



September 6, 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 to the Lee Plan  
Transmittal Submission Package  
CPA2017-06

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, please find attached the proposed Comprehensive Plan Amendment, known locally as CPA2017-00006 (Conservation and Coastal Management Element Update). The proposed amendment is being submitted through the expedited state review process as described in Chapter 163.3184. The amendment is as follows:

**CPA2017-00006 (Conservation and Coastal Management Update):** Amend the Lee Plan to align provisions within the Lee Plan with the Board of County Commissioners' strategic policy priority of preservation, water quality, and flood management. The amendments will also reduce redundancies; align with state statutes; and, provide better organization of the Lee Plan.

The Local Planning Agency held a public hearing for this plan amendment on July 23, 2018. The Board of County Commissioners voted to transmit the amendment on September 5, 2018. The proposed amendment is not applicable to an area of critical state concern. The Board of County Commissioners stated their intent to hold an adoption hearing following the receipt of the review agencies' comments.

The name, title, address, telephone 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  
Lee County Planning Section  
P.O. Box 398  
Fort Myers, Florida 33902-0398  
(239) 533-8585  
Email: bdunn@leegov.com

Included with this package are one paper copy and two CD ROM copies, in PDF format, of the proposed amendments and supporting data and analysis. By copy of this letter and its attachments, I certify that these amendments and supporting data and analysis have been sent on this date to the agencies listed below.

Sincerely,



Mikki Rozdolski, Planning Manager  
Department of Community Development  
Planning Section

All documents and reports attendant to this transmittal are also being sent, by copy of this cover in an electronic format, to:

Comprehensive Plan Review  
Department of Agriculture and Consumer Services

Tracy D. Suber  
Department of Education

Plan Review  
Department of Environmental Protection

Deena Woodward  
Florida Department of State

Scott Sanders  
Florida Fish and Wildlife Conservation Commission

Sarah Catala  
FDOT District One

Margaret Wuerstle  
Southwest Florida Regional Planning Council

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

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

STATE OF FLORIDA COUNTY OF LEE:

Before the undersigned authority personally appeared Cheryl Eller, 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:

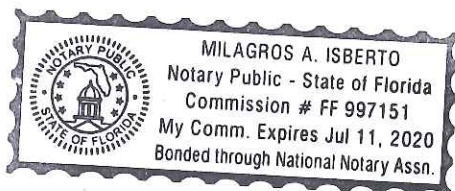
08/24/18

Affiant further says that the said News-Press is a paper of general circulation daily in Lee County 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 24th of August 2018, by Cheryl Eller who is personally known to me.

*Milagros A. Isberto*

Milagros A. Isberto  
Notary Public for the State of Florida  
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, September 5, 2018. 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:

CPA2017-00006 Conservation and Coastal Management: Amend Lee Plan goals, objectives, and policies currently within Goals 101-115, 117, 118, 121, 122, 124, 125, and 127 to align provisions within Lee Plan with the Board of County Commissioners strategic policy priority of preservation, water quality, and flood management. The amendments will also reduce redundancies; align with state statutes; and, provide better organization of the Lee Plan.

CPA2017-00007 Water Dependent Overlay: Amend policies and objectives in Goal 8, 128, and 158 of the Lee Plan to clarify the definitions of Water-Dependent Overlay, water-dependent uses, and marine-dependent uses, and to allow for greater flexibility of uses in the Water-Dependent Overlay. In addition, data will be moved from Map 1, Page 2: Special Treatment Areas and Map 2: San Carlos Island Map 12: Water-Dependent Overlay Zones to locate the Water-Dependent Overlay designation zones onto a single map series.

CPA2018-00007 Public Facilities/Conservation Lands: Amend the Lee Plan Future Land Use Map to designate 31 +/- acres from Conservation Lands (Uplands and Wetlands) to Public Facilities and to designate 44.5 +/- acres from Density Reduction/Groundwater Resource (DR/GR) and Wetlands to Conservation Lands (Uplands and Wetlands).

