios on evacuation clearance time standards for Greater Pine Island per F.S. 163.3178(8)(a), and to identify needed improvements on SR 78 which may include safety and operational improvements. Additionally, the Department requests to be included as a reviewing agency for future methodologies on the analysis of hurricane evacuation clearance times in Lee County and any event based operational mitigation strategies related to State facilities.*

**Staff Response:** Staff appreciates the comment and recommendation from FDOT. As previously indicated in response to Comment #1, the proposed text amendments do not change the “worst case” scenario for residential density on Pine Island; therefore, no capacity improvements need to be identified for this amendment. No changes are needed to the proposed amendments to address this comment and recommendation.

**FDOT Comment #7:**

*Comment #7:* *The proposed amendment to Policy 4.2.4 allows bonus densities within the CHHA through the County's affordable housing program; however, it is unclear as to how much additional density would be permitted under this program. The apparent lack of restrictions on maximum density associated with affordable housing may create adverse impacts on Pine Island Road/SR 78 (a hurricane evacuation route and a transportation resource and facility of State importance).*

**Staff response:** Staff appreciates this comment. Lee Plan Policy 4.2.4, as it exists without the amendment, provides that workforce housing may be developed within the CHHA. Workforce housing qualifies as affordable housing. The proposed amendments clarify that within the CHHA the bonus density can only be achieved through the affordable housing program. The proposed amendments do not increase the total density allowable through the affordable housing program. Table 1(a) limits bonus density, from TDUs and affordable housing, based on the future land use category. No changes are needed to the proposed amendments to address this comment.

**FDOT Comment #8:**

*Comment #8:* *The proposed amendment package includes Data and Analysis for hurricane evacuation times from Greater Pine Island. The Department is concerned that FDOT was not included as a reviewing agency on the methodology to evaluate hurricane evacuation. Other concerns include peak period*

*occupancy rates derived from surveys conducted during an off-peak period in October, and no analysis was provided regarding the future development of vacant lands on the Island based on existing and proposed comp plan amendments.*

**Staff response:** Staff appreciates this comment. An addendum to the data and analysis, as requested, is provided. The additional data and analysis examines hurricane evacuation clearance times for the estimated buildout of Pine Island. The analysis show the estimated buildout hurricane evacuation clearance time to be 11.18 hours. This time is likely to be less if units are transferred through the proposed TDR program.

**FDOT Comment #9 and Recommendation h:**

*Comment #9: Policy 6.1.2 provides for commercial development in non-urban future land use categories within Lee County to locate within 330 feet of adjoining rights of way of the intersecting arterial and collector or two collector roads with direct access to both. FDOT notes that access to State transportation facilities must meet FDOT access management standards per Access Management Rule 14-96 and 14-97, Florida Administrative Code.*

*Recommendation h: FDOT recommends Policy 6.1.2 be amended to state that when seeking access to State transportation facilities, FDOT must be consulted in accordance with Access Management Rules 14-96 and 14-97, Florida Administrative Code.*

**Staff response:** Staff appreciates this comment and recommendation from FDOT and agrees that access to State transportation facilities must meet FDOT access management standards per Access Management Rule 14-96 and 14-97, F.A.C. The applicant for a development with access to State transportation facilities must provide a Notice of Intent from FDOT prior to local development order approval. No changes are needed to the proposed amendments to address the comment and recommendation.

**FDOT Recommendation a:**

*Recommendation a: As a result of potential future development/redevelopment on Greater Pine Island based on the proposed amendments, FDOT recommends the County include a policy stating that Lee County will develop transportation mitigation strategies in collaboration with FDOT and mitigate impacts to SR 78 resulting from said development/redevelopment.*

**Staff Response:** Staff appreciates this recommendation from FDOT. The following existing Objective and Policies in the Lee Plan address collaboration efforts with FDOT: Objective 42.1, Lee County will plan cooperatively with FDOT; Policy 42.1.1, Lee County will participate in the MPO and Regional Planning Council planning processes for system-wide facility needs; and Policy 42.2.2, Lee County will encourage interlocal agreements with the State of Florida, to plan, design, construct, and/or maintain selected roadway facilities. No changes are needed to the proposed amendments to address this recommendation.

**FDOT Recommendation c:**

*Recommendation c: FDOT recommends a policy be included that restricts TDUs from other areas outside of Greater Pine Island to be transferred onto Greater Pine Island as Receiving Areas.*

**Staff Response:** Staff appreciates this recommendation from FDOT. It is not the intent to allow TDUs created outside of Greater Pine Island to be transferred onto Greater Pine Island (as receiving areas). Please see proposed amendments to Policy 14.3.1 in Attachment 1 that only allow the use of Greater Pine Island TDU's within Pine Island Center. No changes are needed to the proposed amendments to address this recommendation.

**FDOT Recommendation g:**

*Recommendation g: FDOT recommends Policy 4.2.4 be revised to not allow bonus densities that would increase density on Greater Pine Island in the CHHA. If affordable housing is constructed on Greater Pine Island outside of the CHHA, the policy should be limited to the sending of TDUs from Greater Pine Island.*

**Staff Response:** Staff appreciates this recommendation from FDOT. It was not the intent of the proposed amendments to allow the use of Transferable Development Units within the CHHA. This is clarified in the Land Development Code amendments that are being proposed concurrent with the proposed amendments to the Lee Plan. In response, Staff proposes changes to amend Objective 110.1 and to add a new Policy 110.1.8 to provide a clear provision that prohibits the transfer of density into the CHHA through the Greater Pine Island TDR program or any other TDR program that Lee County may implement. The changes are identified in Attachment 1.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL (RPC)**

The Southwest Florida Regional Planning Council staff has recommended that the RPC find that the proposed amendment is regionally significant, and that "the proposed changes are consistent with the SRPP and do not produce extra-jurisdictional impacts that are inconsistent with the Comprehensive Plans of other local governments." The RPC also recommended that Lee County work with FDOT to address traffic concerns. FDOT concerns are addressed in this section of the staff report. The letter from the RPC is attached.

**B. STAFF RECOMMENDATION**

Staff recommends that the Board of County Commissioners **adopt** the amendments to the Lee Plan as provided in Attachment 1.



**PART VIII  
BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

**DATE OF PUBLIC HEARING:** March 16, 2016

**A. BOARD REVIEW**

Staff gave a brief presentation of the recommended modifications to the proposed amendments to address the comments and recommendations made by the state reviewing agencies. Staff also identified additional changes that were made due to a meeting with the Florida Department of Transportation.

Two members of the public addressed the Board of County Commissioners concerning the proposed amendment. The members of the public were concerned about the off-island impacts of the proposed TDR program.

**A motion was made that the BOCC adopt the proposed amendment. The motion was called and passed 4-1.**

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

**1. BOARD ACTION:**

The Board of County Commissioners ***adopted*** the proposed amendment as recommended by staff.

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

The Board of County Commissioners accepted the findings of fact as advanced by staff and the Local Planning Agency.

**C. VOTE:**

|                            |            |
|----------------------------|------------|
| <b>BRIAN HAMMAN</b>        | <b>AYE</b> |
| <b>LARRY KIKER</b>         | <b>NAY</b> |
| <b>FRANK MANN</b>          | <b>AYE</b> |
| <b>JOHN MANNING</b>        | <b>AYE</b> |
| <b>CECIL L PENDERGRASS</b> | <b>AYE</b> |

**Text Amendments:****Future Land Use Element:**

**POLICY 1.1.2:** The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers, East Fort Myers west of I-75, and South Fort Myers. 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 encouraged to be developed as described in Policy 2.12.3., where appropriate. As Lee County develops as a metropolitan complex, 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~~ eight dwelling units per acre (7–8 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum total density is twenty-two dwelling units per acre (22 du/acre). The maximum total density may be increased to thirty dwelling units per acre (30 du/acre) utilizing Greater Pine Island Transfer of Development Units.

**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 with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. 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 total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units.

**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, South Fort Myers, Iona/McGregor, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6) with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. Standard

density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre). The maximum total density may be increased to fifteen dwelling units per acre (15 du/acre) utilizing Greater Pine Island Transfer of Development Units. ~~Any bonus densities approved on the properties added to the Urban Community future land use category in conjunction with CPA2010-00002 must be achieved through use of the transfer of development rights program.~~

**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. This category has a standard density range from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre). The maximum total density may only be increased to eight dwelling units per acre (8 du/acre) utilizing Greater Pine Island Transfer of Development Units. Other forms of bonus densities are not allowed.~~

**POLICY 1.4.7:** The Coastal Rural land use category is established for the Greater Pine Island Planning Community to address the area's predominantly rural character, coastal environment, existing agricultural uses, limited public infrastructure, and its location within and proximity to the Coastal High Hazard Area and Hurricane Vulnerability Zone. ~~areas will remain rural except for portions of properties where residential lots are permitted in exchange for permanent preservation or restoration of native upland habitats or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, on the remainder of the property.~~

~~The standard maximum density is one dwelling unit per 2.7 acres (1 du/2.7 acres) ten acres (1 DU/10 acres). Maximum densities may will be increased to an "Adjusted Maximum Density" of one dwelling unit per acre (1 du/acre) where 70% of the overall development parcel(s) is: maintained as native habitat; or restored as native habitat; or maintained in agricultural use on those parcels identified as existing farmland on Lee Plan Map 21, as higher percentages of native habitat are permanently preserved or restored on the uplands portions of the site, or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, in accordance with the chart below.~~

Residential developments containing ten (10) or more dwelling units must be approved through the planned development rezoning process and as part of the planned development process must: a) demonstrate the implementation of adopted design standards and development approaches that support and maintain the rural character; b) provide notification to property owners of permitted adjacent agricultural uses and their right to continue operations; and c) provide mitigation for impacts to hurricane evacuation clearance times and shelter needs.

Permitted land uses include agriculture, fill-dirt extraction, conservation uses, minimal non-residential land uses, limited to marinas, fish houses, and minor commercial uses that are necessary to provide basic commercial services to serve the island residents and visitors as set forth in Policy 14.4.5, and low density residential uses up to the following densities. Bonus densities are not allowed in this land use category.

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

Existing farmland is depicted on Map 21. Areas for buffers, lakes, and utilities may consist of up to 10% of the upland preserve areas.

**POLICY 4.2.4:** The Mixed Use Overlay may include areas within the Coastal High Hazard Area when unique public benefits exist. Such benefits may include providing workforce housing options for employees of businesses located on barrier islands when transit is provided between the workforce housing and the employment areas. Bonus densities within the Coastal High Hazard Area may only be achieved through the site-built affordable housing program.

**POLICY 4.2.7:** ~~Development located in the Mixed Use Overlay applying Chapter 32—Compact Communities of the Lee County Land Development Code will not be subject to the site location standards listed in Policy 6.1.2 and 6.1.2.7.~~

**POLICY 4.3.8:** Properties in a Mixed Use Overlay ~~Zone, not within the Coastal High Hazard Area, will be considered as~~ are preferred receiving areas for Transferable Development Rights (TDRs) and will allow these TDRs to serve as a method for ~~obtaining~~ achieving allowable bonus densities. Projects utilizing Greater Pine Island TDUs are eligible for increased maximum total densities, as set forth in this plan, and additional development incentives to encourage a compact and functional development pattern.

**POLICY 6.1.2:** Commercial development in non-urban future land use categories is limited to minor commercial and located so that the retail use, including buildings and outdoor sales area, is located at the intersection (within 330 feet of the adjoining rights-of-way of the intersecting roads) of arterial and collector roads or two collector roads with direct access to both intersecting roads. Direct access may be achieved with an internal access road to either intersecting roads. On islands, without an intersecting network of collector and arterial roads, commercial development may be located at the intersection of local and collector, or local and arterial, or collector and collector roads. Commercial development must be consistent with the location criteria in this policy except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Policy 32.2.4 or located in the Mixed Use Overlay utilizing Chapter 32 — Compact Communities of the Land Development Code.

**1. ~~Minor Commercial~~**

~~a. Major function: Provides for the sale of convenience goods and services.~~

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

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

~~(3) Within a residential planned development provided it is located and designed primarily to meet the commercial needs of the residents of the development.~~

~~c. Site Area: Two acres or less.~~



~~d. Range of Gross Floor Area: Less than 30,000 square feet.~~

~~e. When developed as part of a mixed use planned development, and meeting the use limitations, modified setback standards, signage limitations and landscaping provisions, retail uses may deviate from the locational requirements and maximum square footage limitations, subject to conformance with the Estero Community Plan as outlined in Policies 19.2.3 and 19.2.4, and through approval by the Board of County Commissioners.~~

## ~~2. Neighborhood Commercial~~

~~a. Major function: Provide for the sale of convenience goods and personal services such as food, drugs, sundries, and hardware items.~~

~~b. Typical leading tenants: Supermarket and drug store.~~

~~c. Location: Must be located as follows (except where this plan provides specific exceptions):~~

~~At the intersection of an arterial and a collector or two arterials so that direct access is provided to both intersecting roads. Such direct access may be provided via an internal access road to either intersecting road. On Lee County's islands where there is no intersecting network of collectors and arterials, neighborhood commercial centers may be located using the standards for minor commercial centers.~~

~~d. Site Area: 2 to 10 acres.~~

~~e. Range of Gross Floor Area: 30,000 to 100,000 square feet.~~

~~f. In that portion of North Fort Myers lying between the Cape Coral city limits and the old S.A.L. railroad grade and north of the junction of the 41s, an exception to the strict adherence to the location standards in subsection (c) may be granted upon the approval of an application for Commercial Planned Development rezoning if the Board of County Commissioners makes a formal finding that the proposed project:~~

~~(1) is located on an existing arterial road;~~

~~(2) is located at the intersection of that arterial with a future collector or arterial that is indicated on the Official Trafficways Map; and (3) will provide (or at least not interfere with) an acceptable alignment for the future roadway which is the justification for the approval, relative to both extensions from the point of intersection with the existing road.~~

## ~~3. Community Commercial~~

- ~~a. Major function: Some functions of neighborhood commercial, in addition to providing for the sale of retail goods such as clothing, variety items, appliances, and furniture.~~
- ~~b. Typical leading tenants: Supermarket, drug store, minor department store, variety store, or discount center.~~

- ~~c. Location: Must be located as follows (except where this plan provides specific exceptions):~~

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

- ~~d. Site Area: 10 to 35 acres~~

- ~~e. Range of Gross Floor Area: 100,000 to 400,000 square feet.~~

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

~~(1) is located on an existing arterial road;~~

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

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

#### ~~4. Regional Commercial~~

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

- ~~b. Typical leading tenants: One or more full-line department stores.~~

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

- ~~d. Site Area: 35 to 100 acres;~~
- ~~e. Range of Gross Floor Area: 400,000 to 1 million square feet or more.~~
- ~~f. The Commercial Site location standards described in this policy do not apply to Regional Commercial development approved as a single mixed-use Development of Regional Impact containing regional shopping opportunities on a 483-acre portion of Section 9, Township 47 South, Range 25 East, that is bounded on the west by U.S. 41, on the east by the Seminole Gulf Railroad tracks, on the south by Coconut Road, and on the north by a line located one half mile north of Coconut Road designated Urban Community, provided that the DRI specifically addresses:
  - ~~1) Impacts to flow ways,~~
  - ~~2) Community and Regional Park levels of service,~~
  - ~~3) Roadway levels of service,~~
  - ~~4) Public Schools,~~
  - ~~5) Fire protection services, and~~
  - ~~6) Affordable housing.~~~~
- ~~5. Commercial development at the intersection will extend no more than one quarter mile from the centerline of the intersection and must include proper spacing of access points, with the following exception: in a commercial development approved under the planned development rezoning process, at the intersection may extend beyond one quarter mile from the intersection, provided that:
  - ~~a. direct access is provided to the development within one quarter mile of the intersection;~~
  - ~~b. an internal access road or frontage road provides access to the intersecting street prior to occupancy of the development; and~~
  - ~~c. all access points meet Land Development Code requirements for safety and spacing.~~
  - ~~d. the retail commercial use, including any outdoor sales, does not extend beyond one half mile from the centerline of the intersection.~~~~
- ~~6. Any contiguous property under one ownership may, at the discretion of the Board of County Commissioners, be developed as part of the interstate interchange, except in the Mixed Use Interchange district, provided the property under contiguous ownership to be developed as part of the interstate interchange does not extend beyond three-quarters of a mile from the interchange centerpoint. Applications seeking interstate uses outside of the interstate highway interchange area will be evaluated by the Board considering the following factors: percentage of the property within the interstate interchange; compatibility with existing adjacent land uses; and,~~

~~compatibility with surrounding Future Land Use Categories. This is intended to promote planned developments under unified ownership and control, and to insure proper spacing of access points.~~

- ~~7. The location standards specified in Subsections 1-4 will apply to the following commercial developments: shopping centers; free-standing retail or service establishments; restaurants; convenience food stores; automobile dealerships; gas stations; car washes; and other commercial development generating large volumes of traffic. These location standards will not apply to the following: banks and savings and loan establishments without drive-in facilities; hotels or motels; marinas; general, medical, or professional offices; industrial, warehouse, or wholesale development; clubs, as defined in Chapter 34 of the Land Development Code (commercial clubs excepted); and other similar development. The distinction in this subsection between these two major types of commercial uses does not apply in Lehigh Acres, where commercial uses are permitted in accordance with Policy 32.2.4. These location standards will not apply to property in the Mixed Use Overlay when Chapter 32 – Compact Communities of the Land Development Code is applied.~~
- ~~8. The standards specified in Subsections 1-4 for location, floor area and site area will serve as guidelines during the rezoning process (allowing limited discretion by the Board of County Commissioners in special cases in which retail uses are the only reasonable use of the parcel in light of its size, its proximity to arterials and collectors, and the nature of the existing and projected surrounding uses, including but not limited to environmental factors) but are strict requirements during the development order process in the case of zoning that existed prior to the effective date of the Lee Plan (December 21, 1984). The other standards specified in Subsections 1-4 will serve generally to indicate the types of development which are likely to fall within each commercial category. Proposed rezonings to commercial zoning districts that include both uses that are subject to the standards in Subsections 1-4 and uses that are not (see Subsection 7) may be found consistent with the Lee Plan by the Board of County Commissioners even if the subject parcel does not comply with the applicable location standard; provided, however, that no development orders will be issued on any such parcel for any use to which the standards in Subsection 1-4 is applicable, and all such development orders must be consistent with the level of service requirements in Policy 95.1.3.~~
- ~~9. The location standards in this policy are not applicable in the following areas:~~
  - ~~a. In the Interchange land use category~~
  - ~~b. In Lehigh Acres where commercial uses are permitted in accordance with Goal 32~~
  - ~~c. Within the Captiva community in the areas identified by Policy 13.2.1, in Area 9 of the University Community Conceptual Master Plan, or within the Mixed Use Overlay when utilizing Chapter 32 – Compact Communities of the Land Development Code.~~

- ~~d. In the Density Reduction/Groundwater Resource land use category where some commercial development is permitted under Objective 33.3.~~
- ~~10. The Board of County Commissioners may approve applications for minor commercial centers that do not comply with the location standards for such centers but which are consistent with duly adopted CRA and Community plans.~~
- ~~11. Uses that must comply with Subsections 1-4 may occur at the outside of a T-intersection so long as direct access is provided from at least two points on the adjacent intersecting road, one of which must be an extension of the other intersecting road.~~
- ~~12. Map 19 illustrates the existing Lee County intersections that are deemed to be consistent with the standards in subsections 2 and 3. Neighborhood and community commercial centers must be located at one of the designated intersections, at another intersection utilizing the list of Functional Classification for Arterial and Collector Roads, or in accordance with one of the exceptions under Goal 6, or in Lehigh Acres in accordance with Policies 1.8.1 through 1.8.3. The map shows some intersections with half circles and others with full circles. Half circles indicate that only the two intersection quadrants shown on the map are deemed to be consistent with the standards. All of the quadrants of intersections designated with full circles are deemed to be consistent with the standards. Proposed neighborhood and community commercial centers that are located at the designated intersections are subject to all of the other Goals, Objectives and Policies of this Plan.~~

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

- ~~13. Freestanding single use commercial retail development of five (5) acres or more does not qualify as a Neighborhood Center as that term is used in the Suburban and Outlying Suburban Future Land Use Categories. (Amended by Ordinance No. 93-25, 94-30, 98-09, 99-15, 99-18, 00-22, 02-02, 07-09, 10-05, 10-16, 10-19, 10-40, 11-18)~~

**GOAL 14: GREATER PINE ISLAND.** To manage future growth on and around Greater Pine Island so as to: maintain the island's unique natural resources, rural character, and coastal environment; ~~and its support the~~ viable and productive agricultural community and other local



businesses; and to protect the public health, safety and welfare of ~~insure that~~ island residents and visitors ~~have a reasonable opportunity to evacuate when a hurricane strike is imminent.~~ For the purposes of this plan, the boundaries of Greater Pine Island are indicated on Lee Plan Map 1, Page 2 the Future Land Use Map.

**OBJECTIVE 14.1: NATURAL RESOURCES.** County regulations, policies, and discretionary actions affecting Greater Pine Island will permit no further degradation of estuarine and wetland resources, and ~~no unnecessary loss of~~ will serve the long-term preservation of native upland vegetation and wildlife habitat.

**POLICY 14.1.3:** Lee County will, ~~by 1996,~~ explore the possibility of estimating the aerial extent and maturity of mangroves in Greater Pine Island for the purpose of providing baseline data necessary to ensure that the cumulative impact of mangrove alteration does not decrease the combination of aerial extent and maturity of mangroves relative to the baseline data.

~~**POLICY 14.1.8:** The county reclassified all uplands on Pine Island previously designated as Rural to a new Coastal Rural designation on the Future Land Use Map. The purposes of this redesignation was to provide a clearer separation between rural and urban uses on Pine Island, to discourage the unnecessary destruction of native upland habitats, and to avoid placing more dwelling units on Pine Island that can be served by the limited road capacity to the mainland. The Coastal Rural designation is designed to provide land owners with maximum flexibility while accomplishing these public purposes.~~

**POLICY 14.1.8:** Lee County will support practices that reduce pesticides, fertilizers, animal waste, and other pollutants entering Greater Pine Island's estuarine and wetland resources.

**POLICY 14.1.9:** Lee County will support the use of central sanitary sewer service to reduce potential contamination to groundwater or the surrounding estuarine systems from on-site septic systems.

**OBJECTIVE 14.2: ROAD IMPROVEMENTS.** The county will continually monitor traffic levels within Greater Pine Island to ~~on Pine Island Road to insure that the sum of the current population plus development on previously approved land plus new development approvals will not exceed~~ maintain hurricane evacuation clearance times in accordance with Objective 14.8. ~~the capacity of existing and committed roadways between Pine Island and mainland Lee County.~~

**POLICY 14.2.1:** Lee County will monitor impacts to the existing transportation infrastructure of Greater Pine Island recognizing the limited access to the community and the seasonal nature of infrastructure demand.

