

February 12, 2018

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 17-8 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 Amendments known locally as CPA2015-09 and CPA2017-08. This amendment packet includes the final action and adopting ordinances for the following amendments:

CPA2015-00009 – Captiva Community Plan (Adopted by Ordinance 18-04):

Request to amend Lee Plan text in Goal 13, specific to the Captiva Planning Community.

CPA2017-00008 – Chapter 13 (Adopted by Ordinance 18-05):

Amend the Procedures and Administration Element of the Lee Plan to remain compliant and consistent with state statutes; remove redundancies within the Lee Plan and with state statutes; and relocate procedural provisions to an administrative code. The proposed Administration Element addresses the effect and legal status of the plan, administrative and legislative interpretations of the plan and amendments to the plan.

The Lee County Board of County Commissioners held an adoption hearing to adopt the above identified ordinances for the two plan amendments on February 7, 2018. As required by F.S. 163.3184, the final actions on these amendments were completed within 180 days of the receipt of the State Land Planning Agency's review letter.

No additional changes were made to the adopted amendments that the State Land Planning Agency did not previously review.

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 amendments 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

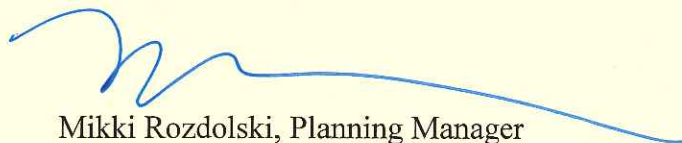
Scott Sanders  
Florida Fish and Wildlife Conservation Commission

Sarah Catala  
FDOT District One

Margaret Wuerstle  
Southwest Florida Regional Planning Council

Terry Manning, A.I.C.P., Senior Planner, Intergovernmental Coordination Section  
South Florida Water Management District

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



Mikki Rozdolski, Planning Manager

CPA2015-00009

CAPTIVA  
COMMUNITY PLAN



**THE NEWS-PRESS**  
Published every morning  
Daily and Sunday  
Fort Myers, Florida  
**Affidavit of Publication**

STATE OF FLORIDA  
COUNTY OF LEE

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

**DISPLAY**

In the matter of:

**Order # 0000950220**

In the court was published in said newspaper in the issues of

**November 09, 2017**

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 said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail 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 the advertisement; and affiant further says that he/she has neither 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.

*Shari Terrell*

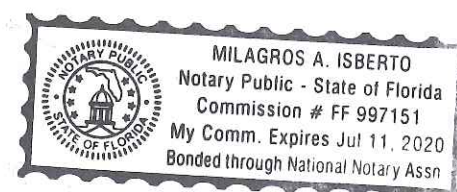
Sworn to and subscribed before me this 9<sup>th</sup> day of November, 2017.

by **Shari Terrell**  
personally known to me or who has produced

as identification, and who did or did not take an oath.

Notary Public *Milagros A. Isberto*

Print Name: **Milagros A. Isberto**  
My commission Expires: **July 11, 2020**

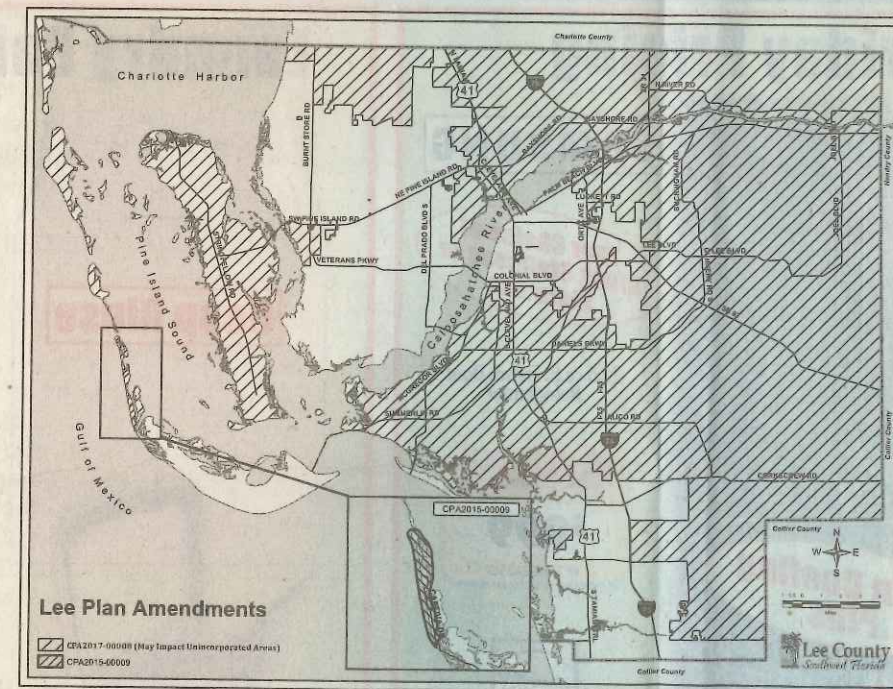


**NOTICE OF PROPOSED AMENDMENT TO THE  
LEE COUNTY COMPREHENSIVE LAND USE PLAN  
(TRANSMITTAL HEARING)**

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, November 22, 2017. 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:

**CPA2015-00009 – Captiva Community Plan:** Amend Lee Plan Goal 13 to accommodate the 2015 Captiva Community Plan.

**CPA2017-00008 – Chapter 13:** Amend the Procedures and Administration Element of the Lee Plan to remain compliant and consistent with state statutes; remove redundancies within the Lee Plan and with state statutes; and relocate procedural provisions to an administrative code. The proposed Administration Element addresses the effect and legal status of the plan, administrative and legislative interpretations of the plan and amendments to the 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.

Documentation for the Proposed Comprehensive Plan Amendment is available at <https://www.leegov.com/dcd/planning/cpa>. 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.

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

Lee County will not discriminate against individuals with disabilities. To request an accommodation, contact Joan LaGuardia, (239) 533-2314, Florida Relay Service 711, or [jlaguardia@leegov.com](mailto:jlaguardia@leegov.com), at least five business days in advance.



# The News-Press media group

news-press.com A GANNETT COMPANY

Attn: **JAMIE**  
**LCBC-DEPT OF COMM DEVELOPMENT-**  
**1500 MONROE ST**  
**FORT MYERS, FL 33902**

## STATE OF FLORIDA COUNTY OF LEE:

Before the undersigned authority personally appeared Sue Bridges, 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

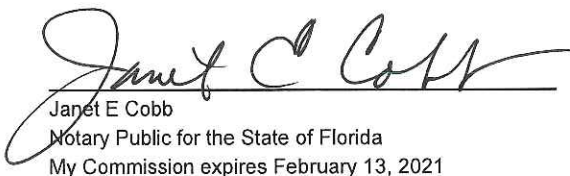
### Notice Public Hearing

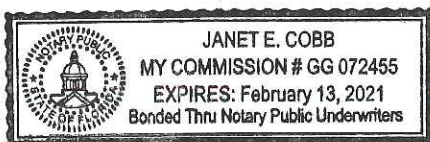
In the Twentieth Judicial Circuit Court was published in said newspaper in the issues of:

**01/26/18**

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 26th of January 2018, by Sue Bridges who is personally known to me.

  
 Janet E Cobb  
 Notary Public for the State of Florida  
 My Commission expires February 13, 2021



### 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, February 7, 2018. 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 ordinances amending the Lee Plan as follows:

**CPA2015-00009** – Captiva Community Plan: Amend Lee Plan Goal 13 to revise policies specific to Captiva.

**CPA2017-00008** – Chapter 13: Amend the Procedures and Administration Element of the Lee Plan to remain compliant and consistent with state statutes; remove redundancies within the Lee Plan and with state statutes; and relocate procedural provisions to an administrative code. The proposed Administration Element addresses the effect and legal status of the plan, administrative and legislative interpretations of the plan and amendments to the plan.

**CPA2016-00013** – Babcock: Amend Lee Plan Map 1, Page 1 to change the future land use category of the 4,157-acre subject property from DR/GR and Wetlands to New Community and Wetlands; amend Lee Plan Objective 1.6 and Goal 35; amend Lee Plan Tables 1(a) and (b); and remove the subject property from Private Recreational Facilities Overlay (Lee Plan Map 4). The subject property is located at the northeast corner of SR 31 and North River Road.

Copies of this Notice and the proposed ordinances are available for inspection or copying during regular business hours at the Minutes Office of the Clerk of Courts of Lee County, located in the Courthouse Administration Building, 2115 Second Street, Fort Myers, Florida. 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.

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

Lee County will not discriminate against individuals with disabilities. To request an accommodation, contact Joan LaGuardia, (239) 533-2314, Florida Relay Service 711, or jlaguardia@leegov.com, at least five business days in advance.

AD# 2684132 Jan. 26, 2018

**RECEIVED**  
 JAN 26 2018

COMMUNITY DEVELOPMENT

**LEE COUNTY ORDINANCE NO. 18-04**

**Captiva Community Plan  
(CPA2015-00009)**

**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 CAPTIVA COMMUNITY PLAN (CPA2015-00009) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED 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 October 23, 2017, and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on November 22, 2017. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Captiva Community Plan (CPA2015-00009) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the November 22, 2017 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on February 7, 2018 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 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 "Captiva Community Plan Ordinance (CPA2015-00009)."**

## 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 Goal 13 of the Lee Plan to revise policies specific of Captiva known as Captiva Community Plan.

The corresponding Staff Reports and Analysis, along with all attachments and application submittals 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 Kiker. The vote was as follows:

John Manning	Aye
Cecil Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Absent
Frank Mann	Aye



DONE AND ADOPTED this 7<sup>th</sup> day of February, 2018.

ATTEST:  
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF  
COUNTY COMMISSIONERS

BY: Missy Flint  
Deputy Clerk

BY: [Signature]  
Cecil Pendergrass, Chair



Commissioner Cecil L. Pendergrass  
Lee County Board of County Commissioners  
District 2

DATE: 02/08/2018

APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

[Signature]  
County Attorney's Office

Exhibit A: Adopted revisions to Goal 13 (Adopted by BOCC February 7, 2018)

## EXHIBIT A

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



## Exhibit A

### Strike Through and Underline of Proposed Goal 13

**GOAL 13: CAPTIVA COMMUNITY PLAN.** The goal of the Captiva Community Plan is to protect the coastal barrier island community's natural resources such as beaches, waterways, wildlife, vegetation, water quality, dark skies and history. This goal will be achieved through environmental protections and land use regulations that preserve shoreline and natural habitats, enhance water quality, encourage the use of native vegetation, maintain the mangrove fringe, limit noise, light, water, and air pollution, create mixed-use development of traditionally commercial properties, and enforce development standards that maintain one and two story building heights and the historic low-density residential development pattern of Captiva. ~~To maintain and enhance the historic pattern of development on Captiva, consisting of unobtrusive, low density residential use in an environment characterized by diverse and healthy native vegetation, clean offshore water with diverse and healthy marine life, and limited commercial development and traffic. The purpose of this goal is to provide policies to confirm and reinforce that historic pattern.~~ (Added by Ordinance No. 03-01)

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

**POLICY 13.1.12: Mangrove Fringe.** Consider development regulations that will provide additional protection to the shoreline, including mangrove fringe. ~~Mangroves on Captiva will be protected to the greatest extent possible.~~ (Added by Ordinance No. 05-19)

~~**POLICY 13.1.2:** Due to the nature of a barrier island, the height of buildings and structures is dependent on conditions such as elevation of the site above sea level and mandatory flood elevation requirements. In response to these conditions, the height of buildings and structures may not exceed the least restrictive of the two following options: a) 35 feet above the average grade of the lot in question or 42 feet above mean sea level measured to the peak of the roof, whichever is lower; or b) 28 feet above the lowest horizontal member at or below the lawful base flood elevation measured to the mean level between eaves and ridge in the case of gable, hip, and gambrel roofs. If lowest horizontal member is set above the base flood elevation the 28 foot measurement will be measured starting from the base flood elevation. notwithstanding the above height limitations, purely ornamental structural appurtenances and appurtenances necessary for mechanical or structural functions may extend an additional four (4) feet above the roof peak or eight (8) feet above the mean height level in the case of gable, hip, and gambrel roofs, whichever is lower, so long as these elements equal 20% or less of the total roof area.~~ (Added by Ordinance No. 03-01, Amended by Ordinance No. 11-19)

**POLICY 13.1.2: Blind Pass.** Cooperate at the federal, state, regional and local levels, efforts to maintain Blind Pass as an open pass. Lee County recognizes the positive due to its benefits of maintaining an open Blind Pass to the near-shore environment, marine ecology, and back-bay water quality and boater access.

**POLICY 13.1.3: Estuarine and Wetland Resources.** ~~Continue to support the protection of estuarine and wetland resources and wildlife habitat on Captiva. Lee County will encourage and support efforts by Captivans to strengthen existing vegetation ordinances to establish a landscaping code for Captiva Island that will require all new development, including single family residences, to implement minimum landscaping requirements intended to preserve, promote, and enhance the existing native vegetation and tree canopy on the Island. New landscaping requirements will focus on areas including, but not limited to, buffering and separation between new structures and Captiva Drive, buffering between adjoining properties, preservation and enhancement of native plant communities including, but not limited to, beach dune community, tropical hardwood hammock, coastal scrub and mangroves. (Added by Ordinance No. 03-01)~~

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

**POLICY 13.1.5: Quality of Adjacent Waters.** ~~Lee County will encourage and support~~ Continue to support efforts by the Captiva community to investigate and recommend measures that ~~will~~ may improve water quality in Pine Island Sound and the Gulf of Mexico. ~~Such measures may include sewers only if sized to limit development to that permitted by this plan. This may include a feasibility analysis of alternative wastewater collection and treatment systems to serve the Captiva community for a planning period of 30 years, including a central sewer system based upon current land use regulations. Should the feasibility analysis show that Captiva requires or is best served by an alternative wastewater collection and treatment system, Lee County will encourage efforts to size the system consistent with development permitted by the Lee Plan and the Land Development Code. (Added by Ordinance No. 03-01)~~

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

**POLICY 13.1.7:** ~~The owner or agent for any rezoning, variance, or special exception request within the Captiva Planning Community must conduct one public informational session on Captiva where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the~~

~~meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. (Added by Ordinance No. 03-01)~~

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

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

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

~~**POLICY 13.1.11:** Variances should be limited to unique, specifically authorized circumstances and will be allowed only in situations where unnecessary hardship would otherwise occur; i.e., where all of the following are met: • Where the hardship cannot be corrected by other means allowed in the ordinances; • Where strict compliance of the regulations allows the property owner no reasonable use of the property; • Where the variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties located on the same street and within the same Future Land Use category, unless denial of the variance would allow no reasonable use of the property; • Where the applicant did not cause the need for the variance; and • Where the variance is not contrary to the spirit of the ordinance. (Added by Ordinance No. 05-19)~~

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

~~**POLICY 13.1.14:** Notwithstanding anything pertaining to Captiva Community Plan Height Restriction Policy 13.1.2, due to the unique degree of public interest attached to it regarding emergency communications services, the existing telecommunications tower facility located in the maintenance and engineering area of South Seas Resort may be replaced in such area to a height not to exceed 170 feet, provided that said new facility makes space available to the county for adequate emergency communications service coverage for Captiva, as well as co-location within the capabilities of that tower for all wireless carriers desirous of serving Captiva. Destruction of mangroves will not be allowed in order to build or operate such a~~



~~tower or related tower facilities. The telecommunication tower will be a monopoly, unless public safety is compromised. (Added by Ordinance No. 05-19)~~

**OBJECTIVE 13.2: PROTECTION OF COMMUNITY RESOURCES.** ~~To continue the long-term protection and enhancement of community facilities, existing land use patterns, unique neighborhood-style commercial activities, infrastructure capacity, and historically significant features on Captiva. **MIXED USE DEVELOPMENT.** The Captiva community seeks to preserve the island's unique neighborhood-style commercial activities and to provide islanders with reasonable access to basic goods and services without having to leave the island. Toward that end, Lee County will encourage mixed-use developments in specific and appropriate areas of the Captiva planning community through its regulations, policies and discretionary actions. (Added by Ordinance No. 07-09).~~

**POLICY 13.2.1: Mixed Use Development.** Mixed use developments as defined in the Lee Plan, and mixed use developments containing both commercial and residential uses within the same structure, are appropriate ~~strongly encouraged~~ on Captiva properties that were zoned C-1 or CT as of Jan. 1, 2006. Such properties may be allowed ~~one~~ residential units in addition to commercial uses at a density consistent with the Lee Plan. Such developments will only be permitted if approved as a Commercial or Mixed Use Planned Development. ~~(Added by Ordinance No. 07-09)~~

**POLICY 13.2.2.1: Subdivision of Existing RSC-2 Parcels.** Maintain existing development regulations that restrict the No subdivisions of parcels that are were zoned RSC-2 (Captiva Estate) on as of January 1, 2002, regardless of their zoning at any time thereafter, may be permitted unless all of the resulting lots comply with all of the minimum lot size and dimensional requirements in set forth in the Land Development Code for the RSC-2 district zoned lots in Captiva. ~~(Added by Ordinance No. 03-01)~~

**POLICY 13.2.3: Building Heights.** Maintain building height regulations established as of [Effective Date of Ordinance] that account for barrier island conditions, such as mandatory flood elevation and mean-high sea level, for measuring height of buildings and structures.

**POLICY 13.2.4: Historic Development Pattern.** Limit development to that which is in keeping with the historic development pattern on Captiva including the designation of historic resources and the rehabilitation or reconstruction of historic structures. The historic development pattern on Captiva is comprised of low-density residential dwelling units, as defined in Chapter 10 of the Land Development Code, minor commercial development and South Seas Island Resort.

**POLICY 13.2.5: Lot Size Per Unit.** Development Orders or Development Permits that would result in a reduction of the minimum lot size per unit permitted on a parcel under the parcel's current zoning category or under any other zoning category that would result in a reduction of the minimum lot size per unit on that parcel (as of [Effective Date of Ordinance]) are prohibited.

**POLICY 13.2.6: Variances and Deviations.** Variances and/or deviations from the current development standards will not be permitted unless they meet all of the specific requirements for variances and deviations set forth in the Land Development Code.

**POLICY 13.2.7: Alternative Transportation.** Support integration of pedestrian and bicycle facilities into the transportation network to make Captiva safer for pedestrians, golf carts and bicyclists and to reduce automobile dependence and the need for increased parking facilities.

**POLICY 13.2.8: Underground Utilities.** Support efforts to investigate the relocation of utilities underground.

**POLICY 13.2.9: Dark Skies.** Limit light pollution and light trespass on Captiva in order to protect wildlife from any detrimental effects and for the benefit of Captiva residents and visitors.

**OBJECTIVE 13.3: NATIVE VEGETATION AND TREE CANOPY.** To enforce and strengthen existing vegetation ordinances intended to preserve, promote, and enhance the existing native vegetation and tree canopy on Captiva.

**POLICY 13.3.1: Trees along Captiva Drive.** Support efforts to restore the historic tree canopy and vegetative buffers along Captiva Drive between Blind Pass and the north end of Captiva Drive by promoting planting of indigenous, native or non-invasive trees, preferably those that require minimal irrigation once established.

**POLICY 13.3.2: Invasive Vegetation and Nuisance Pests.** Consider implementation of methods or programs, including education of individual property owners, to reduce the proliferation of invasive exotic vegetation and nuisance pests.

**OBJECTIVE 13.4: Public Participation.** Opportunities for public input will be provided during the comprehensive plan amendment and rezoning processes.

**POLICY 13.4.1: Public Informational Meeting.** The owner or agent applying for an amendment to Captiva community-specific provisions in the Lee Plan or Land Development Code must conduct one public informational meeting. The applicant is fully responsible for providing the meeting space, providing advance notice of the meeting, and providing security measures as needed. The meeting must be held within the community plan boundary. Advance notice of the meeting must be disseminated in a community-based media outlet, physically posted at the post office and provided in writing to citizen groups and civic associations within the community that are registered with Lee County for notification of pending Lee Plan or Land Development Code amendments. The notice must be available and posted at least one week prior the scheduled meeting date.

At the meeting, the agent will provide a general overview of the amendment for any interested citizens. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and

location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and the applicant's response to any issues that were raised. This information must be submitted to the county before an application for a project can be found sufficient.

Zoning Public Informational Meetings: Zoning related public information meetings will be required as provided in Land Development Code.

**POLICY 13.4.2: Online Database.** Maintain an online database available to the public for their review containing comprehensive plan amendment and zoning case information specific to each community plan area.



FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM  
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 18-04  
(e.g., 93-001)

PRIMARY KEYFIELD

DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD

DESCRIPTOR: Planning

OTHER KEYFIELD

DESCRIPTOR: Land Use Planning

ORDINANCE DESCRIPTION: Captiva Comm 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

February 9, 2018

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

Attention: Ms. Missy Flint

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Ordinance No. 18-04, which was filed in this office on February 9, 2018.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

STAFF REPORT FOR  
CPA2015-09: Captiva Community Plan

Privately Requested Text Amendments to the Lee Plan



**Applicant:**

Captiva Community  
Planning Panel

**Representative:**

Ken Gooderham

**Location:**

Captiva Community  
Planning Area

**Commission**

**District:** #1

**Amended Goal:**

Goal 13: Captiva

**Attachments:**

Text Amendments

**Hearing Dates:**

LPA: 10/23/2017

BoCC: 11/22/2017

BoCC: 02/07/2018

**REQUEST**

Amend Goal 13 of the Lee Plan to revise policies specific to Captiva.

**RECOMMENDATION**

Staff recommends that the Board of County Commissioners ***transmit*** the proposed amendments to Goal 13 as provided in Attachment 1.

**CAPTIVA COMMUNITY PLANNING AREA**





## **PART 1**

### **BACKGROUND INFORMATION**

The current Captiva goal in the Lee Plan was first adopted on January 9, 2003 by Lee County Ordinance 03-01. Additional language has been adopted and/or existing language amended by later Lee County Ordinances 05-19, 07-09, and 11-19. The current proposal is to revise the entirety of Goal 13 to address the concerns of the residents of the Captiva community. The current proposal first began in 2013 as residents of Captiva realized that Goal 13 should be updated to address community discussions and directions or to make the language more useful and enforceable. A community survey in 2013 resulted in a series of community workshops in early 2014 where specific concerns were identified and addressed. Using the input from these workshops, draft language for Goal 13 was developed by consultants over the course of 2014 and 2015. Some of the issues that were raised by Captiva residents include keeping residential density at reasonable levels, maintaining the traditional character of the community, and preserving the natural environment of the island. A final version of the draft language was created in 2016 and submitted to the County for review. Over the course of the past year, staff has worked with the community to refine the draft language for consistency with county-wide policy and within the Lee Plan.

## **PART 2**

### **STAFF DISCUSSION and ANALYSIS**

Below is the amended language for Lee Plan Goal 13 with discussion and analysis based on data provided by the applicant:

**GOAL 13: CAPTIVA COMMUNITY PLAN.** The goal of the Captiva Community Plan is to protect the coastal barrier island community's natural resources such as beaches, waterways, wildlife, vegetation, water quality, dark skies and history. This goal will be achieved through environmental protections and land use regulations that preserve shoreline and natural habitats, enhance water quality, encourage the use of native vegetation, maintain the mangrove fringe, limit noise, light, water, and air pollution, create mixed-use development of traditionally commercial properties, and enforce development standards that maintain one and two story building heights and the historic low-density residential development pattern of Captiva. To maintain and enhance the historic pattern of development on Captiva, consisting of unobtrusive, low-density residential use in an environment characterized by diverse and healthy native vegetation, clean offshore water with diverse and healthy marine life, and limited commercial development and traffic. The purpose of this goal is to provide policies to confirm and reinforce that historic pattern.

**DISCUSSION:** Staff finds that the updated Goal and guiding Objectives and Policies clarify the community's wish to protect the sensitive environmental features of the coastal barrier island, supports low density development patterns, and promotes mixed use development.

As provided in the Data and Analysis, a community survey was conducted and four community workshops held to determine the community's desired direction for future development.

A survey was conducted in the Fall of 2013 of the Captiva residents indicating preferences on key issues that were later the subject of the community workshops. Topics included landscaping, historic preservation, lighting, economic development, pedestrian connectivity & safety, parking, and the future direction of the Captiva Community Panel.

Four workshops were held in the community to gather input on the goals of the Captiva community.

Character Design & Quality of Life	March 6, 2014
Transportation	March 11, 2014
Economic Development	March 27, 2014
Water Quality	April 8, 2014

The Plan amendment language was then drafted and discussed at numerous Captiva Community Panel meetings and approved by the Panel.

**OBJECTIVE 13.1: PROTECTION OF NATURAL RESOURCES.** ~~Develop and maintain incentive and/or regulatory programs to ensure~~ To continue the long-term protection and enhancement of wetland habitats, water quality, native natural-upland habitats (including rare and unique habitats), and beaches ~~community facilities, existing land use patterns, infrastructure capacity, and historically significant features on Captiva Island.~~

**DISCUSSION:** Staff finds that the updated Objective clearly states the environmental protections that set the predicate for Policies 13.1.1 through 13.1.6 as amended. The Objective has been simplified to be specific to natural resources and supports the input received from the community. Protection of natural resources is consistent with Lee Plan Goal 107.

