



**LOCAL PLANNING AGENCY
OLD LEE COUNTY COURTHOUSE
2120 MAIN STREET, FORT MYERS, FL 33901
BOARD CHAMBERS
MONDAY, JUNE 27, 2016
8:30 AM**

AGENDA

1. Call to Order/Review of Affidavit of Publication/Pledge of Allegiance
2. Public Forum
3. Approval of Minutes – April 25, 2016
4. Lee Plan Amendments
 - A. CPA2016-00001 – Airport Development Schedules Update
 - B. CPA2016-00004 – RSW Noise Zone Amendment
5. Land Development Code Amendments
 - A. Electronic Changing Messaging Centers/North Fort Myers
 - B. Temporary RVs/Habitat for Humanity
 - C. Lee County Mosquito Control Facilities & Operations
 - D. Buckingham Airfield/Community Facilities (CF) Zoning District
 - E. Lee County Port Authority/Airport Noise Zones
 - F. LDC Regular Two-Year Cycle of Amendments: Ch. 2, Ch. 6, Ch. 10, Ch. 12, Ch. 14, Ch. 22, Ch. 30, Ch. 33, & Ch. 34
 - G. Draft Administrative Code AC 13-16 Transportation Proportionate Share Calculations for New Development Projects (to be discussed with Ch. 2 amendments above)
6. Other Business
7. Adjournment – Next Meeting Date: July 25, 2016

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 Local Planning Agency meeting should contact Janet Miller, 1500 Monroe Street, Fort Myers, FL 33901 (239-533-8583 or jmiller@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.

The agenda can be accessed at the following link approximately 7 days prior to the meeting: <http://www.leegov.com/dcd/events>

Direct links to plan amendment documents: [CPA2016-00001](#)
[CPA2016-00004](#)

CPA2016-00004

**RSW NOISE ZONE
UPDATE**



**COMPREHENSIVE PLAN
AMENDMENT**

**CPA2016-04
RSW NOISE ZONE
UPDATE**

Port Authority Initiated Amendment

**Local Planning Agency
Staff Report**

6/27/2016

**STAFF REPORT
COMPREHENSIVE PLAN AMENDMENT
CPA2016-04**



Text Amendment



Map Amendment

	This Document Contains the Following Reviews
<input checked="" type="checkbox"/>	Staff Review
	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Transmittal
	Staff Response to Review Agencies' Comments
	Board of County Commissioners Hearing for Adoption

Staff Report Publication Date: June 17, 2016

**PART I
APPLICATION SUMMARY**

A. PROJECT NAME:

RSW Noise Zone Update

B. APPLICANT:

Lee County Port Authority

C. REPRESENTATIVE:

Laura DeJohn, Johnson Engineering

D. PROPOSED LEE PLAN AMENDMENTS:

Amend Lee Plan Map 1, Page 5, Special Treatment Areas, to update the noise zones associated with the Southwest Florida International Airport and adopt new language into Lee Plan Policy 1.7.1.

PART II RECOMMENDATION AND FINDINGS OF FACT

A. RECOMMENDATION:

Staff recommends that the Board of County Commissioners *transmit* the proposed amendment.

B. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Board of County Commissioners as the Board of Port Commissioners initiated this amendment on March 14, 2016.
- The map included in the proposed amendment is required by Chapter 163.3177 of the Florida Statutes, and the proposed amendment will ensure that the Lee Plan remains consistent with the Florida Statute requirements.
- The updated map will depict the most up-to-date data from Lee County Port Authority.
- The map is based on data generated by the 2013 Part 150 Noise Study required by Title 14 of the Code of Federal Regulations.
- Lee Plan Policy 1.7.1 addresses the uses permitted within various noise zones surrounding Southwest Florida International Airport.
- No substantive changes, just clarification and simplification of existing procedures are proposed for Policy 1.7.1.
- The expansion of Noise Zone B will not impact land designated for residential uses per the Lee Plan Future Land Use Map (FLUM).

PART III BACKGROUND and ANALYSIS

Part 150, Title 14 of the Code of Federal Regulations requires the definition and depiction of noise zones for airports. Florida State Statutes 163.3177(6)(a)2.g, (6)(a)3.b, (6)(a)11, and (6)(b)2.d require that the Lee Plan address compatibility of airports with adjacent land uses. Lee Plan Policy 1.7.1 describes the different categories of airport noise zones and the uses permitted and notice requirements within each category.

MAP 1, Page 5, Special Treatment Areas: Airport Noise Zones

The existing and proposed Airport Noise Zone maps are shown in attachment 1. The changes in the proposed noise zones are the result of data gathered during the 2013 Part 150 Noise Study required by Title 14 of the Code of Federal Regulations. The existing noise zone map uses data from the Part 150 Study completed in 2006. The data used in

these studies come from federally-regulated multi-year Noise Compatibility Plan and Noise Exposure Maps that are updated periodically.