**POLICY 14.2.2:** By 2030 Lee County will work toward attaining a level of service for out of county hurricane evacuation for a Category 5 storm event that does not exceed 18

~~hours. Lee County will maintain a maximum hurricane evacuation clearance time of 18 hours for Greater Pine Island in accordance with Objective 14.8. When the evacuation clearance time reaches 16 hours, Lee County will develop mitigation regulations to address transportation deficiencies, sheltering needs, and other public safety measures. When the evacuation clearance time of 18 hours is exceeded, Lee County will impose the additional mitigation measures.~~

~~**POLICY 14.2.3:** Lee County, in conjunction will work with the Florida Department of Transportation, will to identify hurricane evacuation roadway capacity improvements, including critical intersections and manual traffic control provisions, in order to maintain evacuation clearance time standards for Greater Pine Island.~~

~~**POLICY 14.2.1:** The minimum acceptable level of service standard for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is hereby established as LOS D on an annual average peak hour basis and LOS “E” on a peak season, peak hour basis. This standard will be measured at the county’s permanent count station on Little Pine Island and using the methodology described in the 1985 Highway Capacity Manual, Special Report 209.~~

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

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

~~The 810 and 910 thresholds were based on 80% and 90% of level of service “D” capacity calculated using the 1965 Highway Capacity Manual, as documented in the~~

~~2001 Greater Pine Island Community Plan Update. These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or site plan approval under Ordinance 86-36.~~

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

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

**POLICY 14.2.4:** The county will make every effort to continue extending the bicycle path to run the entire length of Stringfellow Road. ~~Wherever possible, this path should be designed as a major public amenity similar to the high-quality design used for similar to the bicycle path north of Pineland that was completed in 2001.~~

**POLICY 14.2.5:** ~~Lee County will investigate the merits of creating a concurrency exception area for a portion of Pine Island Center. The concurrency exception area will promote the expansion of public transportation to and from the Greater Pine Island area.~~

**POLICY 14.2.5:** Lee County will continue to evaluate pedestrian safety and circulation, and will seek to minimize pedestrian-vehicular conflicts within the Matlacha Historic District.

**POLICY 14.2.6:** Lee County will assess the benefits of expanding mass transit services to Greater Pine Island to minimize the number of vehicular trips through Matlacha, and will encourage projects to accommodate bus stops, multi-modal opportunities, ride share lots, water taxis, and/or pedestrian connectivity.

**OBJECTIVE 14.3: RESIDENTIAL LAND USES.** County regulations, policies, and discretionary actions will recognize certain unique characteristics of Greater Pine Island which justify different treatment of existing and future residential areas than in mainland Lee County, as described in the following policies.

**POLICY 14.3.1:** Due to the constraints on future development posed by the limited road connections to mainland Lee County, ~~bonus densities only Greater Pine Island TDUs of any kind are not permitted in Greater Pine Island consistent with Table 1(a), Note 4. Only the portion of Greater Pine Island defined as Pine Island Center is eligible to receive Greater Pine Island TDUs. This prohibition includes, housing density bonuses, off-site transfers from environmentally critical areas, and transfer from on-site wetlands at rates above the standard density rates for environmentally critical areas.~~

**POLICY 14.3.3:** Adjusted Maximum Density is not permitted to be located within Coastal Rural designated lands within the Coastal High Hazard Area.

**POLICY 14.3.4:** Dwelling units may be transferred from parcels that have a future land use designation of Coastal Rural to parcels with urban future land use categories on Greater Pine Island, subject to the following:

1. The receiving and transferring lands are under the same ownership at the time this policy was adopted, and remain under the same ownership at the time units are transferred;
2. The maximum allowable density that may be transferred from Coastal Rural parcels is limited to one dwelling unit per 2.7 acres (1 du/2.7 acres);
3. The property receiving the additional dwelling units is rezoned to a planned development.
4. Density can be allocated across the planned development-zoned property, including those lands within the planned development that are designated Coastal Rural, provided that the density developed within Coastal Rural designated property does not to exceed 1 dwelling unit per 2.7 acres (1 du/2.7 acres);
5. Development rights for each unit transferred from the transferring parcel are extinguished through a recorded instrument acceptable to the County Attorney's Office and provided to the Department of Community Development with the planned development rezoning application for the receiving parcel;
6. The allowable density on the receiving parcels will be the sum of the allowable densities for the receiving and transferring parcel, subject to the Coastal Rural density limitations set forth in subsection 4 above; and
7. Bona fide agricultural uses on the transferring parcel may continue in accordance with Policy 14.6.1.

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

~~**POLICY 14.3.4:** The county Zoning Regulations will continue to allow storage of commercial fishing equipment at a fisherman's private residence as a permitted use in residential districts on Pine Island. Reasonable restrictions not having the effect of prohibiting such storage may be developed.~~

~~**POLICY 14.3.5:** The county will amend its land development code to provide specific regulations for neighborhood connectivity and walls and gates on Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These~~

~~regulations would require interconnections between adjoining neighborhoods wherever feasible and would no longer allow perimeter walls around larger developments.~~

**OBJECTIVE 14.4: COMMERCIAL LAND USES.** County regulations, policies, and discretionary actions will recognize certain unique characteristics of Greater Pine Island which justify different treatment of existing and future commercial areas than in mainland Lee County, as described in the following policies.

**POLICY 14.4.1:** ~~Future Urban Areas at in Pine Island Center is are~~ targeted for most future commercial and industrial uses as permitted by other portions of this plan. Non-residential developments within Pine Island Center are encouraged to provide employment opportunities; serve the day to day needs of residents and visitors; demonstrate a positive impact on traffic patterns within Greater Pine Island; and reduce the number of vehicular trips through Matlacha.

**POLICY 14.4.2:** Commercial development at ~~other locations outside on~~ Greater Pine Island ~~Center, but within future urban land use categories (such as Bokeelia, Pineland, Matlacha, and St. James City) should be limited~~ must be sited and designed to minimize impacts to residential and adjacent agricultural uses. Permitted uses should be restricted to the following: to marinas; fish houses; and minor commercial uses to serve the day to day needs of local residents and island visitors. Such development must be sited and designed to minimize disruptive influences to the greatest degree possible.

**POLICY 14.4.3:** The county will ~~expand the commercial design standards in its land development code to~~ provide specific architectural and site design standards for Greater Pine Island in the Land Development Code if an acceptable proposal is submitted by the Greater Pine Island community. These standards ~~must; would~~ promote but not mandate rehabilitation over demolition; ~~require smaller rather than larger buildings address the size and scale of building mass in relationship to the built and natural environment; establish community-specific architectural standards in support of Greater Pine Island's coastal rural character; avoid standardized franchise buildings; preserve mature trees wherever possible; and encourage the location of off-street place most parking to the side and rear of buildings to preserve viewsheds along public roadways;~~ require large windows and forbid most blank walls; and encourage metal roofs and other features of traditional "Old Florida" styles. The new commercial design standards will reflect the different characteristics of Bokeelia, Pineland, Matlacha, and St. James City. Deviations from these standards may not be granted unless the request meets the County approval criteria for variances set forth in Chapter 34 of the Land Development Code.

**POLICY 14.4.4:** ~~The county will expand its current sign regulations to include specific standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would reduce the size of ground-mounted signs, discourage or disallow internally lit box signs, allow wall signs on buildings near the right of way, and allow small directional signs on Stringfellow Road for businesses not visible from the road.~~



~~**POLICY 14.4.5:** The county will establish a prioritized schedule for an effort to rezone land to zoning districts that properly reflect its development potential under the Lee Plan.~~

**POLICY 14.4.65:** In the Coastal Rural future land use category, non-residential development is limited restricted to minor commercial development. ~~New commercial~~ All zoning requests for commercial projects must utilize the ~~Pplanned Ddevelopment~~ rezoning process and be consistent with the following ~~limitations~~:

- Total building floor area is limited to 5,000 square feet, unless the development can demonstrate compatibility with adjacent uses, and a positive impact on traffic patterns within Greater Pine Island.
- Development must not exceed two acres of impervious area.
- Uses are limited to those that reflect the Coastal Rural character and unique culture of Greater Pine Island, such as animal clinics, bait and tackle shops, ecotourism, farm and feed supply stores, food stores, lawn and garden supply stores, restaurants (excluding fast food), roadside/produce stands, speciality retail, and plant nurseries.
- Buildings exceeding 5,000 square feet that are lawfully existing or approved as of October 1, 2009 will be deemed vested for the approved and existing square footage for the life of the structure despite a change in use.

~~**POLICY 14.4.7:** During the Comprehensive Plan Evaluation and Appraisal Report process the County will analyze commercial rezoning and commercial development in the Coastal Rural areas and assess their impacts to the Greater Pine Island Community and identify any needed policy modifications.~~

**OBJECTIVE 14.6: AGRICULTURAL USES GREATER PINE ISLAND TRANSFER OF DEVELOPMENT RIGHTS PROGRAM.** To promote and preserve the rural character of Pine Island Lee County will ~~strive to foster a viable and productive agricultural community on the island. Lee County will pursue the incorporation of Greater Pine Island's incorporate several land use "tools" such as purchase and transfer of development rights programs into the Lee County Land Development Code to preserve agricultural uses on Pine Island.~~

**POLICY 14.6.1:** Lee County will amend its Land Development Code to implement Transfer of Development Rights (TDR) and Purchase of Development Rights (PDR) programs for Greater Pine Island. The new programs will create incentives for property owners within Greater Pine Island to transfer development rights associated with their parcels to: receiving lands outside of the planning community; future urban areas within the planning community that are targeted for development in accordance with these provisions; or, Lee County. The programs will allow for continued agricultural uses on sending lands, in addition to limited non-residential uses that directly support the agricultural operations.

POLICY 14.6.2: The Greater Pine Island TDR program will have the following characteristics:

a. Creation of Transferable Development Units.

1. Up to one (1) TDU may be created per five (5) acres of wetlands.
2. Up to one (1) TDU may be created per one (1) acre of uplands located in non-urban future land use categories.
3. Up to three (3) TDUs may be created per one (1) acre of uplands located in the Outlying Suburban future land use categories.
4. Up to two (2) TDUs may be created in a single-family lot or parcel designated as wetlands that holds an affirmative determination of the single-family residence provision pursuant to Chapter XIII of the Lee Plan.

b. Receiving area Density and Intensity Equivalents of Greater Pine Island TDUs.

1. One (1) Greater Pine Island TDU will be equal up to two (2) dwelling units when transferred to eligible receiving lands outside of the Greater Pine Island Planning Community.
2. One (1) Greater Pine Island TDU will be equal up to one (1) dwelling unit when transferred to receiving lands in Pine Island Center.
3. Lee County may establish non-residential incentives for the use of Greater Pine Island TDUs within Future Urban Areas of the unincorporated Lee County.

c. The Land Development Code may include regulations that permit the County to evaluate the effectiveness of the Greater Pine Island TDR program and make changes that may further condition or restrict the use of Greater Pine Island TDUs.

**POLICY 14.6.1:** ~~Lee County will maintain a map (Map 21) of all existing farmland on Pine Island. These mapped existing farmlands and Pine Island lands containing indigenous vegetation are the primary targeted sending areas for the creation of transfer of development rights (TDR) on Pine Island.~~

**POLICY 14.6.23:** The county will administer the TDR program and will develop clear and concise forum to disseminate program information and records, including but not limited to a: TDR program website that will provide general program information, rules and guidelines; TDU administrative determination application; county-approved form of conservation easement; certified TDU database with ownership information; and, for-sale TDU clearinghouse information for those individuals that request to be included within the TDU clearinghouse program.

~~**POLICY 14.6.2:** Lee County, by 2009, will evaluate creating a Purchase of Development Rights Program with the objective of preserving Pine Island agricultural uses.~~

~~**POLICY 14.6.3:** By 2007 Lee County will amend the Lee County Land Development Code to establish a Pine Island Transfer of Development Rights (TDR) program to supplement the existing wetland TDR program. The program will be encouraged for properties depicted on Map 21 as well as other Pine Island lands as promoting reduced densities in the Coastal High Hazard Area.~~

~~**POLICY 14.6.4:** The property owners of lands designated Intensive Development, Central Urban, or Urban Community are eligible to receive Pine Island TDRs. The property owners of lands designated Suburban and Outlying Suburban are eligible to receive Pine Island TDRs consistent with the Lee Plan's definition of Density and if approved through the planned development rezoning process. The land development code will maintain several approval processes such as by right, administrative and planned development approval. Developments receiving TDR units will be evaluated for the following criteria: compact site design, innovative open space design, well designed pedestrian/bicycle connections to commercial and employment areas, locations on or a walkable distance to mass transit service, and mixed use buildings. Utilization of in-fill and brownfield sites are encouraged. Land Development Code incentives will be given to projects that incorporate concepts from traditional neighborhood design, transit oriented development, and new urbanism principles.~~

~~**POLICY 14.6.5:** Participation in the Pine Island TDR by right and administrative approval processes for receiving sites requires that the subject property be already conventionally zoned in a zoning district that would permit the proposed development consistent with allowable densities and with the zoning district's lot size, setback, open space and height requirements. The by right process will be limited to adding one additional dwelling unit to a receiving parcel that is one acre or less in size. If the receiving parcel is larger than one acre, TDR units may be used to add one dwelling unit per acre by right. The resulting density may not exceed the maximum total density range for the land use category of the subject site.~~

~~**POLICY 14.6.6:** Adding Pine Island TDR units in excess of one dwelling unit per acre in conventional zoning districts requires administrative approval. The Lee County Department of Community Development director may administratively approve the use of TDR units to increase the density of a proposed development provided that the proposed development is: in compliance with the Lee Plan; zoned for the type and number of dwelling units proposed to be constructed; designed so that the resulting development does not have substantially increased intensities of land uses along its perimeter, unless adjacent to existing or approved development of a similar intensity; in a location where the additional traffic will not be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road; in a location outside of the Category 1 Storm Surge Zone for a land falling storm as defined by the October 1991 Hurricane Storm Tide Atlas for Lee County prepared by the~~

~~Southwest Florida Regional Planning Council; not in a location where existing and committed public facilities are so overwhelmed that a density increase would be contrary to the overall public interest, and; will not decrease required open space, buffering, landscaping and preservation areas or cause adverse impacts on surrounding land uses.~~

~~**POLICY 14.6.7:** The Land Development Code will be amended to specify that Pine Island TDRs may be utilized through the Planned Development approval and amendment rezoning processes for land owners seeking to add additional dwelling units utilizing TDR units. The Code will specify that the application for the rezoning and the request to utilize TDR units may be submitted at the same time for concurrent review.~~

~~**POLICY 14.6.8:** The generation rate for Pine Island TDRs will be limited by the Land Development Code to two Transfer of Development Rights per acre for the Coastal Rural land use category, to six Transfer of Development Rights per acre for the Future Urban land use categories, and one Transfer of Development Right per five acres of wetland. The Land Development Code will be amended to establish a creation of development rights process as well as a receiving process.~~

**OBJECTIVE 14.8: HURRICANE PREPAREDNESS, EVACUATION AND MITIGATION.** Lee County will provide for the protection of Greater Pine Island residents, visitors and property from the physical and economic effects of hurricanes and tropical storms. The following policies will supplement Goal 109 of the Conservation and Coastal Management Element of this plan, as it relates to the hurricane preparedness, evacuation, mitigation and sheltering for residents of Greater Pine Island.

**POLICY 14.8.1:** Lee County will work to maintain hurricane evacuation clearance times for Greater Pine Island, and continue to incorporate those times into the county-wide evacuation decision-making planning.

**POLICY 14.8.2:** Lee County will continue to include Greater Pine Island specific issues in its Comprehensive Emergency Management Plan (CEMP) and related evacuation planning documents.

**POLICY 14.8.3:** Comprehensive Plan amendments within Greater Pine Island must be found consistent with Policy 109.1.5. ~~In the event of a pending hurricane (defined as Categories 1-5) Lee County shall maintain an evacuation clearance time of 18 hours for the resident population of Greater Pine Island. The evacuation clearance time is defined as the time necessary to safely evacuate people from the point when the evacuation order is given until the last evacuee can either leave Greater Pine Island, or arrive at safe shelter within Lee County. In order to maintain the 18-hour evacuation clearance time for residents, mandatory evacuation of non-residents, visitors, recreational vehicles, travel trailers (transient and non-transient) may occur in a phased approach to address evacuation in advance of tropical storm winds in accordance with the CEMP.~~

**POLICY 14.8.4:** Lee County will continue to include Greater Pine Island in its year-round public information program focused on disaster preparedness. The program will

include information on hurricane risk, the need for timely evacuation, the availability and location of hurricane shelters and the actions necessary to minimize property damage to protect human life.

**POLICY 14.8.5:** New residential development and redevelopment within, or partially within, the Hurricane Vulnerability Zone must mitigate hurricane sheltering and evacuation impacts in accordance with Chapter 2, Article XI of the Land Development Code.

**POLICY 14.8.6:** Shelters will not be built on barrier or coastal islands within Greater Pine Island. Where financially feasible, geographically appropriate, and in the interest of public health, safety and welfare, Lee County will make every effort to construct new public buildings to hurricane shelter standards.

**POLICY 14.8.7:** Where feasible, Lee County will evaluate the purchase of lands within Greater Pine Island identified as Coastal High Hazard in order to reduce the expansion of new development within vulnerable areas.

**POLICY 14.8.8:** The county will evaluate alternative mechanisms to improve evacuation clearance times within the planning community, including but not limited to: access control; mandatory evacuation notices; one-way evacuation routes; and the preparation and implementation of community-specific mitigation measures.

**POLICY 14.8.9:** Deviations relating to setbacks, lot coverage, and density within the Coastal High Hazard Area may not be granted, unless the request meets the County approval criteria for variances set forth in Chapter 34 of the Land Development Code.

## **Transportation Element:**

**OBJECTIVE 37.1: GENERAL STANDARDS.** ~~From time of plan adoption, new facilities will be added at a rate equal to growth demands.~~ Establish non-regulatory level of service (LOS) standards on county and state transportation facilities within Lee County. Cooperate with municipalities on the facilities maintained by Lee County within the municipalities and with FDOT on state transportation facilities.

**POLICY 37.1.1:** ~~The minimum acceptable peak hour, peak season, peak direction roadway levels of service (see also Policy 95.1.3) will be as follows:~~

| <b>Minimum Level of Service</b>                                                     | <b>Peak ——— Hour/Peak Season/Peak Direction</b> |
|-------------------------------------------------------------------------------------|-------------------------------------------------|
| <del>State &amp; County Maintained Roads (Excluding FIHS, SIS and TRIP Roads)</del> |                                                 |
| <del>——— Expressways (Limited Access Facilities)</del>                              | <del>D</del>                                    |
| <del>——— Controlled Access Arterials</del>                                          | <del>E</del>                                    |
| <del>——— Arterials</del>                                                            | <del>E</del>                                    |
| <del>——— Major Collectors</del>                                                     | <del>E</del>                                    |
| <del>——— Minor Collectors</del>                                                     | <del>E</del>                                    |
| <del>FIHS Roads<sup>(4)</sup></del>                                                 |                                                 |

|                                                  |   |
|--------------------------------------------------|---|
| ———— I-75                                        |   |
| ———— Collier County to SR 78                     | D |
| ———— SR 78 to Charlotte County                   | E |
| ———— SR 80 (Palm Beach Boulevard)                |   |
| ———— I-75 to Werner Dr.                          | D |
| ———— Werner Dr. to Hendry County                 | E |
| <b>SIS Roads</b>                                 |   |
| ———— SR 82 (Immokalee Road)                      |   |
| ———— Lee Boulevard to Commerce Lakes Dr.         | D |
| ———— Commerce Lakes Dr. to Hendry County         | E |
| ———— Airport Connector                           |   |
| ———— I-75 to Ben Hill Griffin Parkway            | D |
| <b>TRIP Funded Roads</b>                         |   |
| ———— Colonial Boulevard                          |   |
| ———— I-75 to Lee Boulevard                       | D |
| ———— Imperial Parkway                            |   |
| ———— E. Terry Street to Bonita Bill Dr.          | D |
| ———— Six Mile Cypress Parkway                    |   |
| ———— Daniels Parkway to Winkler Avenue Extension | D |

<sup>(4)</sup> ~~The County may seek variances to the level of service standards for the FHHS facilities as authorized under Section 120.542, F.S. If granted, the level of service standards for I-75 and SR 80 will be as approved by FDOT in the Order Granting Petition for Variance.~~

LOS “E” is the minimum acceptable LOS for principal and minor arterials, and major collectors on county-maintained transportation facilities. Level of service standards for the State Highway System during peak travel hours are “D” in urbanized areas and “C” outside urbanized areas.

The minimum acceptable level of service ~~as specified above~~ for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is also subject to Objective 14.2 Policies 14.2.1 and 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. (Amended by Ordinance No. 98-09, 99-15, 00-08, 07-09, 10-36)

**POLICY 37.3.1:** Lee County will measure traffic volumes and capacity on all roads on a roadway segment-by-segment basis, except for constrained roads and where alternatives are established pursuant to Chapter 163.3180, F.S., ~~and Rule 9J-5.0055, F.A.C.~~ Transportation for Pine Island will be governed by the policies under Objective 14.2 of this comprehensive plan. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15, Amended by Ordinance No. 00-08, 07-09, 14-09)



## Capital Improvements Element:

**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 or inter-local agreements as being essential to support development. These consist of facilities for the provision of public schools, potable water, sanitary sewer, disposal of solid waste, and stormwater management. (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. These consist of facilities for the provision of community and regional parks, and transportation. Compliance with non-regulatory standards will not be a requirement for continued development permitting, but will be used for facility planning purposes.

*No changes to number 1 through 6*

### 7. Roadway Facilities:

Los "E" is the standard LOS for principal and minor arterials, and major collectors on county-maintained transportation facilities. Level of service standards for the State Highway System during peak travel hours are D in urbanized areas and C outside urbanized areas.

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 roads are defined in Table 2(a).

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

~~For minimum 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.~~

## **Conservation and Coastal Management Element:**

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

**OBJECTIVE 109.1: EVACUATION.** By 2030 Lee County will work towards attaining a level of service for out of county hurricane evacuation for a Category 5 storm event that does 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. Pursuant to Policy 14.8.4, all new residential development and redevelopment within the Hurricane Vulnerability Zone in Greater Pine Island must mitigate hurricane sheltering and evacuation impacts in accordance with Chapter 2, Article XI of the Land Development Code.

**POLICY 109.1.2:** ~~By 1995, p~~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.

**POLICY 109.1.3:** Critical roadway links causing congestion on evacuation routes will receive high priority for capital improvement expenditures.

**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. For the purposes of accommodating hurricane evacuation, a new bridge to Pine Island is strongly discouraged due to the costs, design constraints, and potential impacts to growth patterns within Greater Pine Island.

**POLICY 109.1.5:** Comprehensive plan amendments that increase density within coastal high hazard areas or on islands must meet one of the following criteria in accordance with Section 163.3178(89), F.S.:

1. The proposed amendment will not exceed a 16 hour out of county hurricane evacuation time for a category 5 storm event; or
2. Maintain a 12 hour evacuation time to shelter for a Category 5 storm event and ensure shelter space is available to accommodate the additional residents of the development allowed by the proposed comprehensive plan amendment; or

3. Provide appropriate mitigation to satisfy the provisions of either of the previous two paragraphs, which may include without limitation, the payment of money, contribution of land, or construction of hurricane shelters and transportation facilities. The developer must enter into a binding agreement to memorialize the mitigation plan prior to adoption of the plan amendment.