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.lee.gov.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 ADArequests@lee.gov.com, at least five business days in advance.  
AD#3117

RECEIVED  
AUG 27 2018

COMMUNITY DEVELOPMENT

STAFF REPORT FOR  
CPA2017-06: Conservation and  
Coastal Management

County Initiated **Text** and **Map** Amendment to the Lee Plan



**Amended Elements:**

- Community Facilities and Services
- Parks and Rec
- Conservation and Coastal Management
- Intergovernmental Coordination
- Glossary

**Attachments:**

Text Amendment  
Map Amendment

**BoCC Workshops:**

11/17/15  
5/3/16

**Hearing Dates:**

LPA: 7/23/2018  
TRN: 9/5/2018

**PURPOSE**

Amend the Conservation and Coastal Management (CCM) element within the Lee Plan to align current provisions with the Board of County Commissioners' (BoCC) strategic planning initiatives. This proposed amendment will: reduce redundancies between Goals, Objectives, and Policies (GOPs) within the CCM element, as well as other redundant GOPs found in different elements, through reorganizing and streamlining; align with state statutes; address inconsistencies regarding density and wetlands within Coastal High Hazard Areas (CHHA); and expand where 'Rare and Unique' habitats will be protected.

**RECOMMENDATION**

Staff recommends that the BoCC *transmit* the proposed text and map amendment based on the analysis in this staff report.

**SUMMARY OF CHANGES**

- GOPs within the CCM element will be combined, relocated, and/or restructured to create cohesion within the CCM element and consistency within the overall Plan.
- Clarify importance of protecting wetlands within the CHHA.
- Update GOPs to align the CCM element with state statutes, specifically F.S. 163-3178.
- Address discrepancies regarding interpretation of bonus density, increased density through Comprehensive Plan Amendments, and increased potential units through rezoning within the CHHA.

**STATUTORY REQUIREMENTS**

The amendments to the Conservation and Coastal Management element address requirements of Chapter 163.3178 Florida Statutes (F.S.) pertaining to the 2015 Peril of Flood legislature.

**TEXT AMENDMENTS**

Amendments to the text are provided in strike-thru/underline format in Attachment 1. Within Attachment 1, an explanation for each amendment is provided below each revised goal, objective or policy.

**MAP AMENDMENT**

Amendment to Map 5 of the Lee Plan is provided in Attachment 2.

**PART 1**  
**BACKGROUND INFORMATION**

On November 17, 2015, the Board of County Commissioners (BoCC) provided direction for staff to identify amendments to the Lee Plan to align with the BoCC's strategic planning initiatives, streamline, eliminate potential liabilities, reduce redundancy/conflict within and between Lee Plan goals, and relocate regulatory provisions to the Land Development Code. Based on this direction, staff identified and presented potential amendments, including the CCM element, to the BoCC at the May 3, 2016 Board Work Session. These proposed amendments will align the Lee Plan's GOPs with the BoCC's strategic planning initiatives relating to the enhancement of preservation, water quality, growth management, and flood management.

**PART 2**  
**STAFF DISCUSSION and ANALYSIS**

As staff reviewed the provisions of the CCM element five major themes were identified and addressed to improve consistency with the BoCC's initiatives, state statutes, and the Lee Plan. The five major themes are:

- **Streamlining and Reorganization:** Re-structuring provisions within the CCM element to be more cohesive and user-friendly.
- **Rare and Unique Upland Habitats:** Protecting Rare and Unique Upland habitats.
- **Conflicting Goals:** Clarifying provisions relating to density/potential units/site-built affordable housing within the CHHA.
- **Wetlands:** Enhance wetland protection within the CHHA.
- **State Statutory Requirements:** Aligning the CCM element provisions with state statutes.

These prevalent themes are used to guide the discussion and analysis of these proposed CCM element amendments.

**Streamlining and Reorganization:**

Over the past two decades, the Lee Plan has been amended numerous times by a variety of public and private initiated amendments that have resulted in: redundancies within and between elements; redundancies between various provisions; out-dated cross-references; and a lack of clarity and cohesion within the Lee Plan. In an effort to streamline, many of these GOPs were either deleted, relocated, and/or combined and vague provisions with undefined terms, measures, or concepts that are overly complicated or do not include sufficient details making them difficult to implement and enforce are being revised.