**POLICY 13.1.12: Mangrove Fringe.** Consider development regulations that will provide additional protection to the shoreline, including mangrove fringe. ~~Mangroves on Captiva will be protected to the greatest extent possible.~~

**DISCUSSION:** This Policy was originally Policy 13.1.12 and has been revised and relocated in order to group natural resources policies together for ease of implementation. Staff finds that the revised Policy clearly indicates the intention to protect the gulf and bay shorelines from erosion. As provided in the Data and Analysis, the Captiva Erosion Prevention District (CEPD) oversees a successful management plan for the Gulf of Mexico beach front. However, the bay front needs protection from storm surge and sea level rise. Rising water levels can damage existing bulkheads and seawalls that can be overtopped or undercut by high waves. Soft structures are discussed as an option in the Data and Analysis. Soft structures, such as mangroves, marshes and reefs, create a living buffer between the rising water and structures.

This living buffer protects the coastline from erosion. This Policy is consistent with Lee Plan Goals 107 and 113 that protect mangrove areas.

**POLICY 13.1.2:** ~~Due to the nature of a barrier island, the height of buildings and structures is dependent on conditions such as elevation of the site above sea level and mandatory flood elevation requirements. In response to these conditions, the height of buildings and structures may not exceed the least restrictive of the two following options: a) 35 feet above the average grade of the lot in question or 42 feet above mean sea level measured to the peak of the roof, whichever is lower; or b) 28 feet above the lowest horizontal member at or below the lawful base flood elevation measured to the mean level between eaves and ridge in the case of gable, hip, and gambrel roofs. If lowest horizontal member is set above the base flood elevation the 28 foot measurement will be measured starting from the base flood elevation. notwithstanding the above height limitations, purely ornamental structural appurtenances and appurtenances necessary for mechanical or structural functions may extend an additional four (4) feet above the roof peak or eight (8) feet above the mean height level in the case of gable, hip, and gambrel roofs, whichever is lower, so long as these elements equal 20% or less of the total roof area.~~

**DISCUSSION:** A portion of this Policy was reworded and relocated to Policy 13.1.6. The remainder of the Policy was moved to the Land Development Code.

**POLICY 13.1.2: Blind Pass.** Cooperate at the federal, state, regional and local levels, efforts to maintain Blind Pass as an open pass. Lee County recognizes the positive benefits of maintaining an open Blind Pass to the near-shore environment, marine ecology, back-bay water quality and boater access.

**DISCUSSION:** Blind Pass periodically closes due to lower hydrologic energy and silting from adjacent beaches. This impacts the bayside water quality and habitat. In June 2017, Lee County, City of Sanibel, and CEPD worked together to reopen the pass. An Inlet Management Plan is being drafted. This Policy provides the County's acknowledgement of the benefits to maintaining the Pass.

**POLICY 13.1.3: Estuarine and Wetland Resources.** Continue to support the protection of estuarine and wetland resources and wildlife habitat on Captiva. Lee County will encourage and support efforts by Captivans to strengthen existing vegetation ordinances to establish a landscaping code for Captiva Island that will require all new development, including single family residences, to implement minimum landscaping requirements intended to preserve, promote, and enhance the existing native vegetation and tree canopy on the Island. New landscaping requirements will focus on areas including, but not limited to, buffering and separation between new structures and Captiva Drive, buffering between adjoining properties, preservation and enhancement of native plant communities including, but not limited to, beach dune community, tropical hardwood hammock, coastal scrub and mangroves.



**DISCUSSION:** Staff finds that the revised Policy provides for the overall protection of estuarine, wetland and wildlife on Captiva. This Policy is consistent with Lee Plan Policy 113.1.5 that protects wetland and wildlife areas. The deleted language in this Policy has been reworded and relocated to Objective 13.3.

**POLICY 13.1.4: Beach and Shore Preservation.** ~~Lee County will continue~~ Continue to support the effort of the Captiva Erosion Prevention District, a beach and shore preservation authority under provisions of Chapter 161, Florida Statutes, to preserve, protect and maintain Captiva's beaches using environmentally responsible methods.

**DISCUSSION:** The editorial revision to this Policy is for clarification. The Captiva Erosion Prevention District (CEPD) is an independent special beach and shore preservation district that was established on June 19, 1959. It provides beach erosion control and preservation activities for the protection, preservation and restoration of Captiva's sandy beaches. Staff finds that this Policy furthers Goal 13 by supporting the efforts of the special district to protect the shoreline which is also consistent with Lee Plan Goal 113.

**POLICY 13.1.5: Quality of Adjacent Waters.** ~~Lee County will encourage and support~~ Continue to support efforts by the Captiva community to investigate and recommend measures that ~~will~~ may improve water quality in Pine Island Sound and the Gulf of Mexico. ~~Such measures may include sewers only if sized to limit development to that permitted by this plan. This may include a feasibility analysis of alternative wastewater collection and treatment systems to serve the Captiva community for a planning period of 30 years, including a central sewer system based upon current land use regulations. Should the feasibility analysis show that Captiva requires or is best served by an alternative wastewater collection and treatment system, Lee County will encourage efforts to size the system consistent with development permitted by the Lee Plan and the Land Development Code.~~

**DISCUSSION:** Staff finds that the Policy revisions clarify the county's support efforts to protect water quality. As explained in the Data and Analysis, 634 of the 1,100 parcels on Captiva are served by the Florida Gulf Utility Authority, Sunset Captiva, Captiva Shores and Tween Waters wastewater treatment plants. The remaining parcels are served by onsite treatment and disposal systems (OSDTS) that range from state-of-the-art systems to 1960's era septic systems. The concern is that runoff from antiquated septic systems can potentially pollute the waters surrounding Captiva. A feasibility study may identify measures to improve water quality in Pine Island Sound and the Gulf of Mexico. This Policy is consistent with Lee Plan Goal 115 that promotes standards to maintain water quality in Lee County.

**POLICY 13.1.6: Natural Upland Habitats.** ~~Continue to support the preservation of native upland vegetation and wildlife habitat on Captiva. The Captiva Island Community will establish a "document clearing house" on Captiva, where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations and resolutions will be provided for public inspection. The County's failure to provide or to timely provide documents to the document clearing house, or failure of the document clearing house to~~

~~receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.~~

**DISCUSSION:** Staff finds that the revision clarifies the county's support efforts to protect vegetation and wildlife on Captiva which is consistent with Lee Plan Goal 107. The deleted language was reworded and relocated to Policy 13.4.2.

~~**POLICY 13.1.7:** The owner or agent for any rezoning, variance, or special exception request within the Captiva Planning Community must conduct one public informational session on Captiva where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.~~

**DISCUSSION:** The deleted language was reworded and relocated to Policy 13.4.1.

~~**POLICY 13.1.8:** Lee County will encourage and support the solicitation of the widest possible range of public input for any future Lee Plan amendments that directly apply to Captiva or the policies adopted for Captiva under this section of the Lee Plan. To that end, Lee County is committed to provide continuing assistance to the Captiva Community as part of the Evaluation and Appraisal Report process as well as ongoing technical expertise related to the functioning of the adopted policies.~~

**DISCUSSION:** The deleted language was reworded and relocated to Objective 13.4.

~~**POLICY 13.1.9:** Lee County will encourage and support efforts by Captivans to develop and submit ordinances that will encourage the siting and building of structures consistent with the historical character of the island.~~

**DISCUSSION:** The deleted language reworded and relocated to Policy 13.2.4.

~~**POLICY 13.1.10:** New requests for residential re-zoning that would increase density on said property above current zoning will not be permitted.~~

**DISCUSSION:** The deleted language was reworded and relocated to Policy 13.2.5 and the Land Development Code.

~~**POLICY 13.1.11:** Variances should be limited to unique, specifically authorized circumstances and will be allowed only in situations where unnecessary hardship would otherwise occur; i.e., where all of the following are met: • Where the hardship cannot be corrected by other means allowed in the ordinances; • Where strict compliance of the~~

~~regulations allows the property owner no reasonable use of the property; • Where the variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties located on the same street and within the same Future Land Use category, unless denial of the variance would allow no reasonable use of the property; • Where the applicant did not cause the need for the variance, and • Where the variance is not contrary to the spirit of the ordinance.~~

**DISCUSSION:** The deleted language was reworded and relocated to Policy 13.2.6 the Land Development Code.

**~~POLICY 13.1.13:~~** ~~Within two years of the adoption of this policy Indigenous or Native trees will be replanted and maintained along Captiva Drive between Blind Pass and the north end of Captiva Drive. The replanting of trees within the Captiva Drive right of way is needed to replace the loss of tree canopy following Hurricane Charley. A comprehensive Captiva Drive landscape plan that addresses specific native tree species, tree placement, public safety, access and utilities to facilitate the restoration of tree canopy will be created. The comprehensive Captiva Drive landscape plan will identify funding sources for implementing the plan and will designate the entity or entities responsible for long term maintenance.)~~

**DISCUSSION:** The deleted language was reworded and relocated to Policy 13.3.1.

**~~POLICY 13.1.14:~~** ~~Notwithstanding anything pertaining to Captiva Community Plan Height Restriction Policy 13.1.2, due to the unique degree of public interest attached to it regarding emergency communications services, the existing telecommunications tower facility located in the maintenance and engineering area of South Seas Resort may be replaced in such area to a height not to exceed 170 feet, provided that said new facility makes space available to the county for adequate emergency communications service coverage for Captiva, as well as co-location within the capabilities of that tower for all wireless carriers desirous of serving Captiva. Destruction of mangroves will not be allowed in order to build or operate such a tower or related tower facilities. The telecommunication tower will be a monopole, unless public safety is compromised.~~

**DISCUSSION:** The deleted language is provided in LDC Sec. 33-1627 and is not needed in the Lee Plan.

**OBJECTIVE 13.2: PROTECTION OF COMMUNITY RESOURCES.** To continue the long-term protection and enhancement of community facilities, existing land use patterns, unique neighborhood-style commercial activities, infrastructure capacity, and historically significant features on Captiva. **~~MIXED USE DEVELOPMENT.~~** ~~The Captiva community seeks to preserve the island's unique neighborhood style commercial activities and to provide islanders with reasonable access to basic goods and services without having to leave the island. Toward that end, Lee County will encourage mixed use developments in specific and appropriate areas of the Captiva planning community through its regulations, policies and discretionary actions.~~

**DISCUSSION:** The Objective provides for future development that protects the existing neighborhood form and densities, supports mixed use commercial activities, historic features, and improved community facilities. As provided in the Data and Analysis, Captiva's land use pattern is guided by its location in a Coastal High Hazard Area. Public Safety and evacuation are a concern. The Island's only evacuation route is a constrained roadway and clearance times are estimated at 35.5 to 40 hours. Consistent with Lee Plan Policies 5.1.2 and 105.1.4 that limit development where hazards exist, density on Captiva is three units an acre based on the underlying future land use designation. Heights are also limited in keeping with Captiva's low-rise buildings. This is also consistent with Lee Plan Goal 105 that protects life and property in Coastal High Hazard Areas.

**POLICY 13.2.1: Mixed Use Development.** Mixed use developments as defined in the Lee Plan, and mixed use developments containing both commercial and residential uses within the same structure, are appropriate ~~strongly encouraged~~ on Captiva properties that were zoned C-1 or CT as of Jan. 1, 2006. Such properties may be allowed ~~one~~ residential units in addition to commercial uses at a density consistent with the Lee Plan. Such developments will only be permitted if approved as a Commercial or Mixed Use Planned Development.

**DISCUSSION:** Staff finds that this Policy promotes mixed use development in Captiva's commercial core located along Captiva Drive from the north S curve to South Seas Island Resort and on Andy Rosse Lane. The Fall 2013 survey indicated the residents desire to maintain the existing commercial core that allows both commercial and residential uses. This is also consistent with Lee Plan Goal 11 that supports sustainable mixed use developments.

**POLICY 13.2.2 ~~1.1:~~ Subdivision of Existing RSC-2 Parcels.** Maintain existing development regulations that restrict the ~~No~~ subdivisions of parcels that are ~~were~~ zoned RSC-2 (Captiva Estate) ~~on~~ as of January 1, 2002, regardless of their zoning at any time thereafter, may be permitted unless all of the resulting lots comply with all of the minimum lot size and dimensional requirements ~~in~~ set forth in the Land Development Code for the RSC-2 ~~district~~ zoned lots in Captiva.

**DISCUSSION:** Staff finds that this Policy clarifies the intent of the RSC-2 Captiva Estate zoning district and compliance with the required property development regulations. The RSC-2 zoning district was created for Captiva in 1993 to preserve large estate lots that would allow a main house, a guest house, and a servant's quarters. The purpose of this Policy is to maintain clear regulations regarding the subdivision of RSC-2 lots.

**POLICY 13.2.3: Building Heights.** Maintain building height regulations established as of [Effective Date of Ordinance] that account for barrier island conditions, such as mandatory flood elevation and mean-high sea level, for measuring height of buildings and structures.

**DISCUSSION:** Staff finds that this Policy is in keeping with lands located in the Coastal High Hazard Area that have disaster evacuation challenges. To manage evacuation demands, heights will be regulated in the Land Development Code consistent with Lee Plan Policies 5.1.2 and

105.1.4. Lands within Captiva are in the Outlying Suburban and Wetlands future land use categories.

**POLICY 13.2.4: Historic Development Pattern.** Limit development to that which is in keeping with the historic development pattern on Captiva including the designation of historic resources and the rehabilitation or reconstruction of historic structures. The historic development pattern on Captiva is comprised of low-density residential dwelling units, as defined in Chapter 10 of the Land Development Code, minor commercial development and South Seas Island Resort.

**DISCUSSION:** This Policy is a revision of the former Policy 13.1.9 to promote the retention of historic structures and to protect the existing land use mixture of hotel, commercial and residential uses. As provided in the Data and Analysis, Captiva's development pattern is known for estate properties, a village area containing commercial uses, and hotels/ resorts that have been in place for decades. Staff finds this is consistent with the Fall 2013 survey and the following workshops where the residents indicated the importance of retaining the existing mix of uses on Captiva. This Policy is consistent with Chapter IX of the Lee Plan that supports the preservation of historic structures.

**POLICY 13.2.5: Lot Size Per Unit.** Development Orders or Development Permits that would result in a reduction of the minimum lot size per unit permitted on a parcel under the parcel's current zoning category or under any other zoning category that would result in a reduction of the minimum lot size per unit on that parcel (as of [Effective Date of Ordinance]) are prohibited.

**DISCUSSION:** This Policy is a revision of the former Policy 13.1.10 that clarifies that the existing permitted zoning minimum lot size may not be reduced. Staff finds that maintaining the existing lot sizes is consistent with Lee Plan 5.1.2 and Goal 105 that support low density in Coastal High Hazard Areas.

**POLICY 13.2.6: Variances and Deviations.** Variances and/or deviations from the current development standards will not be permitted unless they meet all of the specific requirements for variances and deviations set forth in the Land Development Code.

**DISCUSSION:** This Policy was originally Policy 13.1.11. It has been reworded and the performance standards have been moved to the Land Development Code. Staff finds that the Policy supports conformance with the regulations and variances/deviations will only be allowed if the specific standards are met.

**POLICY 13.2.7: Alternative Transportation.** Support integration of pedestrian and bicycle facilities into the transportation network to make Captiva safer for pedestrians, golf carts and bicyclists and to reduce automobile dependence and the need for increased parking facilities.



**DISCUSSION:** Staff finds that this Policy supports multi-modal transportation alternatives that allow for a mixture of transportation modes. Captiva Drive is a two lane constrained major collector roadway that serves as the only main access onto and off the island. The right-of-way is limited (25 feet in certain areas) that serves residents, tourists, pedestrians, bicyclists and golf carts. This is further complicated by the lack of parking for day time visitors. Staff finds that encouraging multi-modal transportation alternatives is in keeping with sound planning practices and is consistent with Lee Plan Goal 39 that promotes a variety of transportation opportunities.

**POLICY 13.2.8: Underground Utilities.** Support efforts to investigate the relocation of utilities underground.

**DISCUSSION:** Staff finds that this Policy supports the community desire to investigate relocating utilities.

**POLICY 13.2.9: Dark Skies.** Limit light pollution and light trespass on Captiva in order to protect wildlife from any detrimental effects and for the benefit of Captiva residents and visitors.

**DISCUSSION:** Staff finds that this Policy is consistent with Lee Plan Objective 107.5 and Land Development Code Sec. 14-79 that protect sea turtles from light pollution during the nesting season. This is also consistent with the 2013 Survey findings that support limiting light pollution.

**OBJECTIVE 13.3: NATIVE VEGETATION AND TREE CANOPY.** To enforce and strengthen existing vegetation ordinances intended to preserve, promote, and enhance the existing native vegetation and tree canopy on Captiva.

**DISCUSSION:** This Objective confirms the community's desire to retain, maintain and enhance the native vegetation and tree canopy on the island that was compromised as a result of Hurricane Charley.

**POLICY 13.3.1: Trees along Captiva Drive.** Support efforts to restore the historic tree canopy and vegetative buffers along Captiva Drive between Blind Pass and the north end of Captiva Drive by promoting planting of indigenous, native or non-invasive trees, preferably those that require minimal irrigation once established.

**DISCUSSION:** This Policy was originally Policy 13.1.14 and has been reworded and relocated under an Objective specific to vegetation and tree canopy. Staff finds that this policy addresses the loss of tree canopy as a result of the 2004 Hurricane Charley storm and the planting of new trees. This is consistent with the findings in the Fall 2013 survey, Lee Plan Goal 77, and with Chapter 10, Division 6 of the Land Development Code that promotes planting indigenous vegetation.

**POLICY 13.3.2: Invasive Vegetation and Nuisance Pests.** Consider implementation of methods or programs, including education of individual property owners, to reduce the proliferation of invasive exotic vegetation and nuisance pests.

**DISCUSSION:** Staff finds that this policy supports the control of exotic vegetation and non indigenous species (such as iguanas and coyotes) that negatively impact the native flora and fauna on Captiva. Non native plants crowd out existing vegetation creating monocultures and can be unsafe in a major storm event. This is consistent with Lee Plan Goal 77, Objective 107.4 and with Chapter 10, Division 6 of the Land Development Code that promotes indigenous vegetation and protection of endangered and threatened species.

**OBJECTIVE 13.4: Public Participation.** Opportunities for public input will be provided during the comprehensive plan amendment and rezoning processes.

**DISCUSSION:** Staff finds that this Objective promotes public engagement and government transparency which is consistent with Lee Plan Goal 24.

**POLICY 13.4.1: Public Informational Meeting.** The owner or agent applying for an amendment to Captiva community-specific provisions in the Lee Plan or Land Development Code must conduct one public informational meeting. The applicant is fully responsible for providing the meeting space, providing advance notice of the meeting, and providing security measures as needed. The meeting must be held within the community plan boundary. Advance notice of the meeting must be disseminated in a community-based media outlet, physically posted at the post office and provided in writing to citizen groups and civic associations within the community that are registered with Lee County for notification of pending Lee Plan or Land Development Code amendments. The notice must be available and posted at least one week prior the scheduled meeting date.

At the meeting, the agent will provide a general overview of the amendment for any interested citizens. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and the applicant's response to any issues that were raised. This information must be submitted to the county before an application for a project can be found sufficient.

Zoning Public Informational Meetings: Zoning related public information meetings will be required as provided in Land Development Code.

**DISCUSSION:** Staff finds that this policy promotes public participation among the community stakeholders (citizens, business people, land owners, and other interested parties) providing them with an avenue to keep informed. This policy is similar to the other community planning policies. The modifications are specific to Captiva and require the meeting be held within the Captiva Planning Community and provide at least one-week notice with direct notice provided

to Captiva citizen groups and civic associations. This Policy is consistent with Lee Plan Policy 24.1.1 to educate the public by requiring community meetings.

**POLICY 13.4.2: Online Database.** Maintain an online database available to the public for their review containing comprehensive plan amendment and zoning case information specific to each community plan area.

**DISCUSSION:** Staff finds that this policy promotes public awareness and government transparency. The existing Policy 13.1.6 has been revised to specify that Lee County will continue to maintain the online database. This Policy is consistent with Lee Plan Policy 24.1.1 to educate and coordinate the public regarding community and comprehensive planning.

### **PART 3 CONCLUSION**

#### **CONCLUSION**

Overall, the proposed amendment conforms to the intent of the Lee Plan in that it addresses the issues unique to the Captiva community and is supported by adequate data and analysis.

#### **ATTACHMENTS**

Attachment 1: Proposed Text Amendments

- Exhibit A: Strike Through and Underline Version
- Exhibit B: Clean Version

**PART 4**  
**LOCAL PLANNING AGENCY**  
**Review and Recommendation**

**DATE OF PUBLIC HEARING: October 23, 2017**

**A. LOCAL PLANNING AGENCY REVIEW:**

Staff provided a brief presentation on the proposed amendment to Goal 13 regarding the Captiva Community Plan. The presentation included an overview, consistency with the Lee Plan and a recommendation that the amendment be transmitted to the state for review. Members of the LPA asked general questions about the amendment including the amount of public input and community support for the amendment, mangrove fringe, height, subdivision of RSC-2 zoned properties and historic development patterns.

No members of the public spoke about the proposed amendment.

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

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

**C. VOTE:**

A motion was made recommending that the Board of County Commissioners ***transmit*** the amendment based on consistency with the Lee Plan as provided in the Staff Report. The motion was passed by a 5 to 0 vote.

NOEL ANDRESS	AYE
DENNIS CHURCH	AYE
JIM GREEN	ABSENT
CHRISTINE SMALE	AYE
STAN STOUDE	AYE
GARY TASMAN	ABSENT
JUSTIN THIBAUT	AYE

**PART 5**  
**BOARD OF COUNTY COMMISSIONERS**  
**TRANSMITTAL HEARING FOR PROPOSED AMENDMENT**

**DATE OF PUBLIC HEARING: November 22, 2017**

**A. BOARD REVIEW:**

Staff provided a brief presentation for the proposed amendments, reasons for the proposed amendments, and staff recommendation. The Captiva Community Panel representative spoke in support of the amendment. One member of the public sought clarification on two policies within the amendment. The Board verified the clarifications were made on the record.

**B. BOARD ACTION:**

A motion was made to transmit CPA2017-00009 as recommended by staff. The motion was passed 5 to 0.

**C. VOTE:**

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



**PART 6**  
**OBJECTIONS, RECOMMENDATIONS AND COMMENTS**  
**FROM STATE REVIEWING AGENCIES**

DATE OF REVIEWING AGENCY COMMENTS: Due by January 5, 2018

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

Lee County received responses from the following review agencies addressing the transmitted amendment: Department of Agriculture and Consumer Services; Department of Transportation, Florida Fish and Wildlife Conservation Commission; South Florida Water Management District; Department of Economic Opportunity; and Southwest Florida Regional Planning Council. All correspondence from the state reviewing agencies has been attached to the staff report.

There were no objections to the proposed amendments.

**B. STAFF RECOMMENDATION**

Staff recommends that the Board of County Commissioners ***adopt*** the amendment to the Lee Plan as transmitted.

**PART 7**  
**BOARD OF COUNTY COMMISSIONERS**  
**ADOPTION HEARING FOR PROPOSED AMENDMENT**

DATE OF PUBLIC HEARING: February 7, 2018

**A. BOARD REVIEW:**

Staff provided a brief presentation for the proposed amendments, which covered consistency with the Lee Plan, reasons for the proposed amendments, and staff recommendation. No members of the public addressed the board concerning the proposed amendments.

**B. BOARD ACTION:**

A motion was made to transmit CPA2015-09 as recommended by staff. The motion was passed 4 to 0.