~~4. Any comprehensive plan amendment that increases density within Coastal High Hazard Areas in Greater Pine Island must meet one of the above criteria, in addition to the community specific requirements set forth in Goal 14 of this plan.~~

**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)

**OBJECTIVE 110.1: DEVELOPMENT REGULATIONS.** ~~By 2007, a~~All development regulations will be reviewed and revised to require that the vulnerability of future development in the Coastal High Hazard Area (CHHA) and the A-Zone (as defined by the Federal Emergency Management Agency) be reduced. (Amended by Ordinance No. 94-30, 00-22, 07-12)

**POLICY 110.1.1:** Regulations and incentives will be examined for additional setbacks in critical erosion areas, conservation and enhancement of dunes and vegetation, floodproofing 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)

**POLICY 110.1.3:** 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, 07-12)

**POLICY 110.1.4:** 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, 07-12)

**POLICY 110.1.5:** The County will maintain the flood plain management plan and 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 alternatives, and formulate a schedule for implementation. (Amended by Ordinance No. 92-35, 94-30, 00-22, 07-12)

**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)

**POLICY 110.1.8:** Transferable Development Units (TDUs) may not be utilized on property located within the coastal high hazard area.

## **Glossary:**

**COASTAL HIGH HAZARD AREA** – The area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model and delineated by Map 5 of the Lee Plan as Future Land Use Map Series required by Chapter 163.3177(6)(a)10.c.(VI), F.S.

## **COMMERCIAL DEVELOPMENT,**

**MINOR-** Commercial development that provides for the sale of convenience goods and services and contains less than 30,000 square feet of gross floor area.

**NEIGHBORHOOD-** Commercial development that provides for the sale of convenience goods and personal services, such as food, drug, sundries, and hardware items and has a gross floor area range of 30,000 to 100,000 square feet.

**COMMUNITY-** Commercial development that provides for the sale of retail goods such as clothing, variety items, appliances, and furniture as well as goods that may be found in a neighborhood commercial development and has a gross floor area range of 100,000 to 400,000 square feet.

**REGIONAL-** Commercial development that provides 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) and has a gross floor area range of 400,000 to 1 million square feet.

**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 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 waterbodies contained within the residential development. When the calculation of the gross density of a development results in a fractional density, 0.50 of a dwelling unit or greater shall be rounded up to the next whole number and fractions less than 0.50 shall be rounded down. No further rounding is permitted. Fractional density rounding may not be applied to parcels subject to the Gasparilla Island Conservation District Act of 1980 (as amended) or existing, undersized parcels that would require a determination through the Single Family Residence provision of the Lee Plan, Chapter XIII to permit one single-family residence on said parcel. Fractional density rounding may not be applied to parcels of land created (subdivided or combined) after [DATE OF ADOPTION] in a manner that would permit greater gross density than that was permitted (with fractional density rounding) prior to creation of the new parcel. Lands for commercial, office, industrial uses natural water bodies, and other non-residential uses must not be included, except within areas identified on the Mixed Use Overlay Map (Future Land Use Map Series Map 1 page 6 of 8) that have elected to use the process described in Objective 4.2 and except within areas identified as Mixed-Use Communities as identified on Map 17 where development rights are concentrated or transferred using the process described under Objective 33.3. Within the Captiva community in the areas identified by Policy 13.2.1, 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 Coastal 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. If development is proposed in accordance with Policy 2.12.3, residential densities are calculated using the total land area included in the mixed use portion of the development.

**HURRICANE VULNERABILITY ZONE** - The areas delineated by the area below the elevation of the category 3 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. ~~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.

**PINE ISLAND CENTER** – Central Urban-designated lands that are generally located at the arterial intersection of Pine Island Road and Stringfellow Road within the Greater Pine Island Planning Community.

**TABLE 1(a)**  
**SUMMARY OF RESIDENTIAL DENSITIES<sup>1</sup>**

| FUTURE LAND USE CATEGORY                                   | STANDARD OR BASE DENSITY RANGE                          |                                            | BONUS DENSITY                                                         |
|------------------------------------------------------------|---------------------------------------------------------|--------------------------------------------|-----------------------------------------------------------------------|
|                                                            | MINIMUM <sup>2</sup><br>(Dwelling Units per Gross Acre) | MAXIMUM<br>(Dwelling Units per Gross Acre) | MAXIMUM TOTAL DENSITY <sup>3</sup><br>(Dwelling Units per Gross Acre) |
| Intensive Development <sup>14</sup>                        | 8                                                       | 14                                         | 22                                                                    |
| Central Urban <sup>15</sup>                                | 4                                                       | 10                                         | 15                                                                    |
| Urban Community <sup>4,5,16</sup>                          | 1                                                       | 6                                          | 10                                                                    |
| Suburban <sup>17</sup>                                     | 1                                                       | 6                                          | No Bonus                                                              |
| Outlying Suburban                                          | 1                                                       | 3                                          | No Bonus                                                              |
| Sub-Outlying Suburban                                      | 1                                                       | 2                                          | No Bonus                                                              |
| Rural <sup>10</sup>                                        | No Minimum                                              | 1                                          | No Bonus                                                              |
| Outer Islands                                              | No Minimum                                              | 1                                          | No Bonus                                                              |
| Rural Community Preserve <sup>6</sup>                      | No Minimum                                              | 1                                          | No Bonus                                                              |
| Open Lands <sup>7</sup>                                    | No Minimum                                              | 1 du/5 acres                               | No Bonus                                                              |
| Density Reduction/Groundwater Resource                     | No Minimum                                              | 1 du/10 acres                              | No Bonus                                                              |
| Wetlands <sup>8</sup>                                      | No Minimum                                              | 1 du/20 acres                              | No Bonus                                                              |
| New Community                                              | 1                                                       | 6                                          | No Bonus                                                              |
| University Community <sup>9</sup>                          | 1                                                       | 2.5                                        | No Bonus                                                              |
| Destination Resort Mixed Use Water Dependent <sup>11</sup> | 6                                                       | 9.36                                       | No Bonus                                                              |
| Burnt Store Marina Village <sup>12</sup>                   | No Minimum                                              | 160 Dwelling Units;<br>145 Hotel Units     | No Bonus                                                              |
| Coastal Rural <sup>18</sup>                                | No Minimum                                              | 1 du/2.7 acres                             | No Bonus                                                              |

### CLARIFICATIONS AND EXCEPTIONS

<sup>1</sup>See the glossary in Chapter XII for the full definition of “density”.

<sup>2</sup>Adherence to minimum densities is not mandatory but is recommended to promote compact development.

<sup>3</sup>These maximum densities may be permitted by transferring density from non-contiguous land through the provisions of the Bonus Density Program identified in chapter 2 of the Land Development Code 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).

<sup>4</sup>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~~ TDUs that were created from ~~Greater Pine Island Coastal Rural or Greater Pine Island Urban Categories (see Policy 14.3.14),~~ or transfer dwelling units in accordance with Policy 14.3.45.

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

<sup>6</sup>Within the Buckingham area, new residential lots must have a minimum of 43,560 square feet.



<sup>7</sup>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.

<sup>8</sup>Higher densities may be allowed under the following circumstances where wetlands are preserve on the subject site:

- (a) If the dwelling units are relocated off-site through the provision of Transfer of Development Rights Ordinance (86-18, as amended or replaced); or
- (b) Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, Central Urban, Urban Community, Suburban, Sub-Outlying Suburban, from preserved freshwater wetlands at the same underlying density as permitted for those uplands. Impacted wetlands will be calculated at the standard Wetlands density of 1 dwelling units per 20 acres. Planned Developments or Development Orders approved prior to October 20, 2010 are permitted the density approved prior to the adoption of CPA2008-18.

<sup>9</sup>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.

<sup>10</sup>In the Rural category located in Section 24, Township 43 South, Range 23 East and south of Gator Slough, the maximum density is 1 du/2.25 acres.

<sup>11</sup>Overall number of residential dwelling units is limited to 271 units in the Destination Resort Mixed Use Water Dependent district.

<sup>12</sup>The residential dwelling units and hotel development portions of this redevelopment project must be located outside of the designated Coastal High Hazard Area in accordance with Lee Plan, Map 5.

<sup>13</sup>See Policies 33.3.2, 33.3.3, and 33.3.4 for potential density adjustments resulting from concentration or transfer of development rights.

<sup>14</sup>The maximum total density may be increased to 30 du/acre utilizing Greater Pine Island TDUs.

<sup>15</sup>The maximum total density may be increased to 20 du/acre utilizing Greater Pine Island TDUs.

<sup>16</sup>The maximum total density may be increased to 15 du/acre utilizing Greater Pine Island TDUs.

<sup>17</sup>The maximum total density may be up to 8 du/acre when utilizing Greater Pine Island TDUs.

<sup>18</sup>The standard maximum density is 1 du/2.7 acres unless the “Adjusted Maximum Density” of 1 du/acre is achieved in accordance with requirements of Policy 1.4.7 and Chapter 33 of the Land Development Code.

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**TABLE 2(a)**  
**CONSTRAINED ROADS**  
**STATE AND COUNTY ROADS**

| <b>ROADWAY</b>                                   | <b>SEGMENT</b>                           | <b>MAINTENANCE RESPONSIBILITY</b> | <b>CONSTRAINED CONDITIONS</b>                   |
|--------------------------------------------------|------------------------------------------|-----------------------------------|-------------------------------------------------|
| Captiva Road                                     | Blind Pass/South Seas Plantation         | County                            | ROW, Scenic, Aesthetic, Environmental           |
| Daniels Parkway                                  | Metro Parkway/I-75                       | County                            | ROW                                             |
| Esterio Boulevard                                | Center Street/Big Carlos Pass            | County                            | ROW, Scenic, Aesthetic                          |
| Hickory Boulevard                                | Big Carlos Pass/Bonita Beach Road        | County                            | Scenic, Aesthetic, Environmental                |
| McGregor Boulevard (SR 867)                      | Colonial Boulevard/College Parkway       | State                             | ROW, Scenic, Aesthetic, Historic, Environmental |
| Pine Island Road (Matlacha)                      | Shoreview Drive/Little Pine Island       | County                            | ROW, Scenic, Aesthetic, Historic, Environmental |
| San Carlos Boulevard (SR 865) (Mantanzas Bridge) | Center Street/Main Street                | State                             | ROW, Scenic, Aesthetic, Environmental           |
| US 41                                            | South of Daniels Road/North Airport Road | State                             | ROW                                             |
| Gulf Boulevard                                   | Boca Grande                              | County                            | Scenic, Aesthetic, Historic, Environmental      |
| <u>Stringfellow Road</u>                         | <u>8th Avenue/Main Street</u>            | <u>County</u>                     | <u>Environmental</u>                            |

**TABLE 2(b)****RECOMMENDED OPERATIONAL IMPROVEMENTS ON CONSTRAINED ROADS**

| <b>ROADWAY</b>                | <b>SEGMENT (or INTERSECTION)</b>   | <b>AUXILIARY LANES</b>                                                      | <b>GEOMETRICS</b>                                                                                                                                                                                                      | <b>SIGNAL TIMING PROGRESSION</b>                                                                                          | <b>MISC.</b>                |
|-------------------------------|------------------------------------|-----------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| Captiva Road                  | Blind Pass/South Seas Plantation   | (1)                                                                         | (1)                                                                                                                                                                                                                    | (1)                                                                                                                       |                             |
| Daniels Parkway               | Metro Parkway/I-75                 | Provide frontage road connections                                           | Potential removal of direct left turns @ Brookshire/International (2); Close median openings at minor side street approaches (2); Potentially eliminate EB left turn and NB/SB left turns at Danport Blvd. signal (2). | Continue monitoring/ updating of signal system.                                                                           | Access management           |
| Estero Boulevard              | Center Street/Big Carlos Pass      | (1)                                                                         | (1)                                                                                                                                                                                                                    | (1)                                                                                                                       |                             |
| Hickory Boulevard             | Big Carlos Pass/Bonita Beach Road  | Left turn lane at new park entrance on Lovers Key.                          | (1)                                                                                                                                                                                                                    | (1)                                                                                                                       |                             |
| McGregor Boulevard (SR 867)   | Colonial Boulevard/Winkler Road    | Provide a NB right-turn lane Davis Dr. to Colonial Blvd. (2)                | (1)                                                                                                                                                                                                                    | (1)                                                                                                                       |                             |
| Pine Island Road (Matlacha)   | Shoreview Drive/Little Pine Island | Construct left turn lanes at intersections with local roads, where feasible | (1)                                                                                                                                                                                                                    | (1)                                                                                                                       |                             |
| San Carlos Boulevard (SR 865) | Center Street/Main Street          | (1)                                                                         | (1)                                                                                                                                                                                                                    | Consider alternating signal for southbound approach lands and signal/lane controls to create a preferential transit lane. | Encourage transit ridership |

|                          |                                          |                                            |                                                                                         |                                                |                                                                                 |
|--------------------------|------------------------------------------|--------------------------------------------|-----------------------------------------------------------------------------------------|------------------------------------------------|---------------------------------------------------------------------------------|
| US 41                    | S. of Daniels Parkway/North Airport Road | (1)                                        | (1)                                                                                     | Continue monitoring/ updating of signal system | Maintain access control. Pursue installation of bike paths through MPO process. |
| Gulf Boulevard           | Boca Grande                              | (1)                                        | (1)                                                                                     | (1)                                            |                                                                                 |
| <u>Stringfellow Road</u> | <u>8<sup>th</sup> Avenue/Main Street</u> | <u>Improved route efficiency, shelters</u> | <u>Greenway, add/widen sidewalks, improved pedestrian crossings in activity centers</u> | <u>Bicycle lanes or shared lanes</u>           | <u>Turn lanes. On-street parking</u>                                            |

*Footnotes:*

- (1) ~~No specific operational improvement identified at this time, but operational improvements may still be possible and warranted in relation to development approval requests.~~ Additional operational improvements may still be possible and warranted in relation to development approval requests.
- (2) Indicates that the recommended improvement should increase ~~the estimated service volume~~ multimodal system capacity of the facility.

CPA2015-00013

DATA AND  
ANALYSIS



## Memorandum

**To:** Michael Jacob, Mikki Rozdolski & Brandon Dunn  
**From:** Alexis Crespo  
**cc:** Jeffrey Hinds  
**Date:** December 2, 2015  
**Subject:** Greater Pine Island Community Plan Update Summary

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In March 2015, the County engaged a consultant team to assist in the preparation of the Greater Pine Island community plan update, which included the following members:

- Jeffrey Hinds of Smolker, Bartlett, Schlosser, Loeb & Hinds, P.A. (legal counsel)
- Alexis Crespo of Waldrop Engineering, P.A. (land use planning)
- Greg Stuart of Stuart and Associates Planning and Design Services (land use planning)
- Karl Passetti of Kittelson & Associates, Inc. (transportation planning)
- Daniel Trescott of Trescott Planning Services, LLC (hurricane evacuation & mitigation)

In preparation of the Update, the county and consultant team sought to maintain the bulk of the adopted Lee Plan goal, objectives and policies, and Land Development Code regulations in order to preserve the original vision developed by the Greater Pine Island community. The Update proposes amendments to only those portions of the current plan that were identified as inconsistent with recent changes to Florida Statutes, including modifications to concurrency regulations and property rights protections under the Bert Harris Act, and to minimize future legal liability under the existing policies and land use regulations.

### A. AMENDMENT SUMMARY

The Greater Pine Island community plan update (“Update”) addresses the following four (4) general areas:

- **Transportation Concurrency**

Hurricane evacuation times and roadway constraints, especially at the Matlacha Bridge, continue to be of concern to the Greater Pine Island community. The consultant team identified issues with the antiquated methodology associated with the “810/910 Rule” in the current Lee Plan and LDC regulations, namely its reliance on the 1965 Highway Capacity Manual (HCM) methodology. It is important to note that the HCM has been updated in 1985, 2000 and 2010, and has undergone numerous improvements as the understanding of traffic operations, the design of two-lane highways, and the design of motor vehicles have improved over the past 50 years.



The Update proposes to replace the “810/910 Rule” with a new and enforceable standard tied directly to the interrelated concern of hurricane evacuation timing. The intent of this change is to apply an enforceable standard that relies on the current methodology for analyzing roadway capacity on Pine Island Road. The Update also includes a mechanism for monitoring capacity and evacuation times to ensure appropriate implementation of the regulations.

- **Hurricane Evacuation**

The Update provides robust policy and land use regulations to address the expressed concerns regarding hurricane evacuation out of the planning community. The Update incorporates a new objective to address hurricane preparedness, evacuation and mitigation (Lee Plan Objective 14.8), and provides for the implementation and enforcement of a hurricane evacuation clearance time not to exceed 18 hours.

The Update also provides for public information programming, limitation on future development in the Coastal High Hazard Area, and appropriate mitigation requirements. Of note, proposed language in Policy 109.1.4 discourages construction of a new bridge to Pine Island to accommodate hurricane evacuation, due to potential impacts to the planning community’s coastal rural character, as well as the costs and design constraints of a new bridge.

- **Transfer of Development Rights Program**

A significant modification proposed in the Update is the creation of a Transfer of Development Rights (TDR) program specific to the Greater Pine Island (GPI) planning community. The GPI TDR program is intended to incentivize the transfer of development rights, or density, out of the planning community into more urbanized areas of the county, thereby supporting the permanent preservation of lands within Pine Island. Specifically, the proposed GPI TDR program is designed to achieve the following objectives:

- Expand the potential receiving areas for the use of GPI TDRs to include Suburban designated lands, in addition to Urban Community, Central Urban and Intensive Development future land use categories;
- Allow the generation of two (2) dwelling units for every one (1) GPI TDU transferred outside of the planning community;
- Allow GPI TDU’s to be used for bonus densities that are higher than current Lee Plan Table 1(a) bonus densities;
- Advance GPI TDU use by allowing by right and administrative approval processes for eligible projects; and
- Advance GPI TDU’s use by allowing TDU’s to be exchanged for increased commercial intensities and open space reductions in eligible projects.

The resulting framework will serve a two-fold objective of incentivizing the transfer of density out of Greater Pine Island to maintain the coastal rural character and hurricane evacuation clearance times, while directing new growth to urbanized areas of the county.

- **Community Character**

The Update proposes policies and land use regulations aimed at upholding and enhancing the coastal rural character inherent to Pine Island. The Update maintains the Coastal Rural future

land use category, applicable to the majority of lands within the planning community, and sets forth increased standards to guide new development in these areas. Specifically, the proposed regulations require larger setbacks from roadways and property boundaries, enhanced right-of-way buffers, reduced maximum lot coverage, and the Planned Development review and approval process for rezonings containing 10 or more dwelling units.

The adopted concepts of Standard Maximum Density and Adjusted Maximum Density for Coastal Rural lands are maintained in the Update. However, the densities associated with these development options are proposed at 1 dwelling unit per 2.7 acres and 1 dwelling unit/1 acre, respectively. The currently adopted densities are tied to the aforementioned “810/910 Rule” and therefore require modification through this Update. The densities proposed will ensure the Coastal Rural future land use category remains one of the lowest density areas in the county.

It is important to note that no changes are proposed to the majority of Greater Pine Island’s adopted regulations regarding the design of commercial buildings, the continuation of a high-quality bicycle path along Stringfellow Road, neighborhood connectivity, including stricter limitations on fences and walls, identification of additional historic buildings and districts, building height limitations and enhanced design guidelines for business signs.

Drafts of the Greater Pine Island Community Plan Update (Update) were submitted to the Lee County Attorney’s Office and Department of Community Development at various times throughout the drafting process. Planning staff provided copies of each draft and requested comments from various county departments, including:

- Zoning Division
- Development Services Division
- Lee County Department of Public Safety
- Lee County Department of Transportation
- County Attorney’s Office
- Hearing Examiner’s Office

Written and verbal comments were received from the County Attorney’s Office, Zoning Division, Department of Public Safety, Department of Transportation, and the Hearing Examiner’s Office. As a result of these meetings and comments from the various county departments, the proposed updates to the Lee Plan goals, objectives, and policies and Land Development Code regulations have been revised numerous times to address staff input.

## **B. DATA & ANALYSIS**

The consultant team prepared detailed analyses of transportation conditions and roadway capacity along Pine Island Road, community-wide hurricane evacuation times, and build-out scenarios for the development of this Update.

To determine the capacity of Pine Island Road from Stringfellow Road to Burnt Store Road, an analysis using the 2010 Highway Capacity Software (HCS) was conducted. The analysis used common default values, including a peak hour factor of 0.88, to determine a capacity value of 1,495 passenger cars/hour.

This data was then utilized to analyze current and projected hurricane evacuation clearance times, which is defined by Lee County Emergency as “the time necessary for people evacuate from the point when the

evacuation order is issued until the last evacuee can either leave the evacuation zone, or arrive at safe shelter within the county.” The current unit count was obtained from Lee County Property Appraiser parcel data for all single-family, multi-family, mobile home, hotel/motel units, and RV spaces in Greater Pine Island, as well as dwelling units on the outer islands that evacuate via Pine Island Road.

Based on revised road capacity and unit count data, the Pine Island hurricane evacuation clearance time is estimated to be 6.2 hours at present. Furthermore, it is estimated that an additional 11,226 vehicles could be accommodated during an evacuation before the proposed 18-hour evacuation clearance time standard for the island is exceeded.

### **C. COMMUNITY INPUT & CONSENSUS BUILDING**

Building consensus is critical to the successful development and implementation of community plans, as every community has many individuals with differing ideas, needs, and concerns. By building consensus between these different points of view, the community planning process helps ensure that community members buy into the resulting vision, policy direction, and land development strategies.

The Update was developed through a coordinated community outreach effort that incorporated input from stakeholders involved in the original Greater Pine Island community plan preparation and subsequent updates; landowners (both large and small); local business owners; and residents. The intent was to obtain input from a diverse group of participants to ensure the Update reflects the comprehensive and broad vision and interests of the community as a whole.

Specifically, the Planning Division and County Attorney’s Office developed a stakeholder committee consisting of the following participants:

- Noel Andress
- Phil Buchanan
- Mike Downing
- Michael Dreikorn
- Bob Elder
- Dan Honc
- Kathy Malone

The stakeholder committee reviewed the first preliminary draft Update in a meeting at Lee County on June 9, 2015. Comments were received from the committee members at the meeting and in subsequent email correspondence. These comments were incorporated into a revised preliminary draft presented on July 13, 2015. Additional comments were received and incorporated into the “final preliminary draft” finalized and distributed to the committee for final review via email on September 18, 2015.

On October 14, 2015, the county and consultant team conducted a community presentation at Fishers of Men Lutheran Church on Pine Island. The meeting was well-attended with over 250 members of the public in attendance. During the meeting comments and questions were taken from attendees, which focused on questions regarding traffic and hurricane evacuation. Comments were also received regarding the ability to develop both large lots in conventional subdivisions where open space is contained in the privately owned lots, and clustered subdivisions where open space is located outside of private lots. There was general consensus that the Update maintained the adopted community vision for protecting Greater Pine Island’s coastal rural character, and created strong incentives for the transfer of density out of the planning community via the proposed TDR program.