To streamline/reorganize the CCM element, Staff identified similar provisions within the CCM element and grouped these provisions based on topic, for example: emergency management, coastal natural

resources, and county-wide natural resources – are topics prevalent within the CCM element. In doing so, staff identified redundant provisions that could be deleted, combined with similar provisions, and/or updated language for clarity. The intention of re-structuring these provisions is to create an element with greater unison between provisions. Staff also identified different GOPs to relocate to other elements in order to reduce redundancies and improve over-all cohesion of the Plan. The most prevalent relocation is the emergencies management and evacuation provisions being moved to the Community Facilities and Services element; these provisions are better suited to be located within this element which describes services provided by the County. Although the emergency management and evacuation provisions are often perceived to solely relate to coastal areas; these provisions are relevant and applicable to the County as a whole and belong within the Community Facilities and Services element. Table 1 identifies the location of existing and proposed Lee Plan provisions.

Additionally, the Coastal Planning Area is proposed to be removed from the Lee Plan glossary and throughout the Lee Plan. This definition was established by the 1988 Coastal Study; while the study remains relevant to the present day, the definition is outdated and is easily confused with the CHHA. By removing this term, the confusion is eliminated. Lastly, Map 5 of the Lee Plan currently shows the CHHA and is being proposed to also show the Coastal Building Zone. The Coastal Building Zone is defined within the Lee Plan and is referenced in various provisions throughout.

**Table 1  
Existing and Proposed Goal Numbers**

Proposed Goal Title	Proposed Goal Number	Existing Goal Number	Current Goal Title
<b>COMMUNITY FACILITIES AND SERVICES ELEMENT</b>			
Protection of Life and Property	59	110	Hazard Mitigation
Environmental Health	69	103	Hazardous Materials
Emergency Management	72	101	Planning, Coordination and Implementation
		111	Post Disaster Redevelopment
Evacuation Planning	73	109	Evacuation and Shelter
		102	People with Special Needs
<b>PARKS AND REC ELEMENT</b>			
Water Access	82	125	Water Access
<b>COASTAL AND CONSERVATION MANAGEMENT ELEMENT</b>			
Protection of Life and Property in CHHA	101	105	Protection of Life and Property in CHHA
		106	Limitation of Public Expenditures in CHHA
		110	Hazard Mitigation
		113	Coastal Planning Areas
Reserved	102 - 112		
Fisheries Management	113	121	Fisheries Management
		122	Commercial Fishing
		127	Artificial Reefs
Marine and Navigation Management	114	124	Marine and Navigation Management
Reserved	115- 121		
Estuarine Water Quality	122	108	Estuarine Water Quality
Resource Protection	123	104	Coastal Resource Protection
		107	Resource Protection
Wetlands	124	114	Wetlands
Water Quality and Wastewater	125	115	Water Quality and Wastewater
Water Resources	126	117	Water Resources
Air Quality	127	118	Air Quality
Reserved	128 - 134		
<b>INTERGOVERNMENTAL COORDINATION ELEMENT</b>			
Service Management	151	112	Intergovernmental Coordination

### **Rare and Unique Upland Habitats:**

The proposed amendments will expand the area of protection for Rare and Unique Upland habitats to span county-wide, rather than only within the Coastal Planning Area. Rare and Unique Upland habitats include, but are not limited to: sand scrub (320); coastal scrub (322); those pine flatwoods (411) which can be categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation; slash pine/midstory oak (412); tropical hardwood (426); live oak hammock (427); and cabbage palm hammock (428). The numbered references are to the Florida Land Use Cover and Forms Classification System (FLUCFCS) Level III (FDOT, 1985). These habitats are currently only protected within the Coastal Planning Area. The following amendment is being proposed to protect Rare and Unique Uplands throughout the County:

**POLICY ~~104.1.1~~123.2.15:** ~~Development will be limited in~~ Protect Rare and Unique upland habitats ~~and strictly controlled in wetlands from development impacts, to the maximum extent possible, through conservation and/or site design. in the coastal planning area.~~ (See Policy 107.1.1(2) and Goal 114.) (Amended by Ordinance No. 94-30, 00-22)