**VOTE:**

<b>BRIAN HAMMAN</b>	<b>ABSENT</b>
<b>LARRY KIKER</b>	<b>AYE</b>
<b>FRANK MANN</b>	<b>AYE</b>
<b>JOHN MANNING</b>	<b>AYE</b>
<b>CECIL L. PENDERGRASS</b>	<b>AYE</b>

# ATTACHMENT 1

EXHIBIT A: STRIKE THROUGH AND UNDERLINE VERSION  
EXHIBIT B: CLEAN VERSION

## **Exhibit A**

### **Strike Through and Underline of Proposed Goal 13**

**GOAL 13: CAPTIVA COMMUNITY PLAN.** The goal of the Captiva Community Plan is to protect the coastal barrier island community's natural resources such as beaches, waterways, wildlife, vegetation, water quality, dark skies and history. This goal will be achieved through environmental protections and land use regulations that preserve shoreline and natural habitats, enhance water quality, encourage the use of native vegetation, maintain the mangrove fringe, limit noise, light, water, and air pollution, create mixed-use development of traditionally commercial properties, and enforce development standards that maintain one and two story building heights and the historic low-density residential development pattern of Captiva. To maintain and enhance the historic pattern of development on Captiva, consisting of unobtrusive, low density residential use in an environment characterized by diverse and healthy native vegetation, clean offshore water with diverse and healthy marine life, and limited commercial development and traffic. The purpose of this goal is to provide policies to confirm and reinforce that historic pattern. (Added by Ordinance No. 03-01)

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

**POLICY 13.1.12: Mangrove Fringe.** Consider development regulations that will provide additional protection to the shoreline, including mangrove fringe. ~~Mangroves on Captiva will be protected to the greatest extent possible.~~ (Added by Ordinance No. 05-19)

**~~POLICY 13.1.2:~~** ~~Due to the nature of a barrier island, the height of buildings and structures is dependent on conditions such as elevation of the site above sea level and mandatory flood elevation requirements. In response to these conditions, the height of buildings and structures may not exceed the least restrictive of the two following options: a) 35 feet above the average grade of the lot in question or 42 feet above mean sea level measured to the peak of the roof, whichever is lower; or b) 28 feet above the lowest horizontal member at or below the lawful base flood elevation measured to the mean level between eaves and ridge in the case of gable, hip, and gambrel roofs. If lowest horizontal member is set above the base flood elevation the 28 foot measurement will be measured starting from the base flood elevation. notwithstanding the above height limitations, purely ornamental structural appurtenances and appurtenances necessary for mechanical or structural functions may extend an additional four (4) feet above the roof peak or eight (8) feet above the mean height level in the case of gable, hip, and gambrel roofs, whichever is lower, so long as these elements equal 20% or less of the total roof area.~~ (Added by Ordinance No. 03-01, Amended by Ordinance No. 11-19)

**POLICY 13.1.2: Blind Pass.** Cooperate at the federal, state, regional and local levels, efforts to maintain Blind Pass as an open pass. Lee County recognizes the positive due to its benefits of maintaining an open Blind Pass to the near-shore environment, marine ecology, and back-bay water quality and boater access.

**POLICY 13.1.3: Estuarine and Wetland Resources.** ~~Continue to support the protection of estuarine and wetland resources and wildlife habitat on Captiva. Lee County will encourage and support efforts by Captivans to strengthen existing vegetation ordinances to establish a landscaping code for Captiva Island that will require all new development, including single family residences, to implement minimum landscaping requirements intended to preserve, promote, and enhance the existing native vegetation and tree canopy on the Island. New landscaping requirements will focus on areas including, but not limited to, buffering and separation between new structures and Captiva Drive, buffering between adjoining properties, preservation and enhancement of native plant communities including, but not limited to, beach dune community, tropical hardwood hammock, coastal scrub and mangroves. (Added by Ordinance No. 03-01)~~

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

**POLICY 13.1.5: Quality of Adjacent Waters.** ~~Lee County will encourage and support~~ Continue to support efforts by the Captiva community to investigate and recommend measures that will may improve water quality in Pine Island Sound and the Gulf of Mexico. ~~Such measures may include sewers only if sized to limit development to that permitted by this plan. This may include a feasibility analysis of alternative wastewater collection and treatment systems to serve the Captiva community for a planning period of 30 years, including a central sewer system based upon current land use regulations. Should the feasibility analysis show that Captiva requires or is best served by an alternative wastewater collection and treatment system, Lee County will encourage efforts to size the system consistent with development permitted by the Lee Plan and the Land Development Code. (Added by Ordinance No. 03-01)~~

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

**POLICY 13.1.7:** ~~The owner or agent for any rezoning, variance, or special exception request within the Captiva Planning Community must conduct one public informational session on Captiva where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the~~



meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. (Added by Ordinance No. 03-01)

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

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

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

~~**POLICY 13.1.11:** Variances should be limited to unique, specifically authorized circumstances and will be allowed only in situations where unnecessary hardship would otherwise occur; i.e., where all of the following are met: • Where the hardship cannot be corrected by other means allowed in the ordinances; • Where strict compliance of the regulations allows the property owner no reasonable use of the property; • Where the variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties located on the same street and within the same Future Land Use category, unless denial of the variance would allow no reasonable use of the property; • Where the applicant did not cause the need for the variance, and • Where the variance is not contrary to the spirit of the ordinance. (Added by Ordinance No. 05-19)~~

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

~~**POLICY 13.1.14:** Notwithstanding anything pertaining to Captiva Community Plan Height Restriction Policy 13.1.2, due to the unique degree of public interest attached to it regarding emergency communications services, the existing telecommunications tower facility located in the maintenance and engineering area of South Seas Resort may be replaced in such area to a height not to exceed 170 feet, provided that said new facility makes space available to the county for adequate emergency communications service coverage for Captiva, as well as co-location within the capabilities of that tower for all wireless carriers desirous of serving Captiva. Destruction of mangroves will not be allowed in order to build or operate such a~~

~~tower or related tower facilities. The telecommunication tower will be a monopole, unless public safety is compromised. (Added by Ordinance No. 05-19)~~

**OBJECTIVE 13.2: PROTECTION OF COMMUNITY RESOURCES.** To continue the long-term protection and enhancement of community facilities, existing land use patterns, unique neighborhood-style commercial activities, infrastructure capacity, and historically significant features on Captiva. ~~**MIXED USE DEVELOPMENT.** The Captiva community seeks to preserve the island's unique neighborhood style commercial activities and to provide islanders with reasonable access to basic goods and services without having to leave the island. Toward that end, Lee County will encourage mixed use developments in specific and appropriate areas of the Captiva planning community through its regulations, policies and discretionary actions. (Added by Ordinance No. 07-09).~~

**POLICY 13.2.1: Mixed Use Development.** Mixed use developments as defined in the Lee Plan, and mixed use developments containing both commercial and residential uses within the same structure, are ~~appropriate~~ strongly encouraged on Captiva properties that were zoned C-1 or CT as of Jan. 1, 2006. Such properties may be allowed ~~one~~ residential units in addition to commercial uses at a density consistent with the Lee Plan. Such developments will only be permitted if approved as a Commercial or Mixed Use Planned Development. (Added by Ordinance No. 07-09)

**POLICY 13.2.2: Subdivision of Existing RSC-2 Parcels.** ~~Maintain existing development regulations that restrict the No subdivisions of parcels that are were zoned RSC-2 (Captiva Estate) on as of January 1, 2002, regardless of their zoning at any time thereafter, may be permitted unless all of the resulting lots comply with all of the minimum lot size and dimensional requirements in set forth in the Land Development Code for the RSC-2 district zoned lots in Captiva. (Added by Ordinance No. 03-01)~~ Maintain existing development regulations that restrict the subdivisions of parcels that are were zoned RSC-2 (Captiva Estate) on as of January 1, 2002, regardless of their zoning at any time thereafter, may be permitted unless all of the resulting lots comply with all of the minimum lot size and dimensional requirements in set forth in the Land Development Code for the RSC-2 district zoned lots in Captiva. (Added by Ordinance No. 03-01)

**POLICY 13.2.3: Building Heights.** Maintain building height regulations established as of [Effective Date of Ordinance] that account for barrier island conditions, such as mandatory flood elevation and mean-high sea level, for measuring height of buildings and structures.

**POLICY 13.2.4: Historic Development Pattern.** Limit development to that which is in keeping with the historic development pattern on Captiva including the designation of historic resources and the rehabilitation or reconstruction of historic structures. The historic development pattern on Captiva is comprised of low-density residential dwelling units, as defined in Chapter 10 of the Land Development Code, minor commercial development and South Seas Island Resort.

**POLICY 13.2.5: Lot Size Per Unit.** Development Orders or Development Permits that would result in a reduction of the minimum lot size per unit permitted on a parcel under the parcel's current zoning category or under any other zoning category that would result in a reduction of the minimum lot size per unit on that parcel (as of [Effective Date of Ordinance]) are prohibited.

**POLICY 13.2.6: Variances and Deviations.** Variances and/or deviations from the current development standards will not be permitted unless they meet all of the specific requirements for variances and deviations set forth in the Land Development Code.

**POLICY 13.2.7: Alternative Transportation.** Support integration of pedestrian and bicycle facilities into the transportation network to make Captiva safer for pedestrians, golf carts and bicyclists and to reduce automobile dependence and the need for increased parking facilities.

**POLICY 13.2.8: Underground Utilities.** Support efforts to investigate the relocation of utilities underground.

**POLICY 13.2.9: Dark Skies.** Limit light pollution and light trespass on Captiva in order to protect wildlife from any detrimental effects and for the benefit of Captiva residents and visitors.

**OBJECTIVE 13.3: NATIVE VEGETATION AND TREE CANOPY.** To enforce and strengthen existing vegetation ordinances intended to preserve, promote, and enhance the existing native vegetation and tree canopy on Captiva.

**POLICY 13.3.1: Trees along Captiva Drive.** Support efforts to restore the historic tree canopy and vegetative buffers along Captiva Drive between Blind Pass and the north end of Captiva Drive by promoting planting of indigenous, native or non-invasive trees, preferably those that require minimal irrigation once established.

**POLICY 13.3.2: Invasive Vegetation and Nuisance Pests.** Consider implementation of methods or programs, including education of individual property owners, to reduce the proliferation of invasive exotic vegetation and nuisance pests.

**OBJECTIVE 13.4: Public Participation.** Opportunities for public input will be provided during the comprehensive plan amendment and rezoning processes.

**POLICY 13.4.1: Public Informational Meeting.** The owner or agent applying for an amendment to Captiva community-specific provisions in the Lee Plan or Land Development Code must conduct one public informational meeting. The applicant is fully responsible for providing the meeting space, providing advance notice of the meeting, and providing security measures as needed. The meeting must be held within the community plan boundary. Advance notice of the meeting must be disseminated in a community-based media outlet, physically posted at the post office and provided in writing to citizen groups and civic associations within the community that are registered with Lee County for notification of pending Lee Plan or Land Development Code amendments. The notice must be available and posted at least one week prior the scheduled meeting date.

At the meeting, the agent will provide a general overview of the amendment for any interested citizens. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and

location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and the applicant's response to any issues that were raised. This information must be submitted to the county before an application for a project can be found sufficient.

Zoning Public Informational Meetings: Zoning related public information meetings will be required as provided in Land Development Code.

**POLICY 13.4.2: Online Database.** Maintain an online database available to the public for their review containing comprehensive plan amendment and zoning case information specific to each community plan area.

## **Exhibit B**

### **Clean Version of Proposed Goal 13**

**GOAL 13: CAPTIVA COMMUNITY PLAN.** The goal of the Captiva Community Plan is to protect the coastal barrier island community's natural resources such as beaches, waterways, wildlife, vegetation, water quality, dark skies and history. This goal will be achieved through environmental protections and land use regulations that preserve shoreline and natural habitats, enhance water quality, encourage the use of native vegetation, maintain the mangrove fringe, limit noise, light, water, and air pollution, create mixed-use development of traditionally commercial properties, and enforce development standards that maintain one and two story building heights and the historic low-density residential development pattern of Captiva.

**OBJECTIVE 13.1: PROTECTION OF NATURAL RESOURCES.** To continue the long-term protection and enhancement of wetland habitats, water quality, native upland habitats (including rare and unique habitats), and beaches on Captiva.

**POLICY 13.1.1 Mangrove Fringe.** Consider development regulations that will provide additional protection to the shoreline, including mangrove fringe to the greatest extent possible.

**POLICY 13.1.2: Blind Pass.** Cooperate at the federal, state, regional and local levels, efforts to maintain Blind Pass as an open pass. Lee County recognizes the positive benefits of maintaining an open Blind Pass to the near-shore environment, marine ecology, back-bay water quality and boater access.

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At the meeting, the agent will provide a general overview of the amendment for any interested citizens. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and the applicant's response to any issues that were raised. This information must be submitted to the county before an application for a project can be found sufficient.

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**POLICY 13.4.2: Online Database.** Maintain an online database available to the public for their review containing comprehensive plan amendment and zoning case information specific to each community plan area.

# AGENCY COMMENTS

**Rick Scott**  
GOVERNOR



**Cissy Proctor**  
EXECUTIVE DIRECTOR

January 3, 2018

The Honorable John Manning  
Chairman, Lee County  
Board of County Commissioners  
Post Office Box 398  
Fort Myers, Florida 33902-0398

Dear Chairman Manning:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for Lee County (Amendment No. 17-8ESR), which was received on December 4, 2017. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comment related to important state resources and facilities within the Department of Economic Opportunity's authorized scope of review that will be adversely impacted by the amendment if adopted.

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 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 of Economic Opportunity 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.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
850.245.7105 | [www.floridajobs.org](http://www.floridajobs.org)  
[www.twitter.com/FLDEO](https://www.twitter.com/FLDEO) | [www.facebook.com/FLDEO](https://www.facebook.com/FLDEO)

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

The Honorable John Manning

January 3, 2018

Page 2 of 2

If you have any questions concerning those reviews, please contact Valerie James, at (850) 717-8493, or by email at [valerie.james@deo.myflorida.com](mailto:valerie.james@deo.myflorida.com).

Sincerely,



James D. Stansbury, Chief  
Bureau of Community Planning and Growth

JDS/vj

Enclosure(s): Procedures for Adoption

cc: Brandon Dunn, Principal Planner, Lee County Planning Section  
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.

**Miller, Janet**

---

**From:** Dunn, Brandon  
**Sent:** Friday, December 08, 2017 10:26 AM  
**To:** Miller, Janet  
**Cc:** Munt, Daniel; Jenkins-Owen, Sharon; Rozdolski, Mikki  
**Subject:** FW: Lee County 17-8ESR (CPA2015-00009 and CPA2017-00008)

Please see correspondence from FWC concerning the Captiva Community Plan (CPA2015-09) and Chapter 13 (CPA2017-08) transmittal packet.

*Brandon D. Dunn*, Principal Planner

Lee County Department of Community Development  
Planning Section  
[bdunn@leegov.com](mailto:bdunn@leegov.com)  
239.533.8585

---

**From:** Hight, Jason [<mailto:Jason.Hight@MyFWC.com>]  
**Sent:** Friday, December 08, 2017 10:09 AM  
**To:** Dunn, Brandon; [DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com)  
**Cc:** Keltner, James; Wallace, Traci  
**Subject:** Lee County 17-8ESR (CPA2015-00009 and CPA2017-00008)

Dear Mr. Dunn:

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed the proposed comprehensive plan amendments in accordance with Chapter 163.3184(3), Florida Statutes. We have no comments, recommendations, or objections related to listed species and their habitat or other fish and wildlife resources to offer on these two amendments.

We appreciate the opportunity to review the proposed project and look forward to working with the applicant throughout the permitting process. If you need any further assistance, please do not hesitate to contact our office by email at [FWCConservationPlanningServices@MyFWC.com](mailto:FWCConservationPlanningServices@MyFWC.com). If you have specific technical questions, please contact Jim Keltner at (239) 332-6972 x9209 or by email at [James.Keltner@MyFWC.com](mailto:James.Keltner@MyFWC.com).

Thank you,

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 17-8ESR\_34589

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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December 12, 2017

VIA EMAIL (bdunn@leegov.com)

Lee County Planning Section  
Mr. Brandon Dunn  
P.O. Box 398  
Fort Myers, Florida 33902-0398

Re: DACS Docket # -- 20171129-1031  
Lee County CPA2015-00009 and CPA2017-00008  
Submission dated November 29, 2017

Dear Mr. Dunn:

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment on November 29, 2017 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 850-410-2280.

Sincerely,

A handwritten signature in blue ink that reads "Derek Buchanan".

Derek Buchanan  
Budget Director  
Office of Policy and Budget

cc: Florida Department of Economic Opportunity  
(SLPA #: Lee County 17-8 ESR)



1400 Colonial Blvd., Suite 1  
Fort Myers, FL 33907



P: 239.938.1813 | F: 239.938.1817  
www.swfrpc.org

December 8, 2017

Ms. Mikki Rozdolski  
Planning Manager  
Department of Community Development  
P.O. Box 398  
Fort Myers, Florida 33902-0398

**Re: Lee County CPA2015-00009, & CPA2017-00008 / DEO 17-8ESR**

Dear Ms. Rozdolski:

The staff of the Southwest Florida Regional Planning Council has reviewed the proposed amendment (DEO 17-8ESR) 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 January 18, 2018 meeting. Council staff is recommending that the request be found not regionally significant. Council staff is also recommending 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**



Margaret Wuerstle, AICP  
Executive 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.swfipc.org

December 8, 2017

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

**Re: Lee County CPA2015-00009, & CPA2017-00008 / DEO 17-8ESR**

Dear Mr. Eubanks:

The staff of the Southwest Florida Regional Planning Council has reviewed the proposed amendment (DEO 17-7ESR) 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 January 18, 2018 meeting. Council staff is recommending that the request be found not regionally significant. Council staff is also recommending 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**

Margaret Wuerstle, AICP  
Executive 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 17-8ESR). 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.

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>	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
<u>Amendment</u>				
DEO 17-8ESR	No	No	No	(1) Not regionally significant (2) Consistent with SRPP

### RECOMMENDED ACTION:

Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and Lee County

12/2017



## 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 17-8ESR)

### Summary of Proposed Amendment

Lee County DEO 17-8ESR consists of two amendments:

CPA2015-09: Captiva Community Plan: Amend Goal 13 of the Lee Plan to revise policies specific to Captiva.

The proposal is to revise the entirety of Goal 13 to address the concerns of the residents of the Captiva community. The current proposal first began in 2013 as residents of Captiva realized that Goal 13 should be updated to address community discussions and directions or to make the language more useful and enforceable. A community survey in 2013 resulted in a series of community workshops in early 2014 where specific concerns were identified and addressed. Using the input from these workshops, draft language for Goal 13 was developed by consultants over the course of 2014 and 2015. Some of the issues that were raised by Captiva residents include keeping residential density at reasonable levels, maintaining the traditional character of the community, and preserving the natural environment of the island. A final version of the draft language was created in 2016 and submitted to the County for review. Over the course of the past year, staff has worked with the community to refine the draft language for consistency with county-wide policy and within the Lee Plan.

CPA2017-08: Chapter 13: Amend the Procedures and Administration Element of the Lee Plan to remain compliant and consistent with state statutes; remove redundancies within the Lee Plan and with state statutes; and relocate procedural provisions to an administrative code. The proposed Administration Element addresses the effect and legal status of the plan, administrative and legislative interpretations of the plan and amendments to the plan. In addition, minor amendments will be made in the future land use element and the glossary to remove or update cross references.

On November 17, 2015, the Board of County Commissioners provided direction for staff to complete a coordinated planning review to identify Lee Plan amendments that: better align with the BOCC strategic planning initiatives; streamline; eliminate potential liabilities; reduce redundancy and conflict within and between Lee Plan Goals; and, relocate regulatory provisions to the Land Development Code and procedures to the administrative codes. Based on this direction, staff identified and presented potential amendments to the Board at the May 3, 2016 Board Work Session. These proposed amendments specifically aim to streamline, reduce redundancies and conflicts, and relocate the administrative procedures to the administrative codes.

The Administration Element is an important component of the Lee Plan. The purpose of the Element is to address how the Lee Plan should be implemented and provides direction for interpretation of the Plan. The Procedures and Administration Element was originally incorporated into the Lee Plan in 1984, to provide direction and guidance. Revisions are necessary to remain in compliance and consistent with state statute and remove redundancies and conflict in procedures.

### Regional Impacts

Council staff has reviewed the requested changes and finds that the requested Comprehensive Plan amendments do not directly produce any significant regional impacts that would be inconsistent with the Comprehensive Plan of any other local government within the region.

**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 that would be inconsistent with the Comprehensive Plan of any other local government within the region.

**Conclusion**

No adverse effects on regional resources or facilities and no extra-jurisdictional impacts have been identified. Staff finds that this project is not regionally significant.

**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

**MIKE DEW**  
SECRETARY

December 20, 2017

Brandon Dunn  
Principal Planner  
Lee County Planning Section  
P.O. Box 398  
Fort Myers, Florida 33902-0398

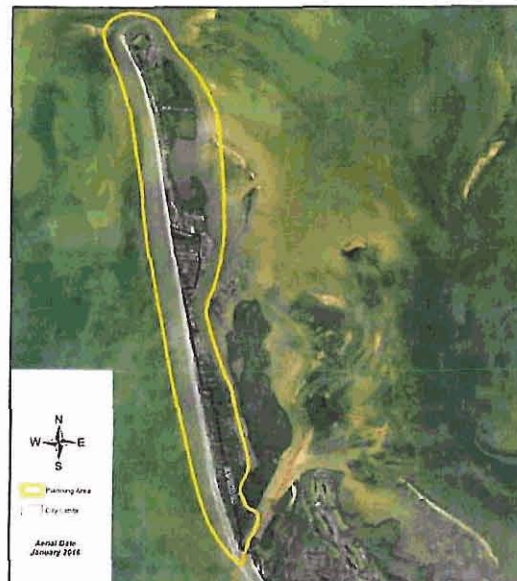
**RE: Lee County 17-8ESR Proposed Comprehensive Plan Amendment, Expedited State Review Process – FDOT Technical Assistance Comments**

Dear Mr. Dunn:

The Florida Department of Transportation (FDOT), District One, has reviewed the Lee County 17-8ESR Proposed Comprehensive Plan Amendment (CPA). The CPA package includes two independent text amendments, including CPA2015-00009 (Captiva Community Plan), and CPA2017-00008 (Chapter 13). The proposed package was transmitted by the Board of County Commissioners in accordance with the requirements of Florida Statutes Chapter 163. Below is a description of each independent CPA followed by FDOT technical assistance comments as appropriate.

**1. CPA2015-00009 (CAPTIVA COMMUNITY PLAN) – TEXT AMENDMENT:**

CPA2015-00009 proposes to amend Goal 13 (and related policies) of the Lee Plan, specific to the Captiva Community Plan. The intent of the Captiva Community Plan is to protect the coastal barrier island community's natural resources such as beaches, waterways, wildlife, vegetation, water quality, dark skies and history. The proposed changes are related to environmental protections and land use regulations that preserve shoreline and natural habitats, enhance water quality, encourage the use of native vegetation, maintain the mangrove fringe, limit noise, light, water, and air pollution, create mixed-use development for traditional commercial properties, and enforce development standards that maintain one and two-story



building heights and the historic low-density residential development pattern of Captiva.

*FDOT notes that the amendments to the policies included in Goal 13 of the Lee Plan regarding the Captiva Community Plan do not increase the density or intensity allowable by the Lee Plan. In addition, page 78 of 112 of the submittal package states that, "The overall density of the island will not increase with this proposal." As a result, FDOT offers no comments on the proposed CPA2015-00009 (Captiva Community Plan).*

**2. CPA2017-00008 (CHAPTER 13) – TEXT AMENDMENT:**

CPA2017-00008 is a text amendment to Chapter 13 of the Lee Plan (Procedures and Administration Element). The changes propose to amend the Procedures and Administration Element to remain compliant and consistent with State Statutes; remove redundancies within the Lee Plan and with State Statutes; and relocate procedural provisions to an Administrative Code. The proposed changes address the effect and legal status of the plan, administrative and legislative interpretations of the plan and amendments to the plan. In addition, there are minor edits to several policies and objectives in the Future Land Use Element that remove references to Chapter 13.

*FDOT notes that the amendments to CPA2017-00008 (Chapter 13) do not increase the density or intensity allowable by the Lee Plan. As a result, FDOT offers no comments on the proposed CPA2017-00008 (Chapter 13).*

Thank you for providing FDOT with the opportunity to review and comment on the proposed amendments. If you have any questions or need to discuss these comments further, please 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



## Jenkins-Owen, Sharon

---

**From:** Rozdolski, Mikki  
**Sent:** Friday, December 29, 2017 3:18 PM  
**To:** Dunn, Brandon; Miller, Janet; Jenkins-Owen, Sharon; Munt, Daniel  
**Subject:** Fwd: Lee County, DEO #17-8ESR Comments on Proposed Comprehensive Plan Amendment Package

Mikki

Sent from my iPhone

Begin forwarded message:

**From:** "Oblaczynski, Deborah" <[doblaczy@sfwmd.gov](mailto:doblaczy@sfwmd.gov)>  
**Date:** December 29, 2017 at 1:03:42 PM EST  
**To:** "Mikki Rozdolski ([MRozdolski@leegov.com](mailto:MRozdolski@leegov.com))" <[MRozdolski@leegov.com](mailto:MRozdolski@leegov.com)>  
**Cc:** "Brandon Dunn ([bdunn@leegov.com](mailto:bdunn@leegov.com))" <[bdunn@leegov.com](mailto:bdunn@leegov.com)>, "Ray Eubanks ([DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com))" <[DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com)>, "Brenda Winningham ([brenda.winningham@deo.myflorida.com](mailto:brenda.winningham@deo.myflorida.com))" <[brenda.winningham@deo.myflorida.com](mailto:brenda.winningham@deo.myflorida.com)>, "Margaret Wuerstle ([mwuerstle@swfrpc.org](mailto:mwuerstle@swfrpc.org))" <[mwuerstle@swfrpc.org](mailto:mwuerstle@swfrpc.org)>  
**Subject:** Lee County, DEO #17-8ESR 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 package proposes revisions to Lee Plan Goal 13 for the Captiva Planning Community. The proposed changes do not appear to adversely impact the water resources in this area; therefore, the District has no comments on the proposed amendment package.