# Trescott Planning Solutions, LLC

## Urban and Regional Planning



421 Norwood Court • Fort Myers, Florida 33919  
Cell 239-850-7163 • Office 239-433-4067  
Fax (239) 433-0105  
Email: [trescott@embarqmail.com](mailto:trescott@embarqmail.com)

Jeffrey Hinds, Attorney  
Smolker, Bartlett, Loeb, Hinds & Sheppard  
100 North Tampa Street, Suite 2050  
Tampa, FL 33602

RE: Pine Island Hurricane Evacuation Clearance Time Calculation

Dear Mr. Hinds:

Based on revised road capacity and unit count data, the Pine Island hurricane evacuation clearance time is estimated to be 6.2 hours. Furthermore, it is estimated that an additional 11,226 more vehicles could be accommodated during an evacuation before the 18 hour evacuation clearance time standard for the island is exceeded. Total maximum units on the island would be dependent on unit type, which varies the occupancy rate and thus the total vehicles used during an evacuation.

The following provides an analysis of my calculations and assumptions for determining an estimated hurricane evacuation clearance time to evacuate all of Pine Island as would be required by county emergency management policy for a Level A hurricane evacuation zone.

| Pine Island Hurricane Evacuation Clearance Time Calculation Table |             |                  |                |                  |                |               |                |                          |                         |
|-------------------------------------------------------------------|-------------|------------------|----------------|------------------|----------------|---------------|----------------|--------------------------|-------------------------|
| Unit Type                                                         | Total Units | Occupancy Rate % | Occupied Units | Vehicle Use Rate | Total Vehicles | Road Capacity | Clearance Time | 18 Hrs. Vehicle Capacity | Excess Vehicle Capacity |
| SF                                                                | 3,569       | 95               | 3,391          |                  | 3,730          |               |                |                          |                         |
| MF                                                                | 738         | 71               | 524            |                  | 576            |               |                |                          |                         |
| MH                                                                | 1,583       | 75               | 1,187          |                  | 1,306          |               |                |                          |                         |
| RV                                                                | 374         | 41               | 153            |                  | 168            |               |                |                          |                         |
| H/M                                                               | 122         | 70               | 85             |                  | 94             |               |                |                          |                         |
| TOTAL                                                             | 6,386       |                  | 5,340          | 1.1              | 5,874          | 950/hr        | 6.2 hours      | 17,100                   | 11,226                  |

As defined by Lee County Emergency Management in their “Evacuation Clearance Times for Lee County Explained,” “Evacuation Clearance Time is the time necessary for people evacuate from the point when the evacuation order is issued until the last evacuee can either leave the evacuation zone, or arrive at safe shelter within the county.” The current unit count was provided by Greg Stuart using Lee County Property Appraiser parcel data for SF, MF, MH and H/M. Mr.

Stuart obtained information regarding the total spaces at the one RV Park. The outer islands were included in the unit count. The occupancy rate is for October and was derived from surveys taken for previous Southwest Florida Regional Hurricane Evacuation Study Updates completed by the Southwest Florida Regional Planning Council. Vehicle use rate by occupied units in a hurricane evacuation is from the Behavioral Study within the 2010 Statewide Regional Evacuation Study. The critical link road capacity (through Matlacha) for Pine Island was provided by Karl Passetti. It is assumed once an evacuation is ordered for Pine Island manual traffic control will be provided at the 4-way stop at Pine Island Center for this critical intersection on the island.

If you have any questions let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel L. Trescott". The signature is fluid and cursive, with the first name "Daniel" and last name "Trescott" clearly distinguishable.

Daniel L. Trescott, MSP  
President



# KITTELSON & ASSOCIATES, INC.

TRANSPORTATION ENGINEERING / PLANNING

225 E Robinson Street, Suite 450, Orlando, FL 32801 P 407.540.0555 F 407.540.0550

## DRAFT TECHNICAL MEMORANDUM

### Pine Island Roadway Capacity Evaluation

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|       |                                                               |                  |
|-------|---------------------------------------------------------------|------------------|
| Date: | November 20, 2015                                             | Project #: 18951 |
| To:   | Jeffrey L. Hinds - Smolker Bartlett Loeb Hinds & Sheppard, PA |                  |
| From: | Karl Passetti, P.E.                                           |                  |
| cc:   | Jay J. Bartlett - Smolker Bartlett Loeb Hinds & Sheppard, PA  |                  |

---

The purpose of this memorandum is to provide findings related to the following three issues:

1. An evaluation of the roadway capacity of Pine Island Road from Stringfellow Road to Burnt Store Road;
2. A discussion of values used to evaluate transportation concurrency on Pine Island Road from Stringfellow Road to Burnt Store Road in the Lee County Concurrency Report (2013); and
3. Impact of the '810/910 rule' on capacity and concurrency values.

## ROADWAY CAPACITY EVALUATION OF PINE ISLAND ROAD

The Highway Capacity Manual (HCM) has undergone numerous improvements as the understanding of traffic operations, the design of two-lane highways, and the design of motor vehicles have improved over the years. The term **capacity**, though often loosely used by transportation professionals and the general public, is defined in the 2010 HCM as *the maximum sustainable hourly flow rate at which persons or vehicles reasonably can be expected to traverse a point or a uniform section of a lane or roadway during a given time period under prevailing roadway, environmental, traffic, and control conditions* (TRB, 2010). Capacity exists at the boundary between LOS E and F.

The 2010 HCM clearly states that the capacity of a two-lane highway *under base conditions* in one direction is 1,700 passenger cars per hour (pc/h). To determine the capacity under the *prevailing conditions* of a specific facility, adjustment factors are applied to the value of 1,700 pc/h. The adjustment factors to be considered include the peak hour factor, the heavy vehicle percentage, the directional split of vehicles, the percent of no-passing zone, lane widths, and traffic volumes and others.

To determine the capacity of Pine Island Road from Stringfellow Road to Burnt Store Road, an analysis using the 2010 Highway Capacity Software (HCS) was conducted. The analysis used common default values, including a peak hour factor of 0.88, to determine **a capacity value of 1,495 pc/h**. Figure 1



shows a comparison of the calculated capacity value to other sources commonly referenced. It is noted that the 1965 HCM did not include procedures to calculate peak-direction capacity.

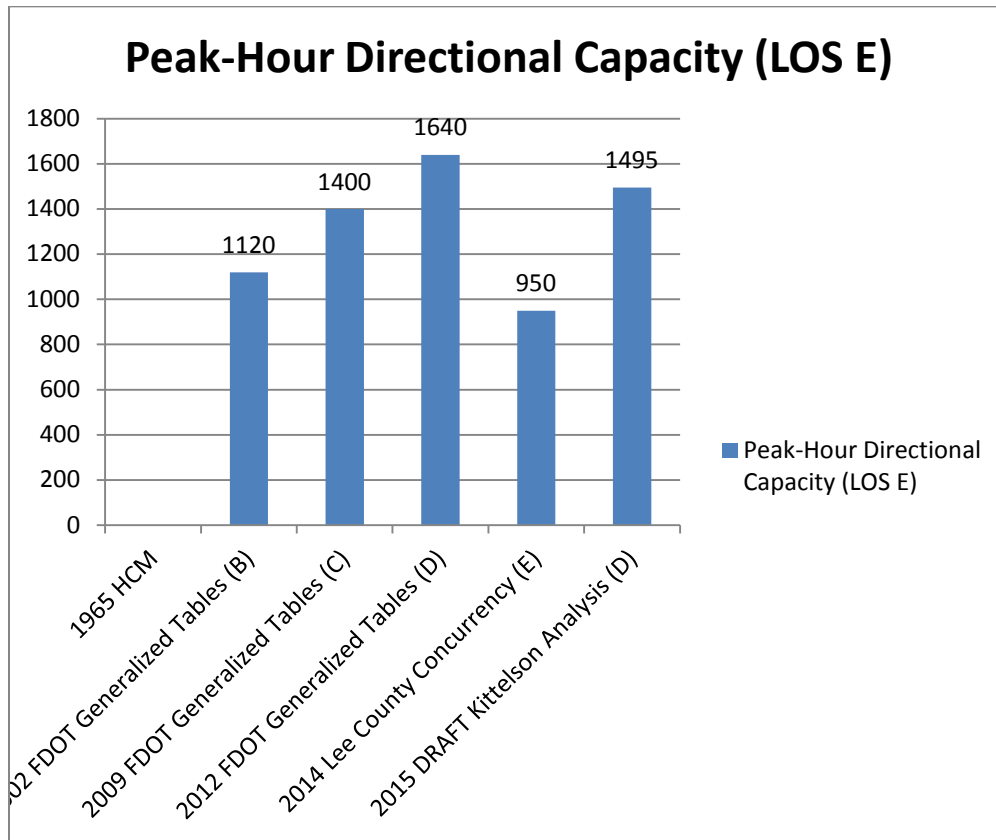


Figure 1: Comparison of Peak-Hour Directional Capacity Values for Pine Island Road

## TRANSPORTATION CONCURRENCY EVALUATION OF PINE ISLAND ROAD

Pine Island Road from Stringfellow Road to Burnt Store Road is listed as having a level of service (LOS) threshold of 'E' and a capacity threshold of 950 pc/h in the peak direction on page 64 of the 2014 Lee County concurrency Report. The capacity threshold is based on a conceptual planning analysis completed in 2013 utilizing FDOT's HIGHPLAN software (see attached for HIGHPLAN analysis). Key elements of the HIGHPLAN analysis include:

- The base capacity of 1,700 pc/h was utilized;
- The peak hour factor (PHF) was set at 1.0;
- The local adjustment factor was set at 0.70; and
- The characteristics of the length of Pine Island Road from Stringfellow Road to Burnt Store Road were combined.

The use of 0.70 for the local adjustment factor has a significant impact on the capacity calculation. The local adjustment factor is described in the FDOT Quality/LOS Handbook as: *The local adjustment factor may be thought of as a driver population factor that accounts for driver characteristics and*

*their effects on traffic. The factor takes into consideration driver aggression, hurriedness, and familiarity with the facility. It is used in FREEPLAN and HIGHPLAN to reflect lower capacities by different area types.* It is noted that little guidance is offered on how to calculate or select a local adjustment factor and often the decision is left to the judgment of the individual completing the analysis.

It is recommended that for the segment of Pine Island Road from Stringfellow Road to the western edge of Matlacha and for the segment from the eastern edge of Matlacha to Burnt Store Road the capacity value be increased from 950 pc/h peak direction to 1,495 pc/h peak direction. The capacity of those segments of Pine Island Road should not be reduced due to concerns about operations and geometric conditions through Matlacha. For the segment through Matlacha, additional analysis of travel time data and traffic operations should be completed to determine whether the capacity value of 1,495 pc/h peak direction should be reduced to account for prevailing conditions.

## IMPACT OF THE '810/910 RULE' ON CAPACITY AND CONCURRENCY VALUES

Policy 14.2.2 presents the thresholds of 810 peak hour, annual average two-way trips and 910 peak hour, annual average two-way trips. The thresholds were based on 80% and 90% of the level-of-service (LOS) 'D' two-way capacity calculated using the 1965 HCM, as documented in the 2001 Greater Pine Island Community Plan. It is noted that the use of the term 'capacity' in describing the thresholds is inconsistent with HCM definitions and meanings previously presented.

The thresholds listed in Policy 14.2.2 represent policy decisions based on analysis techniques from the 1965 HCM (it is noted that the HCM has been updated in 1985, 2000, and 2010). The threshold values represent a self-imposed limitation on the use of Pine Island Road – not a determination of how many vehicles can be accommodated on Pine Island Road. The capacity values presented in the 2014 Lee County Concurrency Report (950 pc/h one-way peak direction) and recommended in this memo (1,495 pc/h one-way peak direction) are much higher than the 910 peak hour, annual average two-way trip threshold used in Policy 14.2.2. Policy 14.2.2 does not impact the calculation of the capacity of Pine Island Road.

## REFERENCES

1. 1965 Highway Capacity Manual, Transportation Research Board, Washington, DC
2. 1985 Highway Capacity Manual, transportation Research Board, Washington, DC
3. 2000 Highway Capacity Manual, transportation Research Board, Washington, DC
4. 2010 Highway Capacity Manual, transportation Research Board, Washington, DC



# KITTELSON & ASSOCIATES, INC.

TRANSPORTATION ENGINEERING / PLANNING

225 E Robinson Street, Suite 450, Orlando, FL 32801 P 407.540.0555 F 407.540.0550

## DRAFT TECHNICAL MEMORANDUM

### Pine Island Road Capacity Evaluation

Speed and Volume Data Fusion

Date: November 20, 2015

Project #: 18951

To: Jay Barlett & Jeffrey Hinds, Smolker Barlett, PA

From: Karl Passetti, PE; Richard Dowling, Ph.D.; Jorge Andres Barrios, PE

CC:

This draft memorandum presents the results of Kittelson & Associates, Inc.'s matching of 15-minute vehicular volume ("flow") data with probe speed data on Pine Island Road (SR 78) in Pine Island, FL.

## INTRODUCTION

There is a connection between traffic density and vehicle speed: The more vehicles are on a road, the slower their speed will be. This fundamental relationship between vehicular volume and speed is characterized by fast speeds up to a critical volume, at which flow goes from stable to unstable and vehicle speeds drop quickly. The critical volume is often taken to be a roadway's capacity.

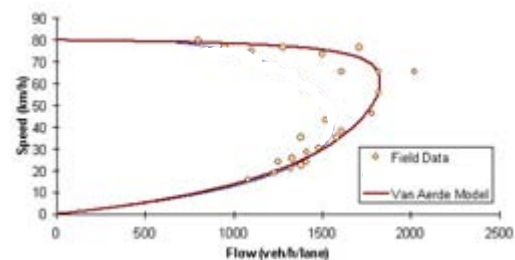


Figure 1: Sample Speed-Flow Diagram. Source: Van Aerde and Newell (1990)

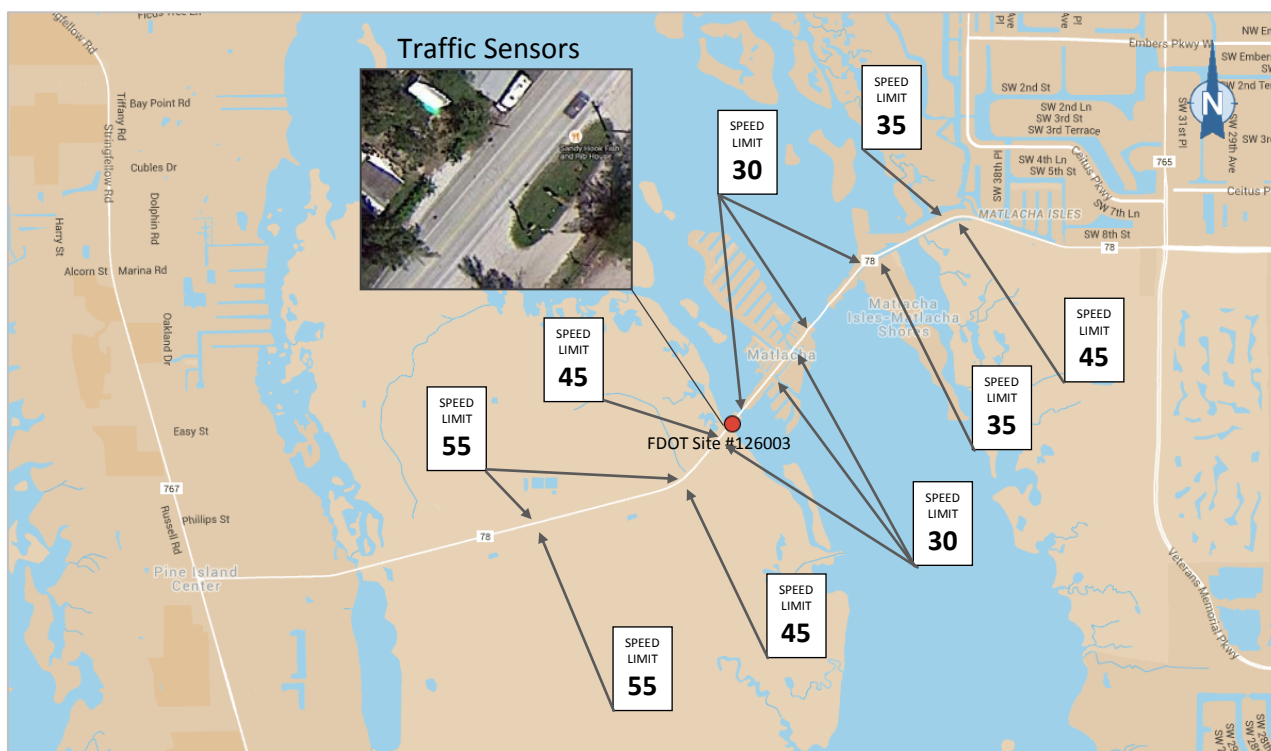
As seen in Figure 1, a speed-flow plot consists of two branches: a mostly horizontal free-flow branch and a congested branch. The free-flow branch represents the facility during times of unconstrained flow (i.e., no congestion). The congested branch reflects constrained conditions when demand is higher than capacity. The following sections describe the development of a speed-flow curve for Pine Island Road just west of Matlacha, based on 2014 data.

## DATA DESCRIPTION

Flow data were obtained from the Lee County count database website<sup>1</sup> for the FDOT permanent count site #126003 just west of Matlacha, FL (see Figure 2). The data are available at a 15-minute resolution and for the eastbound and westbound directions. Since the speed data described below are only available for 2014, only 2014 volumes were obtained.

<sup>1</sup> <http://www.leegov.com/dot/traffic/trafficcountreports>

**Figure 2: FDOT Counter Location Setting**



Sources: Florida Traffic Information (2013), Google Maps, Google Street View

Speed data were purchased from Midwestern Software Solutions (MS2Soft) for Pine Island Road. The speed data are reported at a 5-minute temporal resolution across 92 directional subsegments on Pine Island Road. One of the segments in the speed data set contains the FDOT permanent count station just west of Matlacha. The data covers all days between January 1, 2014 and December 31, 2014. The source of the data is Nokia's HERE Traffic Analytics, which gathers data from the world's largest compilation of both commercial and consumer probe data.

## DATA FUSION

Volume data were compiled by direction for each 15-minute interval in 2015. Hourly vehicle flow rates (in vehicles per hour per lane) were calculated for each time interval.

Speed data were filtered for Traffic Message Channel (TMC) 134884806. TMC codes are an open, global standard way of referencing road segments. The aforementioned TMC contains directional speed information at the location of the FDOT permanent count station.

Data quality in the HERE database varies depending on sample size, types of data sources, and roadway conditions. For this analysis, only data categorized as "confident" or "highly confident" were used.

The speed data were then paired with the contemporary hourly flow rate from the volume data set. Only data points with matching speed and volume data were considered to be valid for speed-flow analyses. Table 1 compares the volume dataset with matching speeds versus the entire volume dataset—that is, regardless of whether a contemporary speed is available. The subset with valid speed data represents the data sufficiently well for directional analysis, but not for bidirectional analysis. This is because there are few data points having *both* eastbound and westbound speeds.

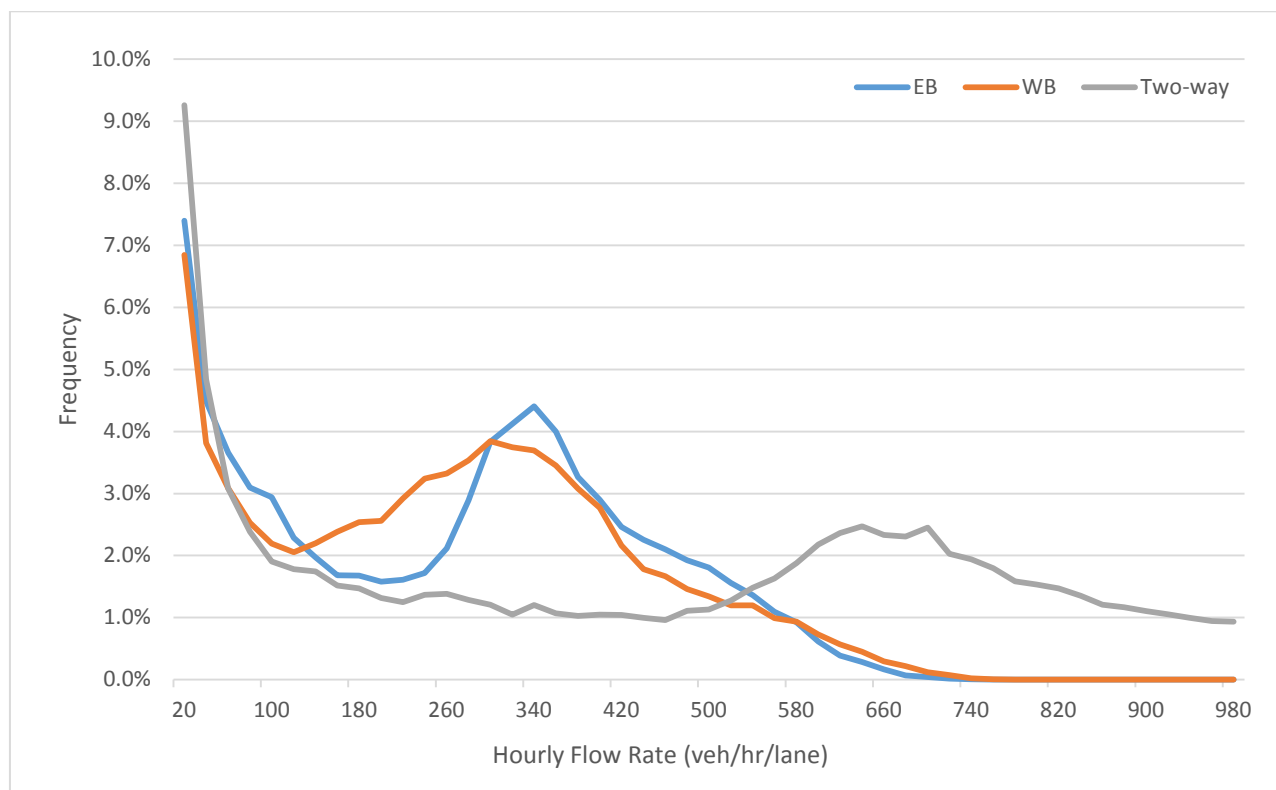
**Table 1: Summary of 2014 Hourly Flow Rates**

| Metric               | Hourly Flow Rates (veh/hr/lane)<br>Using data points with valid speed data |     |         | Hourly Flow Rates (veh/hr/lane)<br>Using all data points |        |         |
|----------------------|----------------------------------------------------------------------------|-----|---------|----------------------------------------------------------|--------|---------|
|                      | EB                                                                         | WB  | Two-Way | EB                                                       | WB     | Two-Way |
| Count of data points | 672                                                                        | 666 | 11      | 35,040                                                   | 35,040 | 35,040  |
| 50th Percentile      | 326                                                                        | 276 | 576     | 212                                                      | 224    | 448     |
| 85th Percentile      | 476                                                                        | 416 | 852     | 444                                                      | 428    | 864     |
| Maximum              | 724                                                                        | 656 | 884     | 756                                                      | 800    | 1,524   |

Data points are 15-minute intervals. Data Source: Lee County Count Database (2014)

Figure 3 further describes the entire volume dataset—which includes all data points regardless of whether a valid speed is available to match it. The figure is a histogram that tallies the frequency of vehicle hourly flow rates (aggregated to 20 veh/hr/lane buckets) across all of 2014. All days of the week and times of the day are summarized in the Figure. Both eastbound and westbound directions show a two-peak pattern, with low flows (below 20 veh/hr/lane) and flows between 300 and 360 veh/hr/lane being the most common in the dataset. Using bidirectional volumes, the most common condition other than low-flow times is around 600-700 veh/hr.