Rare and Unique Upland habitats should require county-wide protection. All Rare and Unique Upland habitats consist of vegetation that is native to Florida and these habitats contribute to the biodiversity (native flora and fauna) of not only Lee County's ecosystem, but also Florida's ecosystem. Rare and Unique Upland habitats also help biodiversity by providing valuable habitat to different native Florida fauna. Just as important as the habitat it provides, are the endangered species that inhabit these Rare and Unique habitats. For example, a host of endangered and protected animal species live in scrub habitats a Rare and Unique Upland including, the Florida scrub jay, the sand sink, mole sink, and the gopher tortoise. Tall/old growth pines support the red-cockaded woodpecker, which is another endangered and protected animal species. The updated policy supports the protection of Rare and Unique Upland habitats outside the Coastal Planning Area, which, in addition to the numerous environmental benefits, is consistent with Lee Plan provisions specific to communities, such as Alva, Northeast Lee County, and North Olga, where these habitats are prevalent.

### **Conflicting Goals:**

Conflicting goals exist within the Lee Plan between provisions addressing the potential dangers to life, property, and future development as it relates to coastal flooding within the CHHA and provisions addressing growth management/development. The CHHA is defined within the Lee Plan as: *"The area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model and delineated by Map 5 of the Lee Plan as required by Chapter 163.3177(6)(a)10.c.(VI), F.S."* Various growth management provisions encourage (re)development in areas where public services, facilities, and infrastructure are pre-existing and can accommodate the proposed (re)development (see Lee Plan Objectives 1.1 and 2.1 and Policy 2.1.1). The services and infrastructure necessary to support (re)development exists in the CHHA;



however, contrary to growth management provisions, these areas are subject to consideration for reduced or minimum density (see Lee Plan Policies 105.1.4 and 105.1.5).

This paradox was acknowledged within the 1988 Coastal Study and subsequently discussed at various public and private Lee Plan amendment and rezoning hearings. Likewise, there have been inconsistent interpretations of the above mentioned objectives and policies individually and when juxtaposed. As provided by the University of Florida's Bureau of Economic and Business Research (BEBR), it is projected that Lee County will have a population of 1,007,100 by 2040. The Lee Plan is a critical tool to guide and accommodate the projected population. If not in areas with existing public services, facilities and infrastructure (roads, sewer and water), infill properties, and existing development, the Lee Plan, by default, would be directing growth to future non-urban areas.

The Administration element (Chapter 13) of the Lee Plan provides staff with direction to address conflicts: *"Where goals, objectives, or policies of particular elements conflict, those conflicts will be resolved based on an analysis of the Lee Plan as a whole."* In accordance with this direction, Staff is proposing to revise existing language and create new provisions to improve consistency, remove ambiguity, and establish predictable and measurable standards regarding appropriate development in the CHHA. To do this, in part, requires clarifying the importance of wetlands and natural systems as a defense against the potential dangers associated with coastal flooding – further discussed on page 8.

#### Density in the CHHA

As acknowledged above, the CHHA possesses the necessary public services, facilities and infrastructure to help accommodate Lee County's growing. However, current objectives and policies are unclear, have opposing intent, and contain subjective and arbitrary language. For example, Policy 105.1.5 states: *"Zoning requests located in the coastal high hazard area will be considered for reduced or minimum density assignments, in accordance with their future land use category density range. This evaluation should be done in concert with an evaluation of other individual characteristics such as compatibility with existing uses, desired urban form, and availability of urban services."* This policy does not include a metric or standard for reduced density; it enables an inherently arbitrary and subjective evaluation for decreased density due to a lack of foundational criteria in which this evaluation would be based upon. The same characteristics provided above for considering reduced density parallel characteristics anticipated and ideal for growth (i.e., (re)development). In order to reduce these conflicting goals and create effective provisions, staff is proposing the following revisions:

**POLICY ~~105.1.5~~ 101.3.5:** ~~Zoning requests located in the coastal high hazard area will be considered for reduced or minimum density assignments, in accordance with their future land use category density range. This evaluation should be done in concert with an evaluation of other individual characteristics such as compatibility with existing uses, desired urban form, and availability of urban services.~~ Require that rezoning requests to increase the potential numbers of units that could be built within Coastal High Hazard Areas or on islands must meet the following: Provide appropriate mitigation as

determined by Lee County Public Safety, which may include, but is not limited to: the payment of money, or construction of hurricane shelters and transportation facilities. The developer must enter into a development agreement to memorialize the mitigation plan prior to adoption of the rezoning.