The District offers its technical assistance to the County 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)

## ***Captiva: Goal 13 Amendment — Data & Analysis***

Sept. 5, 2017

When work to amend the existing Goal 13: Captiva commenced in 2013, the Captiva Community Panel (“Panel”) and the Captiva community intended to update the Captiva Plan (“Plan”) first adopted in 2003 (with subsequent modifications in later years) to reflect both the changing needs of the community and the unwavering commitment to the community’s historic land use and development pattern. What the community and its Panel submitted to the County some three years later (in March 2016) was an exhaustively reviewed and revised amendment that resulted from the Panel’s numerous public workshops and discussions overseen by County staff and which firmly rested within the construct of the existing Lee Plan.

During the period between the Panel’s March 2016 submission and the date it was deemed complete by County staff in December 2016, the County’s vision of the Lee County Comprehensive Land Use Plan evolved significantly – with an important emphasis on streamlining community plan language for both internal consistency and user accessibility. The plan would focus more on broad land use policy (both countywide and in specific planning communities), shifting the implementation of policy to the Land Development Code (LDC) – with the expectation that regulatory review by both applicants and staff would more easily be addressed in the LDC.

This evolution in the County’s thinking developed while the Captiva Plan amendment was under review – compelling significant changes in both the existing Captiva Plan as well as in the proposed Captiva Plan amendment developed by the Panel and the community. County staff drafted the first revision of the Plan – re-ordering and restructuring the existing Plan while incorporating the substance of the Panel’s proposed amendment into the new structure of the Plan or shifting appropriate provisions into the LDC.

This first draft was provided to the Panel in late March 2017. The Panel reviewed the draft, held public meetings with the community on April 11 and May 9, 2017; offered a number of revisions and refinements to the County; and met with County staff on April 26 and June 22, 2017, in a successful effort to reach consensus. What resulted is the proposed Captiva Plan amendment (Goal 13: Captiva) below – a consensus document that reflects the vision and needs of the Captiva community within the planning framework favored by the Board of County Commissioners and the County staff.

This report will offer analysis and supporting data on the proposed policy changes and amendments within the Captiva/Lee County Comprehensive Land Use Plan, as well as an explanation of any changes related solely to the movement of provisions from the Plan to the LDC to ensure no gap in regulation during the Plan amendment process.



**GOAL 13: CAPTIVA COMMUNITY PLAN.** The goal of the Captiva Community Plan is to protect the coastal barrier island community's natural resources such as beaches, waterways, wildlife, vegetation, water quality, dark skies and history. This goal will be achieved through environmental protections and land use regulations that preserve shoreline and natural habitats, enhance water quality, encourage the use of native vegetation, maintain the mangrove fringe, limit noise, light, water, and air pollution, create mixed-use development of traditionally commercial properties, and enforce development standards that maintain one and two story building heights and the historic low-density residential development pattern of Captiva. To maintain and enhance the historic pattern of development on Captiva, consisting of unobtrusive, low density residential use in an environment characterized by diverse and healthy native vegetation, clean offshore water with diverse and healthy marine life, and limited commercial development and traffic. The purpose of this goal is to provide policies to confirm and reinforce that historic pattern. (Added by Ordinance No. 03-01)

This language better reflects the intent of the Captiva community and the County to address both the environmental and land use and development issues vital to the protection of a fragile barrier island as expressed by the community throughout the public input sessions associated with this amendment. This goal serves as a description of Captiva as it has historically developed and exists today – a pattern of land use and low-impact development within the island's long-time context of environmental protection that should be maintained and supported into the future.

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

As part of the realignment of Plan language, policies addressing natural resources have been separated from the other human-built items originally listed in this objective.

**POLICY 13.1.12: Mangrove Fringe.** Consider development regulations that will provide additional protection to the shoreline, including mangrove fringe. ~~Mangroves on Captiva will be protected to the greatest extent possible.~~ (Added by Ordinance No. 05-19)

On Captiva, shoreline management is assigned by Florida Legislature authority (F.S.161.32) to the Captiva Erosion Prevention District (CEPD), an independent special district whose focus is primarily on the sandy Gulf shoreline. The CEPD has an

exceptional and successful management plan to respond to both storm surge risk and sea level change. Management of the Captiva bayfront is more problematic, since regulation of that shoreline is spread among state and federal agencies with little local oversight. Lee County does not directly regulate the bay shoreline, particularly mangrove management, leaving that issue to the Florida Dept. of Environmental Protection (FDEP) and the U.S. Army Corps of Engineers (Corps).

The CEPD has an ongoing management plan (first adopted in 1998, online at <http://mycepd.com/pdfs/storm-response-plan.pdf>) for the sandy Gulf shoreline to mitigate for both storm surge/damage and sea level change. Development or redevelopment on the open water shoreline of Captiva is further regulated by both the state (FDEP has varying regulatory powers over development seaward of both the 1974 and 1991 Coastal Construction Control Lines to either limit impact or enhance storm survivability) and federal agencies (in particular, the Federal Emergency Management Agency [FEMA] which, via the National Flood Insurance Program, designates base flood elevation requirements for most coastal properties).

These state and federal regulatory initiatives, in combination with the higher overall elevation of the Gulf beach ridge adjacent to the sandy beach (the highest elevation on the island except for the Calusa mounds inside South Seas Island Resort, see maps in appendix), enhances the ability of the sandy shoreline to adjust to reasonable sea level change without a negative impact on the upland properties.

The same cannot be said about Captiva's bayfront shoreline. There, any encroachment by rising sea levels will either impinge on upland property or pose a challenge to existing bulkheads or seawalls designed for lower levels of water, potentially causing them to be overtopped or undercut in high wave situations such as storms. Also, on the sandy shoreline increasing the land elevation via mechanical means is more viable and affordable (see <http://asbpa.org/wpv2/wp-content/uploads/2016/04/Managing-Sea-Level-Rise-FINAL.pdf>).

See also:

[http://swfrpc.org/content/Natural Resources/Ecosystem Services/Lee County Climate Change Vulnerability Assessment.pdf](http://swfrpc.org/content/Natural%20Resources/Ecosystem%20Services/Lee%20County%20Climate%20Change%20Vulnerability%20Assessment.pdf) and  
[http://swfrpc.org/content/Natural Resources/Ecosystem Services/Lee County Climate Change Resiliency Strategy.pdf](http://swfrpc.org/content/Natural%20Resources/Ecosystem%20Services/Lee%20County%20Climate%20Change%20Resiliency%20Strategy.pdf)

Options for protecting the bayfront shoreline include:

- Hard structures, such as seawalls or revetments
- Soft structures, such as mangroves, marshes and reefs
- Retreat, either away from the rising waters (if property size and development regulations allow) or away from the property altogether (abandonment).
- Restoration, placing sediment to elevate the shoreline in pace with sea level rise.

Retreat on the property is a lot-by-lot issue, while abandonment is fraught with costs and laws. Restoration, while a preferred solution on the Gulf shoreline, is harder to accomplish on the bay shoreline... primarily since Pine Island Sound is an aquatic

preserve (created in 1970) and the activities necessary for restoration would be highly regulated if even permitted at all (see [http://publicfiles.dep.state.fl.us/CAMA/plans/aquatic/chap\\_management\\_plan.pdf](http://publicfiles.dep.state.fl.us/CAMA/plans/aquatic/chap_management_plan.pdf)).

Hard structures offer more immediate and immutable protection – good for its protective certainty if designed properly, bad for its inability to adapt to changing conditions and potential impact on adjacent properties. Hard structures are also prone to failure over time, often creating a worse problem than the original and certainly requiring more work and cost to repair. (See [http://asbpa.org/wpv2/wp-content/uploads/2016/04/Reintroducing-Structures-for-Erosion-Control\\_FINAL.pdf](http://asbpa.org/wpv2/wp-content/uploads/2016/04/Reintroducing-Structures-for-Erosion-Control_FINAL.pdf).)

Soft structures – popularly called “living shorelines” – create a buffer between rising waters and the upland structures or infrastructure. In the short term, this buffer can offer protection from flooding or storm waves by absorbing much of the energy or ensuring a greater protective distance, particularly when done in conjunction with sufficient structural setback requirements from bay waters. For the longer term, these shorelines can evolve and adapt to higher water levels, either by adjusting to the rising tides or by “walking” landward as the water encroaches to maintain a sufficient buffer as originally designed. (See [http://asbpa.org/wpv2/wp-content/uploads/2016/04/Resilience\\_White\\_Paper\\_Spring2014\\_82\\_2-4.pdf](http://asbpa.org/wpv2/wp-content/uploads/2016/04/Resilience_White_Paper_Spring2014_82_2-4.pdf).)

Mangroves are recognized by most coastal experts and regulatory agencies as an excellent shoreline management option both for storm surge buffers and “living shorelines.” According to the NOAA National Ocean Service website: “Living shorelines use plants or other natural elements to stabilize estuarine coasts, bays, or tributaries.”

The island’s once-extensive and protective bayfront mangrove fringe has been reduced over the decades due to development and other land use changes, robbing bayfront properties of a natural and effective buffer from storm waves and tides, along with mangroves’ proven environmental benefit as an estuarine fishery and shore stabilization agent. Mangroves can also be incorporated as protection for existing hard structures, if such structures are still functioning as designed or by extending their likely functional life.

The County, the community and the Panel want to encourage protection of the existing shoreline by general regulation (“development regulations that will provide additional protection to the shoreline”) and more specific directive (“including the mangrove fringe, to the greatest extent possible,” which mirrors the existing policy language and is generally accepted as a barrier’s island first line of bayfront defense). While mangrove regulation is generally left to the state or federal agencies, county regulations can regulate adjacent development that will have a direct and indirect impact on mangrove survival and health. This language also allows for innovations in “living shorelines” or similar bayfront stabilization efforts to be included in future county regulations.

Similarly, by encouraging “development regulations that will provide additional protection to the shoreline,” this policy allows the county latitude to consider other regulatory action or land use changes that would further accommodate any changes in

sea level impacting the Captiva bayfront. Such regulations could be readily adopted into the LDC under this policy.

**POLICY 13.1.2: Blind Pass.** Cooperate at the federal, state, regional and local levels, efforts to maintain Blind Pass as an open pass. Lee County recognizes the positive due to its benefits of maintaining an open Blind Pass to the near-shore environment, marine ecology, and back-bay water quality and boater access.

When the original Plan language for Captiva was adopted, Blind Pass was a closed pass due to its lower hydrologic energy and silting from adjacent beaches. However, the resulting impact of that closure on bayside water quality and habitat (among other concerns) provided impetus for a joint Sanibel/Lee County/CEPD effort to reopen the pass by dredging, and a commitment to maintain an open pass both by ongoing dredging and better inlet management. The most recent dredge project was completed in June 2017, and an inlet management plan is now under formulation. The County, the community and the Panel believe that language supporting the open pass is integral to (and should be included in) the Plan because an open pass is vital to maintaining the water quality on the bayside of the island (both islands) and in Pine Island Sound.

**POLICY 13.1.3: Estuarine and Wetland Resources.** Continue to support the protection of estuarine and wetland resources and wildlife habitat on Captiva. Lee County will encourage and support efforts by Captivans to strengthen existing vegetation ordinances to establish a landscaping code for Captiva Island that will require all new development, including single family residences, to implement minimum landscaping requirements intended to preserve, promote, and enhance the existing native vegetation and tree canopy on the Island. New landscaping requirements will focus on areas including, but not limited to, buffering and separation between new structures and Captiva Drive, buffering between adjoining properties, preservation and enhancement of native plant communities including, but not limited to, beach dune community, tropical hardwood hammock, coastal scrub and mangroves. (Added by Ordinance No. 03-01)

Most of the original language has either been moved to Objective 13.3 or will be better reflected in the LDC.

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

Minor changes to the existing language for style. The purpose and value of the CEPD's efforts is covered in the analysis of Policy 13.1.1

**POLICY 13.1.5: Quality of Adjacent Waters.** ~~Lee County will encourage and support~~  
~~Continue to support efforts by the Captiva community to investigate and recommend measures~~  
~~that will may improve water quality in Pine Island Sound and the Gulf of Mexico. Such~~  
~~measures may include sewers only if sized to limit development to that permitted by this plan.~~  
This may include a feasibility analysis of alternative wastewater collection and treatment systems  
to serve the Captiva community for a planning period of 30 years, including a central sewer  
system based upon current land use regulations. Should the feasibility analysis show that Captiva  
requires or is best served by an alternative wastewater collection and treatment system, Lee  
County will encourage efforts to size the system consistent with development permitted by the  
Lee Plan and the Land Development Code. (Added by Ordinance No. 03-01)

Of the island's approximately 1,100 parcels, just over 50% (565) are located within South Seas Island Resort and are served by the Florida Gulf Utility Authority (FGUA) wastewater treatment plant (WWTP). (Note: These numbers are parcels as identified by the Lee County Property Appraiser [LCPA]; there are considerably more units inside South Seas Island Resort due to hotel rooms and timeshare units which may be shown in LCPA records a single parcel for 50 or more units.) There are also three additional wastewater treatment package plants on the island – Sunset Captiva (60 Parcels), Captiva Shores (8 parcels) and Tween Waters (1 parcel). The balance of island properties (~466 parcels) is served by a variety of Onsite Treatment and Disposal Systems (OSTDS), ranging from state-of-the-art performance systems to 1960s-era septic systems.

**NOTE:** An exact count of total systems and their types is not compiled by the state Department of Health, which oversees OSTDS regulation in the county. A January 5, 2016, memo entitled "Captiva 2015 Wastewater Treatment Plant and Septic Records" from the City of Sanibel estimated "there are 171 known confirmed septic systems and an estimated 355 likely septic systems for a total of 526 estimated septic systems in the 33924 zip code." However, that includes Cayo Costa and Upper Captiva as well as Captiva Island excluding the area served by the FGUA WWTP.

With traditional septic systems, groundwater levels are a crucial factor for proper functioning and purification. Experts in septic systems state there should be at least 24 inches of unsaturated soil between the bottom of the typical OSDTS drainfield and the upper limit of the groundwater in order for the drainfield and ground to optimally filter and process bacteria in soil such as that found on Captiva. So-called performance systems, which release a cleaner effluent and operate with less of a drainfield or land, can operate with less groundwater clearance but require much more maintenance to operate optimally (and are regularly inspected by the state to monitor operations).



A number of studies on the interaction of sea level rise and groundwater levels have concluded that changes in the adjacent level of tidal waters over time will trigger a similar (or possibly greater) rise in groundwater levels, both through groundwater inundation (rising tidal levels pushing groundwater levels higher via intrusion) and increased groundwater recharge (should the forces triggering sea level change also trigger heavier or more frequent precipitation).

Any potential of rising groundwater levels as a result of sea level change would have a significant impact on the ability of these OSTDS systems to properly function, putting at risk perhaps a third of the island's properties, some of which are in the most densely populated areas of the island (the smaller platted lots of the Village, see map on page 22). A foreshadowing of these impacts can be seen during the summer rainy season, when heavy downpours can inundate existing drainfields and holding areas, creating environmental issues that are certainly challenging and potentially dangerous (in terms of bacteria concentrations from inadequately treated effluent) in the short term. (See <http://www.floridahealth.gov/environmental-health/onsite-sewage/forms-publications/documents/64e-6.pdf>.) Rising groundwater levels would further exacerbate these issues.

Given the cost, scope of work and inevitable community impact, transitioning these septic systems to a sanitary sewer service is unlikely in the short term. Therefore, maintaining the current density and intensity of use for those properties served by septic systems is prudent – even ones with sufficient land mass to handle expected wastewater loads, but subject to the same groundwater and flooding issues discussed above.

This policy also includes the following: “This may include a feasibility analysis of alternative wastewater collection and treatment systems to serve the Captiva community for a planning period of 30 years, including a central sewer system based upon current land use regulations.”

A Captiva Island Wastewater Alternative Study has recently (August 2017) been negotiated through Lee County Procurement. Given its proposed scope, this study will help further define these groundwater and OSDTS issues as well as potential solutions. It should be completed in 2018.

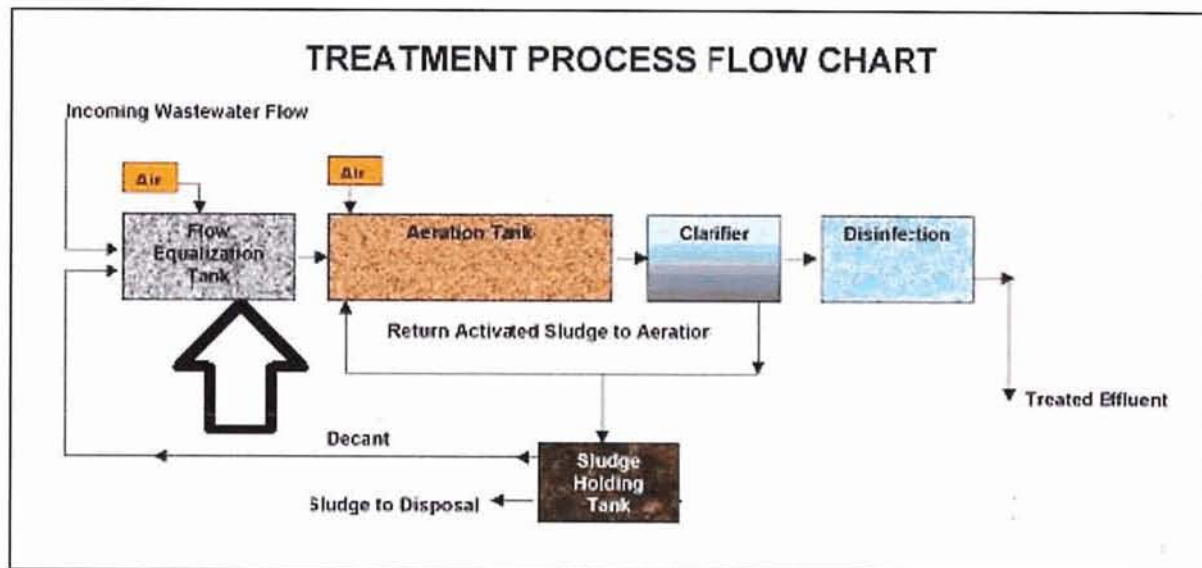
Capacity determinations for a WWTP are based on a number of factors (see <http://www.dep.state.fl.us/water/wastewater/docs/preliminary-design-report.pdf>). These include population, service area, land use projections, and forecasts of flow and wastewater conditions for current and future years.

In calculating capacity needs for the area of Captiva currently served by OSTDS units, the estimates for these factors would be reasonably reliable:

- **Population:** The county's projections for the Captiva Planning Community show a limited capacity for growth (58 out of a total 530, see <http://www.leegov.com/dcd/planning/districts/district?c=Captiva>).

- **Service area:** Given that the largest potential service area is bounded on three sides by water (Gulf of Mexico, Blind Pass and Pine Island Sound) and the fourth boundary is the area served by an existing WWTP, growth potential is physically constrained and virtually nonexistent.
- **Land use projections:** The majority of the service area is residential, with a limited number of commercially zoned lots. Similarly, density is likewise fixed by both FLUM and ordinance.
- **Forecasts:** A combination of industry-approved estimates for existing and already defined lots in the potential service area plus current statistics for the three smaller WWTPs in the potential service area (for wastewater produced), and historical records of the Island Water Association (for water consumed) should allow these to be both determinable and consistent.

The capacity calculation also requires estimation of average flow, maximum day flow, peak hourly flow and peak instantaneous flow. The reason for this range is clear if you consider how the typical WWTP operates:



<http://www.captivacommunitypanel.com/pdfs/Wastewater/120815ccpWASTE.pdf>

The key to effective WWTP processing is consistency – flattening out the processing demand to ensure a uniform amount of wastewater to treat by having capacity to hold wastewater both at the beginning of processing and at certain stages. This makes an accurate estimate of potential wastewater to be treated essential, to ensure there's enough capacity to maintain an efficient processing operation without investing in unneeded excess capacity that is not only a waste of money but could have a deleterious effect on the plant's operations.

Since the various factors that go into creating such an estimate for Captiva are consistent and somewhat fixed (meaning minimal likelihood of significant change), there would be no incentive to develop excess treatment capacity because there would be no likelihood of ever being able to utilize it.



(Other sources: <http://10statesstandards.com/wastewaterstandards.pdf>;  
<http://www.dep.state.fl.us/water/wastewater/dom/docs/rec-standards-wwf-1997.pdf>;  
<http://www.dep.state.fl.us/water/wastewater/docs/preliminary-design-report.pdf>;  
<http://www.floridahealth.gov/environmental-health/onsite-sewage/forms-publications/documents/64e-6.pdf>.)

Since it was first adopted, the Plan has included language concerning a sanitary sewer system sized “consistent with development permitted by the Lee Plan and the Land Development Code.” This latest Plan iteration maintains this language for the following reasons:

- 1) Since Captiva is an unincorporated area, Lee County is the default government entity to represent the community in any utility discussions or negotiations with nearby wastewater treatment providers. Lee County Utilities is not the likely source of that service due to distance from existing facilities and the unavailability of any on-island land on which to develop a new facility. Any agreements with likely providers – e.g. the City of Sanibel or Florida Governmental Utility Authority (the two WWTP operators closest to the island) – would be handled by the county as the representing government. Therefore, it is important to provide guidance in a county planning document about the need to correlate future wastewater treatment services to the appropriate and limited development as discussed above.
- 2) Should centralized wastewater treatment be deemed appropriate at some future point, it would likely be governed and funded by a county-based and -administered Municipal Services Taxing (or Benefits) Unit, which requires approval by a majority of property owners in the area to be served by the MSTBU. Given the county’s role in creating and administering such a unit, it is important for both fiscal and planning purposes to include a policy expressing the relationship between wastewater treatment and current and future land use in this county planning document.
- 3) Any entity providing (new or existing) centralized wastewater treatment to the areas of the island now served by OSTDS units or small-scale package plants would be asked to construct a facility with a recommended capacity (as discussed above, with design allowances for seasonal fluctuations and other operating needs) directly related to the island’s expected development within the lifespan of the plant. Pragmatic financial concerns require such an approach since the cost to the community of developing and maintaining operating capacity should not be greater than the island’s planned and legally permitted needs. Moreover, the County and the community have an obligation to ensure that development on Captiva be governed by the approved Plan and FLUM, and not be driven by the potential capacity of a centralized wastewater treatment plant.
- 4) If the Wastewater Alternative Study determines there are viable alternatives for wastewater treatment that do not require a sanitary sewer system, the County will still play a lead role in assisting with exploring those alternatives, through a variety of avenues such as building regulations and development orders, coordination with state regulations should some exist that address these alternatives, or continued community outreach to implement alternatives via county resources and regulations.



**NOTE:** The impact of septic systems on water quality in the nearshore waters was discussed in research by the Sanibel-Captiva Conservation Foundation in a two-year study funded in part by the county Tourist Development Council. Since septic systems were not a direct focus of the study, the findings on direct impact were not conclusive. However, higher levels of nitrogen (a nutrient which can spark other issues in the nearshore when present in higher levels) were found in groundwater in the area of the island served by septic systems than was measured in the area serviced by a central wastewater treatment plant. Online resources for the study:

Full report:

[http://www.captivacommunitypanel.com/pdfs/FinalReport\\_Captiva\\_Water\\_Quality\\_Assessment\\_Project\\_SCCFMarine-Lab.pdf](http://www.captivacommunitypanel.com/pdfs/FinalReport_Captiva_Water_Quality_Assessment_Project_SCCFMarine-Lab.pdf)

Presentations:

<http://www.captivacommunitypanel.com/pdfs/030811sccfPresentation.pdf> and  
<http://www.captivacommunitypanel.com/pdfs/041211sccfFinalPresentation.pdf>

Additionally, the adjacent island of Sanibel, an independent municipality since 1974, has made water quality a major focus of city activities almost since its inception. Given the similar geology and nearshore water conditions, much of research on nearshore water quality done by the city can be good background for impacts on Captiva. Online resources include:

Sanibel's water quality efforts: <http://www.mysanibel.com/Departments/Natural-Resources/Protecting-Our-Water-Quality/Sanibel-H2O-Matters>

Sanibel's nutrient reduction plan:

<http://www.mysanibel.com/content/download/20078/119087>

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

A number of the new policies proposed in the original March 2016 amendment dealt with the preservation of existing natural vegetation and habitat. This revision summarizes those draft policies and provides an overall policy that permits more specific regulations to be expressed in the LDC as necessary. Otherwise, most of the original language has been revised and moved to Policy 13.4.2.

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

This language has been revised and moved to Policy 13.4.1 as well as to the LDC.

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

This language has been revised and moved to Objective 13.4.

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

This language has been revised and moved to Policy 13.2.4.

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

This language has been revised and moved to Policy 13.2.5.

~~**POLICY 13.1.11:** Variances should be limited to unique, specifically authorized circumstances and will be allowed only in situations where unnecessary hardship would otherwise occur; i.e., where all of the following are met: • Where the hardship cannot be corrected by other means allowed in the ordinances; • Where strict compliance of the regulations allows the property owner no reasonable use of the property; • Where the variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties located on the same street and within the same Future Land Use category, unless denial of the variance would allow no reasonable use of the property; • Where the applicant did not cause the need for the variance, and • Where the variance is not contrary to the spirit of the ordinance. (Added by Ordinance No. 05-19)~~

This language has been revised and moved to Policy 13.2.6., as well as the LDC.

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

This language has been revised and moved to Policy 13.3.1., as well as the LDC.