The expansion of Noise Zone B, which does not permit any residential development, will not impact land designated for residential uses per the Lee Plan Future Land Use Map (FLUM). Neither population projections nor total population capacity of the Lee Plan FLUM are affected by this update.

Policy 1.7.1: Airport Noise Zones

The proposed amendment to Policy 1.7.1 is shown below in strikethrough/underline format:

POLICY 1.7.1: ~~The Airport Noise Zones cover areas subject to varying levels of airport related noise. By 2006 and every 5 years thereafter,~~ In conformance with Airport Noise Compatibility Planning outlined in Title 14 of the Code of Federal Regulations (CFR) Part 150, the Port Authority will update the aviation forecasts and associated noise contours for the Southwest Florida International Airport when warranted by operational changes and will initiate an amendment to the Airport Noise Zone Overlay Map to reflect the findings of this study the updates as applicable. In addition to meeting the requirements of the underlying Future Land Use Map categories, properties within the Noise Zone Overlay must meet the following:

~~Airport Noise Zone A~~Airport Property is limited to uses that are compatible with airports and air commerce, including but not limited to those necessary to provide services and convenience goods to airline passengers, those generally associated with airport operation, and related development. Upon disposition of any Port Authority property, the land is then subject to the Noise Zone as applicable based on the most recent Composite Day-Night Average Noise Level (DNL) Noise Contours map for Southwest Florida International Airport approved by the Federal Aviation Administration.

~~Airport Noise Zone B~~ does not permit any residential units, places of worship, libraries, schools, hospitals, correctional institutions or nursing homes. However, residential units, including mobile or manufactured homes, that were lawfully existing as of June 27, 2000 will be treated as legally permitted uses and may be replaced with a new mobile or manufactured home or conventional single family construction as long as such replacement would be otherwise allowed by the Land Development Code. However, an existing conventional home may not be replaced with a new mobile or manufactured home. One conventional single family home is permitted on each lot in a plat properly recorded before June 27, 2000 if such use would have been permitted on the lot prior to June 27, 2000. Airport Noise Zone B requires formal notification as provided for in the Land Development Code. ~~through recording of the Airport Noise Zone in the official County records of potential noise and over flights and applies to all development, both existing and new, within the zone.~~

~~Airport Noise Zone C and D~~ allows existing and new construction and land uses as would otherwise be permitted by the Land Development Code. ~~However, this~~ These

~~zones requires formal notification as provided for in the Land Development Code, through recording of the Airport Noise Zone in the official County records of potential noise and over flights and applies to all development, both existing and new, within the zone.~~

~~Airport Noise Zone D allows existing and new construction and land uses as would otherwise be permitted by the Land Development Code. However, this zone requires formal notification through recording of the Airport Noise Zone in the official County records of potential noise and aircraft over flights associated with future training activity and applies to all development, both existing and new, within the zone.~~

The proposed changes do not create any substantive differences to this policy. The added reference to Title 14 of the Code of Federal Regulations simply notes the authority under which the noise study is conducted. The change to Zone A clarifies the status of any land that is no longer owned by the Port Authority in regards to Noise Zone regulations. The changes to Zones B, C, and D do not change any of the existing permitted uses for any of the zones. The proposed changes simplify the language and preclude potential future regulatory conflicts by removing a specific process and replacing it with a general requirement. The process is provided for in the Lee County Land Development Code. The applicant proposed to remove the reference to training activity in the language for Zone D making the description identical to that of Zone C; staff has combined the descriptions of the two zones in order to reduce redundancy within the Lee Plan.

PART IV CONCLUSION

Text Amendment: The proposed amendment to Policy 1.7.1 removes overly complicated language from several parts of the policy. It also specifies the process for updates to noise zones and clarifies the applicability of noise zones on former airport property.

Map Amendment: The proposed amendment provides an update to an existing Lee Plan map required by Florida Statutes. The Lee Plan Airport Noise Zone Map (Map 1, Page 5, Special Treatment Acres) will be up to date using the most recent data available. This amendment contributes toward maintaining as high a level of accuracy in the Lee Plan as possible.

Staff recommends that the Board of County Commissioners **transmit** the proposed amendment based on the findings of fact provided on Part II of this staff report.