Figure 3: Histogram of 2014 Hourly Flow Rates



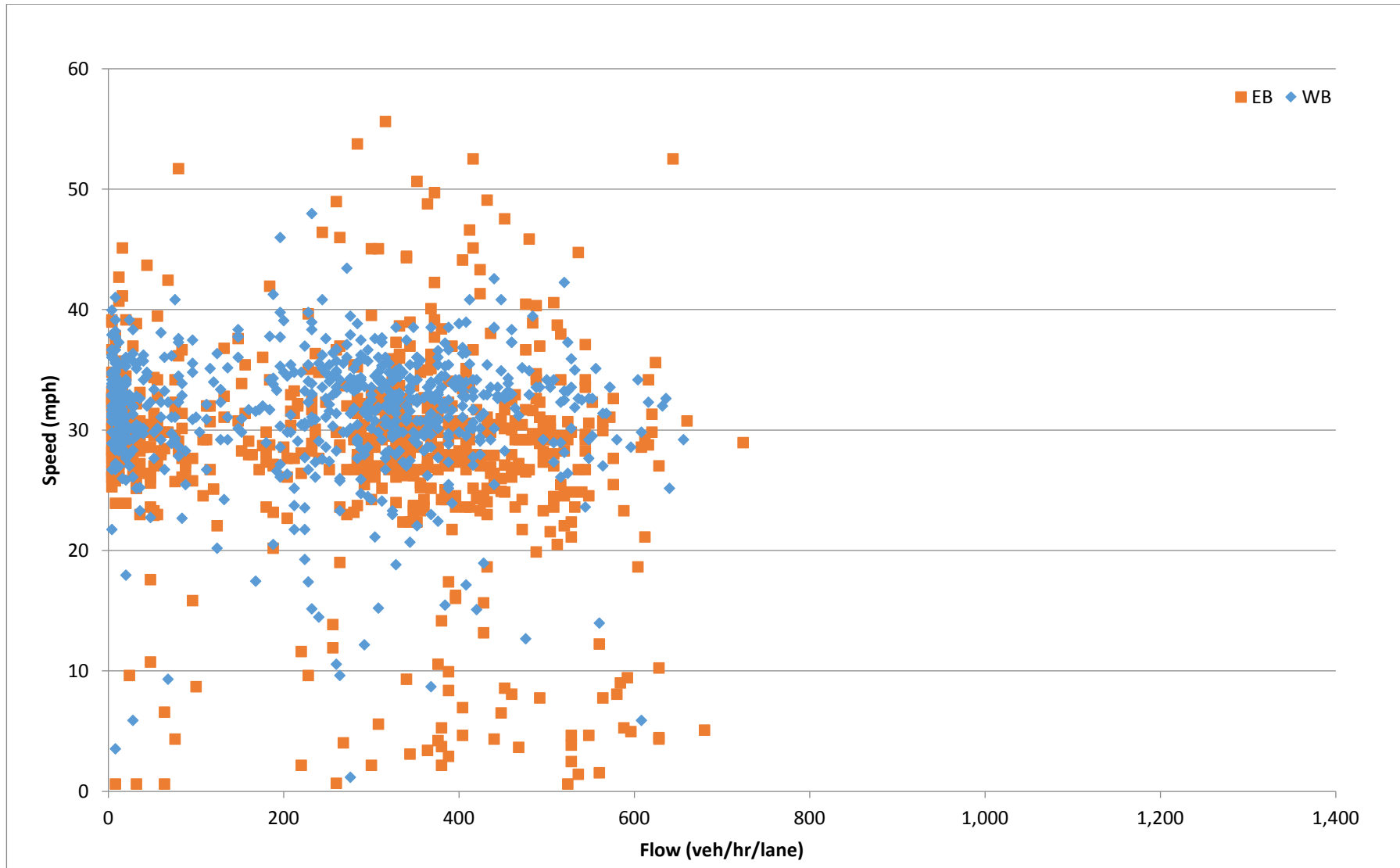
Data Source: Lee County Count Database (2014)

A comparison of histograms from the full volume dataset and the volume dataset with matching speeds confirms the aforementioned statement: directional speed-flow analyses can be considered representative of year-round traffic conditions. There are not enough data points with valid eastbound *and* westbound speeds to do a bidirectional analysis.

Figure 4 presents the relationship between speed and flow data just west of Matlacha.



Figure 4: Speed-Flow Relationship on Pine Island Road west of Matlacha



Data Source: Speeds from HERE Traffic Analytics' 2014 data considered confident or highly confident. Flow measurements from the Lee County traffic counts database for Location ID 3, just west of Matlacha, FL.

## ANALYSIS

Figure 4 shows a partial fundamental diagram with a defined free-flow branch with speeds in the range of 25 mph to 35 mph, consistent with posted speed limits west of Matlacha. There is little to no reduction in the free-flow branch for the range of flow rates measured. In other words, the data show that—for the most part—speeds on Pine Island Road just west of Matlacha were near the speed limit in 2014.

The fundamental diagram in Figure 4 does not show the transition from the free-flow branch to the congested branch (i.e., the capacity threshold). There are at least two possible explanations:

1. Flow rates were not high enough at any point over 2014 to cause a breakdown in traffic flow. As mentioned in the HCM 2010 chapter on two-lane highways and documented in earlier memoranda, few two-lane highways operate at flow rates approaching capacity. They are usually widened before congestion becomes an issue.
2. There is a downstream bottleneck that limits the maximum flow rate on this segment. When this happens, a fundamental diagram appears to be “lopped off”, as vehicles transition from free-flow speed directly to a queued state due to the downstream bottleneck.

The first possible explanation was explored further with the information contained in Table 1 and Figure 3. As can be seen in these exhibits, the directional flow rate never exceeded 800 veh/hr/lane in 2014. The gentle right tail of the histogram (Figure 3) suggests that this upper limit in flow rates simply corresponds to an upper limit in demand. In other words, the shape of the histogram does not support the second hypothesis that flow is constrained by a downstream bottleneck.

However, the speed analysis presented earlier<sup>2</sup> suggests that speeds through Matlacha are below free-flow particularly in the midday and afternoon peak periods. These slow speeds on Matlacha are likely due to bridge raises, driveway accesses, parking maneuvers, and/or pedestrian activity. These sources of friction reduce the capacity of Pine Island Road through Matlacha, but seemingly not to an extent that would constrain the observed eastbound flows at the FDOT permanent count station west of Matlacha.

---

<sup>2</sup> *Speed Data Analysis*, Kittelson & Associates (submitted on June 18, 2015)

## CONCLUSION AND FUTURE WORK

The 2014 speed and volume data just west of Matlacha do not show a clean transition from free-flow speeds to congested speeds. Therefore, a reliable capacity estimate cannot be inferred from these data. Two possible explanations were presented: lack of high flow rates and/or a downstream bottleneck. An in-depth review of the volume data suggests that the first explanation better describes 2014 traffic conditions west of Matlacha.

Since capacity cannot be estimated from the data due to few or no data points with high enough flow rates, the Kittelson & Associates team will make an assessment based on the guidance in the HCM and FDOT documents. This assessment will be supported with historical volume data from the FDOT permanent count station on Pine Island Road and with data from similar roadways in the state.



# KITTELSON & ASSOCIATES, INC.

TRANSPORTATION ENGINEERING / PLANNING

225 E Robinson Street, Suite 450, Orlando, FL 32801 P 407.540.0555 F 407.540.0550

## DRAFT TECHNICAL MEMORANDUM

### Pine Island Road Capacity Evaluation

Speed Data Analysis

---

Date: November 20, 2015 Project #: 18951  
To: Jay Barlett & Jeffrey Hinds, Smolker Barlett, PA  
From: Karl Passetti, PE; Richard Dowling, Ph.D.; Jorge Andres Barrios, PE  
CC:

---

This draft memorandum presents the results of Kittelson & Associates, Inc.'s analysis of probe speed data on Pine Island Road.

## DATA DESCRIPTION

Speed data were purchased from Midwestern Software Solutions (MS2Soft) for Pine Island Road (SR 78) in Pine Island, FL. The study route stretches from Stringfellow Road to Burnt Store Road in Cape Coral, FL (6.43 miles). The speed data are reported at a 5-minute temporal resolution across 92 directional subsegments on Pine Island Road. The data covers all days between January 1, 2014 and December 31, 2014. The source of the data is Nokia's HERE Traffic Analytics, which gathers data from the world's largest compilation of both commercial and consumer probe data.

## FREE-FLOW SPEEDS

A key input to the HCM 2010 capacity estimation is the free-flow speed of the roadway facility. As discussed in earlier communication, the posted speed limit on the study segment of Pine Island Road varies from 55 mph between Pine Island and Matlacha, to 35 mph through Matlacha, and to 45 mph from Matlacha to Cape Coral.

The speed data were analyzed to obtain estimates of the free-flow speed across the corridor. To do this, recorded speed measurements from 2 AM to 5 AM—representing times of light traffic demand and rare bridge openings—were averaged. Figure 1 presents the free-flow speed estimates. In summary, the free-flow speed varies from 50-55 mph west of Matlacha, 30-35 mph through Matlacha, and 30-45 mph east of Matlacha.

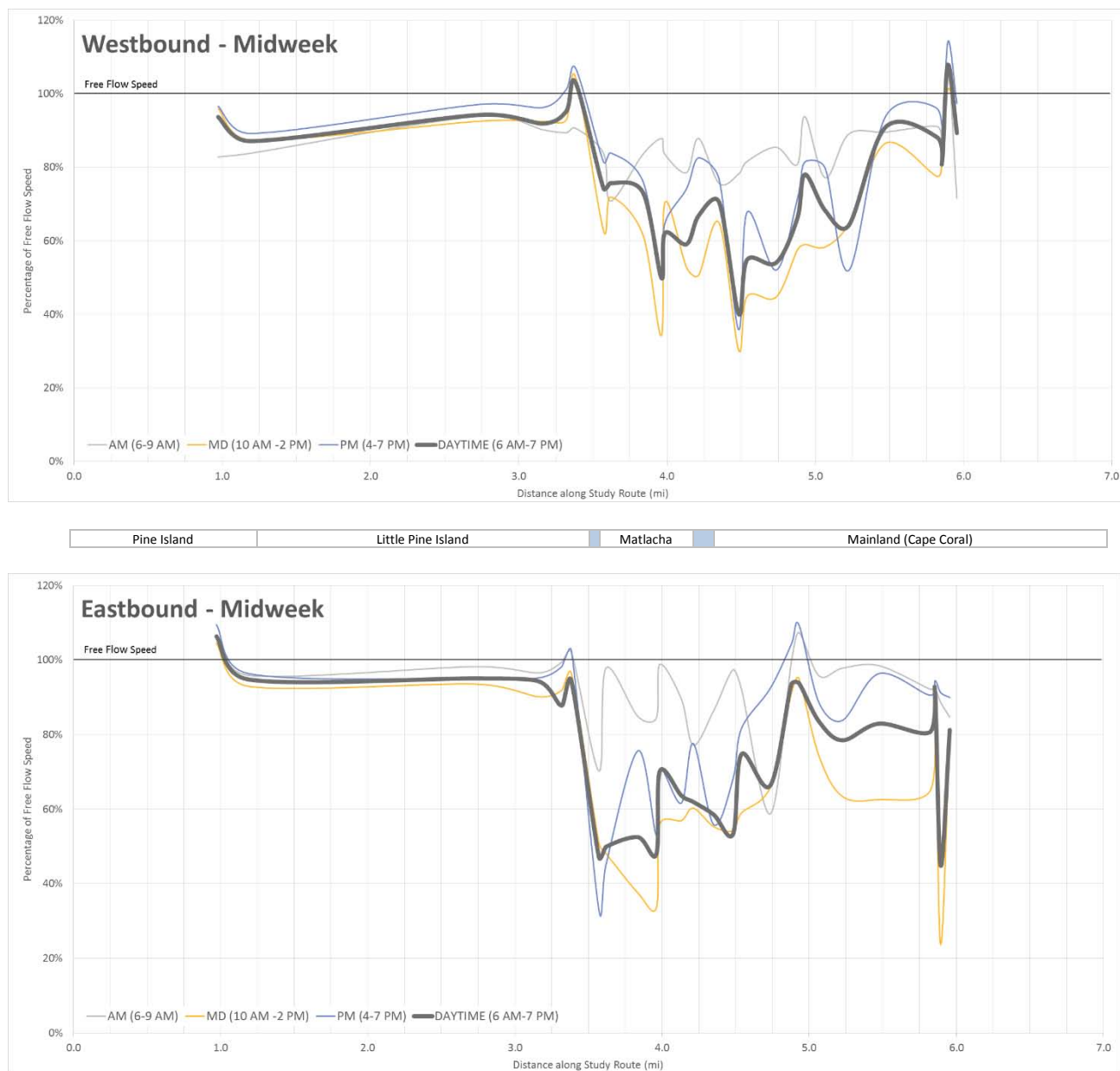
Figure 1: Free-Flow Speeds on Pine Island Road



## TYPICAL MIDWEEK SPEEDS

In traffic engineering, conditions during Tuesday, Wednesday, and Thursday (“midweek days”) are considered typical of commute traffic. To present these conditions, the speed data were filtered for midweek days only and aggregated at the hourly level. The speed data were normalized with respect to free-flow speeds and averaged across four commonly-used time periods to obtain Figure 2.

**Figure 2: Percent Free Flow Speed along Study Corridor - Midweek Days**

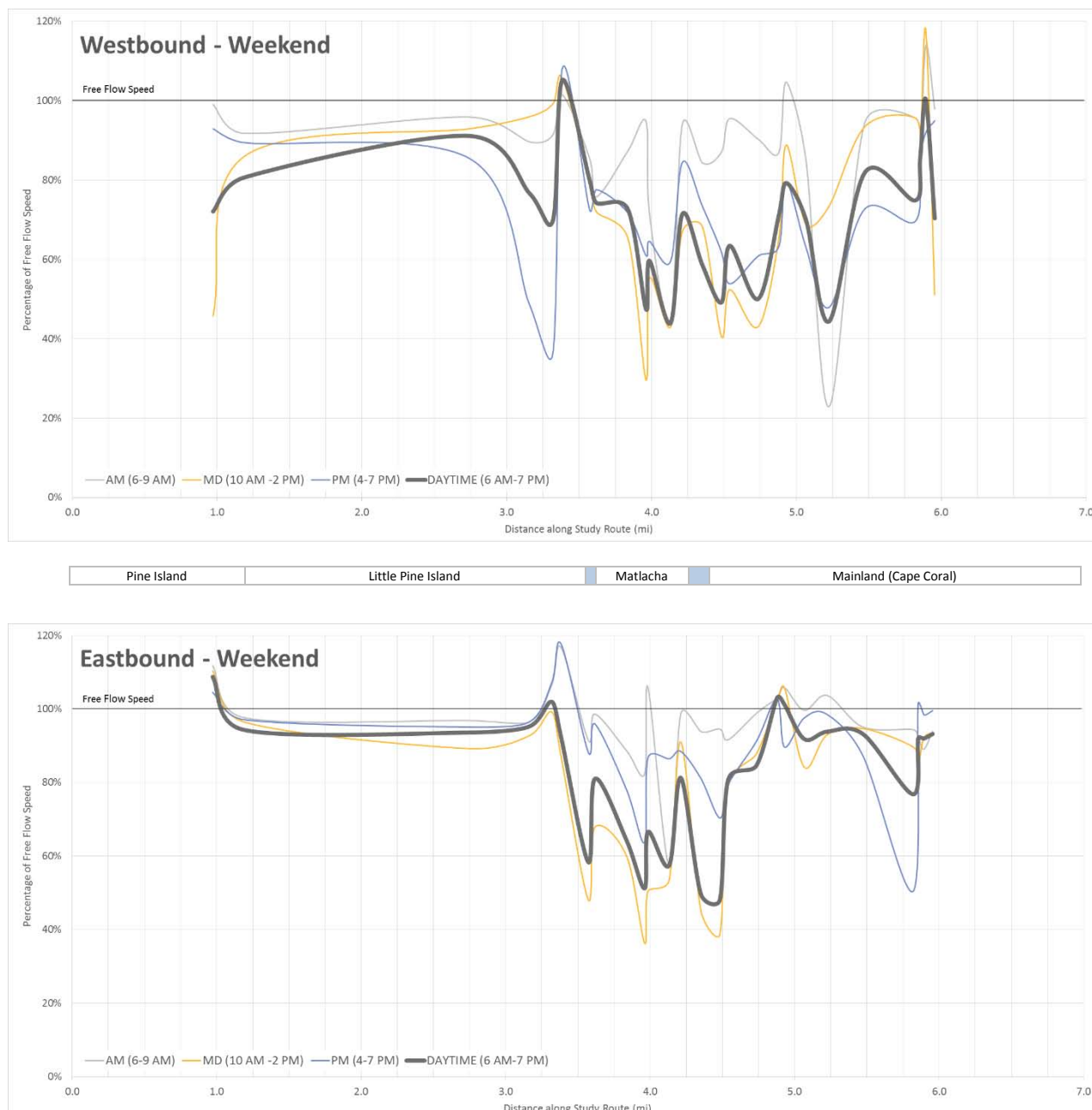


Data Source: HERE 2014 data on midweek days | Study Limits: From Stringfellow Road in Pine Island, FL to Burnt Store Road in Cape Coral, FL (6.43 mi). Subsegments near signalized intersections at the start and end of the segment are not shown.

## TYPICAL WEEKEND SPEEDS

Average speeds on Friday, Saturday, and Sunday were also computed to assess the effect of recreational travel on Pine Island Road. Figure 3 illustrate average weekend speeds through the corridor.

**Figure 3: Percent Free Flow Speed along Study Corridor - Weekend Days**



Data Source: HERE 2014 data on weekend days | Study Limits: From Stringfellow Road in Pine Island, FL to Burnt Store Road in Cape Coral, FL (6.43 mi). Subsegments near signalized intersections at the start and end of the segment are not shown in the figure.



## DATES AND TIMES BELOW 70 PERCENT OF FREE-FLOW SPEED

An analysis of the 2014 historical data identified the top ten dates and times during which operating speeds were below 70 percent of free-flow speed (see Figure 1). The 70 percent threshold was chosen as generally representative of 30 mph travel on a 45 mph facility. The results are presented ranked by the number of miles experiencing speeds below 70 percent of free-flow speeds.

**Figure 4: Top 10 Times with Number of Miles under 70% FFS**

| Dates                               | Times               | Number of Miles under 70% FFS |
|-------------------------------------|---------------------|-------------------------------|
| Friday, February 7 <sup>th</sup>    | 10:15 AM            | 4.97                          |
| Friday, August 8 <sup>th</sup>      | 3:00 PM             | 3.85                          |
| Thursday, January 23 <sup>rd</sup>  | 11:00 AM – 12:00 PM | 3.72                          |
| Thursday, February 20 <sup>th</sup> | 10:35 AM            | 3.63                          |
| Friday, February 7 <sup>th</sup>    | 1:50 PM             | 3.52                          |
| Saturday, January 26 <sup>th</sup>  | 1:30 PM             | 3.52                          |
| Wednesday, July 2 <sup>nd</sup>     | 7:55 AM             | 3.46                          |
| Friday, February 7 <sup>th</sup>    | 8:55 AM             | 3.40                          |
| Thursday, February 6 <sup>th</sup>  | 10:15 PM            | 3.45                          |
| Thursday, January 23 <sup>rd</sup>  | 12:00 PM            | 3.34                          |

Data Source: HERE 2014 data from all days. | Note: Number of miles is bidirectional (i.e., maximum of  $6.43 \times 2 = 12.86$  mi).

## CONCLUSION AND FUTURE WORK

The analysis of 2014 speed data confirms that free-flow speeds on Pine Island Road—as shown in Figure 1—are generally at or slightly below the posted speed limits on the corridor. With respect to typical conditions, speeds are typically near free-flow levels west of Matlacha and below free-flow through Matlacha and on the segment between Matlacha and Cape Coral. Lower speeds were found to be more common during the midday and afternoon peak periods on both midweek days and weekends.

The Kittelson & Associates, Inc. team is currently compiling both historical and field-collected traffic volume data on Pine Island Road. The combination of the speed data summarized here and volume data will allow for the development of a speed-flow relationship that can inform capacity estimation. The top ten dates with speeds below 70 percent of free-flow speed will be evaluated first, as they are the most likely to exhibit capacity or near-capacity conditions.

CPA2015-00013

ADDITIONAL  
DATA AND  
ANALYSIS

# Trescott Planning Solutions, LLC

## Urban and Regional Planning



421 Norwood Court • Fort Myers, Florida 33919  
Cell 239-850-7163 • Office 239-433-4067  
Fax (239) 433-0105  
Email: [trescott@embarqmail.com](mailto:trescott@embarqmail.com)

March 26, 2016

Jeffrey Hinds, Attorney  
Smolker, Bartlett, Loeb, Hinds & Sheppard  
100 North Tampa Street, Suite 2050  
Tampa, FL 33602

RE: Pine Island Hurricane Evacuation Clearance Time Analysis with Buildout

Dear Mr. Hinds:

Based on a meeting yesterday February 25 with Lee County Planning and Attorney Office staff to address Florida Department of Transportation and Department of Economic Opportunity comments on the Pine Island Comprehensive Plan Amendment transmittal, it was suggested that a hurricane evacuation clearance time be determined for the estimated buildout on Pine Island. The proposed amendment has replaced the current Level of Service (LOS) for peak season daily traffic (810/910) with a hurricane evacuation clearance time consistent with Florida Statutes. The table below show the estimated buildout hurricane evacuation clearance time to be 11.18 hours. This time is likely to be less if the Transfer Development Units Program transfers units off the island and the unit types vary with less percentage of single family units being constructed at buildout. Furthermore, with phased evacuation of mobile home, recreational vehicle and hotel motel units being advised by county emergency management to leave early, prior to an evacuation order, the total clearance time will be further reduced.