~~**POLICY 13.1.14:** Notwithstanding anything pertaining to Captiva Community Plan Height Restriction Policy 13.1.2, due to the unique degree of public interest attached to it regarding emergency communications services, the existing telecommunications tower facility located in the maintenance and engineering area of South Seas Resort may be replaced in such area to a height not to exceed 170 feet, provided that said new facility makes space available to the county for adequate emergency communications service coverage for Captiva, as well as co-location within the capabilities of that tower for all wireless carriers desirous of serving Captiva. Destruction of mangroves will not be allowed in order to build or operate such a tower or related tower facilities. The telecommunication tower will be a monopole, unless public safety is compromised. (Added by Ordinance No. 05-19)~~

This language was included in the LDC previously, so there was no reason to include it here. The tower in question has been in place for years and is regulated by the LDC.

**OBJECTIVE 13.2: PROTECTION OF COMMUNITY RESOURCES.** To continue the long-term protection and enhancement of community facilities, existing land use patterns, unique neighborhood-style commercial activities, infrastructure capacity, and historically significant features on Captiva. **MIXED USE DEVELOPMENT.** The Captiva community seeks to preserve the island's unique neighborhood-style commercial activities and to provide islanders with reasonable access to basic goods and services without having to leave the island. Toward that end, Lee County will encourage mixed use developments in specific and appropriate areas of the Captiva planning community through its regulations, policies and discretionary actions. (Added by Ordinance No. 07-09).

As mentioned above at Objective 13.1, in the realignment of Plan language, community resources – defined as facilities, land use patterns, unique features, etc. – were broken out into a new objective to reflect the policies that follow.

Two overall issues underlie a number of the policies under this objective:

#### **Captiva as a designated Coastal High Hazard Area.**

Florida Statutes (F.S. 163.3178) and the Lee Plan (Goal 105, Goal 110 and Policy 5.2.6) identify the need for additional regulation and requirements for Coastal High Hazard Areas (CHHA) such as Captiva. Specifically cited as issues of concern for CHHAs are evacuation times, building structural requirements, density increases and infrastructural capacity. These reflect a recognition of additional risk to life and property present in CCHAs, sufficient to warrant more stringent regulations for safety while protecting the property rights of owners.

The CHHA goal is to minimize or mitigate storm risk – particularly in areas seaward of the 1991 Coastal Construction Control Line which, on Captiva, is an issue from the southern S-curve northward through the near-Gulf homes in the Village and inside South Seas Island Resort, all areas with higher density and intensity than the estate-zoned homesites on the southern third of the island.

Risk reduction is typically accomplished (particularly in the Lee Plan) by controlling density and intensity on coastal properties, improving structural integrity to both wind and water damage, by not adding to existing evacuation pressures via controlling the number of people potentially at risk, and by sound shoreline management to lessen wave and surge damage when feasible.

In the Plan, proposed policies address three of the four CHHA concerns (structural integrity is the purview of other regulations outside the scope of this Plan).

■ **Density:** By limiting rezoning approvals to those which do not increase density and which conform to current zoning requirements (Policy 13.2.2, 13.2.3, 3.2.4 and 13.2.5). A related Plan goal is also to control intensity of use, by limiting variances and/or deviations from current development standards (Policy 13.2.6) and avoiding replacement of current residential structures with much larger structures able to house

considerably more people -- which is inconsistent with the goal of putting fewer people at risk to storms and coastal hazards.

NOTE: "Density" and "intensity" are used throughout the county Plan (and are defined in its glossary), with density speaking chiefly to the number of dwelling units per specific unit of land, and intensity addressing restrictions and regulations applicable to the development of land. On Captiva, often the issues of density and intensity converge because many of Captiva's residential properties have been designed for use as vacation rentals during times when the owner is not in residence (which can be a significant part of the year in some neighborhoods).

When the owner is in residence, these units function as single-family homes with the appropriate and expected traffic and parking needs, living patterns and solid waste/wastewater generation of a single family living in a home.

When being used as rentals, however, all of these residential attributes are more intensely used -- as one would expect when they are used as housing as part of a vacation where more extended families or other groups gather in one place. Traffic may be higher due to more arrivals and departures, as well as when vacationers head off and return by car for the day's activities. Demand for parking spaces increase for the same reasons -- more people, more traffic, more activity. The living patterns reflect larger groups and vacation times (more varied hours, more likelihood of late-night outdoor activities). And certainly the waste generated (solid or water) reflects the increase use by more people.

When a Captiva home is redeveloped with six to eight bedrooms and six to eight bathrooms (as is common on the island now), and is being rented to vacationers for a majority of the year, these properties are operating as *de facto* commercial entities, and are required to pay the appropriate taxes and frequently to hold the necessary licenses similar to other vacation rental enterprises in the community.

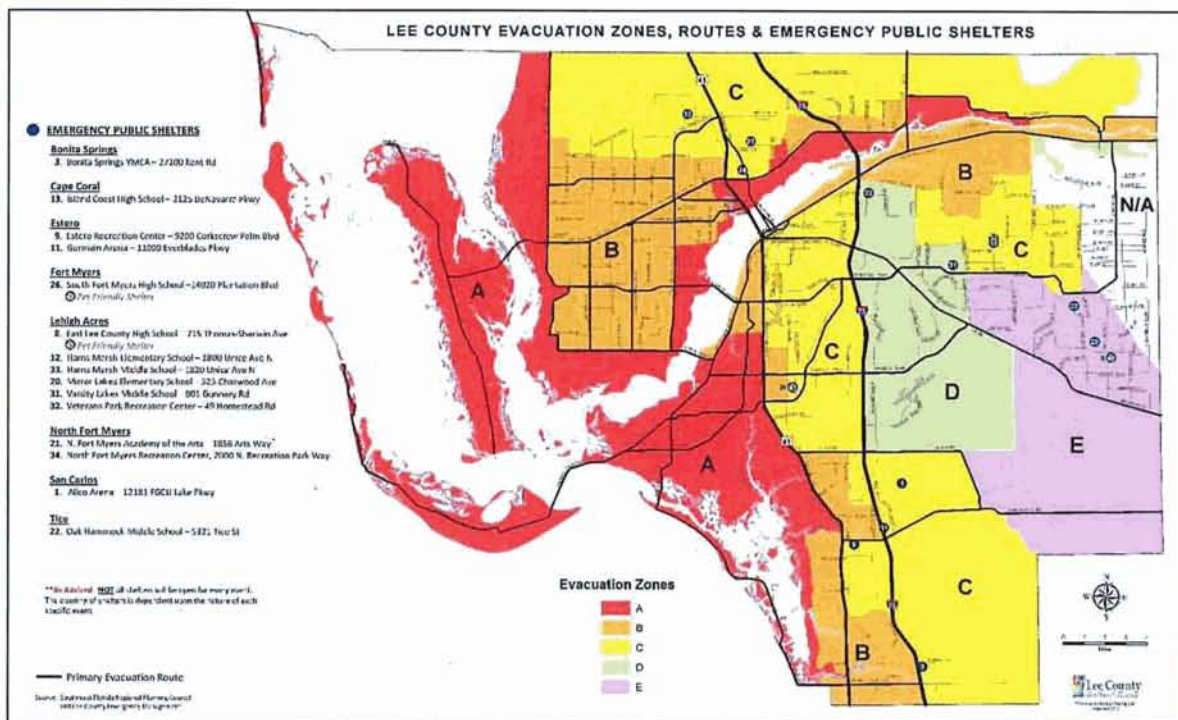
Therefore, many of the attributes cited by the Plan as an aspect of "intensity" -- "use, size, impact, bulk, shape, height, coverage, sewage generation, water demand, traffic generation" -- significantly increase in homes redeveloped into vacation rentals -- even though they remain as a single dwelling unit and a residence to the property appraiser's records. Notably, they typically cannot avail themselves of homestead tax exemptions, as they are not principal residences or their owners are not Florida residents.

Since the intensity of use generated by a vacation rental -- both in terms of numbers of people on site and their use of the property while on vacation as opposed to "normal" residential life -- is more intense by the standards in the Plan definition, and because renting out one's home for a majority of the weeks or months of the year is essentially a commercial activity, "intensity" used in this discussion with the intent implied in the Plan definition but with the unique circumstances existing on Captiva in mind as well. (This is not unique solely to Captiva, but is a coastal community issue state- and nation-wide. It is cited here simply as a land-use component that should be recognized and addressed in county planning documents.)



Building height limits have a long historic precedent on the island: The earliest island height restriction can be found in Lee County Ordinance 71-01, enacted Jan. 6, 1971 (see appendix), and height restrictions have been in place on many of the county's barrier islands in one form or another for decades. The policy here maintains this historical limit without interruption in order to continue the island's history of low-rise and low-density development as stated in Goal 13.

■ **Evacuation:** Efforts to control density (as cited in Policy 105.1.2 and Objective 109.1) also can keep storm evacuation times from becoming longer – a critical issue on an island in the Zone A evacuation area with the longest evacuation times to shelter in the county. South Fort Myers High school is the closest public shelter to the island, which is 29 miles from the South Seas gatehouse (see below; distance calculated using Google Maps).



Evacuation times for the island are further complicated since any evacuation must use a single route – Captiva Drive off the island – and a single exit point – the Sanibel Causeway, through the limited road system of Sanibel Island – which must also accommodate the evacuation of Sanibel Island residents and visitors at the same time. (See also SWFRPC Evacuation Study, [http://www.swfrpc.org/evac\\_study.html](http://www.swfrpc.org/evac_study.html)).

In fact, Captiva is listed in the Sanibel evacuation zones as the first (highest number) zone to be evacuated (see <http://www.mysanibel.com/content/download/15636/91625>). Further, re-entry to the island is controlled by the City of Sanibel, which manages the Hurricane Re-entry Pass system for both islands.



Similarly, Captiva is listed by the county in Zone A for evacuation, the first zone to be notified and the one most impacted by any tropical storm event. County guidelines on evacuation clearance times list 153,117 residents in Zone A with an evacuation time of 10-10.5 hours. (See

<http://www.leegov.com/publicsafety/Documents/Emergency%20Management/EvacuationClearanceTimes.pdf>.) However, should a major storm approach and additional zones need to be evacuated, the clearance times rise accordingly – with the Zone E (final zone) clearance time estimated at 35.5-40 hours. Therefore, efforts to expedite island evacuation clearance times are crucial for public safety should a significant storm event be approaching.

As stated above, the main evacuation route off the island is a constrained roadway, leading to another island with a limited (albeit somewhat more efficient) road system eventually leading to a single two-lane causeway to the mainland and (eventually) higher ground. The Sanibel Causeway operates near its design capacity at its highest hour counts (1,041 out of 1,050, according to the 2016 county concurrency report), so even making it a one-way off-island roadway could still create capacity constraints depending on how many vehicles are attempting to evacuate at peak times... particularly since there are wind-speed issues for the highest causeway bridge that could force it to close to traffic once a trigger wind speed is reached, as well as low-lying causeway islands susceptible to overwash as tides and waves rise ahead of any storm. (Once evacuees exit the causeway, the evacuation routes they must traverse remain in the A zone until motorists reach U.S. 41.)

Another issue of moving extraordinary numbers of vehicles on constrained or limited roadways is the higher probability for problems. Any traffic incident interrupts the flow of traffic and will slow the overall evacuation... and on narrow roadways with minimal shoulder area, one vehicle breaking down could slow down the entire evacuation process for hours until it can be cleared and a “normal” flow restored. (See <https://ops.fhwa.dot.gov/publications/fhwahop16060/ch4.htm> and [http://uknowledge.uky.edu/cgi/viewcontent.cgi?article=1817&context=ktc\\_researchreports](http://uknowledge.uky.edu/cgi/viewcontent.cgi?article=1817&context=ktc_researchreports).)

For an overview of right-of-way on Captiva Drive, see [http://www.leegov.com/\\_layouts/15/kwiktagsearch/kdoc.aspx?profile=&tag=981391018&filename=981391018&ext=pdf&prime=X7Bct6jRIqdaNUk44%2FScMeSv6xWTy0LVitWVJ0c7Y86Ou1GLEyBxvA%3D%3D](http://www.leegov.com/_layouts/15/kwiktagsearch/kdoc.aspx?profile=&tag=981391018&filename=981391018&ext=pdf&prime=X7Bct6jRIqdaNUk44%2FScMeSv6xWTy0LVitWVJ0c7Y86Ou1GLEyBxvA%3D%3D) and [http://www.leegov.com/\\_layouts/15/kwiktagsearch/kdoc.aspx?profile=&tag=981379006&filename=981379006&ext=pdf&prime=X7Bct6jRIqdaNUk44%2FScMeSv6xWTy0LVitWVJ0c7Y86Ou1GLEyBxvA%3D%3D](http://www.leegov.com/_layouts/15/kwiktagsearch/kdoc.aspx?profile=&tag=981379006&filename=981379006&ext=pdf&prime=X7Bct6jRIqdaNUk44%2FScMeSv6xWTy0LVitWVJ0c7Y86Ou1GLEyBxvA%3D%3D).

Note that the right-of-way for Captiva Drive never exceeds 50 feet, and narrows to 25 feet in certain portions. The design width of the roadway is 10-11 feet (which is within the Green Book guidelines (see <http://www.fdot.gov/roadway/floridagreenbook/2016-DRAFT-FGB.pdf>) but the maximum shoulder width (which is not consistent in many sections of the roadway) barely meets the two-foot standard for a rural highway with the lowest traffic count.

This means that any vehicular breakdown has very little room to be moved to the shoulder in order to clear any resulting traffic backup. The very limited clear zone along much of Captiva Drive, combined with the heavy vegetation planted on the adjacent private property, makes moving a disabled vehicle off the roadway more difficult, with consequent traffic tie-ups slower to clear. This problem worsens in the case of an evacuation (when drivers may not always be at their best or most calm) – even if that evacuation is being conducted in reasonably good weather, which should be the case to accommodate the island's early evacuation status.

Reasonable limits on the number of residents and visitors who need to evacuate from the island is vital for public safety. The fact that many residents are not on island during the peak storm months was meaningful years ago. However, the increase in island homes being used as off-season (summer) rentals, and the increased popularity of Captiva as an off-season (summer) vacation destination (wastewater treatment patterns and resort occupancy show the peak storm months of July and August as high occupancy months for the island), warrants the county's steps to control the density and intensity of use for island properties to that which currently exists.

Developing an accurate figure for the number of vacationers on-island during peak hurricane season is difficult, since such site-specific counts is not provided by the usual official sources. However, there is statistical support for the assertion that summer occupancy on Captiva is strong (see appendix for supporting carts):

- **FGUA statistics:** Flow numbers (Monthly Average Daily Flows [MADF] and Three Month Average Daily Flows [TMADF]) chart summertime increases. Some of that may be driven by stormwater increases, given that the flows are much higher than in peak season.
- **Lee VCB statistics:** Average occupancy and rates (by season) track both the expected rise and fall by tourist season and the overall increase over the past few years. Breaking out hotel/motel vs. condo/home, the average summer occupancy of condo/home has grown less quickly than hotel/motel, but the average rates for condo/home is consistently higher.
- **Lee bed tax collections:** Collections have risen since 2010 for the summer months (although not as high as the peak tourist months). It is likely that the higher rates help overcome the occupancy drop.
- **Sanibel Causeway traffic:** Counts for the summer months are higher overall comparing 2008 (the last peak) vs. 2016 (last year with complete summer counts). The percentage of growth for summer months during this period was about 20% -- to be expected in months with smaller overall counts.

While overall occupancy on island over the summer months may be lower than in peak season, it is still growing over time and is composed of more non-resident occupants (since most residents being part-time stay in their homes in the winter and turn them over to rental agencies to lease in the spring/summer/fall.

**POLICY 13.2.1: Mixed Use Development.** Mixed use developments as defined in the Lee Plan, and mixed use developments containing both commercial and residential uses within the same structure, are appropriate ~~strongly encouraged~~ on Captiva properties that were zoned C-1 or CT as of Jan. 1, 2006. Such properties may be allowed ~~one~~ residential units in addition to commercial uses at a density consistent with the Lee Plan. Such developments will only be permitted if approved as a Commercial or Mixed Use Planned Development. (Added by Ordinance No. 07-09)

This policy, revised from the existing language approved in 2007, is driven by the community desire to maintain the island's limited commercial core – primarily Captiva Drive from the northern S curve to South Seas Island Resort, and Andy Rosse Lane. The mixed use designation allows both a commercial and residential use to co-exist on the commercial property, typically an apartment for the business owner or employee(s) to live on-site. This both lessens traffic (eliminating commutes), enhances security (an on-site presence outside of business hours) and provides incentive to maintain the commercial use (a reaction to a wave of redevelopment in the late 1990s and early 2000s when a number of island businesses were bought and converted to multiple high-end residences).

For background, an analysis from 2006 submitted with the original amendment is included in the appendix. In addition, in the last island-wide survey (2013), the community was asked: "Are you concerned about maintaining the commercial core of the island in the Village?" From the 202 responses:

- Yes, we need to keep essential businesses in the Village – 57.9%
- Yes, but the commercial core will survive without regulatory intervention – 32.2%
- No, there are too many businesses there now – 5.4%
- Not sure, need more information – 3.0%

The follow-up question was: "Which of the following statements do you agree with? (Check all that apply)." From the 202 responses:

- I like the current mix of commercial and residential uses in the Village – 68.3%
- I think there should be more businesses and fewer residences in the Village – 12.9%
- I think there should be more residences and fewer businesses in the Village – 5.4%
- There needs to be more of a buffer between businesses and residences in the Village – 12.4%
- The Village needs more parking to make it easier to drive there – 21.8%
- The Village needs less parking to encourage people to walk or bike – 16.8%

**POLICY 13.2.24.1: Subdivision of Existing RSC-2 Parcels.** Maintain existing development regulations that prohibit the ~~No~~ subdivisions of parcels that are ~~were~~ zoned RSC-2 (Captiva



Estate) on as of January 1, 2002, regardless of their zoning at any time thereafter, may be permitted unless all of the resulting lots comply with all of the minimum lot size and dimensional requirements in set forth in the Land Development Code for the RSC-2 district zoned lots in Captiva. (Added by Ordinance No. 03-01)

The RSC-2 zoning category is unique to Captiva, crafted to preserve the estate lots which were created to allow for larger parcels able to house three distinct dwelling units – originally described as a main house, a guest house and servants' quarters, but which have changed to reflect more realistic current use. The community's goal is to allow these unique properties to continue to exist without threat of being broken into smaller parcels that would result in more intense development – unless that subdivision of land results in lots which would still meet the RSC-2 minimum land development standards.

This zoning was created in 1993 (see: <https://www.leegov.com/bocc/Ordinances/93-24.pdf>), converting RS-2 (which was originally EU-1 in the initial adoption in 1970 (see: <https://www.leegov.com/bocc/Ordinances/82-44.pdf> and <https://www.leegov.com/bocc/Ordinances/78-07.pdf> and <http://www.leegov.com/bocc/Ordinances/86-17.pdf#search=Resolution%20No%2E%202%2D70%2D78>). As is reflected in these ordinances, the intent was to preserve existing estate-sized lots on the island prior to the 1970 zoning resolution 2-70-78.

Language concerning the RSC-2 zoning has been included in the Lee Plan since 2003, with the stated intent to both memorialize the zoning requirements and ensure that existing parcels with this zoning could not be subdivided unless the zoning lot size and dimensional requirements are present in any subdivided lots. This both preserves the historic estate lots and avoids any rezoning which would introduce smaller lot sizes amidst the acre-plus RSC-2 lots.

**POLICY 13.2.3: Building Heights.** Maintain building height regulations established as of [Effective Date of Ordinance] that account for barrier island conditions, such as mandatory flood elevation and mean-high sea level, for measuring height of buildings and structures.

As stated above, building height restrictions have existed on Captiva (and other county barrier island) since the early 1970s (see appendix), as a means to control the intensity of development in a Coastal High Hazard Area as well as the three units per acre restriction stated in both county ordinance (#82-44, which also includes building height restrictions) and the Future Land Use Map.

In 2013, building height regulations were amended to better accommodate changes in base flood elevations for island structures – minimum elevations for the lowest horizontal structural member as established by the federal government (usually, the

Federal Emergency Management Agency [FEMA] as part of the county's participation in the National Flood Insurance Program).

For this Plan update, the specific height regulations were relocated to the LDC for regulatory clarity. However, to support these LDC regulations which were developed during the extensive community planning process previously, the County and the community developed this language to include a date-certain benchmark.

**POLICY 13.2.4: Historic Development Pattern.** Limit development to that which is in keeping with the historic development pattern on Captiva including the designation of historic resources and the rehabilitation or reconstruction of historic structures. The historic development pattern on Captiva is comprised of low-density residential dwelling units, as defined in Chapter 10 of the Land Development Code, minor commercial development and South Seas Island Resort.

This is a continuation of former Policy 13.1.9, working to preserve historic structures and the historic development pattern and compatible redevelopment. This can range from the estate properties (addressed above) and the more intensely developed Village area (discussed next); existing commercial activities which have been in place for decades – as far back as 1931 in the case of Tween Waters Inn, perhaps as long for the Mucky Duck property and Island Store; and to acknowledge the unique development known as South Seas Island Resort, a blend of hotel, commercial and residential uses delineated in a separate 2002 Administrative Interpretation with the county. As is reflected throughout this text, the Captiva community's goal is to preserve and protect the unique aspects of Captiva – natural, historical and human-made.

**POLICY 13.2.5: Lot Size Per Unit.** Development Orders or Development Permits that would result in a reduction of the minimum lot size per unit permitted on a parcel under the parcel's current zoning category or under any other zoning category that would result in a reduction of the minimum lot size per unit on that parcel as of [Effective Date of Ordinance] are prohibited.

This amends former Policy 13.1.10, which addressed density tied to current zoning. This amendment recognizes that while density is generally tied to the Future Land Use Map (FLUM) – on Captiva the FLUM designation is predominantly Outlying Suburban at 3 units per acre (see map) – zoning also influences development density and intensity by the restrictions it places on a lot under that zoning, in particular, lot size, setbacks and use.