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

DATE OF PUBLIC HEARING: June 27, 2016

A. LOCAL PLANNING AGENCY REVIEW:

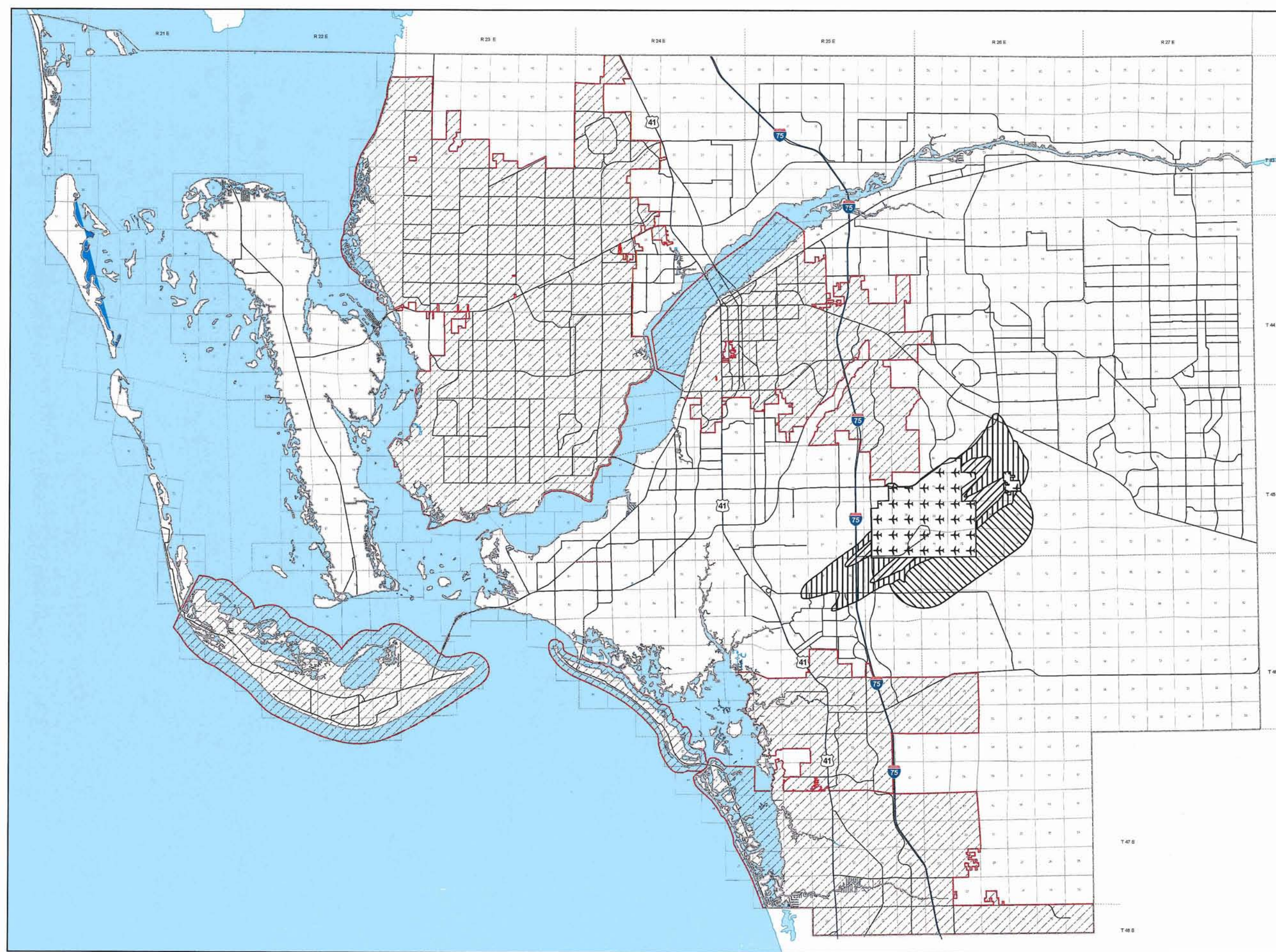
B. SUMMARY OF LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT:

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:






C. VOTE:

NOEL ANDRESS	_____
JOHN CASSANI	_____
DENNIS CHURCH	_____
JIM GREEN	_____
STAN STOUER	_____
ROGER STRELOW	_____
GARY TASMAN	_____

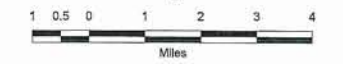


SPECIAL TREATMENT AREAS

Legend

-  Airport Noise Zone A
-  Airport Noise Zone B
-  Airport Noise Zone C
-  Airport Noise Zone D
-  City Limits






CPA2016-00004
EXISTING



Map Generated: May 2016
 City Limits current to date of map generation
 Last Amended: August 13, 2007
 Amended by Ordinance No. 00-22, 03-15, & 07-09

SPECIAL TREATMENT AREAS

Legend

-  City Limits
- NOISE_ZONE**
-  Airport Noise Zone A
-  Airport Noise Zone B
-  Airport Noise Zone C
-  Airport Noise Zone D

CPA2016-00004
PROPOSED



Map Generated: June 2016

City Limits current to date of map generation

Last Amended: August 13, 2007
Amended by Ordinance No.
00-22, 03-15, & 07-09