As proposed, Policy 101.3.5 contains language that is not ambiguous, allows consistent interpretation and application, provides clear intent on allowing increased dwelling units within the CCHA, and is consistent with growth management provisions. Florida Statutes allow for Comprehensive Plan Amendments within the Coastal High Hazard Area as long as the applicant is able to meet the requirements in Chapter 163 3178 (8)(a) F.S. to mitigate for the potential increased allowable density. For a future land use map amendment, appropriate mitigation must be provided if there is an increase to density on properties within the CHHA. Staff is proposing the same mitigation requirement for rezoning applications that increase the potential number of units within the CHHA. It should also be noted that developments within coastal areas are subject to state and federal building code standards which provide additional protection from potential dangers associated with coastal flooding. Staff's proposed revisions address the existing paradox between growth management and the CHHA.

#### Site Built Affordable Housing

A goal of the Lee Plan is to ensure adequate affordable housing throughout the County. In order to incentivize developers to pursue affordable housing projects, Lee County has provided bonus density for certain Future Land Use Categories. This bonus density incentive is manifested in two ways, site built affordable housing and pay in lieu.

Lee Plan Policy 135.4.12 encourages affordable housing in locations with full urban services and facilities. As discussed above, the CHHA provides public services, facilities, and infrastructure. The intent of the Lee Plan is to allow site built affordable housing in the CHHA; however, existing Lee Plan and Land Development Code are not clear. This has added to the conflict between allowing additional units within the CHHA and the potential dangers of coastal flooding that are associated with the CHHA. As such, Staff is proposing amendments to clarify that site built affordable housing may be considered within the CHHA, where as other forms of bonus density are not allowed:

**POLICY ~~110.1.8~~ 101.3.6:** Prohibit the use of Transferable Development Units (TDUs) and bonus density utilizing cash contributions for affordable housing ~~may not be utilized~~ on property located within the Coastal High Hazard Area. (Added by Ordinance No. 16-07)

**POLICY 101.3.7:** Bonus density for site built affordable housing development will be considered within the Coastal High Hazard Area.

The intent of this policy is to promote building of affordable housing in locations near employment opportunities. As discussed above, projects that utilize bonus density for site built affordable housing within the CHHA must demonstrate appropriate mitigation, as is proposed in Policy 101.3.5, and are still subject to state and federal building codes.

**Wetlands:**

Wetlands, per the Glossary of the Lee Plan, are defined as: *“Areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil”*. Wetlands can further be broken down into different habitats such as marshes and swamps; and then further refined to specific habitats such as flatwood marshes or shrub bog. Wetland habitats provide numerous and substantial environmental benefits. One of the many benefits is species habitat; numerous animal species benefit from the utilization of wetlands such as utilizing wetlands for forage, nesting and as an intermediate habitat for migratory animal species. The U.S. Fish and Wildlife Service estimate that up to 43% of federally threatened and endangered species rely directly or indirectly on wetlands for their survival. Several fish species use wetlands to breed and raise young. Wetlands also provide cover, food and water as well as nesting, breeding and feeding for several avian wildlife species such as waterfowl, blackbirds and cranes. Wetlands also provide several ecosystem services that greatly benefit humans such as, protection of areas from wave action and erosion, aquifer recharge, storage areas for storm and flood waters, and natural water filtration and purification functions.

Throughout the past three decades, wetlands have progressively received increasing levels of protection through federal, state, and local regulatory processes. Within the Lee Plan, Wetlands are designated as a Future Land Use Category that allows for very low residential uses (1 dwelling unit per 20 acres) so as to not adversely impact the ecological functions of the wetlands. Wetland impacts are regulated at the federal, state, and local level; protection at three different levels of governance demonstrates the importance of wetlands and the positive benefits provided through a well-functioning wetland ecosystem. As demonstrated above, wetlands are an essential habitat that provide many benefits to flora and fauna species, as well as provided numerous benefits for humans.