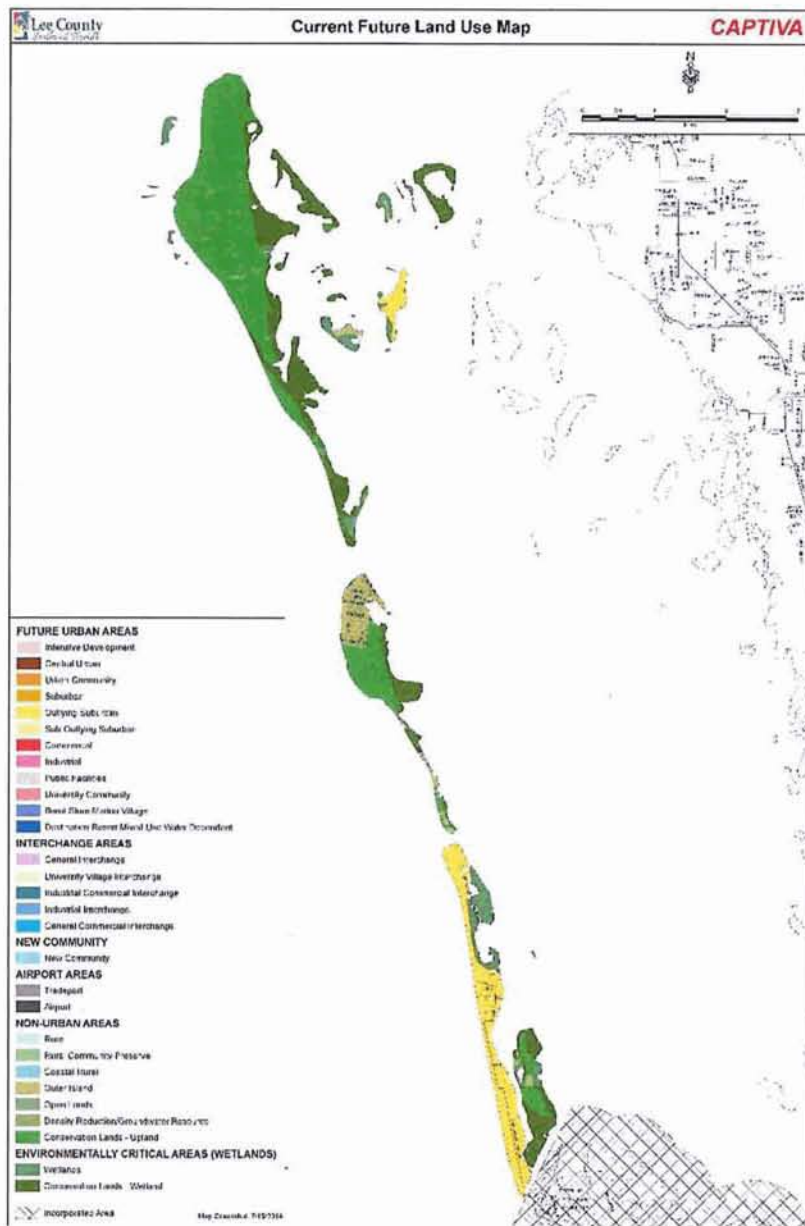


Figure 1. Captiva Future Land Use Map

Consider the Village area of the island (the northern and southern boundaries are noted by the blue line:

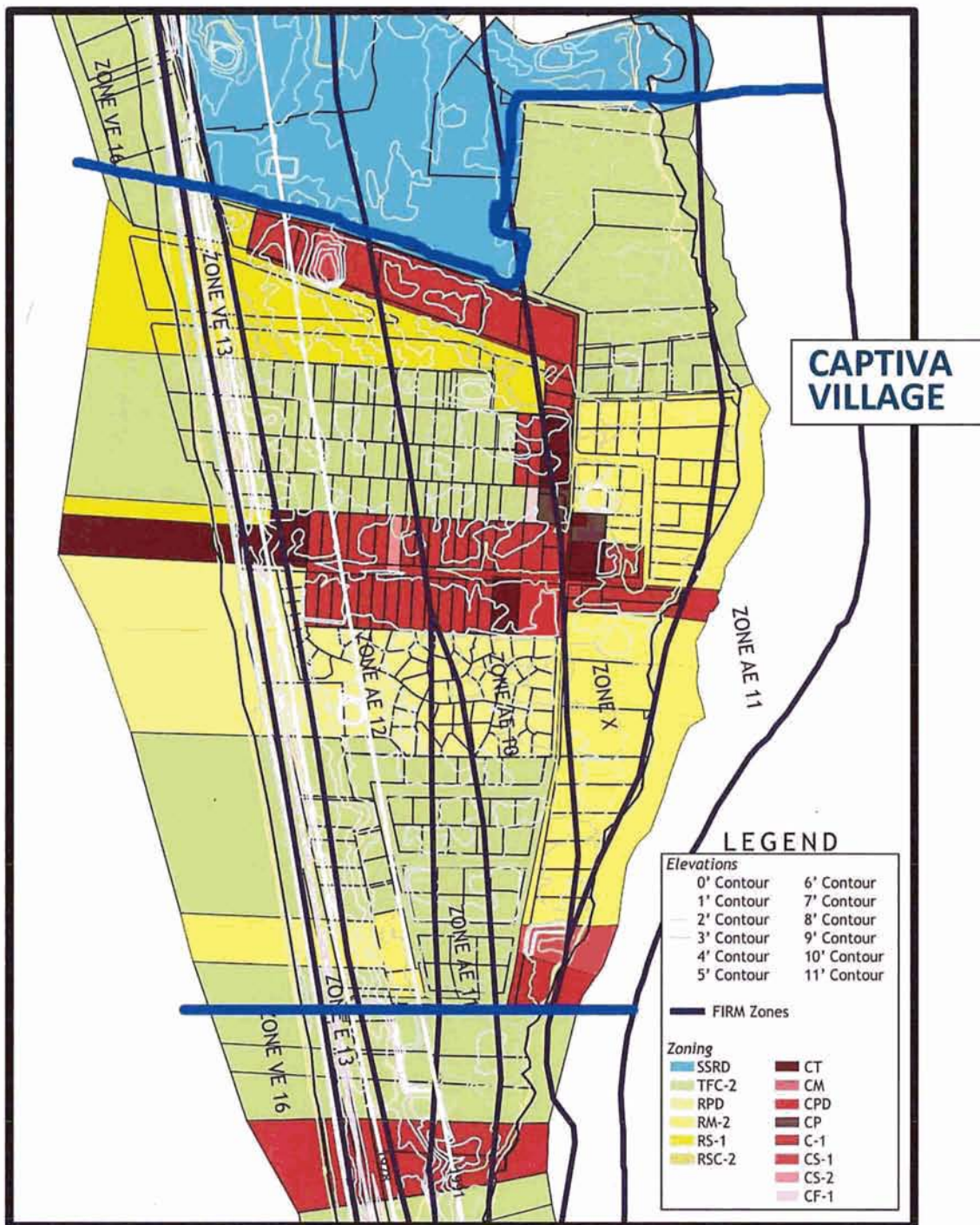


Figure 2. Captiva Village zoning and base flood elevation map. Original art prepared by Morris-Depew Associates

Contained within this under-one-mile stretch of island are 10 different zoning categories and an array of lot sizes, ranging from the ancient platted lots (both commercial and residential), more current residential and commercial planned developments, single- and multi-family designations and at least four commercial designations.

However, current zoning categories coupled with the other existing restrictions on these lots – such as county building height restrictions, federal base flood elevations, state coastal setbacks and more – have historically regulated density and have prohibited redevelopment inconsistent with the needs of a barrier island.

To ensure that current uses are fully protected and future uses (via redevelopment) respect the density permitted by current zoning, this policy ensures that current allowable lot sizes will be maintained, but that requests to reduce minimum lot sizes beyond that permitted by current zoning would be prohibited. The goal is not development uniformity, but certainty – what is permitted now will continue to be permitted.

**POLICY 13.2.6: Variances and Deviations.** Variances and/or deviations from the current development standards will not be permitted unless they meet all of the specific requirements for variances and deviations set forth in the Land Development Code.

While the general and important policy remains in the plan as in the past, the specific variance requirements for Captiva that are currently delineated in both Policy 13.1.11 and Section 33-1615 of the LDC are being placed solely in the LDC for better accessibility and consistency by users.

The LDC language (currently under review prior to adoption) is:

*Sec. 33-1615. – Deviations and variances.*

*(b) Variances and deviations will only be permitted if all of the findings required by section 34-145 and all of the specific findings below are met:*

*(1) The hardship cannot be corrected by other means allowed in the code;*

*(2) Strict compliance of the regulations allows the property owner no reasonable use of the property, building or structure;*

*(3) The variance or deviation will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties located on the same street and within the same Future Land Use category, unless denial of the variance or deviation would allow no reasonable use of the property, building or structure;*

*(4) The applicant did not cause the need for the variance or deviation;*

*(5) The variance or deviation to be granted is the minimum variance or deviation that will make possible the reasonable use of the property, building or structure; and*

*(6) The variance or deviation is not specifically prohibited in this article and not otherwise contrary to the spirit of the ordinance.*

This policy continues the variance requirements established in the Plan in 2005. At that time, the supporting analysis concluded: “This policy reflects the community’s desires



for enhanced and specific protection from unwarranted variances by setting achievable criteria for applicants that still offer relief instead of outright prohibition.” That statement stands true today.

**POLICY 13.2.7: Alternative Transportation.** Support integration of pedestrian and bicycle facilities into the transportation network to make Captiva safer for pedestrians, golf carts and bicyclists and to reduce automobile dependence and the need for increased parking facilities.

Captiva Drive, the sole access point for the island and the main traffic artery, has been deemed a “constrained” road by Lee County for “right of way, scenic, aesthetic, (and) environmental” conditions. As outlined in Objective 37.2: “Reduced peak hour levels of service will be accepted on those constrained roads as a trade-off for the preservation of the scenic, historic, environmental, and aesthetic character of the community.”

In the 2016 Concurrency Report, the county reported Captiva Drive with a volume-to-capacity (v/c) ratio of 0.31, far below the 1.85 trigger point for regulatory action (permit denial). To maintain a Level of Service grade of E (defined as a road capacity of 860 at highest hour), constraints would not be triggered until the highest hour volume was approaching 1,600 – well below the stated 2015 capacity of 267. But capacity is not the only measure of a constrained road... the limited space and subsequently inability to allow adjustments and clear obstacles in even the most minor of accidents or disruption is a critical factor. With constrained traffic lanes and often no shoulder space to speak of, any impediment – accident, downed power line or tree limb, even just a temporary crush of vehicles – will snarl a constrained road instantly due to the sheer lack of space.

Road right-of-way is extremely limited in certain sections of Captiva Drive; in the stretch from the northern S curve to the South Seas gatehouse, the road occupies essentially the entire right-of-way. This means the road is limited to the footprint it has now (with traffic lanes limited to 11 feet either side within a 25-foot right-of-way), and that there is essentially no shoulder space to deal with any breakdowns or other vehicle issues. It also means that any additional vehicles seeking to use that roadway increases the likelihood of traffic problems.

The seasonal nature of the island’s occupancy and the traffic issues that can already be found in season now underscore how any actions which could either eliminate vehicles (by encouraging bike and pedestrian traffic when feasible) or allowing smaller and slower vehicles (such as golf carts, which are already allowed by county ordinance [see: <https://www.leegov.com/bocc/Ordinances/09-22.pdf>] from the Jensen S-curve northward during both daylight and night) would benefit traffic safety and movement.

In addition, given the lack of space (both horizontal and vertical) to increase parking options and the cost of land to allow for any redevelopment to add parking, limiting large vehicles is prudent as there is no place to park them.

Given the concentration of hotel/motel and commercial (restaurant) uses on Captiva and its allure as a vacation destination, providing alternatives to motor vehicle use for routine trips by enhancing bike/pedestrian/golf cart usage should be an effective strategy to lessen traffic pressure on the island's constrained roads and limited parking.

**POLICY 13.2.8: Underground Utilities.** Support efforts to investigate the relocation of utilities underground.

Putting the island's utilities underground has been a topic of interest on the island over the past decade or more. Some utilities have already been buried:

- Most if not all of the phone lines on Captiva are underground.
- Most of the utilities inside South Seas Island Resort are underground – electric, phone and cable.
- Some areas elsewhere on the island have buried their utilities – Tween Waters Inn and the southernmost S-curve most noticeably.

Putting island utilities underground can be advantageous for a number of reasons:

- **Public safety:** Due to the limited right-of-way along Captiva Drive, utility poles are very close at times to the active roadway... not a good combination on a narrow and often visitor-filled roadway.
- **Storm recovery:** While this is still subject for debate, some claim that underground utilities systems may withstand storm damage and overwash better and can recover more quickly than traditional above-ground poles. Since underground systems are still reliant on above-ground feeds from off-island, the recovery may be more on-island focused, and the extent of damage or submersion also comes into play.
- **Reduction in routine outages:** An ongoing problem on Captiva thanks to the vulnerability of the power lines both on and leading to the island. Undergrounding studies have shown that routine outages are usually reduced, but that repairs when problems occur can take longer.
- **Aesthetics:** Eliminating the visual clutter of the existing poles and wires has value for many on a barrier island where clear views of the surrounding water and vegetation are prized.

The pros and cons of underground utilities have been studied in a number of communities statewide and nationwide. For a general overview of underground benefits and drawbacks, see:

<http://www.eei.org/issuesandpolicy/electricreliability/undergrounding/Documents/UndergroundReport.pdf>. For Florida-specific discussions, see:  
<http://grouper.ieee.org/groups/td/dist/sd/doc/2007-02-Undergrounding-Assessment.pdf>



In light of public interest and the role the county would play in any undergrounding effort (which would be similar to the role detailed in the sanitary sewer section previously), including this policy in a planning document is appropriate.

**POLICY 13.2.9: Dark Skies.** Limit light pollution and light trespass on Captiva in order to protect wildlife from any detrimental effects and for the benefit of Captiva residents and visitors.

Thanks to Captiva's location as a barrier island some distance from adjacent land masses, and its historic low-rise and low-density development pattern, Captiva's night skies are relatively dark. In addition, due to the county ordinance on beachfront lighting during turtle nesting season, which is enforced by both volunteer patrols and sheriff's deputies, concern over light trespass on the island is acute already. Nevertheless, efforts to continue to control light pollution and trespass has been included with this policy to facilitate any future regulations in the LDC to minimize impacts on all the island species, human and otherwise.

In the 2013 Captiva Community Survey, when asked: "Do you believe the island needs lighting rules, such as those that exist on Sanibel, to encourage nesting sea turtles and help keep the night skies darker by limiting the brightness of nighttime lighting or encouraging the use of lighting fixtures which prevent light from going up into the sky?"

- Yes – 65.9%
- No – 18.3
- Need more information – 14.4%

**OBJECTIVE 13.3: NATIVE VEGETATION AND TREE CANOPY.** To enforce and strengthen existing vegetation ordinances intended to preserve, promote, and enhance the existing native vegetation and tree canopy on Captiva.

Abundant vegetation and a lush tree canopy have been hallmarks of the island for decades, valued for its environmental value, its unique ambience and its buffer for privacy, light and noise. The destruction to that vegetation and canopy wrought by Hurricane Charley in 2004 was a stark reminder of its value -- and the impact of its loss. The historic canopy over Captiva Drive cannot be replicated to a pre-Charley level, since the bulk of the trees were non-native Australian pines planted far closer to the roadway than current rules would allow. Nonetheless, this objective encourages planting to preserve that historic canopy and existing vegetation pattern whenever possible. In addition, encouraging the use of native plants increases chances of survival and decreases the need for water use to maintain such plants during the traditional winter dry season, as well as lessen fertilizer reliance – all goals supported elsewhere in county rules and regulations.

Currently, plant regulations are described in the LDC in Chapter 14, Articles IV, V and VI, as well as in Appendix H; these include species found on Captiva. The Panel intends to review and enhance those regulations as appropriate, as well as propose new rules based on island needs and concerns. This objective will allow the community to move forward with this work.

When asked in the 2013 Captiva Community Survey: “What should a landscaping plan for Captiva include?”

- Encouraging use of native or low-water species – 66.5%
- Using vegetation to enhance beach management – 64.4%
- Restoring the canopy along Captiva drive where possible – 58.5%
- Removal of non-native invasive species – 52.7%
- Creating a vegetative buffer between where possible – 38.3%
- Keeping low-rise vegetation to allow a Gulf view along the Tween Waters stretch of Captiva Drive – 45.2%

**POLICY 13.3.1: Trees along Captiva Drive.** Support efforts to restore the historic tree canopy and vegetative buffers along Captiva Drive between Blind Pass and the north end of Captiva Drive by promoting planting of indigenous, native or non-invasive trees, preferably those that require minimal irrigation once established.

As stated in the survey responses above, preserving the historic vegetation and canopy is a long-term community goal. Since opportunities to achieve that in the public right-of-way are very limited – due to a lack of space and an abundance of public uses such as transportation and utilities vying for that space – encouraging adjacent property owners to support these goals in their vegetation planning and maintenance is crucial. A preference for vegetation that will require “minimal irrigation once established” is only prudent in an area with finite potable water resources and limited groundwater supplies suitable for irrigation. Native vegetation historically thrives more easily in the island’s sandy soil and close proximity to salt water.

**POLICY 13.3.2: Invasive Vegetation and Nuisance Pests.** Consider implementation of methods or programs, including education of individual property owners, to reduce the proliferation of invasive exotic vegetation and nuisance pests.

While native vegetation is prized, non-native invasives are an islandwide concern (see survey responses above) – both for the lack of natural predators which could encourage infestation and for their frequent unsuitability for the prevalent natural conditions. Examples include:

- Invasive non-native plants which can crowd out existing vegetation and proliferate to an environmentally unhealthy level, creating monocultures in which some trees species resulting in unsafe conditions during typical natural occurrences, such as the windstorm vulnerability of Australian pines or the fire threat posed by melaleuca forests.
- Invasive non-native species can pose significant threats to native species both in nesting survival rates (sea turtles, for one, are a protected species highly vulnerable to nest predation) and in daily survival (the current increase on island in coyotes and iguanas or other large lizards is being reflected in damage to the small creature population and vegetation in general).

Once established, non-native invasives can be virtually impossible to eradicate, which makes education and control essential, as the community has learned from the testimony of wildlife ecologists and other environmental experts. This education is even more essential in an area when property owners may not have experience with the impact of non-native species in a subtropical environment. Captiva has become a somewhat more transient property ownership community in recent years; for properties showing a sale date (1,057 total on a 2016 Lee County Property Appraiser list), 450 properties (42.6%) were bought in the last decade and 675 (63.9%) have been bought since the beginning of 2000. While some of these may be existing owners who bought new properties, a majority are likely new residents to the island – making owner education crucial to the control of invasive non-native species.

**OBJECTIVE 13.4: Public Participation.** Opportunities for public input will be provided during the comprehensive plan amendment and rezoning processes.

One of the driving forces behind community planning in Lee County was the desire of unincorporated areas of the county with significant common goals or interests to have input in and some meaningful control of the land use and zoning issues governing their properties. As cited on the Lee County website:

“In 2001, recognizing the value of community input, Lee County Commissioners adopted procedures to encourage community planning aimed at specific neighborhood interests, including development of community character and protection of natural and economic resources particular to that community.”

This was particularly crucial when the Captiva Community Panel formed (in late 2000, formally designated by the county commission in 2002), when fewer community and planning resources were available online and the only recourse for public input was a trip to downtown Fort Myers for a public hearing or to meet with county staff or officials.

Even though online options for both information and input have dramatically increased, facilitating public input and knowledge in the planning process and on matters concerning land use and zoning remains the primary goal of the Captiva Community Panel and similar panels throughout the county.

**POLICY 13.4.1: Public Informational Meeting.** The owner or agent applying for an amendment to Captiva community-specific provisions in the Lee Plan or Land Development Code must conduct one public informational meeting. The applicant is fully responsible for providing the meeting space, providing advance notice of the meeting, and providing security measures as needed. The meeting must be held within the community plan boundary. Advance notice of the meeting must be disseminated in a community-based media outlet, physically posted at the post office and provided in writing to citizen groups and civic associations within the community that are registered with Lee County for notification of pending Lee Plan or Land Development Code amendments. The notice must be available and posted at least one week prior the scheduled meeting date.

At the meeting, the agent will provide a general overview of the amendment for any interested citizens. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and the applicant's response to any issues that were raised. This information must be submitted to the county before an application for a project can be found sufficient.

Zoning Public Informational Meetings: Zoning related public information meetings will be required as provided in Land Development Code.

Through an analysis of 2016 Lee County Property Appraiser (LCPA) records for Captiva, one can draw some conclusions about island property owners:

■ **Many are absentee owners:** Out of 1,147 total properties, only 126 (or 11%) had an active homestead exemption tied to the site – typically a sign of a primary residence, although some of the exempted properties may be owned by Florida residents who opted to apply their exemption to a Captiva property with the highest tax bill of the in-state sites they own. The overwhelming majority of Captiva properties are neither primary residences nor occupied by their owners a significant portion of the year, but they are the annual vacation destinations for the owners of those properties and are used for non-owner rentals during the year as a revenue source to offset the property costs.

■ **They are concerned about property use and value:** While many island properties are owner-occupied a limited time throughout the year, that doesn't mean they stand empty. The predominance of rental signs along Captiva Drive (reflecting the rental agencies that represent them for vacation rentals) and the traditional rental patterns in

South Seas Island Resort (where a majority of private homes are said by resort management to be in some form of third-party rental arrangement), suggest that large numbers of island property owners operate their homes as rental properties when not in residence – which makes them sensitive to land use, zoning and other regulations that could affect their properties for themselves and their renters.

While an accurate count of Captiva non-hotel rental units is not publically available, in the 2015 Lodging Product Study for the Lee County Visitors & Convention Bureau (see: <https://www.leevcb.com/media/1157/lee-county-lodging-product-study-2015.pdf>) TripAdvisor listed 140 vacation rental units on Captiva while VRBO listed 65. TripAdvisor covered reviews and rental opportunities, while VRBO was rental opportunities only. Lee County had 2,562 units in total (according to TripAdvisor), meaning Captiva may have 5.5% of the county total.

■ **They are concerned about maintaining Captiva as an environmentally attractive resource:** Island residents have long supported protecting and preserving Captiva's environmental assets, either through long-established groups such as the Sanibel-Captiva Conservation Foundation and the Captiva Civic Association (CCA) or through more recent efforts by the Panel and its past and present policies, community surveys (addressed elsewhere in this submission), water quality efforts (see: [http://www.captivacommunitypanel.com/water\\_quality.htm](http://www.captivacommunitypanel.com/water_quality.htm)) and revegetation efforts (including state grants) after Hurricane Charley.

As far as being a vacation destination, we can assume Captiva visitors follow the overall county trends (see: <https://www.leevcb.com/media/27125/2016-visitor-profile-and-occupancy-analysis.pdf>) where, of the top five influences for travel decisions, two – white sandy beaches (77%) and clean unspoiled environment (71%) – were environmental issues... all following behind “warm weather,” of course. This would make environment another key issue for those offering vacation rentals – especially on an island noted for its lush and protected environment.

■ **They are recent purchasers:** Looking at last purchase dates according to the LCPA database, 675 island parcels (or 63.9%) have been purchased during or since 2000. While some of these may be previous Captiva property owners moving up to a new island home, the majority of those likely are new-to-the-island purchasers.

■ **They comprise a high tax base and contribute a significant share of taxes:** The total assessed value of island properties in 2016 was \$1.37 billion. Land value was roughly equal to building value overall (land values = \$718,738,554 and building values = \$730,160,784, as one would expect on a high-value barrier island. In addition:

- In the 2015 Lodging Product Study for the Lee County Visitors & Convention Bureau (see: <https://www.leevcb.com/media/1157/lee-county-lodging-product-study-2015.pdf>), Captiva had the highest median home sale price (\$800,000 in 2014) for islands from Treasure Island/St. Pete Beach to Islamorada. Prices have continued upward since that survey.



- In the 2013 Captiva Community Survey, of the 200 respondents 24.5% (49) of them owned more than one property on the island – another sign of both investment in island properties and likely use of those properties as rental businesses.

These facts reflect a property owner population with a strong interest in regulation affecting its properties. They also reflect the strong support for island organizations including the Captiva Community Panel that monitor, interpret and initiate such regulations. (In the 2013 Captiva Community Survey, when asked if respondents were aware of the panel prior to receiving the survey, 55% said yes with the opinion of the Panel [scale of 1-10 with 10 the most positive] running around 7 or moderately positive.) The Panel maintains an email list of ~475 addresses it emails regularly; the CEPD and CCA also maintain email databases to reach constituents and members, respectively.

Online outreach, however, has not precluded on-island meetings. The Panel and CEPD meet monthly throughout the year, although the audience can be sparse over the summer. Nonetheless, face-to-face meetings are still the best way to explain complicated issues and to conduct an effective dialogue with the community. That was the premise behind the first policy (13.1.7) adopted in 2003 to require a public information meeting to be held on island for any “rezoning, variance or special exception request,” and constitutes the rationale for the revised language in Policy 13.4.1.

One essential difference in the proposed language is that hearings on amendments to the Plan or LDC are regulated differently from the more typical requests for reviewable actions under the LDC. This separation clarifies the regulatory process – requiring Plan and LDC amendments to be handled under the Plan while county approval related to LDC requirements are addressed in the LDC (where zoning inquiries and requirements are traditionally outlined). The LDC language on these matters, while being amended to conform to the Plan structure for such meetings, continues to specify the need for a public information meeting on island for “development orders; planned development zoning actions, including administrative deviations amending the approved master concept plan or other provisions of the applicable zoning resolution; special exception and variance requests; conventional rezoning actions; and administrative actions.”

Another revision in the proposed language is the method by which such public information meetings are noticed in the community. The existing language did not provide sufficient specificity on the notification process, and community input and feedback suggested that notification must be more effective without hindering the applicant’s ability to move forward in a timely manner. The consensus result was that notice “...must be disseminated in a community-based media outlet, physically posted at the post office and provided in writing to citizen groups and civic associations within the community that are registered with Lee County.”

Given the national – even international – range of island property owners and that many property owners are not on the island a significant part of the year, email outreach by

citizen groups and civic associations that have access to their email addresses would be one of the most effective ways to provide notice. Providing written notice to citizen groups and civic associations provides these organizations the opportunity to notify their members and constituents.

Print media, typically the bedrock of legal notification for government, is less effective on the island. The community is served by two Sanibel-based weekly newspapers, but neither offers paid circulation making it difficult to verify reach – particularly since, as free publications, many of their readers any given week may be visitors rather than residents. (The online publication, “Santiva Chronicle,” may have the most extensive Captiva coverage – and potentially reach – but verifying that is also difficult.)

The local daily newspaper, typically the go-to publication for legal notices, has minimal penetration with island residents, many of whom either read a national daily newspaper or get their news from other non-print sources. Probably the highest-read paid-circulation daily newspaper on the island could be the *New York Times* or *Wall Street Journal* – hardly a cost-effective vehicle to advertise public meetings.

To cover multiple options with the goal of ensuring reasonable notification to all of those who wish to monitor such information, the proposed language offers three options:

- A community-based media outlet, for those who do monitor the local papers or online publications.
- Physical posting in the island post office, which (since the island has no home mail delivery) is the best community gathering place... at least for people who receive mail there.
- The county-operated notification list for land use and zoning notifications, a proven route for notification already in place which would then trigger notification by citizen groups and civic association when and where appropriate.

The community believes this offers reasonable notification without undue burden on the applicant, and enhances the public information and input value that underlies community planning.

**POLICY 13.4.2: Online Database.** Maintain an online database available to the public for their review containing comprehensive plan amendment and zoning case information specific to each community plan area.

This is a revision of the existing Policy 13.1.6 which more accurately reflects the current and projected availability of online information through both the county website and the panel (or any subsequent planning organization) website. It is safe to assume online

access to information will expand in the future, so changes can be reflected in the LDC as needed under the aegis of this broader policy.