The following provides an analysis of my calculations and assumptions for determining an estimated current and buildout hurricane evacuation clearance time to evacuate all Pine Island residents and visitors as would be required by county emergency management policy for a Level A hurricane evacuation zone.

| Pine Island Hurricane Evacuation Clearance Time Calculation Table |                  |                      |                  |                     |                         |                  |                     |                         |                      |                     |                         |
|-------------------------------------------------------------------|------------------|----------------------|------------------|---------------------|-------------------------|------------------|---------------------|-------------------------|----------------------|---------------------|-------------------------|
| Unit Type                                                         | 2015 Total Units | Buildout Total Units | Occupancy Rate % | 2015 Occupied Units | Buildout Occupied Units | Vehicle Use Rate | 2015 Total Vehicles | Buildout Total Vehicles | Hourly Road Capacity | 2015 Clearance Time | Buildout Clearance Time |
| SF                                                                | 3,569            | 6,484                | 0.95             | 3,391               | 6,160                   |                  | 3,730               | 6,776                   |                      |                     |                         |
| MF                                                                | 738              | 1,332                | 0.71             | 524                 | 946                     |                  | 576                 | 1,040                   |                      |                     |                         |
| MH                                                                | 1,583            | 2,823                | 0.75             | 1,187               | 2,117                   |                  | 1,306               | 2,329                   |                      |                     |                         |
| RV                                                                | 374              | 675                  | 0.41             | 153                 | 277                     |                  | 169                 | 304                     |                      |                     |                         |
| H/M                                                               | 122              | 220                  | 0.70             | 85                  | 154                     |                  | 94                  | 169                     |                      |                     |                         |
| TOTAL                                                             | 6,386            | 11,534               |                  | 5,341               | 9,654                   | 1.1              | 5,875               | 10,619                  | 950                  | 6.18                | 11.18                   |

As defined by Lee County Emergency Management in their "Evacuation Clearance Times for Lee County Explained" "Evacuation Clearance Time is the time necessary for people to evacuate from the point when the evacuation order is issued until the last evacuee can either leave the evacuation zone, or arrive at safe shelter within

the county.” The current unit count was provided Greg Stuart using Lee County Property Appraiser parcel data for SF, MF, MH and H/M. Mr. Stuart called the one RV Park for total spaces. The buildout estimate was also provided by Mr. Stuart using the proposed Coastal Rural land use. The outer islands were included in the unit count. The total buildout units were derived by applying the same percentage of total by unit type for 2015 to the projected new total units at buildout. The occupancy rate for October is derived from surveys taken for previous Southwest Florida Regional Hurricane Evacuation Study Updates completed by the Southwest Florida Regional Planning Council. Vehicle use rate by occupied units in a hurricane evacuation is from the Behavioral Study within the 2010 Statewide Regional Evacuation Study. The critical link road capacity (through Matlacha) for Pine Island was provided by Karl Passetti. It is assumed once an evacuation is ordered for Pine Island manual traffic control will be provided at the 4-way stop at Pine Island Center for this critical intersection on the island.

If you have any questions let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Daniel L. Trescott".

Daniel L. Trescott, MSP  
President

# AGENCY COMMENTS



January 21, 2016

RECEIVED  
Bureau of Community Planning  
JAN 25 2016  
Div. of Community Development  
Dept. of Economic Opportunity

John Manning  
District One

Cecil L. Pendergrass  
District Two

Larry Kiker  
District Three

Brian Hamman  
District Four

Frank Mann  
District Five

Roger Desjarlais  
County Manager

Richard Wm. Wesch  
County Attorney

Donna Marie Collins  
Hearing Examiner

Ray Eubanks, Plan Processing Administrator  
State Land Planning Agency  
Caldwell Building  
107 East Madison – MSC 160  
Tallahassee, FL. 32399-0800

Re: Amendment to the Lee Plan  
Transmittal Submission Package  
January 20, 2016 Transmittal Hearing

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, please find attached the proposed Comprehensive Plan Amendment, known locally as CPA2015-00013 (Pine Island Community Plan Update). The proposed amendment is being submitted through the expedited state review process as described in Chapter 163.3184. The amendment is as follows:

CPA2015-00013, Pine Island Community Plan Update: Amend the Lee Plan to incorporate updates to the Pine Island Community Plan. The amendments include changes to the Future Land Use Element, the Transportation Element, the Capital Improvement Element, the Conservation and Coastal Management Element, the Glossary and Tables 1(a), 2(a), and 2(b) of the Lee Plan. The proposed amendments are included as Attachment 1 to the staff report in strikethrough and underline format.

The Local Planning Agency held a public hearing for this plan amendment on December 14, 2015. The Board of County Commissioners transmittal hearing was held on January 20, 2016. At the transmittal hearing, the Board of County Commissioners voted to transmit the attached Lee Plan amendment. The proposed amendment is not applicable to an area of critical state concern. The Board of County Commissioners has stated its intent to hold an adoption hearing following the receipt of the review agencies' comments.

The name, title, address, telephone number, facsimile number, and email address of the person for the local government who is most familiar with the proposed amendment is as follows:

Mr. Brandon Dunn, Principal Planner  
Lee County Planning Division  
P.O. Box 398  
Fort Myers, Florida 33902-0398  
(239) 533-8809  
Fax (239) 485-8319  
Email: bdunn@leegov.com

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 533-2111  
Internet address <http://www.leegov.com>  
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

Included with this package are one paper copy and two CD ROM copies, in PDF format, of the proposed amendment and supporting data and analysis. By copy of this letter and its attachments, I certify that this amendment and supporting data and analysis have been sent on this date to the agencies listed below.

Sincerely,



Mikki Rozdolski, Planning Manager  
Department of Community Development  
Planning Section

All documents and reports attendant to this transmittal are also being sent, by copy of this cover in a CD ROM format, to:

Comprehensive Plan Review  
Department of Agriculture and Consumer Services

Tracy D. Suber  
Department of Education

Plan Review  
Department of Environmental Protection

Deena Woodward  
Florida Department of State

Scott Sanders  
Florida Fish and Wildlife Conservation Commission

Sarah Catala  
FDOT District One

Margaret Wuerstle  
Southwest Florida Regional Planning Council

Terry Manning, A.I.C.P., Senior Planner, Intergovernmental Coordination Section  
South Florida Water Management District



**Rick Scott**  
GOVERNOR



**Cissy Proctor**  
EXECUTIVE DIRECTOR

January 26, 2016

**RECEIVED**  
JAN 29 2016  
COMMUNITY DEVELOPMENT

Ms. Mikki Rozdolski, Planning Manager  
Department of Community Development  
Planning Section  
Post Office Box 398  
Fort Myers, Florida 33902-0398

Dear Ms. Rozdolski:

Thank you for submitting Lee County's proposed comprehensive plan amendments submitted for our review pursuant to the Expedited State Review process. The reference number for this amendment package is Lee County 16-1ESR.

The proposed submission package will be reviewed pursuant to Section 163.3184(3), Florida Statutes. Once the review is underway, you may be asked to provide additional supporting documentation by the review team to ensure a thorough review. You will receive the State Land Planning Agency's Comment Letter no later than **February 24, 2016**.

If you have any questions please contact Anita Franklin, Senior Plan Processor at (850) 717-8486 or Brenda Winningham, Regional Planning Administrator, whom will be overseeing the review of the amendments, at (850) 717-8516.

Sincerely,

D. Ray Eubanks, Administrator  
Plan Review and Processing

DRE/af

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
866.FLA.2345 | 850.245.7105 | 850.921.3223 Fax  
[www.floridajobs.org](http://www.floridajobs.org) | [www.twitter.com/FLDEO](https://twitter.com/FLDEO) | [www.facebook.com/FLDEO](https://www.facebook.com/FLDEO)

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**Rick Scott**  
GOVERNOR



**Cissy Proctor**  
EXECUTIVE DIRECTOR

M E M O R A N D U M

TO: Suzanne Ray, DEP  
Deena Woodward, DOS  
Tracy Suber, DOE  
Yleana/Catala FDOT1  
Margaret Wuerstle, Southwest Florida RPC  
Terry Manning, South Florida WMD  
Wendy Evans, AG  
Scott Sanders, FWC

DATE: January 26, 2016

SUBJECT: EXPEDITED STATE REVIEW PROCESS

COMMENTS FOR PROPOSED COMPREHENSIVE PLAN AMENDMENT

LOCAL GOVERNMENT/ STATE LAND PLANNING AGENCY AMENDMENT #:

**Lee County 16-1ESR**

STATE LAND PLANNING AGENCY CONTACT PERSON/PHONE NUMBER:

Brenda Winningham/850-717-8516

The referenced proposed comprehensive plan amendment is being reviewed pursuant the Expedited State Review Process according to the provisions of Section 163.3184(3), Florida Statutes. Please review the proposed documents for consistency with applicable provisions of Chapter 163, Florida Statutes.

Please note that your comments must be sent directly to and received by the above referenced local government within 30 days of receipt of the proposed amendment package. A copy of any comments shall be sent directly to the local government and ALSO to the State Land Planning Agency to the attention of Ray Eubanks, Administrator, Plan Review and Processing at the Department E-mail address: [DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com)

Please use the above referenced State Land Planning Agency AMENDMENT NUMBER on all correspondence related to this amendment.

Note: Review Agencies - The local government has indicated that they have mailed the proposed amendment *directly to your agency*. See attached transmittal letter. *Be sure to contact the local government if you have not received the amendment*. Also, letter to the local government from State Land Planning Agency acknowledging receipt of amendment is attached.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
850.FLA.2345 | 850.245.7105 | 850.921.3223 Fax  
[www.floridajobs.org](http://www.floridajobs.org) | [www.twitter.com/FLDEO](http://www.twitter.com/FLDEO) | [www.facebook.com/FLDEO](http://www.facebook.com/FLDEO)

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**Miller, Janet**

---

**From:** Dunn, Brandon  
**Sent:** Monday, February 15, 2016 3:46 PM  
**To:** Miller, Janet  
**Cc:** Rozdolski, Mikki  
**Subject:** FW: Lee County 16-1ESR Proposed

Please see correspondence from DEP below for the Pine Island Community Plan Update.

*Brandon D. Dunn*, Principal Planner

Lee County Department of Community Development  
Planning Section  
[bdunn@leegov.com](mailto:bdunn@leegov.com)  
239.533.8585

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**From:** Ray, Suzanne E. [<mailto:Suzanne.E.Ray@dep.state.fl.us>]  
**Sent:** Monday, February 15, 2016 3:43 PM  
**To:** Dunn, Brandon; [DCPexternalagencycomments@DEO.myflorida.com](mailto:DCPexternalagencycomments@DEO.myflorida.com)  
**Subject:** Lee County 16-1ESR Proposed

To: Brandon Dunn, Principal Planner

Re: Lee County 16-1ESR – Expedited Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Feel free to contact me at [Suzanne.e.ray@dep.state.fl.us](mailto:Suzanne.e.ray@dep.state.fl.us) or (850) 245-2172 for assistance or additional information. Please send all amendments, both proposed and adopted, to [plan.review@dep.state.fl.us](mailto:plan.review@dep.state.fl.us) or

Florida Department of Environmental Protection  
Office of Intergovernmental Programs, Plan Review  
3900 Commonwealth Blvd., MS 47  
Tallahassee, FL 32399-3000

*Suzanne E. Ray*



**Customer  
Service  
Survey**

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Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.



**Miller, Janet**

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**From:** Dunn, Brandon  
**Sent:** Tuesday, February 16, 2016 3:24 PM  
**To:** Miller, Janet  
**Cc:** Rozdolski, Mikki; Sweigert, Rebecca  
**Subject:** FW: Lee County 16-1ESR (CPA2015-00013)

See correspondence from FWC addressing the Greater Pine Island Community Plan Update Below.

*Brandon D. Dunn*, Principal Planner  
Lee County Department of Community Development  
Planning Section  
[bdunn@leegov.com](mailto:bdunn@leegov.com)  
239.533.8585

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**From:** Hight, Jason [<mailto:Jason.Hight@MyFWC.com>]  
**Sent:** Tuesday, February 16, 2016 3:22 PM  
**To:** [DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com); Dunn, Brandon  
**Cc:** Wallace, Traci; Chabre, Jane; Schulz, Mark  
**Subject:** Lee County 16-1ESR (CPA2015-00013)

Dear Mr. Dunn:

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed the proposed comprehensive plan in accordance with Chapter 163.3184(3), Florida Statutes. We have no comments, recommendations, or objections related to fish and wildlife or listed species and their habitat to offer on this amendment.

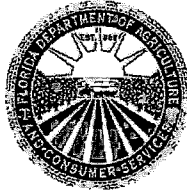
If you need any further assistance, please do not hesitate to contact Jane Chabre either by phone at (850) 410-5367 or by email at [FWCConservationPlanningServices@MyFWC.com](mailto:FWCConservationPlanningServices@MyFWC.com). If you have specific technical questions, please contact Mark Schulz at (863) 648-3820 or by email at [Mark.Schulz@myfwc.com](mailto:Mark.Schulz@myfwc.com).

Sincerely,

Jason Hight  
Biological Administrator II  
Office of Conservation Planning Services  
Division of Habitat and Species Conservation  
620 S. Meridian Street, MS 5B5  
Tallahassee, FL 32399-1600  
(850) 228-2055

Lee County 16-1 CPA-ESR\_22481

OFFICE OF THE COMMISSIONER  
(850) 617-7700



THE CAPITOL  
400 SOUTH MONROE STREET  
TALLAHASSEE, FLORIDA 32399-0800

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
COMMISSIONER ADAM H. PUTNAM

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February 18, 2016

VIA EMAIL (bdunn@leegov.com)

Lee County Planning Division  
Mikki Rozdolski  
P.O. Box 398  
Fort Myers, Florida 33902-0398

Re: DACS Docket # -- 20160125-695  
Lee County CPA 2015-00013 Pine Island Community Plan  
Submission dated January 21, 2016

Dear Ms. Rozdolski:

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment on January 25, 2016 and has reviewed it pursuant to the provisions of Chapter 163, Florida Statutes to address any potential adverse impacts to important state resources or facilities related to agricultural, aquacultural, or forestry resources in Florida if the proposed amendment(s) are adopted. Based on our review of your county's submission, the Department has no comment on the proposal.

If we may be of further assistance, please do not hesitate to contact me at 850-410-2289.

Sincerely,

A handwritten signature in black ink that reads "Stormie Knight". The signature is fluid and cursive.

Stormie Knight  
Sr. Management Analyst I  
Office of Policy and Budget

cc: Florida Department of Economic Opportunity  
(SLPA #: Lee County 16-1 ESR)

**Miller, Janet**

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**From:** Dunn, Brandon  
**Sent:** Friday, February 19, 2016 1:55 PM  
**To:** Miller, Janet  
**Cc:** Rozdolski, Mikki; Sweigert, Rebecca  
**Subject:** FW: Lee County, DEO # 16-1ESR Comments on Proposed Comprehensive Plan Amendment Package

Please see attached correspondence.

*Brandon D. Dunn*, Principal Planner

Lee County Department of Community Development  
Planning Section  
[bdunn@leegov.com](mailto:bdunn@leegov.com)  
239.533.8585

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**From:** Oblaczynski, Deborah [<mailto:doblaczy@sfwmd.gov>]  
**Sent:** Friday, February 19, 2016 1:53 PM  
**To:** Dunn, Brandon; Ray Eubanks ([DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com)); Brenda Winningham ([brenda.winningham@deo.myflorida.com](mailto:brenda.winningham@deo.myflorida.com)); ext-Wuerstle, Margaret ([swfrpc.org](http://swfrpc.org))  
**Subject:** Lee County, DEO # 16-1ESR Comments on Proposed Comprehensive Plan Amendment Package

Dear Ms. Rozdolski:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from Lee County (County). The proposed amendment updates the Pine Island Community Plan. There appear to be no regionally significant water resource issues; therefore, the District has no comments on the proposed amendment package.

The District offers its technical assistance to the County and the Department of Economic Opportunity in developing sound, sustainable solutions to meet the County's future water supply needs and to protect the region's water resources. Please forward a copy of the adopted amendments to the District. Please contact me if you need assistance or additional information.

Sincerely,

Deb Oblaczynski  
Policy & Planning Analyst  
Water Supply Implementation Unit  
South Florida Water Management District  
3301 Gun Club Road  
West Palm Beach, FL 33406  
(561) 682-2544 or [doblaczy@sfwmd.gov](mailto:doblaczy@sfwmd.gov)

We value your opinion. Please take a few minutes to share your comments on the service you received from the District by clicking on this [link](#).





## *Florida Department of Transportation*

RICK SCOTT  
GOVERNOR

10041 Daniels Parkway  
Fort Myers, FL 33913

JIM BOXOLD  
SECRETARY

February 23, 2016

Mr. Brandon Dunn  
Principal Planner  
Lee County Planning Division  
P.O. Box 398  
Fort Myers, Florida 33902-0398

**RE: Lee County 16-1ESR Proposed Comprehensive Plan Amendment (Expedited State Review Process) – FDOT Comments and Recommendations**

Dear Mr. Dunn:

The Florida Department of Transportation (FDOT), District One, has reviewed the Lee County 16-1ESR, Proposed Comprehensive Plan Amendment (CPA), known locally as CPA2015-00013 (Pine Island Community Plan Update). This CPA was transmitted under the Expedited State Review process by the Board of County Commissioners, in accordance with the requirements of Florida Statutes (F.S.) Chapter 163. The Department offers Lee County the following comments and recommendations regarding the proposed amendments.

**CPA2015-00013, Pine Island Community Plan Update (Text Amendment):**

CPA2015-00013 is a proposed amendment to the Lee Plan, which incorporates updates to the Pine Island Community Plan. The proposed text amendments include changes to the Future Land Use, Transportation, Capital Improvement, Conservation and Coastal Management Elements of the Lee Plan, as well as updates to Glossary and Tables 1(a), 2(a), and 2(b). The updates are generally based on the following:

- **Residential Land Use/Density:** This includes amendments to residential land use/densities based on the Transfer of Development Rights (TDR) program for Greater Pine Island.
- **Hurricane Evacuation and Transportation Issues:** This includes amendments to hurricane evacuation times and mitigation requirements for constrained roadways on Greater Pine Island.

Following is a summary of the objectives and policies as proposed in this CPA.

- The proposed FLUE amendments to Policies 1.1.2, 1.1.3, 1.1.4 and 1.1.5, address Lee County's Future Urban Area land use categories (Intensive Development, Central Urban, and Urban Community) and Suburban land use categories. The proposed amendments

allow densities to be increased above the maximum total density if using Transferable Development Units (TDUs) on lands within the Greater Pine Island Planning Community. The following table summarizes the proposed density increases for the TDR program.

| FLU Category                 | FLU Policy | Adopted Density  | Proposed Density with Greater Pine Island TDU |
|------------------------------|------------|------------------|-----------------------------------------------|
| Intensive Development        | 1.1.2      | up to 22 du/acre | up to 30 du/acre                              |
| Central Urban                | 1.1.3      | up to 15 du/acre | up to 20 du/acre                              |
| Urban Community <sup>1</sup> | 1.1.4      | up to 10 du/acre | up to 15 du/acre                              |
| Suburban <sup>1</sup>        | 1.1.5      | up to 6 du/acre  | up to 8 du/acre                               |

*1. Land uses that occur on Greater Pine Island.*

- Outside of the TDR program, the proposed amendments to Policy 14.7 7 increase the standard maximum density in the Coastal Rural land use category on Greater Pine Island from 1 dwelling unit (DU) per 10 acres to allowing 1 DU per 2.7 acres.
- The proposed amendments to Objectives 14.2 and 14.8, and Policies 14.2.1-14.2.6, 14.8.1-14.8.9 and Policy 109.1.1 update hurricane evacuation and mitigation requirements and increase maximum hurricane evacuation clearance times from 16 to 18 hours for Greater Pine Island. The 18 hour clearance time is based on analyses by Lee County Staff, which included consultation with the Department of Community Development, Lee County Department of Transportation, Department of Public Safety, traffic consultants and an expert in hurricane evacuation and preparedness, to determine evacuation times using current capacity calculations and different land use scenarios to assure that maximum evacuation times in the event of a hurricane would be maintained. Policy 14.2.2 states that when evacuation clearance times reach 16 hours, Lee County will develop mitigation regulations and when evacuation clearance times exceed 18 hours, the County will impose the additional mitigation measures.
- The proposed amendments to Policies 14.3.1, 14.3.3, 14.3.4, 14.6.1 and 14.6.2 establish standards for residential land uses within Greater Pine Island in order to maintain the rural character, the coastal environment, and the island's unique natural resources.
- The proposed amendments to Objective 37.1 and Policy 37.1.1 modifies the minimum acceptable level-of-service (LOS) standards on County-maintained transportation facilities. The County's adopted LOS standards on State transportation facilities remain unchanged.
- The proposed amendment to Policy 109.1.5 establishes that development increasing density within the Coastal High Hazard Area (CHHA) in Greater Pine Island requires that the maximum 16-hour out of the county evacuation time or 12-hour evacuation time to shelter be met for a Category 5 storm event. If development initiatives cannot meet these criteria, a mitigation plan for providing appropriate mitigation to satisfy these provisions including, without limitation, the payment of money, contribution of land, or construction of hurricane shelters and transportation facilities must be memorialized through a binding agreement prior to adoption of the plan amendment.

- The proposed amendment to Policy 4.2.4 allows bonus densities within the CHHA through the County's affordable housing program.
- The proposed amendments to the Glossary and Tables are made for consistency with proposed Policy changes.
- Policy 6.1.2 provides for commercial development in non-urban future land use categories to locate within 330 feet of adjoining rights of way of intersecting arterial and collector roadways or two collector roadways with direct access to both.

F.S. 163.3184(3)(b)2 states State agencies shall only comment on important state resources and facilities that will be adversely impacted by the amendment if adopted. In accordance with F.S. 163.3184(3)4(c), the Department of Transportation offers the following comments limited to issues within the agency's jurisdiction as it relates to transportation resources and facilities of state importance.

**FDOT Comment #1:**

The proposed amendment to Policy 1.4.7 includes an increase in the standard maximum density from one dwelling unit (DU) per 10 acres to one DU per 2.7 acres for the Coastal Rural land use category established for the Greater Pine Island Planning Community. In addition to Policy 1.4.7, Policies 4.2.4 and 14.3.4 further support other increased residential densities on Greater Pine Island.

Greater Pine Island is a barrier island which currently has a transportation network that is limited to only one point of access to and from the mainland via Pine Island Road. While the segment of Pine Island Road from Stringfellow Road to Burnt Store Road is a County facility (CR 78), and the segment east of Burnt Store Road is a State facility (SR 78), the County facility directly impacts the safety and operation of the State's portion of Pine Island Road. Following is a planning-level analysis of the roadway operations for Pine Island Road.