The CHHA is subject to the potential dangers that are associated with coastal flooding, including but not limited to high tide events, storm surge, flash floods, stormwater runoff, and impacts of sea level rise. A proactive way to safeguard against the potential dangers of coastal flooding is to ensure protection of wetlands within the CHHA; allowing the wetlands to function as naturally as possible – with minimal human impact. Wetlands act as a natural sponge. When high rainfall events occur, surface water must go somewhere. Wetlands catch and slow down the flow of surface water then slowly release the water, which significantly reduces the amount of flooding downstream. Since the water is slowed down, there is time for it to recharge ground water and improve water quality because sediments fall out of the water column and nutrients are taken up by aquatic plants. Specifically, mangroves assist in minimizing water levels and wave energy that are associated with storm events. Wetlands also act as bioremediation sites because they have the ability to remove pollutants from surface water (vegetative filtration). Wetlands within and downstream of urban areas are particularly valuable in this regard, counteracting the greatly increased rate and volume of surface-water runoff from pavements and buildings. Preserving existing wetland habitats in the CHHA does not ensure complete protection against

the potential dangers of coastal flooding, but as explained above; wetlands naturally help mitigate and combat the dangers of coastal flooding.

**POLICY 101.3.2:** Restrict development in the Coastal High Hazard Area to uplands except as needed for the provision of public facilities.

As proposed in Policy 101.3.2, by allowing development only on uplands within the CHHA, wetlands will be protected and the ecological benefits that are essential for the defense of life and property in the CHHA will be preserved. Due to the essential ecological benefits that wetlands provide, it is imperative to protect existing wetlands; especially those located within the CHHA. Improved water quality, flood control, wildlife and fisheries habitat, and recreational opportunities are just a few of the natural, social, and economic benefits that wetlands provide. It is crucial that impacts to wetlands are kept at a minimum to ensure their longevity and ability to continue to act as a natural mitigation against the dangers of coastal flooding in the CHHA.

**Aligning CCM Element with Florida Statutes:**

The CCM element consists of numerous GOPs that address: emergency management, protection of life and property in coastal high hazard areas, coastal resource protection, wetland and upland resource protection, estuarine water quality, watershed management, hazard mitigation, evacuation planning and shelter, post-disaster redevelopment, intergovernmental coordination, coastal planning, water resources, air quality, fisheries management, commercial fishing, marine and navigation management, water access, and shoreline management. Chapter 163.3178, F.S. has been amended requiring local governments update their comprehensive plan's coastal management policies. The most notable statutory change was the 2015 'Peril of Flood' legislature, which requires local governments to; "Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise." Although the proposed amendment inherently addresses each of these components, it is most evident through these revised Goals and their subsequent Objectives and Policies:

**GOAL 105101: PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS.**

To protect human life and along with current and future developed property from the impacts of coastal flooding. Coastal flooding includes, but is not limited to natural disasters high tide events, storm surge, flash floods, stormwater runoff, and impacts of sea level rise. (See also Goal 110.) (Amended by Ordinance No. 94-30)

**OBJECTIVE 113.1 101.1: COASTAL AREA PLANNING AREA IN GENERAL.** Lee County will manage the coastal planning area to provide a balance among conservation of resources, public safety capabilities, and development Improve the function of natural systems as a defense against coastal flooding.

**POLICY ~~113.1.1~~ 101.1.1:** Coastal areas with significant public value for water retention and purification, wildlife habitat, and primary productivity will be protected through the development permitting process and enforcement of appropriate codes and regulations. Require that development within the Coastal High Hazard Area must be compatible with any current natural systems, such as; water retention and purification, wildlife habitat, and primary productivity, and defense against coastal flooding. (Amended by Ordinance No. 00-22)

**OBJECTIVE ~~106.1~~ 101.2: LIMITATION OF PUBLIC EXPENDITURES IN COASTAL HIGH HAZARD AREAS.** Public expenditures in areas particularly subject to repeated destruction by hurricanes will be limited to necessary repairs, public safety needs, services to existing residents, and recreation and open space uses. Limit the expenditure of public funds in areas particularly subject to repeated destruction by coastal flooding to only necessary repairs, public safety needs, restoration of natural systems, services to existing residents, and recreation and open space uses. Coastal flooding includes, but is not limited to, high tide events, storm surge, flash floods, stormwater runoff, and impacts of sea level rise. (Amended by Ordinance No. 94-30, 00-22)