**Appendix:**

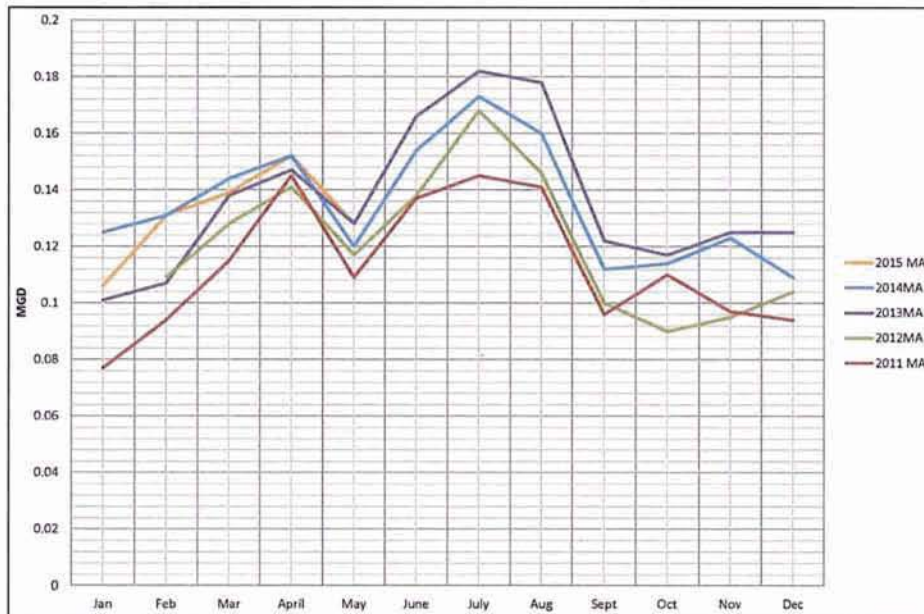
- A) Summer Occupancy Analysis
- B) Captiva Zoning and Base Flood Elevation Graphics
- C) Captiva Height History
- D) Mixed-Use Policy Analysis, March 2006 (submitted with the 2006 Lee Plan Amendment)
- E) Captiva Vision Statement

# Summer occupancy analysis

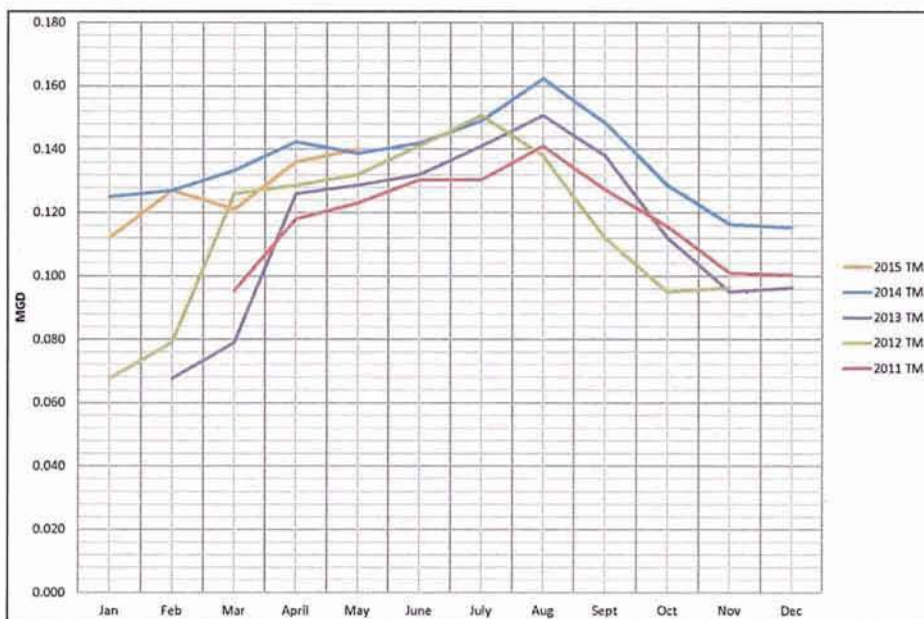
Prepared August 2017 for Captiva Community Panel

## FGUA WWTP analysis

SOURCE: Florida Gulf Utility Authority Capacity Analysis Report, September 2016



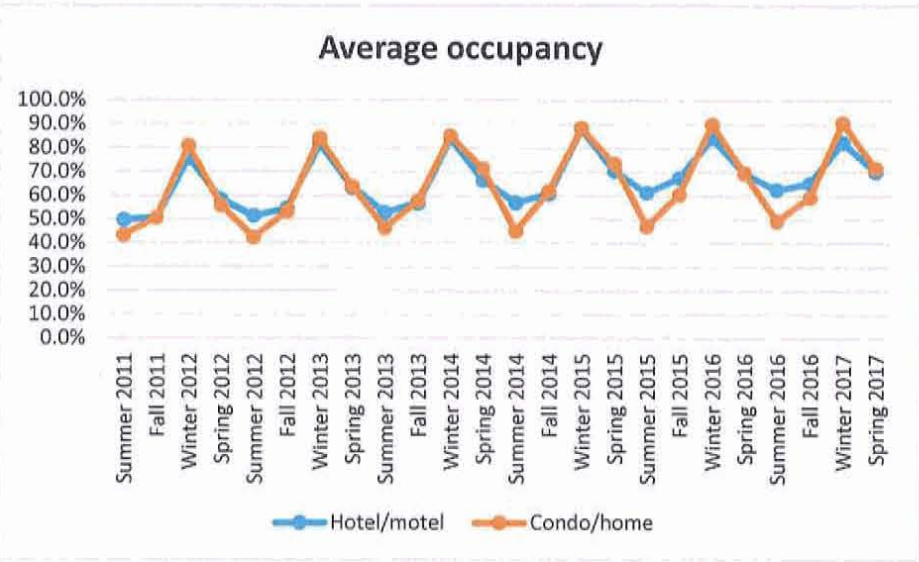
FGUA South Seas plant MADF – probably skewed due to stormwater processing being included.



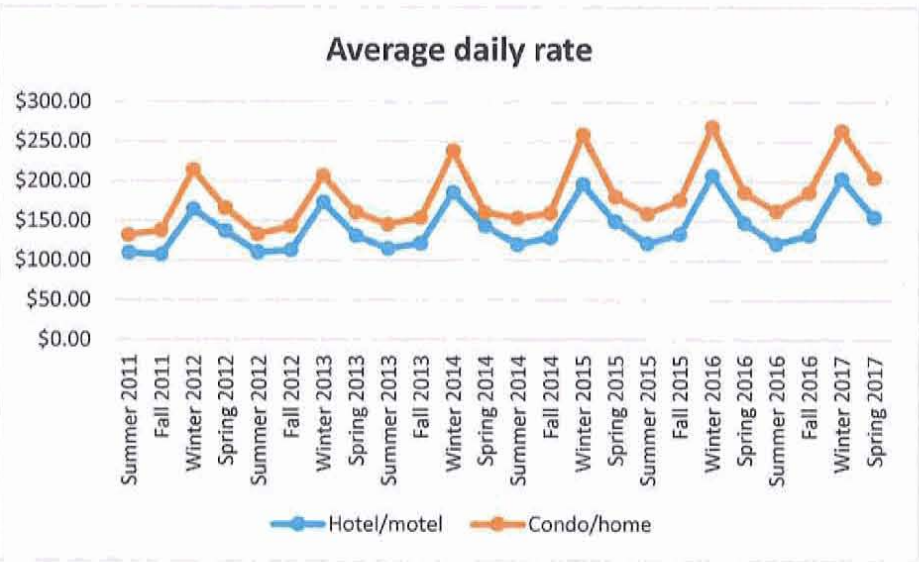
FGUA South Seas plant TMADF – probably skewed due to stormwater processing being included.

# Lee County VCB analysis

SOURCE: Davidson Peterson Associates for Lee County Visitor & Convention Bureau



NOTE: Condo/home more variable... higher in season, lower in summer

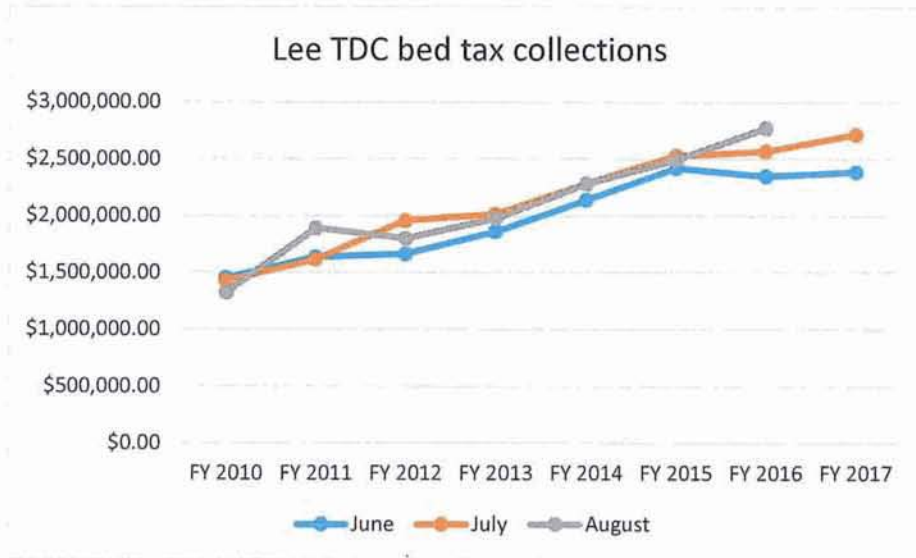


NOTE: Condo/hotel rates consistently higher than hotel/motel, to be expected due to SF/# of visitors

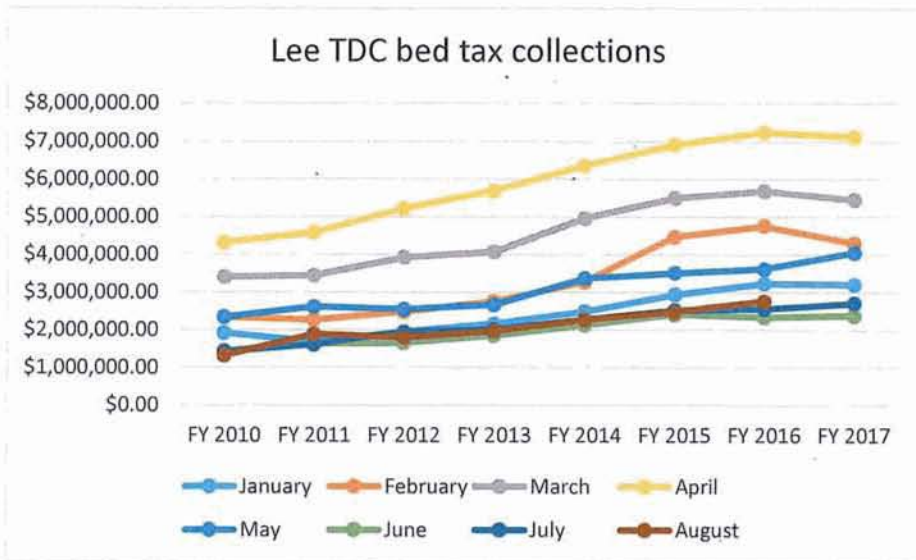


## Lee County bed tax collections

SOURCE: Lee Clerk of Courts website



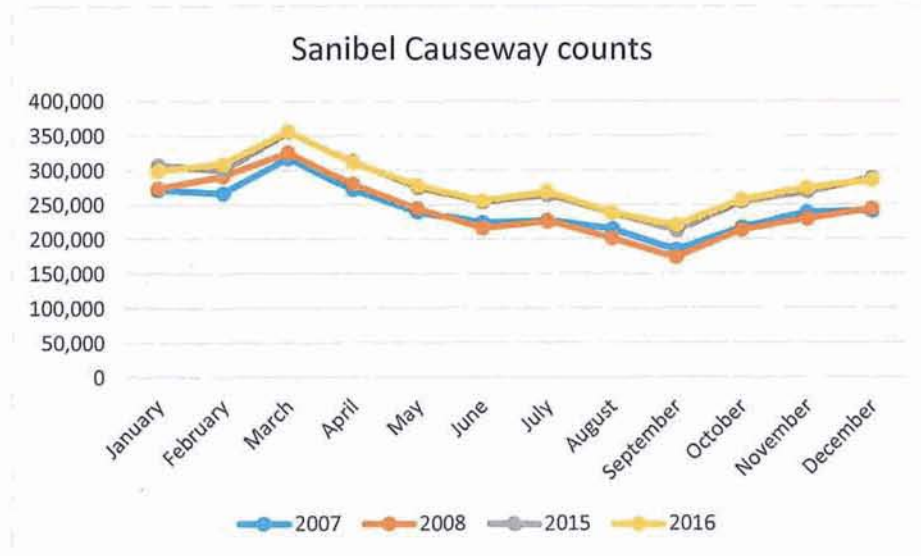
**NOTE:** Overall increase in summer bed tax collections over eight fiscal years.



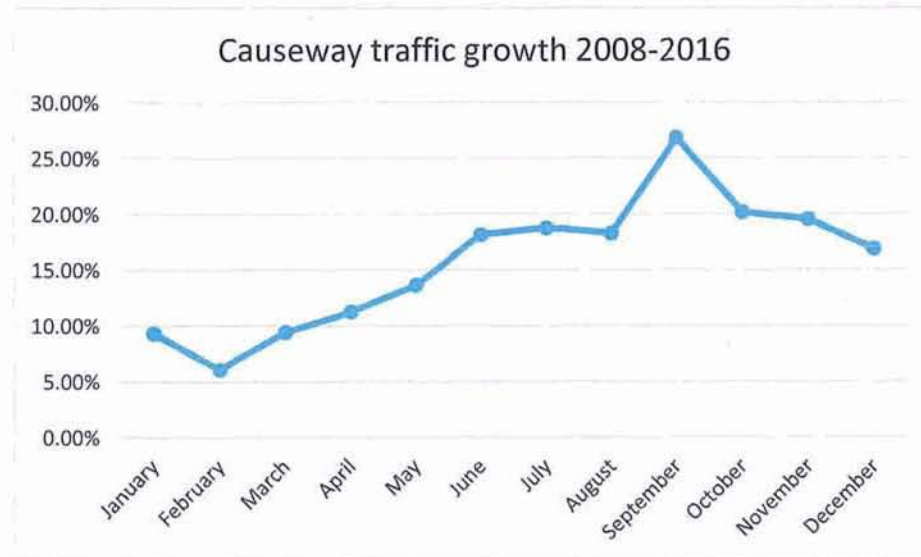
**NOTE:** Bed tax increases driven across all quarters, although Q1 is still most volatile, largest.

## Sanibel Causeway traffic counts

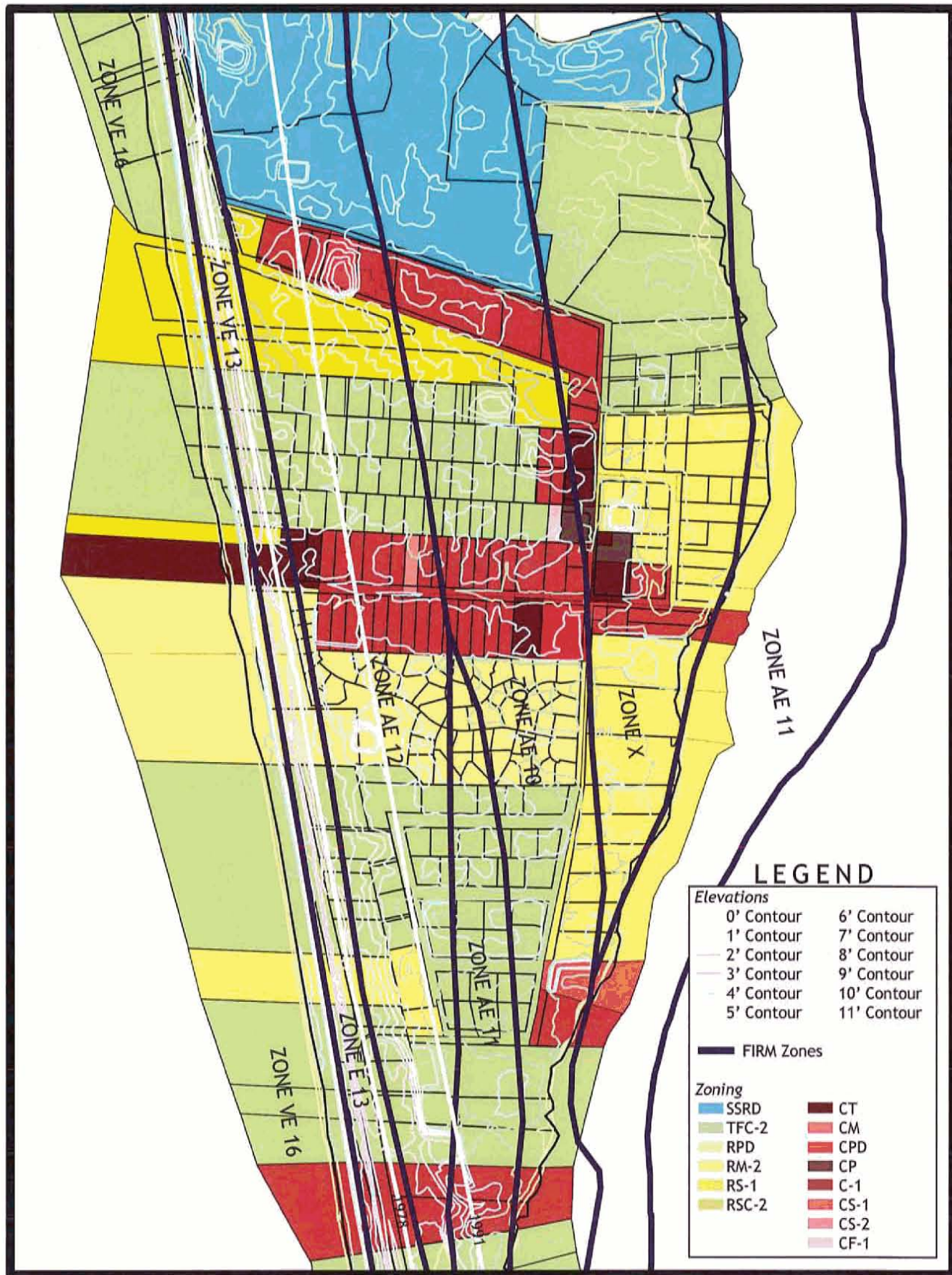
SOURCE: City of Sanibel



NOTE: Causeway traffic has increased somewhat uniformly



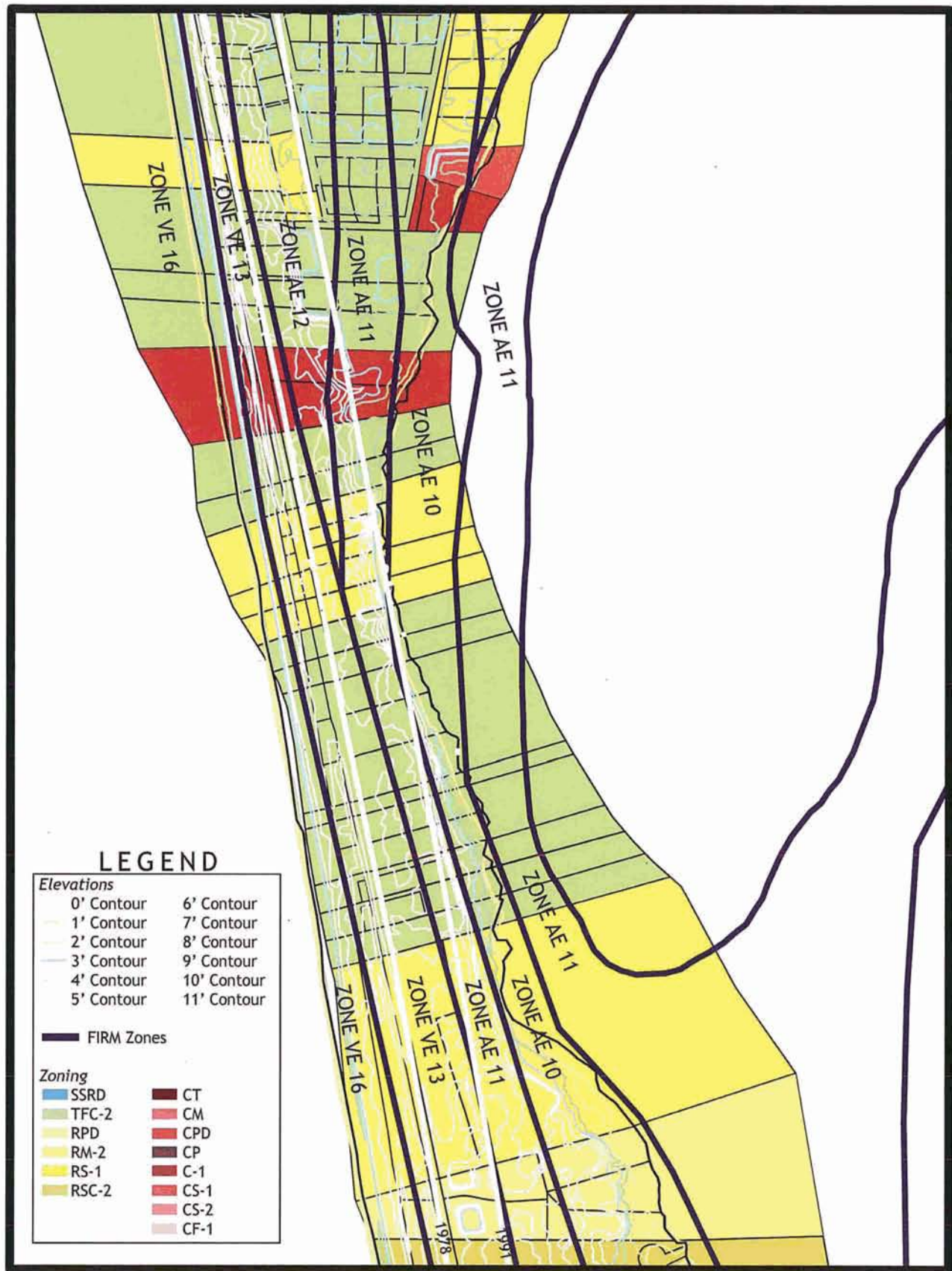
NOTE: Months with lower counts have seen greater increases over period