**YEAR 2014/2015 ROADWAY CONDITIONS**

| Roadway            | From             | To                  | SIS? | LOS Std. | Existing Conditions |                             |                 |     |             |
|--------------------|------------------|---------------------|------|----------|---------------------|-----------------------------|-----------------|-----|-------------|
|                    |                  |                     |      |          | No. of Lanes        | Service <sup>1</sup> Volume | Peak-Hour 2-Way | LOS | Acceptable? |
| CR 78 <sup>2</sup> | Stringfellow Rd. | Burnt Store Rd.     | N    | E        | 2                   | 1,830                       | 1,083           | E   | Yes         |
| SR 78 <sup>2</sup> | Burnt Store Rd.  | Chiquita Blvd.      | N    | D        | 4                   | 3,760                       | 1,197           | C   | Yes         |
| SR 78              | Chiquita Blvd.   | Santa Barbara Blvd. | N    | D        | 4                   | 3,760                       | 2,925           | C   | Yes         |

1. Service Volume at the Lee County Adopted LOS Standard.
2. Based on 2015 traffic count data.



### YEAR 2035 LONG-TERM HORIZON ROADWAY CONDITIONS

| Roadway | From             | To                  | SIS? | LOS Std. | 2035 Conditions |                             |                   |     |             |
|---------|------------------|---------------------|------|----------|-----------------|-----------------------------|-------------------|-----|-------------|
|         |                  |                     |      |          | No. of Lanes    | Service <sup>1</sup> Volume | AADT <sup>2</sup> | LOS | Acceptable? |
| CR 78   | Stringfellow Rd. | Burnt Store Rd.     | N    | E        | 2               | 1,830                       | 1,948             | F   | No          |
| SR 78   | Burnt Store Rd.  | Chiquita Blvd.      | N    | D        | 4               | 3,760                       | 3,294             | C   | Yes         |
| SR 78   | Chiquita Blvd.   | Santa Barbara Blvd. | N    | D        | 4               | 3,760                       | 4,536             | F   | No          |

1. Service Volume at the Lee County Adopted LOS Standard.
2. The long term planning horizon year 2035 volume was obtained based on interpolation between existing and latest 2040 model volumes (based on District 1 Districtwide Regional Planning Model)

Based on preliminary analysis, the roadway segments of Pine Island Road from Stringfellow Road to Burnt Store Road and from Chiquita Boulevard to Santa Barbara Boulevard are expected to fail to meet the County and FDOT LOS standards respectively by year 2035. The Lee County MPO 2040 Long Range Transportation Plan identifies the segment of Pine Island Road from Chiquita Boulevard to Santa Barbara Boulevard as a needed widening improvement project (widening from 4 lanes to 6 lanes).

FDOT is concerned that the proposed text amendments, which increase residential densities on the Island, is anticipated to adversely impact the segment of Pine Island Road/SR 78 from Chiquita Boulevard to Santa Barbara Boulevard.

#### **FDOT Comment #2:**

The proposed amendments to TDR program Policies 1.1.2 thru 1.1.5 and 4.3.8 allow DU densities to be increased above the existing maximum total density for TDUs created on lands within the Greater Pine Island Planning Community. The program is intended to transfer density out of the Greater Pine Island Community into more urbanized areas of the County, thereby preserving lands within Pine Island. FDOT notes that until a Greater Pine Island TDR project is proposed, the impact of the proposed changes to the TDR program on the roadway network within Lee County cannot be determined.

#### **FDOT Comment #3:**

Based on the proposed text amendments in Policies 14.3.1, 14.3.4 and 14.3.5, it is unclear what densities can and/or cannot be transferred onto Greater Pine Island.

Policy 14.3.1 states that only Greater Pine Island TDUs are permitted in Greater Pine Island consistent with Table 1(a), Note 4, and that only the portion of Greater Pine Island defined as Pine Island Center is eligible to receive Greater Pine Island TDUs. However, Table 1(a) states that within the Future Urban Areas of Pine Island Center, rezonings allowing more than 3 dwelling units per gross acre must "acquire" the additional density utilizing TDUs that were created from Greater Pine Island in accordance with Policy 14.3.4, or transfer dwelling units in accordance with Policy 14.3.5.

**FDOT Comment #4:**

Based on the information provided by the Applicant, there appears to be an inconsistency between the existing Lee County Plan policies for hurricane evacuation times, the proposed policy amendments, and F.S. 163.3178(8)(a).

Policy 109.1.5 states that a proposed comprehensive plan amendments that increase density within a CHHA will not exceed a 16-hour evacuation time out of the County for a Category 5 storm event, or that the 12-hour evacuation time to shelter will be maintained. However, proposed policies 14.2.2 and 14.8.3 establish a hurricane evacuation clearance time of 18 hours for Greater Pine Island. F.S. 163.3178(8)(a) states that a proposed comprehensive plan amendment shall be found in compliance with state coastal high hazard provisions if it will not exceed a 16-hour evacuation time out of the County or the 12-hour evacuation time to shelter is maintained for a Category 5 storm event, therefore this proposed amendment appears to be in conflict with F.S. 163.3178(8)(a).

The proposed amendment data and analysis indicates current hurricane evacuation clearance times for the Pine Island area to be 6.2 hours. However, it is unclear if the data and analysis establishing the existing condition included all existing platted and buildable vacant lands on the Island. FDOT notes that an adequate analysis of clearance times based on potential increase of densities associated with this amendment to justify increasing clearance times to 18 hours has not been provided.

**FDOT Comment #5:**

Policy 109.1.5 states that proposed comprehensive plan amendments that increase density within a CHHA will not exceed a 16-hour evacuation time out of the County for a Category 5 storm event, or that the 12-hour evacuation time to shelter will be maintained. FDOT is concerned that the proposed text amendment only applies to the CHHA and does not apply to areas on Greater Pine Island outside of the CHHA. This Policy appears to be inconsistent with F.S. 163.3178(8)(a). Further, since all residents of Greater Pine Island, including the CHHA, must evacuate through the same constrained corridor, the most restrictive hurricane evacuation time should be applied to all.

**FDOT Comment #6:**

Policy 109.1.4 restricts the ability to mitigate potential traffic impacts by discouraging a new bridge to/from the island. Policy 14.2.3 places the burden on Lee County and FDOT to identify potential improvements to mitigate impacts associated with increased density. In addition, Table 2(a) identifies Pine Island Road (Matlacha) as a constrained roadway facility. Table 2(b) identifies recommended operational improvements on constrained roads, which includes constructing left turn lanes at intersections with local roads, where feasible.

FDOT is concerned that no data and analysis was provided indicating a maximum development scenario resulting from the proposed amendments. Additionally, no capacity improvements (especially along SR 78) are identified in support of the maximum development scenario to maintain evacuation clearance time standards for Greater Pine Island.

**FDOT Comment #7:**

The proposed amendment to Policy 4.2.4 allows bonus densities within the CHHA through the County's affordable housing program; however, it is unclear as to how much additional density would be permitted under this program. The apparent lack of restrictions on maximum density associated with affordable housing may create adverse impacts on Pine Island Road/SR 78 (a hurricane evacuation route and a transportation resource and facility of State importance).

**FDOT Comment #8:**

The proposed amendment package includes Data and Analysis for hurricane evacuation times from Greater Pine Island. The Department is concerned that FDOT was not included as a reviewing agency on the methodology to evaluate hurricane evacuation. Other concerns include peak period occupancy rates derived from surveys conducted during an off-peak period in October, and no analysis was provided regarding the future development of vacant lands on the Island based on existing and proposed comp plan amendments.

**FDOT Comment #9:**

Policy 6.1.2 provides for commercial development in non-urban future land use categories within Lee County to locate within 330 feet of adjoining rights of way of the interesting arterial and collector or two collector roads with direct access to both. FDOT notes that access to State transportation facilities must meet FDOT access management standards per Access Management Rule 14-96 and 14-97, Florida Administrative Code.

**FDOT Comment #10:**

Policy 109.1.5 references F.S. 163.3178(9). Please revise to the correct reference of F.S. 163.3178(8).

**Strategies to Eliminate, Reduce or Mitigate Adverse Impacts:**

Based upon FDOT comments herein, the proposed text amendments associated with the Lee County 16-1ESR is anticipated to have adverse impacts on Pine Island Road/SR 78 (a hurricane evacuation route and a transportation resource and facility of State importance). As a result, FDOT recommends the following strategies to eliminate, reduce or mitigate these impacts.

- a. As a result of potential future development/redevelopment on Greater Pine Island based on the proposed amendments, FDOT recommends the County include a policy stating that Lee County will develop transportation mitigation strategies in collaboration with FDOT and mitigate impacts to SR 78 resulting from said development/redevelopment.
- b. FDOT recommends Lee County include a policy to coordinate with the Department in the review of any TDU-related projects, to assess potential impacts of density increases on State transportation facilities in areas where density is being transferred to (Receiving Areas).
- c. FDOT recommends a policy be included that restricts TDUs from other areas outside of Greater Pine Island to be transferred onto Greater Pine Island as Receiving Areas.



- d. FDOT recommends evacuation times identified in Policies 14.2.2 and 14.8.3 be revised be to reflect F.S. 163.3178(8)(a) to limit evacuation times from Greater Pine Island to shelter to 12 hours or out of the County to 16 hours for a Category 5 storm.
- e. FDOT recommends evacuation times identified in Policy 109.1.5 be revised be to be consistent with F.S. 163.3178(8)(a) for shelter evacuation times, and apply to all proposed comprehensive plan amendments on Greater Pine Island within the hurricane evacuation zone for a Category 5 storm, and not just within the CHHA.
- f. FDOT recommends the County conduct an analysis to determine the impact of future development scenarios on evacuation clearance time standards for Greater Pine Island per F.S. 163.3178(8)(a), and to identify needed improvements on SR 78 which may include safety and operational improvements. Additionally, the Department requests to be included as a reviewing agency for future methodologies on the analysis of hurricane evacuation clearance times in Lee County and any event based operational mitigation strategies related to State facilities.
- g. FDOT recommends Policy 4.2.4 be revised to not allow bonus densities that would increase density on Greater Pine Island in the CHHA. If affordable housing is constructed on Greater Pine Island outside of the CHHA, the policy should be limited to the sending of TDUs from Greater Pine Island.
- h. FDOT recommends Policy 6.1.2 be amended to state that when seeking access to State transportation facilities, FDOT must be consulted in accordance with Access Management Rules 14-96 and 14-97, Florida Administrative Code.

Thank you for providing FDOT with the opportunity to review and comment on the amendment proposals. The Department is available to discuss the above comments and recommendations at your earliest convenience. Please free to contact me at (239) 225-1981 or [sarah.catala@dot.state.fl.us](mailto:sarah.catala@dot.state.fl.us).

Sincerely,



Sarah Catala  
SIS/Growth Management Coordinator  
FDOT District One

CC: *Mr. Ray Eubanks, Florida Department of Economic Opportunity*  
*Ms. Ana Richmond, Florida Department of Economic Opportunity*  
*Ms. Brenda Winningham, Florida Department of Economic Opportunity*  
*Ms. Carmen Monroy, Florida Department of Transportation*  
*Mr. Lawrence Massey, Florida Department of Transportation*



**Rick Scott**  
GOVERNOR



**Cissy Proctor**  
EXECUTIVE DIRECTOR

**RECEIVED**  
FEB 22 2016

February 19, 2016

**COMMUNITY DEVELOPMENT**

The Honorable Frank Mann, Chairman  
Lee County Board of County Commissioners  
Post Office Box 398  
Fort Myers, Florida 33902-0398

Dear Chairman Mann:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for Lee County (Amendment No. 16-1ESR), which was received on January 25, 2016. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities within the Department's authorized scope of review that will be adversely impacted by the amendment if adopted.

We are, however, providing technical assistance comments consistent with Section 163.3168(3), F.S. The technical assistance comments will not form the basis of a challenge. They are offered as suggestions which can strengthen the County's comprehensive plan in order to foster a vibrant, healthy community.

**Technical Assistance Comment (TDR Density Generation Rates):** The County proposes Future Land Use Element amendments to revise the Transfer of Development Rights (TDR) program for Greater Pine Island. Proposed Policy 14.6.1 directs the County to create incentives for property owners within Greater Pine Island to transfer development rights associated with their parcels to locations inside and outside of Greater Pine Island. Proposed Policy 14.3.4 establishes the maximum density transfer rate from Coastal Rural sending areas to the Greater Pine Island Center; however, the proposed amendments do not clearly define with meaningful and predictable standards: (1) the maximum amount of density (dwelling units per acre of sending parcel) that may be generated/transferred from Greater Pine Island Coastal Rural sending parcels to receiving areas located outside of Greater Pine Island; and (2) the maximum amount of density (dwelling units per acre of sending parcel) that may be generated/transferred from "non-Coastal Rural" sending parcels to receiving areas located either inside or outside of Greater Pine Island. For example, is the maximum transfer generation rate of the Coastal Rural category a density of one dwelling unit per 2.7 acres of sending area (similar to proposed Policy 14.3.4), a density of one dwelling unit per one acre of

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
866.FLA.2345 | 850.245.7105 | 850.921.3223 Fax

[www.floridajobs.org](http://www.floridajobs.org) | [www.twitter.com/FLDEO](https://twitter.com/FLDEO) | [www.facebook.com/FLDEO](https://www.facebook.com/FLDEO)

sending area, or some higher amount of generation rate from the sending area for transfers to locations outside of Greater Pine Island? Thus, the Department recommends that the County revise proposed TDR Policy 14.6.1 to establish meaningful and predictable standards defining the TDR generation rate for density transferred from the sending parcels (the rate applicable to each future land use category that may be a sending parcel).

Technical Assistance Comment (TDR and CHHA): The proposed Future Land Use Element amendments to revise the TDR program increase the potential maximum allowable density in the Coastal High Hazard Area (CHHA) by allowing the transfer of development rights with an undefined (and thus numerically unlimited) transfer generation rate from the sending areas and increased new maximum densities in the TDR receiving areas (except when transferring from the Coastal Rural to Pine Island Center). Although Lee Plan Objective 109.1 (and its implementing policies) establish provisions to mitigate the impacts of development upon the projected hurricane evacuation network, upon projected hurricane evacuation times, and to mitigate impacts to shelters, the Department recommends that the amendments be revised to include a provision prohibiting the transfer of density into CHHA areas located outside of Greater Pine Island in order to further planning goals regarding hurricane evacuation and public safety.

Technical Assistance Comment (Hurricane Evacuation): The proposed new Future Land Use Element Objective 14.8 and Policies (14.8.1, 14.8.2, 14.8.3, 14.8.4, 14.8.5, 14.8.6, 14.8.7, 14.8.8, and 14.8.9) supplement Goal 109 (Conservation and Coastal Management Element), which addresses county-wide planning for hurricane preparedness, evacuation and mitigation. The currently adopted Lee Plan already identifies a hurricane evacuation clearance time of 18 hours for out of county evacuation (Conservation and Coastal Management Objective 109.1 *"By 2030 Lee County will work towards attaining a level of service for out of county hurricane evacuation for a Category 5 storm event that does not exceed 18 hours."*). Further, currently adopted Conservation and Coastal Management Element Policy 109.1.1 requires new residential development to mitigate impacts upon the projected hurricane evacuation network and upon projected hurricane evacuation times. Also, currently adopted Policy 109.1.5 requires comprehensive plan amendments that increase density within the CHHA to meet the requirements of Section 163.3178(8), F.S., which includes allowing development to mitigate impacts to shelters and evacuation times (16 hour out of county hurricane evacuation clearance time for Category 5 storm event; 12 hour evacuation time to shelter for a Category 5 storm event). Proposed Policy 14.8.3 provides a hurricane (defined as Categories 1-5) evacuation clearance time of 18 hours for the residents of Greater Pine Island and defines the evacuation clearance time as "the time necessary to safely evacuate people from the point when the evacuation order is given until the last evacuee can either leave Greater Pine Island, or arrive at safe shelter within Lee County." However, the evacuation clearance time of Policy 14.8.3 should be with reference to "out of county evacuation" as stated in Conservation and Coastal

Management Element Objective 109.1 and Policy 109.1.5 and as intended by Section 163.3178(8), F.S. The County proposes a companion amendment to Policy 109.1.5 that references the Greater Pine Island evacuation requirements set forth in Goal 14 (such as proposed Policy 14.8.3) but that still requires the 16 hour or 12 hour criteria of Policy 109.1.5 to apply to plan amendments that increase density in the CHHA. The Department recommends that proposed Policy 14.8.3 be revised to clarify that the evacuation clearance time is the time necessary to safely evacuate people from the point when the evacuation order is given until the last evacuee can safely evacuate out of Lee County or arrive at safe shelter within Lee County.

The County is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the County. If other reviewing agencies provide comments, we recommend the County consider appropriate changes to the amendment based on those comments. If unresolved, such reviewing agency comments could form the basis for a challenge to the amendment after adoption.

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

If you have any questions concerning this review, please contact Scott Rogers, Planning Analyst, at (850) 717-8510, or by email at [scott.rogers@deo.myflorida.com](mailto:scott.rogers@deo.myflorida.com).

Sincerely,



Taylor Teepell, Director  
Division of Community Development

TT/sr

Enclosure: Procedures for Adoption

cc: Mikki Rozdolski, Planning Manager, Lee County Department of Community Development  
Margaret Wuerstle, Executive Director, Southwest Florida Regional Planning Council

**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS  
FOR EXPEDITED STATE REVIEW**

Section 163.3184(3), Florida Statutes

**NUMBER OF COPIES TO BE SUBMITTED:** Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the Department of Economic Opportunity and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

**SUBMITTAL LETTER:** Please include the following information in the cover letter transmitting the adopted amendment:

\_\_\_\_\_ Department of Economic Opportunity identification number for adopted amendment package;

\_\_\_\_\_ Summary description of the adoption package, including any amendments proposed but not adopted;

\_\_\_\_\_ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

\_\_\_\_\_ Ordinance number and adoption date;

\_\_\_\_\_ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

\_\_\_\_\_ Name, title, address, telephone, FAX number and e-mail address of local government contact;

\_\_\_\_\_ Letter signed by the chief elected official or the person designated by the local government.

**ADOPTION AMENDMENT PACKAGE:** Please include the following information in the amendment package:

\_\_\_\_\_ In the case of text amendments, changes should be shown in strike-through/underline format.

\_\_\_\_\_ In the case of future land use map amendments, an adopted future land use map, in **color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

\_\_\_\_\_ A copy of any data and analyses the local government deems appropriate.

**Note:** If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

\_\_\_\_\_ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

\_\_\_\_\_ List of additional changes made in the adopted amendment that the Department of Economic Opportunity did not previously review;

\_\_\_\_\_ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

\_\_\_\_\_ Statement indicating the relationship of the additional changes not previously reviewed by the Department of Economic Opportunity in response to the comment letter from the Department of Economic Opportunity.



1400 Colonial Blvd., Suite 1  
Fort Myers, FL 33907



P: 239.938.1813 | F: 239.938.1817  
www.swfipc.org

February 26, 2016

Ms. Mikki Rozdolski  
Planning Manager  
Department of Community Development  
P.O. Box 398  
Fort Myers, Florida 33902-0398

**Re: Lee County CPA2015-00013 / DEO 16-1ESR**

Dear Ms. Rozdolski:

The staff of the Southwest Florida Regional Planning Council has reviewed the proposed amendment (DEO 16-1ESR) to the Lee County Comprehensive Plan. The review was performed according to the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

The Council will review the proposed amendment and the staff recommendations at its March 17, 2016 meeting. Council staff is recommending that the request be found regionally significant in regards to location. Council staff also finds that the proposed changes are consistent with the SRPP and do not produce extra-jurisdictional impacts that are inconsistent with the Comprehensive Plans of other local governments.

A copy of the official staff report explaining the Council staff's recommendation is attached. If Council action differs from the staff recommendation, we will notify you.

Sincerely,  
**Southwest Florida Regional Planning Council**

Jennifer Pellechio, MBA, CECd  
Deputy Director

MW/DEC  
Attachment

Cc: Mr. Eubanks, Administrator, Plan Review and Processing, Department of Economic Development



1400 Colonial Blvd., Suite 1  
Fort Myers, FL 33907



P: 239.938.1813 | F: 239.938.1817  
www.swfRPC.org

February 26, 2016

Mr. Ray Eubanks  
Plan Processing Administrator  
State Land Planning Agency  
Caldwell Building  
107 East Madison- MSC 160  
Tallahassee, FL. 32399-0800

**Re: Lee County CPA2015-00013 / DEO 16-1ESR**

Dear Mr. Eubanks:

The staff of the Southwest Florida Regional Planning Council has reviewed the proposed amendment (DEO 16-1ESR) to the Lee County Comprehensive Plan. The review was performed according to the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

The Council will review the proposed amendment and the staff recommendations at its March 17, 2016 meeting. Council staff is recommending that the request be found regionally significant in regards to location. Council staff also finds that the proposed changes are consistent with the SRPP and do not produce extra-jurisdictional impacts that are inconsistent with the Comprehensive Plans of other local governments.

A copy of the official staff report explaining the Council staff's recommendation is attached. If Council action differs from the staff recommendation, we will notify you.

Sincerely,  
**Southwest Florida Regional Planning Council**

Jennifer Pellechio, MBA, CECD  
Deputy Director

MW/DEC  
Attachment

Cc: Ms. Rozdolski, Lee County



## LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS LEE COUNTY

The Council staff has reviewed the proposed evaluation and appraisal based amendments to the Lee County Comprehensive Plan (DEO 16-1ESR). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Site location maps can be reviewed in Attachment III.

Staff review of the proposed amendments was based on whether they were likely to be of regional concern. This was determined through assessment of the following factors:

1. Location--in or near a regional resource or regional activity center, such that it impacts the regional resource or facility; on or within one mile of a county boundary; generally applied to sites of five acres or more; size alone is not necessarily a determinant of regional significance;
2. Magnitude--equal to or greater than the threshold for a Development of Regional Impact of the same type (a DRI-related amendment is considered regionally significant); and
3. Character--of a unique type or use, a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction; updates, editorial revisions, etc. are not regionally significant.

A summary of the results of the review follows:

| Factors of Regional Significance    |                 |                  |                  |                                                        |
|-------------------------------------|-----------------|------------------|------------------|--------------------------------------------------------|
| <u>Proposed</u><br><u>Amendment</u> | <u>Location</u> | <u>Magnitude</u> | <u>Character</u> | <u>Consistent</u>                                      |
| DEO 16-1ESR                         | Yes             | No               | No               | (1) Regionally significant<br>(2) Consistent with SRPP |

### RECOMMENDED ACTION:

Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and Lee County

02/2016

## COMMUNITY PLANNING ACT

### Local Government Comprehensive Plans

The Act requires each municipal and county government to prepare a comprehensive plan that must include at least the following nine elements:

1. Future Land Use Element;
2. Traffic Circulation Element;  
A local government with all or part of its jurisdiction within the urbanized area of a Metropolitan Planning Organization shall prepare and adopt a transportation element to replace the traffic circulation; mass transit; and ports, aviation, and related facilities elements. [9J-5.019(1), FAC]
3. General Sanitary Sewer, Solid Waste, Drainage, and Potable Water and Natural Groundwater Aquifer Recharge Element;
4. Conservation Element;
5. Recreation and Open Space Element;
6. Housing Element;
7. Coastal Management Element for coastal jurisdictions;
8. Intergovernmental Coordination Element; and
9. Capital Improvements Element.

The local government may add optional elements (e. g., community design, redevelopment, safety, historical and scenic preservation, and economic).

All local governments in Southwest Florida have adopted revised plans:

Charlotte County, Punta Gorda

Collier County, Everglades City, Marco Island, Naples

Glades County, Moore Haven

Hendry County, Clewiston, LaBelle

Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel

Sarasota County, Longboat Key, North Port, Sarasota, Venice

## **COMPREHENSIVE PLAN AMENDMENTS**

A local government may amend its plan at any time during the calendar year. Six copies of the amendment are sent to the Department of Economic Opportunity (DEO) for review. A copy is also sent to the Regional Planning Council, the Water Management District, the Florida Department of Transportation, and the Florida Department of Environmental Protection.

The proposed amendments will be reviewed by DEO in two situations. In the first, there must be a written request to DEO. The request for review must be received within forty-five days after transmittal of the proposed amendment. Reviews can be requested by one of the following:

- the local government that transmits the amendment,
- the regional planning council, or
- an affected person.

In the second situation, DEO can decide to review the proposed amendment without a request. In that case, DEO must give notice within thirty days of transmittal.

Within five working days after deciding to conduct a review, DEO may forward copies to various reviewing agencies, including the Regional Planning Council.

### **Regional Planning Council Review**

The Regional Planning Council must submit its comments in writing within thirty days of receipt of the proposed amendment from DEO. It must specify any objections and may make recommendations for changes. The review of the proposed amendment by the Regional Planning Council must be limited to "effects on regional resources or facilities identified in the Strategic Regional Policy Plan and extra-jurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government".

After receipt of comments from the Regional Planning Council and other reviewing agencies, DEO has thirty days to conduct its own review and determine compliance with state law. Within that thirty-day period, DEO transmits its written comments to the local government.

**NOTE: THE ABOVE IS A SIMPLIFIED VERSION OF THE LAW. REFER TO THE STATUTE (CH. 163, FS) FOR DETAILS.**

## LEE COUNTY COMPREHENSIVE PLAN AMENDMENT (DEO 16-1ESR)

RECEIVED: JANUARY 29, 2016

**Summary of Proposed Amendment**

Lee County DEO 15-6ESR is a proposed amendment to the Lee Plan, which incorporates updates to the Pine Island Community Plan. The proposed text amendments include changes to the Future Land Use, Transportation, Capital Improvement, Conservation and Coastal Management Elements of the Lee Plan, as well as updates to Glossary and Tables 1(a), 2(a), and 2(b). The updates are generally based on the following:

**Residential Land Use/Density:** This includes amendments to residential land use/densities based on the Transfer of Development Rights (TDR) program for Greater Pine Island.

**Hurricane Evacuation and Transportation Issues:** This includes amendments to hurricane evacuation times and mitigation requirements for constrained roadways on Greater Pine Island.

The proposed FLUE amendments address Lee County's Future Urban Area land use categories (Intensive Development, Central Urban, and Urban Community) and Suburban land use categories. The proposed amendments allow densities to be increased above the maximum total density if using Transferable Development Units (TDUs) on lands within the Greater Pine Island Planning Community. The following table summarizes the proposed density increases for the TDR program.

| FLU Category          | FLU Policy | Adopted Density  | Proposed Density with Greater Pine Island TDU |
|-----------------------|------------|------------------|-----------------------------------------------|
| Intensive Development | 1.1.2      | up to 22 du/acre | up to 30 du/acre                              |
| Central Urban         | 1.1.3      | up to 15 du/acre | up to 20 du/acre                              |
| Urban Community*      | 1.1.4      | up to 10 du/acre | up to 15 du/acre                              |
| Suburban*             | 1.1.5      | up to 6 du/acre  | up to 8 du/acre                               |

\* Land uses that occur on Greater Pine Island

The proposed amendments also increase the standard maximum density in the Coastal Rural FLUC on Greater Pine Island from 1 dwelling unit (du)/10 acres to allowing 1 du/2.7 acres. In 2003, maximum density in the Coastal Rural FLUC was reduced from 1 du/acre to 1 du/10 acres. As a result 51+ property owners filed Bert Harris notices. Eight Bert Harris cases were files with claims approximating \$10 million. This proposed density increase has been requested to limit further damages. Greater Pine Island will remain one of the lowest density Planning Communities in Lee County from a land use standpoint and will have the highest level of community specific design standards.

The amendment package also updates hurricane evacuation and mitigation requirements and increase maximum hurricane evacuation clearance times from 16 to 18 hours for Greater Pine Island. When evacuation clearance times reach 16 hours, Lee County will develop mitigation

regulations and when evacuation clearance times exceed 18 hours, the County will impose the additional mitigation measures.

The amendment establishes that development increasing density within the Coastal High Hazard Area (CHHA) in Greater Pine Island requires that the maximum 16-hour out of the county evacuation time or 12-hour evacuation time to shelter be met for a Category 5 storm event. If development initiatives cannot meet these criteria, a mitigation plan for providing appropriate mitigation to satisfy these provisions including, without limitation, the payment of money, contribution of land, or construction of hurricane shelters and transportation facilities must be memorialized through a binding agreement prior to adoption of the plan amendment.

#### **Regional Impacts**

Council staff finds that the project is regionally significant in regards to location. Greater Pines Island is a community with a unique rural character and limited transportation. This amendment will increase the maximum allowable density in the Coastal Rural land use from 1 unit/10 acres to 1 unit/2.7 acres. However, staff does not believe that the amendments will produce any impacts that would be inconsistent with the SRPP.

FDOT reviewed the amendment package and their comments are attached. They commented that with the density increase, SR 78 from Chiquita Blvd. to Santa Barbara Blvd. will fail by 2035. FDOT has determined that the proposed amendments will have adverse impacts on Pine Island Rd/SR 78, which is a hurricane evacuation route and a transportation resource and facility of State importance. FDOT recommended several strategies to eliminate or mitigate these impacts and council staff recommends that the County work with FDOT address these concerns.

#### **Extra-Jurisdictional Impacts**

Council staff has reviewed the requested changes and finds that the requested Comprehensive Plan Amendments do not directly produce any significant extra-jurisdictional impacts to regional counties and cities that would be inconsistent with the Comprehensive Plan of any other local government within the region.

#### **Conclusion**

Staff finds that this project is regionally significant in regards to location and consistent with the SRPP. It is recommended that Lee County work with FDOT to address traffic concerns.

#### **Recommended Action**

Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and Lee County.





## *Florida Department of Transportation*

RICK SCOTT  
GOVERNOR

10041 Daniels Parkway  
Fort Myers, FL 33913

JIM BOXOLD  
SECRETARY

February 23, 2016

Mr. Brandon Dunn  
Principal Planner  
Lee County Planning Division  
P.O. Box 398  
Fort Myers, Florida 33902-0398

**RE: Lee County 16-1ESR Proposed Comprehensive Plan Amendment (Expedited State Review Process) – FDOT Comments and Recommendations**

Dear Mr. Dunn:

The Florida Department of Transportation (FDOT), District One, has reviewed the Lee County 16-1ESR, Proposed Comprehensive Plan Amendment (CPA), known locally as CPA2015-00013 (Pine Island Community Plan Update). This CPA was transmitted under the Expedited State Review process by the Board of County Commissioners, in accordance with the requirements of Florida Statutes (F.S.) Chapter 163. The Department offers Lee County the following comments and recommendations regarding the proposed amendments.

**CPA2015-00013, Pine Island Community Plan Update (Text Amendment):**

CPA2015-00013 is a proposed amendment to the Lee Plan, which incorporates updates to the Pine Island Community Plan. The proposed text amendments include changes to the Future Land Use, Transportation, Capital Improvement, Conservation and Coastal Management Elements of the Lee Plan, as well as updates to Glossary and Tables 1(a), 2(a), and 2(b). The updates are generally based on the following:

- **Residential Land Use/Density:** This includes amendments to residential land use/densities based on the Transfer of Development Rights (TDR) program for Greater Pine Island.
- **Hurricane Evacuation and Transportation Issues:** This includes amendments to hurricane evacuation times and mitigation requirements for constrained roadways on Greater Pine Island.

Following is a summary of the objectives and policies as proposed in this CPA.

- The proposed FLUE amendments to Policies 1.1.2, 1.1.3, 1.1.4 and 1.1.5, address Lee County's Future Urban Area land use categories (Intensive Development, Central Urban, and Urban Community) and Suburban land use categories. The proposed amendments

allow densities to be increased above the maximum total density if using Transferable Development Units (TDUs) on lands within the Greater Pine Island Planning Community. The following table summarizes the proposed density increases for the TDR program.

| FLU Category                 | FLU Policy | Adopted Density  | Proposed Density with Greater Pine Island TDU |
|------------------------------|------------|------------------|-----------------------------------------------|
| Intensive Development        | 1.1.2      | up to 22 du/acre | up to 30 du/acre                              |
| Central Urban                | 1.1.3      | up to 15 du/acre | up to 20 du/acre                              |
| Urban Community <sup>1</sup> | 1.1.4      | up to 10 du/acre | up to 15 du/acre                              |
| Suburban <sup>1</sup>        | 1.1.5      | up to 6 du/acre  | up to 8 du/acre                               |

*1. Land uses that occur on Greater Pine Island.*

- Outside of the TDR program, the proposed amendments to Policy 1.4.7 increase the standard maximum density in the Coastal Rural land use category on Greater Pine Island from 1 dwelling unit (DU) per 10 acres to allowing 1 DU per 2.7 acres.
- The proposed amendments to Objectives 14.2 and 14.8, and Policies 14.2.1-14.2.6, 14.8.1-14.8.9 and Policy 109.1.1 update hurricane evacuation and mitigation requirements and increase maximum hurricane evacuation clearance times from 16 to 18 hours for Greater Pine Island. The 18 hour clearance time is based on analyses by Lee County Staff, which included consultation with the Department of Community Development, Lee County Department of Transportation, Department of Public Safety, traffic consultants and an expert in hurricane evacuation and preparedness, to determine evacuation times using current capacity calculations and different land use scenarios to assure that maximum evacuation times in the event of a hurricane would be maintained. Policy 14.2.2 states that when evacuation clearance times reach 16 hours, Lee County will develop mitigation regulations and when evacuation clearance times exceed 18 hours, the County will impose the additional mitigation measures.
- The proposed amendments to Policies 14.3.1, 14.3.3, 14.3.4, 14.6.1 and 14.6.2 establish standards for residential land uses within Greater Pine Island in order to maintain the rural character, the coastal environment, and the island's unique natural resources.
- The proposed amendments to Objective 37.1 and Policy 37.1.1 modifies the minimum acceptable level-of-service (LOS) standards on County-maintained transportation facilities. The County's adopted LOS standards on State transportation facilities remain unchanged.
- The proposed amendment to Policy 109.1.5 establishes that development increasing density within the Coastal High Hazard Area (CHHA) in Greater Pine Island requires that the maximum 16-hour out of the county evacuation time or 12-hour evacuation time to shelter be met for a Category 5 storm event. If development initiatives cannot meet these criteria, a mitigation plan for providing appropriate mitigation to satisfy these provisions including, without limitation, the payment of money, contribution of land, or construction of hurricane shelters and transportation facilities must be memorialized through a binding agreement prior to adoption of the plan amendment.

- The proposed amendment to Policy 4.2.4 allows bonus densities within the CHHA through the County's affordable housing program.
- The proposed amendments to the Glossary and Tables are made for consistency with proposed Policy changes.
- Policy 6.1.2 provides for commercial development in non-urban future land use categories to locate within 330 feet of adjoining rights of way of intersecting arterial and collector roadways or two collector roadways with direct access to both.

F.S. 163.3184(3)(b)2 states State agencies shall only comment on important state resources and facilities that will be adversely impacted by the amendment if adopted. In accordance with F.S. 163.3184(3)4(c), the Department of Transportation offers the following comments limited to issues within the agency's jurisdiction as it relates to transportation resources and facilities of state importance.

**FDOT Comment #1:**

The proposed amendment to Policy 1.4.7 includes an increase in the standard maximum density from one dwelling unit (DU) per 10 acres to one DU per 2.7 acres for the Coastal Rural land use category established for the Greater Pine Island Planning Community. In addition to Policy 1.4.7, Policies 4.2.4 and 14.3.4 further support other increased residential densities on Greater Pine Island.

Greater Pine Island is a barrier island which currently has a transportation network that is limited to only one point of access to and from the mainland via Pine Island Road. While the segment of Pine Island Road from Stringfellow Road to Burnt Store Road is a County facility (CR 78), and the segment east of Burnt Store Road is a State facility (SR 78), the County facility directly impacts the safety and operation of the State's portion of Pine Island Road. Following is a planning-level analysis of the roadway operations for Pine Island Road.

**YEAR 2014/2015 ROADWAY CONDITIONS**

| Roadway            | From             | To                  | SIS? | LOS Std. | Existing Conditions |                             |                 |     |             |
|--------------------|------------------|---------------------|------|----------|---------------------|-----------------------------|-----------------|-----|-------------|
|                    |                  |                     |      |          | No. of Lanes        | Service <sup>1</sup> Volume | Peak-Hour 2-Way | LOS | Acceptable? |
| CR 78 <sup>2</sup> | Stringfellow Rd. | Burnt Store Rd.     | N    | E        | 2                   | 1,830                       | 1,083           | E   | Yes         |
| SR 78 <sup>2</sup> | Burnt Store Rd.  | Chiquita Blvd.      | N    | D        | 4                   | 3,760                       | 1,197           | C   | Yes         |
| SR 78              | Chiquita Blvd.   | Santa Barbara Blvd. | N    | D        | 4                   | 3,760                       | 2,925           | C   | Yes         |

1. Service Volume at the Lee County Adopted LOS Standard.
2. Based on 2015 traffic count data.



### YEAR 2035 LONG-TERM HORIZON ROADWAY CONDITIONS

| Roadway | From             | To                  | SIS? | LOS Std. | 2035 Conditions |                             |                   |     |             |
|---------|------------------|---------------------|------|----------|-----------------|-----------------------------|-------------------|-----|-------------|
|         |                  |                     |      |          | No. of Lanes    | Service <sup>1</sup> Volume | AADT <sup>2</sup> | LOS | Acceptable? |
| CR 78   | Stringfellow Rd. | Burnt Store Rd.     | N    | E        | 2               | 1,830                       | 1,948             | F   | No          |
| SR 78   | Burnt Store Rd.  | Chiquita Blvd.      | N    | D        | 4               | 3,760                       | 3,294             | C   | Yes         |
| SR 78   | Chiquita Blvd.   | Santa Barbara Blvd. | N    | D        | 4               | 3,760                       | 4,536             | F   | No          |

1. Service Volume at the Lee County Adopted LOS Standard.
2. The long term planning horizon year 2035 volume was obtained based on interpolation between existing and latest 2040 model volumes (based on District 1 Districtwide Regional Planning Model)

Based on preliminary analysis, the roadway segments of Pine Island Road from Stringfellow Road to Burnt Store Road and from Chiquita Boulevard to Santa Barbara Boulevard are expected to fail to meet the County and FDOT LOS standards respectively by year 2035. The Lee County MPO 2040 Long Range Transportation Plan identifies the segment of Pine Island Road from Chiquita Boulevard to Santa Barbara Boulevard as a needed widening improvement project (widening from 4 lanes to 6 lanes).

FDOT is concerned that the proposed text amendments, which increase residential densities on the Island, is anticipated to adversely impact the segment of Pine Island Road/SR 78 from Chiquita Boulevard to Santa Barbara Boulevard.

#### **FDOT Comment #2:**

The proposed amendments to TDR program Policies 1.1.2 thru 1.1.5 and 4.3.8 allow DU densities to be increased above the existing maximum total density for TDUs created on lands within the Greater Pine Island Planning Community. The program is intended to transfer density out of the Greater Pine Island Community into more urbanized areas of the County, thereby preserving lands within Pine Island. FDOT notes that until a Greater Pine Island TDR project is proposed, the impact of the proposed changes to the TDR program on the roadway network within Lee County cannot be determined.

#### **FDOT Comment #3:**

Based on the proposed text amendments in Policies 14.3.1, 14.3.4 and 14.3.5, it is unclear what densities can and/or cannot be transferred onto Greater Pine Island.

Policy 14.3.1 states that only Greater Pine Island TDUs are permitted in Greater Pine Island consistent with Table 1(a), Note 4, and that only the portion of Greater Pine Island defined as Pine Island Center is eligible to receive Greater Pine Island TDUs. However, Table 1(a) states that within the Future Urban Areas of Pine Island Center, rezonings allowing more than 3 dwelling units per gross acre must “acquire” the additional density utilizing TDUs that were created from Greater Pine Island in accordance with Policy 14.3.4, or transfer dwelling units in accordance with Policy 14.3.5.

**FDOT Comment #4:**

Based on the information provided by the Applicant, there appears to be an inconsistency between the existing Lee County Plan policies for hurricane evacuation times, the proposed policy amendments, and F.S. 163.3178(8)(a).

Policy 109.1.5 states that a proposed comprehensive plan amendments that increase density within a CHHA will not exceed a 16-hour evacuation time out of the County for a Category 5 storm event, or that the 12-hour evacuation time to shelter will be maintained. However, proposed policies 14.2.2 and 14.8.3 establish a hurricane evacuation clearance time of 18 hours for Greater Pine Island. F.S. 163.3178(8)(a) states that a proposed comprehensive plan amendment shall be found in compliance with state coastal high hazard provisions if it will not exceed a 16-hour evacuation time out of the County or the 12-hour evacuation time to shelter is maintained for a Category 5 storm event, therefore this proposed amendment appears to be in conflict with F.S. 163.3178(8)(a).

The proposed amendment data and analysis indicates current hurricane evacuation clearance times for the Pine Island area to be 6.2 hours. However, it is unclear if the data and analysis establishing the existing condition included all existing platted and buildable vacant lands on the Island. FDOT notes that an adequate analysis of clearance times based on potential increase of densities associated with this amendment to justify increasing clearance times to 18 hours has not been provided.

**FDOT Comment #5:**

Policy 109.1.5 states that proposed comprehensive plan amendments that increase density within a CHHA will not exceed a 16-hour evacuation time out of the County for a Category 5 storm event, or that the 12-hour evacuation time to shelter will be maintained. FDOT is concerned that the proposed text amendment only applies to the CHHA and does not apply to areas on Greater Pine Island outside of the CHHA. This Policy appears to be inconsistent with F.S. 163.3178(8)(a). Further, since all residents of Greater Pine Island, including the CHHA, must evacuate through the same constrained corridor, the most restrictive hurricane evacuation time should be applied to all.

**FDOT Comment #6:**

Policy 109.1.4 restricts the ability to mitigate potential traffic impacts by discouraging a new bridge to/from the island. Policy 14.2.3 places the burden on Lee County and FDOT to identify potential improvements to mitigate impacts associated with increased density. In addition, Table 2(a) identifies Pine Island Road (Matlacha) as a constrained roadway facility. Table 2(b) identifies recommended operational improvements on constrained roads, which includes constructing left turn lanes at intersections with local roads, where feasible.

FDOT is concerned that no data and analysis was provided indicating a maximum development scenario resulting from the proposed amendments. Additionally, no capacity improvements (especially along SR 78) are identified in support of the maximum development scenario to maintain evacuation clearance time standards for Greater Pine Island.

**FDOT Comment #7:**

The proposed amendment to Policy 4.2.4 allows bonus densities within the CHHA through the County's affordable housing program; however, it is unclear as to how much additional density would be permitted under this program. The apparent lack of restrictions on maximum density associated with affordable housing may create adverse impacts on Pine Island Road/SR 78 (a hurricane evacuation route and a transportation resource and facility of State importance).

**FDOT Comment #8:**

The proposed amendment package includes Data and Analysis for hurricane evacuation times from Greater Pine Island. The Department is concerned that FDOT was not included as a reviewing agency on the methodology to evaluate hurricane evacuation. Other concerns include peak period occupancy rates derived from surveys conducted during an off-peak period in October, and no analysis was provided regarding the future development of vacant lands on the Island based on existing and proposed comp plan amendments.

**FDOT Comment #9:**

Policy 6.1.2 provides for commercial development in non-urban future land use categories within Lee County to locate within 330 feet of adjoining rights of way of the intersecting arterial and collector or two collector roads with direct access to both. FDOT notes that access to State transportation facilities must meet FDOT access management standards per Access Management Rule 14-96 and 14-97, Florida Administrative Code.

**FDOT Comment #10:**

Policy 109.1.5 references F.S. 163.3178(9). Please revise to the correct reference of F.S. 163.3178(8).

**Strategies to Eliminate, Reduce or Mitigate Adverse Impacts:**

Based upon FDOT comments herein, the proposed text amendments associated with the Lee County 16-1ESR is anticipated to have adverse impacts on Pine Island Road/SR 78 (a hurricane evacuation route and a transportation resource and facility of State importance). As a result, FDOT recommends the following strategies to eliminate, reduce or mitigate these impacts.

- a. As a result of potential future development/redevelopment on Greater Pine Island based on the proposed amendments, FDOT recommends the County include a policy stating that Lee County will develop transportation mitigation strategies in collaboration with FDOT and mitigate impacts to SR 78 resulting from said development/redevelopment.
- b. FDOT recommends Lee County include a policy to coordinate with the Department in the review of any TDU-related projects, to assess potential impacts of density increases on State transportation facilities in areas where density is being transferred to (Receiving Areas).
- c. FDOT recommends a policy be included that restricts TDUs from other areas outside of Greater Pine Island to be transferred onto Greater Pine Island as Receiving Areas.



- d. FDOT recommends evacuation times identified in Policies 14.2.2 and 14.8.3 be revised be to reflect F.S. 163.3178(8)(a) to limit evacuation times from Greater Pine Island to shelter to 12 hours or out of the County to 16 hours for a Category 5 storm.
- e. FDOT recommends evacuation times identified in Policy 109.1.5 be revised be to be consistent with F.S. 163.3178(8)(a) for shelter evacuation times, and apply to all proposed comprehensive plan amendments on Greater Pine Island within the hurricane evacuation zone for a Category 5 storm, and not just within the CHHA.
- f. FDOT recommends the County conduct an analysis to determine the impact of future development scenarios on evacuation clearance time standards for Greater Pine Island per F.S. 163.3178(8)(a), and to identify needed improvements on SR 78 which may include safety and operational improvements. Additionally, the Department requests to be included as a reviewing agency for future methodologies on the analysis of hurricane evacuation clearance times in Lee County and any event based operational mitigation strategies related to State facilities.
- g. FDOT recommends Policy 4.2.4 be revised to not allow bonus densities that would increase density on Greater Pine Island in the CHHA. If affordable housing is constructed on Greater Pine Island outside of the CHHA, the policy should be limited to the sending of TDUs from Greater Pine Island.
- h. FDOT recommends Policy 6.1.2 be amended to state that when seeking access to State transportation facilities, FDOT must be consulted in accordance with Access Management Rules 14-96 and 14-97, Florida Administrative Code.

Thank you for providing FDOT with the opportunity to review and comment on the amendment proposals. The Department is available to discuss the above comments and recommendations at your earliest convenience. Please free to contact me at (239) 225-1981 or [sarah.catala@dot.state.fl.us](mailto:sarah.catala@dot.state.fl.us).

Sincerely,



Sarah Catala  
SIS/Growth Management Coordinator  
FDOT District One

CC: *Mr. Ray Eubanks, Florida Department of Economic Opportunity*  
*Ms. Ana Richmond, Florida Department of Economic Opportunity*  
*Ms. Brenda Winningham, Florida Department of Economic Opportunity*  
*Ms. Carmen Monroy, Florida Department of Transportation*  
*Mr. Lawrence Massey, Florida Department of Transportation*

# **MAPS**

**Lee County**

**DEO 16-1ESR**

**Growth Management Plan**

**Comprehensive Plan Amendment**



# Pine Island

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Regional Planning  
Council

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