# CAPTIVA CODE REVISIONS 'The Village'

February 2010

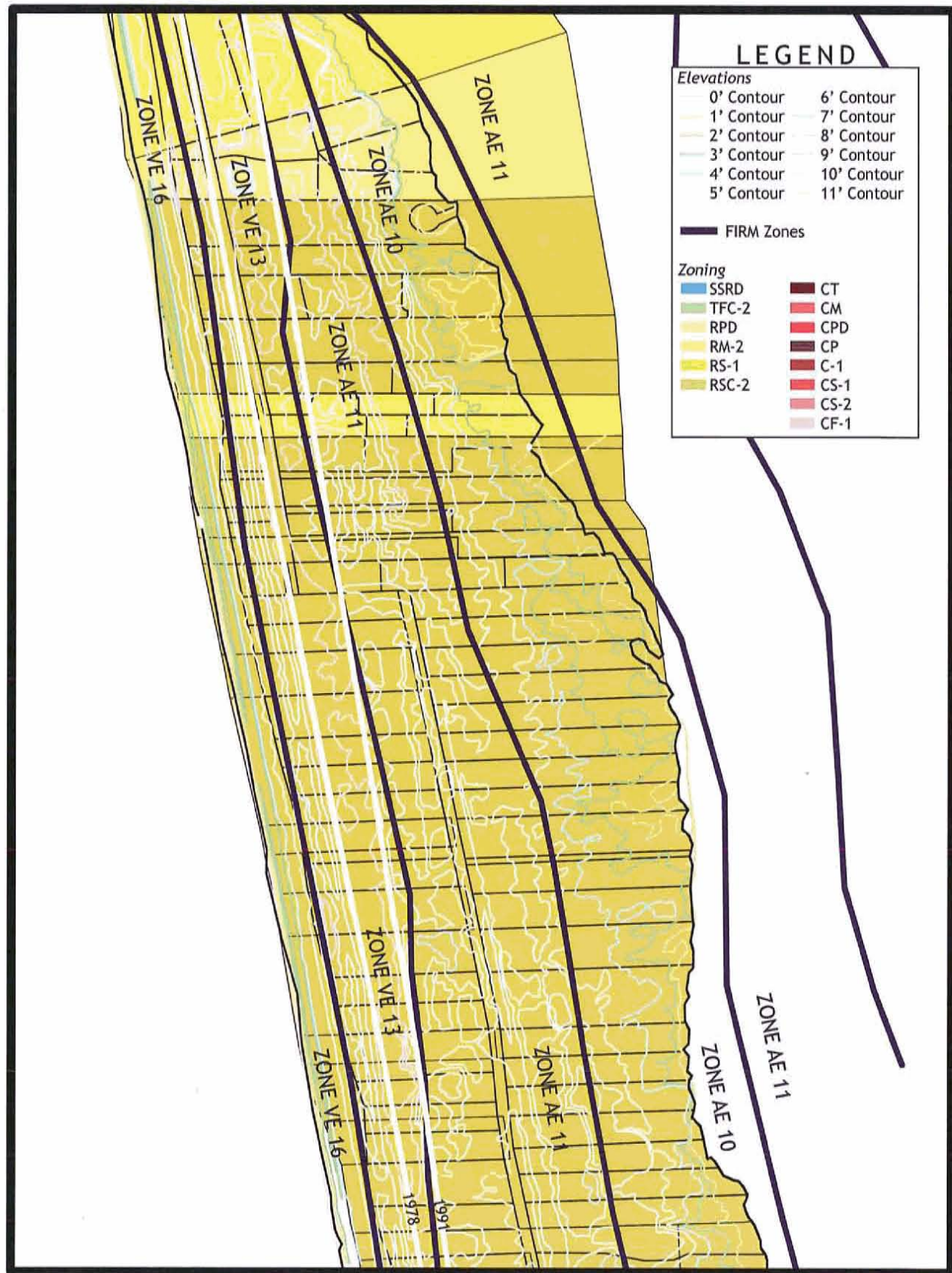




# CAPTIVA CODE REVISIONS 'Tween Waters'

February 2010



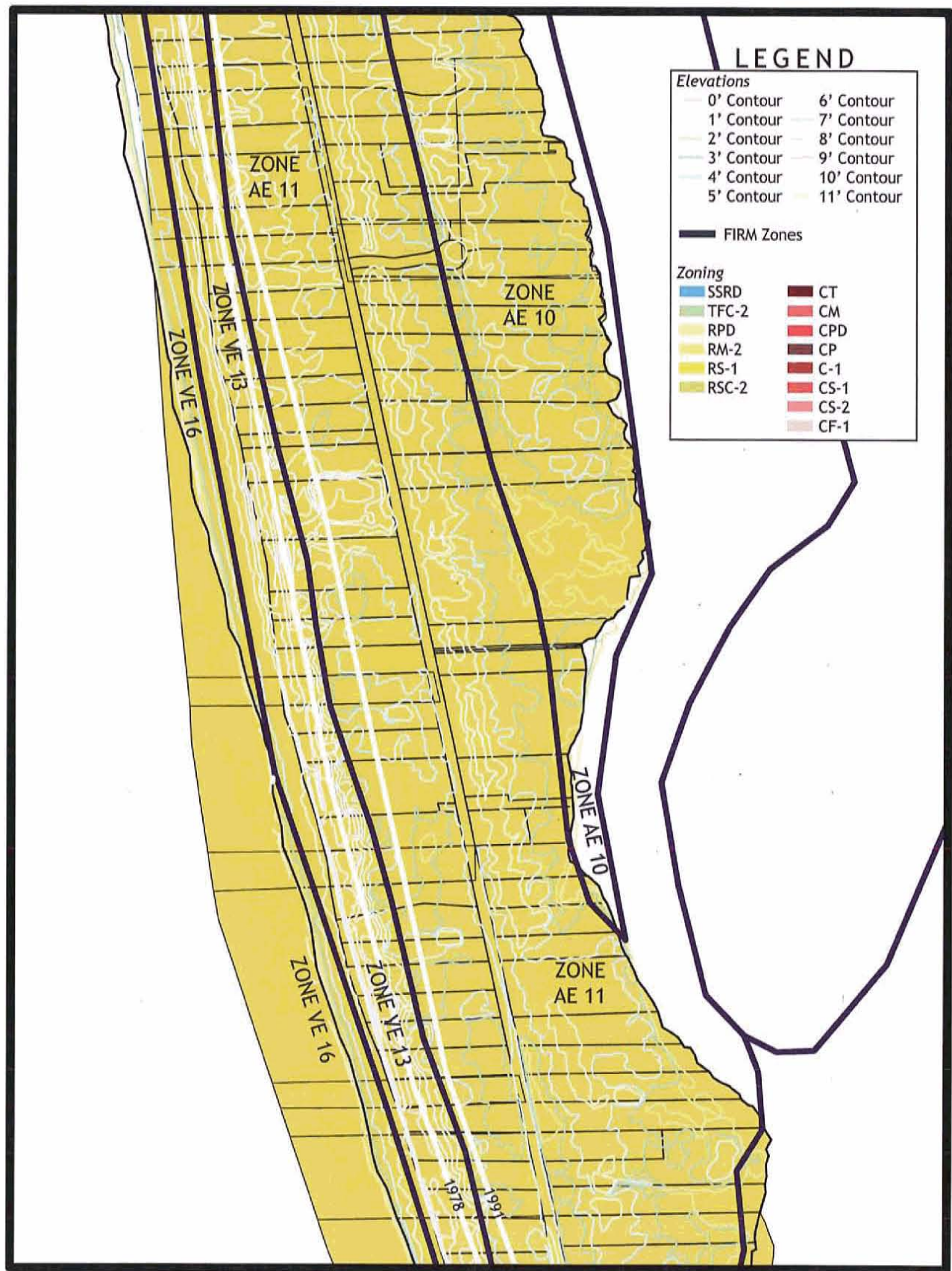


# CAPTIVA CODE REVISIONS 'The Estates'

February 2010





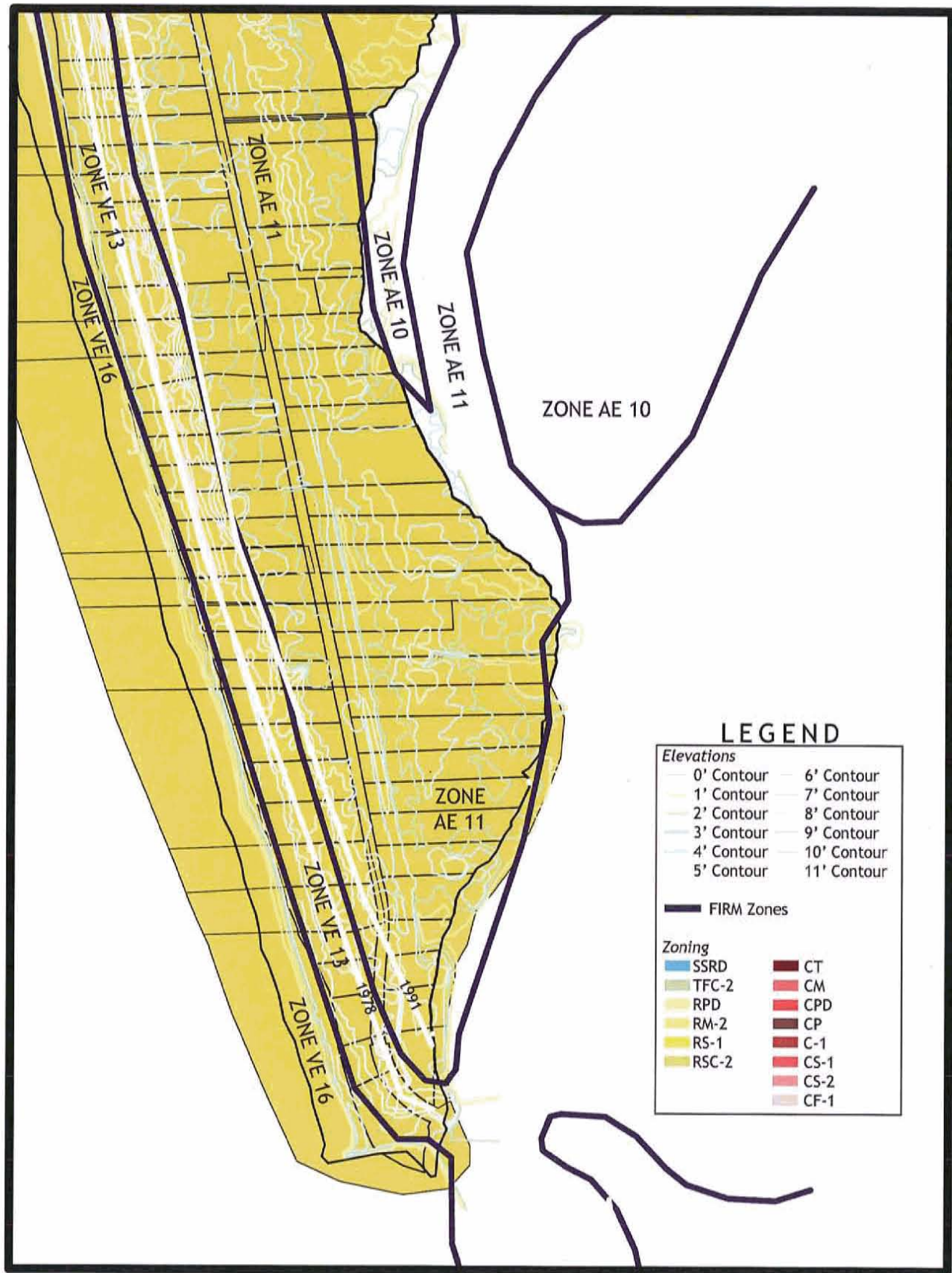


# CAPTIVA CODE REVISIONS 'The Estates'

February 2010







# CAPTIVA CODE REVISIONS 'The Estates'

February 2010



# Captiva height regulations: A history

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## ***Proposed Land Development Code (LDC) language***

### Section 33-YY: Height restrictions on Captiva Island

(A) Consistent with Policy 13.1.2 of the Lee Plan, no building or structure may be erected or altered so that the peak of the roof, or the mean height level between eaves and ridge in the case of gable, hip and gambrel roofs, exceeds 28 feet above the lowest horizontal member at or below the lawful base elevation. Deviations or variances from this section are prohibited. Architectural features, including but not limited to cupolas, lanterns, dormers, façade or roofline articulations, etc., and mechanical appurtenances may extend an additional four (4) feet above the roof peak or eight (8) feet above the mean height level in the case of gable, hip, and gambrel roofs, whichever is lower, so long as such details do not account for more than 20% of the total front façade area and any mechanical appurtenances are fully screened from visibility from adjoining properties.

(B) The existing telecommunications tower facility located in the maintenance and engineering area of South Seas Resort may be replaced in such area to a height not to exceed 170 feet, provided that said new facility makes space available to the county for adequate emergency communications service coverage for Captiva, as well as co-location capability for all wireless carriers desirous of serving Captiva. Destruction of mangroves will not be allowed in order to build or operate such a tower or related tower facilities. The telecommunication tower will be a monopole, unless public safety is compromised.

(C) Buildings or structures illustrated as zone "X" on the Flood Insurance Rate Map (FIRM) of the Federal Emergency Management Agency (FEMA) or its successor agency, is at sea level, shall be erected or altered so that the peak of the roof may not exceed 35 feet above the average grade of the lot in question or 42 feet above sea level, whichever is lower.

## ***Current LDC language***

### **Sec. 34-2174. - Additional permitted height when increased setbacks provided.**

(a) Subject to conditions set forth in section 34-2175, any building or structure may be permitted to exceed the height limitations specified by the zoning district regulations in which the property is located provided every required street, side, waterbody, and rear setback is increased by one-half foot for every one foot by which the building or structure exceeds the specified height limitation.

(b) In zoning districts that do not specify a maximum height limitation, the increase to setbacks stated in this section will apply to all buildings or structures exceeding 35 feet in height.

(c) The height increases described in section 34-2174(a) and (b) may not be used in Greater Pine Island.

**Sec. 34-2175. - Height limitations for special areas and Lee Plan land use categories.**

The following areas have special maximum height limitations applicable to all conventional and planned development districts:

(a) Special areas.

(1) **Upper Captiva Island.** The height of a structure may not exceed 35 feet above grade (base flood elevation). The provisions of section 34-2174(a) do not apply to Upper Captiva Island. No variance or deviation from the 35-foot height restriction may be granted.

In addition to compliance with all applicable building codes (including Fire and Life Safety Codes), any building with two or more stories or levels must provide an exterior stairway from the uppermost levels (including "widow's walks" or observation decks) to the ground OR a one-hour fire rated interior means of egress from the uppermost levels (including "widow's walks" or observation decks) to the ground.

(2) **Captiva Island.** No building or structure may be erected or altered so that the peak of the roof exceeds 35 feet above the average grade of the lot in question or 42 feet above mean sea level, whichever is lower. The provisions of section 34-2174(a) do not apply to Captiva Island. No variance or deviation from this height restriction may be granted; provided however, one communication tower, not to exceed 170 feet in height, may be constructed in accord with Lee Plan Policy 13.1.14.

(3) **San Carlos Island.** The height of a structure may not exceed 35 feet above grade, except as provided for in section 34-2174. If seaward of the coastal construction control line, elevations may exceed the 35-foot limitation by three feet for nonconforming lots of record.

(4) **Gasparilla Island conservation district.** No building or other structure may be erected or altered so that the peak of the roof is more than 38 feet above the average grade of the lot or parcel on which the building or structure is located, or is more than 42 feet above mean sea level, whichever is lower.

(5) **Greater Pine Island.** See section 33-1088.

(6) **All other islands:** The height of a structure may not exceed 35 feet above grade (base flood elevation). Except as provided in subsections 34-2175(3), (4), and (5), the provisions of section 34-2174(a) do not apply to islands. No variance or deviation from the 35-foot height restriction may be granted.

***Ordinance 99-13***

Sec. 34-2175. Height limitations for special areas.

The following areas have special maximum height limitations applicable to all conventional and planned development districts:



(2) Captiva Island. No building or structure may be erected or altered so that the peak of the roof exceeds 35 feet above the average grade of the lot in question or 42 feet above mean sea level, whichever is lower. The provisions of section 34-2174(a) do not apply to Captiva Island. No variance or deviation from this height restriction may be granted.

If the county received a coastal preapplication compliance determination request relating to construction of a single family home on property located on Captiva Island seaward of the coastal construction control line before February 1, 1998 and the property owner received construction approval for the home from the Florida Department of Environmental Protection (DEP) before August 25, 1998, then the home may be built according to the height regulations and limitations in effect on the date the coastal

### ***Ordinance 97-10***

#### **Sec. 34-2175: Height limitations for special areas:**

(2) Captiva Island. No building or structure ~~shall~~ may be erected or altered so that the height exceeds two stories above the lowest habitable floor. ~~however, in no case shall~~ However a building or structure may not be erected or altered so that the peak of the roof exceeds the height of 28 feet above the lowest habitable floor.

### ***Ordinance 78-07***

**Section 4.** Height Regulations: No building or structure shall be erected or altered so that the peak of the roof exceeds a height of 35 feet. The building height shall be measured from the elevation from the lowest occupied floor but in no case from an elevation higher than 10 feet above the average ground level, unless Flood Insurance or Coastal Code Regulations, require the elevation to be higher than 10 feet.

### ***Ordinance 74-09***

**SECTION 2.2:** No building or structure shall be erected or altered so that the peak of the roof exceeds a height of 35 feet. The building height shall be measured from the elevation (above mean sea level) of the floor of the first occupied story of the building but in no event from an elevation higher than that required by federal authorities to establish eligibility or insurance under the flood insurance program; in the absence of such flood insurance eligibility requirements, the building height shall be measured from the elevation of the lowest occupied floor but in no case from an elevation higher than ten feet above mean sea level.

### ***Ordinance 73-7***

Section (2) of Ordinance No. 1, Lee County, Florida, is respectfully amended to read as follows:

Section (2). No building or structure shall be erected or altered to exceed the height of 35 feet from the average fill-grade level of the site and that in no case shall this datum be greater than 10 feet above mean sea level.

### ***Ordinance 71-1***

Section 2: No building or structure shall be erected or altered to exceed the height of thirty-five (35) feet above the mean average ground level of the building site on Sanibel and Captiva islands.

Section 3: Building site are herein defined shall be the average ground level of the land surrounding any building or other structural improvement.

Section 4. The height limitation of this ordinance shall not apply to church spires, belfries, cupolas, domes, monuments, utility towers, forest fire observation towers when operated by a branch of the government, transmission towers, chimneys, aerials, or other appurtenance, either temporary or permanent, which are usually required to be placed above the roof level and not intended for home occupancy.

# 2006 Lee Plan Text Amendment

## POLICY ANALYSIS

March 2006

In the past two decades, property values on Captiva have risen dramatically – even outstripping overall increase in Lee County and Florida. This, and the pressure to redevelop properties to reflect both changing values and changing needs, has resulted in a unique situation on the island: The “highest and best use” so often cited as the guiding hand of land use decisions has shifted to residential redevelopment.

This has become most obvious in the “Village” area of the island – the core section between the northern S-curve and the gates to South Seas Resort. Since most of this area was subdivided decades ago – well before current zoning and land use rules were established – it is composed of small platted lots, each one of which has a vested right to development that would not exist were they created today.

Thus, even though many of those lots are currently zoned for commercial uses, more money can be made from them when the older structures (often housing businesses) are torn down to make way for a new single-family home – a home that, under the current market, can command millions of dollars when sold.

Thus, in the past decade a number of commercial enterprises in the Village area have been bought, the businesses closed and structures torn down, with new single-family homes rising to replace them. A great investment for a real estate developer, perhaps – but a trend that has led to the erosion of the commercial base of the island.

According to a summary of an island-wide planning survey conducted by planner David W. Depew, AICPP, on behalf of the Captiva Island Property Owners Association during the summer of 2001:

*There is a general recognition that the commercial areas of the Island, especially in the Village along Andy Rosse Lane, needs general support and some kind of incentives in order to maintain the retail and dining options currently available. Additional commercial opportunities were not seen as critical, but preservation of the existing commercial uses was viewed as quite important. Additionally, the mixed-use nature of the village was deemed to be part of the overall charm of the area, although there was also recognition that parking opportunities were limited and could be expanded.*

This concern, plus a recent application to redevelop a commercial property to allow both commercial and residential uses on the same lot, acted as a catalyst for the community to look for ways to encourage some mixed-use development on the remaining commercial sites on the island. This recent application was extensively discussed in meetings before the Captiva Community Panel (minutes enclosed), where community sentiment favoring such innovative development was clear.

This proposed amendment would affect at best approximately 75 properties on Captiva – out of which at least one-third or more have already been redeveloped into high-end residential units and thus are unlikely to take advantage of the development options offered by this amendment (unless the real estate market completely reverses both itself and historic coastal trends).

Those properties that might benefit from this amendment typically are older commercial structures offering neighborhood-style services to residents and tourists. They continue to operate for a number of reasons:

- The businesses remain financially viable.
- The owners have a desire to serve the community with essential services.
- The business serves to support other commercial operations, such as resorts or inns.
- The owners have made a commitment to maintain the walkable, village atmosphere that's unique to the island.
- There's no strong financial incentive to redevelop at this juncture.

However, the pressure to redevelop is strong, even in the face of a real estate market that is pulling back from its record growth of the past five years. Many of these structures cannot be rebuilt in a commercially viable format should they be substantially damaged or destroyed, due to more stringent building codes (particularly for coastal high hazard areas) and limited space (if a larger commercial structure is sought). Residential redevelopment seems inevitable and, given the recent trends, the community's concern is that small-scale commercial activities will continue to disappear, to be replaced by large-scale homes that will eventually turn Captiva into a very pricey beachfront gated community.

With this in mind, the community has been looking for ways to offer some incentive to commercial enterprises and property owners to continue to operate small-scale businesses on these Village lots. When one owner came up with the option of combining a business with a small manager's residential unit (the case referenced in the CCP minutes enclosed), there was support from both the community and county planning staff for this innovation.

However, there was no support from existing county codes and its comprehensive land use plan to address the density issues created by combining commercial and residential uses on the same lot – a major obstacle to approval by the county Hearing Examiner, an essential step toward fruition. So this amendment language was developed, both as a way to solidify and signify community support and to make such proposals more viable in the future.

There have been a number of legitimate concerns raised by both the community and by staff in discussing this amendment, and we believe the following analysis will address those concerns.



- **This language could result in an increase in development density on the island.**

The overall density of the island will not increase with this proposal. The three-units-per-acre cap addressed by Lee County ordinance and Future Land Use Map stays in force. Plus, a previous amendment (now Lee Plan policy) that does not allow rezonings to request density higher than the current zoning ensures the “estate zoning” on the lower third of the island will be maintained in its current lower density form. Overall, island density will remain low, in keeping with both community desires and evacuation realities.

- **This language could result in more people living on a fragile barrier island.**

The lots in question are already vested for a single residential unit if desired, and this proposal would not increase that. In fact, it will ensure smaller residential units than are possible due to the limitations imposed by mixed use (and other development restrictions already in the Lee Plan) on a commercially zoned lot. Given that the number of owners who may take advantage of this proposal is limited both by previous redevelopment, by lot size and by economic reality, it is easy to assert there will be no net increase in residents resulting from this proposal.

- **This amendment could increase evacuation pressures.**

If there is no net increase in density, there should be no increase in evacuation pressures. In fact, if the resulting residential units are used for business managers, it may help evacuation traffic slightly. On-island managers could undertake storm preparations for businesses without having to traverse the islands to get there, whereas off-island managers would have to travel out to Captiva from the mainland, batten down the hatches and leave. If those on-island managers opted to ride to the storm in place, they would not be evacuating or returning, and could even help facilitate reopening a business post-storm if damage is minimal or avoided (a valuable asset as the island learned in Hurricane Charley when returning resident, relief workers and repair teams relied on some restored businesses for food and water during the post-storm recovery).

- **This proposal could increase traffic on an already constrained road system.**

Actually, the opposite might occur. Internal trips might be reduced on the island, both because worker commutes to island businesses could be avoided by living “above the store” and by maintaining the neighborhood commercial enterprises – services, basic commodities, etc. – that could eliminate trips off-island by residents and visitors seeking such goods and services. Fostering commercial activity in the Village can also cut down in localized car traffic, as the area is very pedestrian friendly and accessible to both nearby residents and visitors to a significant number of island rental rooms without need for (or parking for) a motorized vehicle.

Even when the mixed use in question does not include residential but instead encompasses the pairing of retail and office uses (not the focus of this amendment, but

another item of interest to the community), the area will see a benefit. Encouraging such a mix where appropriate encourages the same accessible small-scale commercial activity. Retail enterprises can be supported for significant portions of the year by the tourist and winter-resident business, and limited office space can serve both year-round and winter residents with accessible services (or space to operate a small-scale business themselves) without necessitating a trip off island.

What are the benefits to this proposed language?

- This is a way to preserve the few remaining commercial enterprises on the island, particularly those located in the Village neighborhood within easy access to adjacent residences and resort rooms.
- It may foster the only semblance of affordable housing on the island, enabling shopkeepers or business owners to live where they work by allowing the residential-commercial mix on one lot. In the land of million-dollar-homes, these caretaker units will add diversity and affordability to the residential mix.
- It helps maintain an island ambiance that is highly valued by both residents and visitors alike. Making more commercial operations accessible by non-motorized or electric-powered means has been a continuing quest of the island, which petitioned the county Department of Transportation to expand its golf-cart-permitted zone further southward in the past year and has sought even further expansion by means of a safety shoulder along the island's main thoroughfare to encourage safer pedestrian and bicycle traffic.
- It has widespread community support, judging by the documentation through meetings and surveys over the past decade.
- It may help facilitate redevelopment of these aging commercial properties (while keeping them commercial), with a resulting improvement in building construction and storm survivability thanks to the requirement they comply with improved building codes.
- It provides an achievable incentive to the remaining commercial enterprises that's both innovative (albeit a growing trend in communities nationally) and nonintrusive (by offering owners an option rather than an imperative).

# Captiva Community Vision

*This statement was formulated by the Captiva Community Panel and the Captiva community over a period of workshops and meeting beginning in 2012. It was submitted with the original Captiva Plan Amendment in March 2016, and is being included in the Data and Analysis Report dated Sept. 5, 2017, with the current Captiva Plan Amendment as a statement of community vision and intent.*

Captiva is a coastal barrier island with low-density residential development, augmented by limited commercial activities which serve residents and tourists drawn to a tranquil experience in a natural setting. As an island community, Captiva's natural resources -- beaches, waterways, wildlife and flora -- are its most important attractions, and Captiva residents regard the protection of its mangrove fringe, water quality, and dark skies as matters of paramount importance. Toward this end, the Captiva Community Panel and other Captiva community, civic and business organizations must work together with Lee County and other regulatory bodies to sustain the fragile and limited resources of the island.

Captiva residents, property owners and businesses value the following:

- An island lifestyle which respects the fragile land, coastline and waters of Captiva.
- The island's history as an environmentally special and informal resort destination.
- The island's diverse coastal community architecture and landscaping.
- A coastal community that balances tourism-oriented activities with a respect for the privacy and property rights of the island's residents.
- A community that provides a level of commercial services that reflects the balance between tourism, seasonal occupancy and year-round residency, and acknowledges the need to reduce automotive dependence and create more environmentally-sensitive alternative modes of transportation.

To achieve these ends, organizations representing Captiva residents, property owners and businesses must work together, and with Lee County for:

- Environmental protections that preserve the shoreline and natural habitats, enhance water quality, encourage the use of native vegetation, maintain the mangrove fringe, and limit noise, light, water and air pollution.
- Creative mixed-use development of traditionally commercial properties to maintain the island's neighborhood-style business community sufficient to support the needs of Captiva residents and visitors.
- Building standards that maintain existing densities and building heights, and development regulations designed to preserve the Captiva Community Vision.

- Upgrading public infrastructure and enhancing the appearance and functionality of the island's rare public spaces.

The future of the island will be secured and enhanced as present and future residents and organizations on Captiva work together to reach consensus on island goals, and work with Lee County, the Captiva Erosion Control District, the state and its agencies, and nongovernmental organizations serving the island to ensure that those goals are realized.