**POLICY ~~106.1.1~~ 101.2.1:** All further public expenditures made for new facilities on undeveloped barrier islands or within V zones will require a finding by the county commission that such expenditures are necessary to maintain required service levels, to protect existing residents, or to provide for recreation and open space needs. Limit the expenditure of public funds for new facilities on undeveloped barrier islands or within V zones, as defined by the Flood Insurance Rate Maps (FIRM maps), to only those expenditures that maintain required service levels, protect existing residents, provide for recreation and open space needs, or improve the function of natural systems. (Also see Policy 95.1.2) (Amended by Ordinance No. 00-22)

The inclusion of “natural systems” into the provisions is important and necessary for the protection and enhancement of natural systems within coastal areas; as to improve the resiliency of these natural systems that function as a first line of defense in the protection of life and property against the potential dangers associated with coastal flooding. Protecting and enhancing natural systems located in coastal areas is consistent with Chapter 163.3177(4)(g)(4-5), F.S. in so that, the county is protecting natural systems against incompatible development:

**Chapter 163.3177 (4)(g)(4), F.S.** Avoid irreversible and irretrievable loss of coastal zone resources.

**Chapter 163.3177 (4)(g)(5), F.S.** Use ecological planning principles and assumptions in the determination of the suitability of permitted development.

Although Lee County participates in the National Flood Insurance Program’s Community Rating System (CRS), the Lee Plan does not include a policy that memorializes participation in the program. Chapter 163.3178(2)(f)(6), F.S. acknowledges participation in this program to help mitigate against inappropriate and unsafe development within coastal areas. The following policy memorializes this current practice and is consistent with state statutes Chapter 163.3178(2)(f)(6), F.S: *A redevelopment component that outlines the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise. The component must: ... 6. Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.*

**POLICY 59.1.10: Lee County will participate in the National Flood Insurance Program Community Rating System (or successor program) to minimize impacts of potential flooding and achieve flood insurance premium discounts for its residents.**

The existing and proposed provisions within the CCM element are indicative of a balanced approach for managing growth to avoid degrading the natural systems that protect the populations that inhabit Lee County’s coastal areas. The revised provisions within the CCM element, adequately address the statutory requirements of Chapter 163.3178, F.S. through revised language and added provisions that aim to protect human life and development from “coastal flooding resulting from high-tide events, storm surge, flash floods, stormwater runoff, and related impacts of sea-level rise.” (Chapter 163.3177(6)(g)(10), F.S.).

### **PART 3 CONCLUSION**

Staff is proposing amendments to the CCM element that will align the provisions of the CCM element with the BoCC’s initiatives, state statutes, and the Lee Plan. The proposed amendments are a balanced approach in managing conflicting provisions pertaining to growth management and the CHHA. The proposed language improves consistency, removes ambiguity, and establishes predictable and measurable standards regarding increasing the number of dwelling units in the CHHA; as well as required mitigation for the increased number of dwelling units. Additionally, provisions were created and amended to clarify the importance of wetlands and natural systems as a defense against the potential dangers associated with coastal flooding, specifically within the CHHA. The provisions within the CCM element have been restructured to be more cohesive and user-friendly as well as deleting, relocating, and/or combining vague provisions with undefined terms, measures, and concepts that are overly complicated. Lastly, the area of protection for Rare and Unique Upland habitats will span county-wide, rather than only within the Coastal Planning Area.

Staff recommends that the Board of County Commissioners **transmit** the proposed amendments based on the analysis and findings in this staff report.

**PART 4  
LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: July 23, 2018

**A. LOCAL PLANNING AGENCY 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. Following staff's presentation, members of the LPA asked questions regarding the proposed text amendments.

- A member of the LPA asked a question regarding water quality provisions and staff responded by stating that they intend to take a comprehensive look at water quality as a separate issue.
- A member of the LPA asked if there should be a definition for 'coastal area' and staff responded by stating that the term is an umbrella term used to capture the different defined terms within the elements, such as; the Coastal High Hazard, the Coastal Building Zone, or the V-Zone.
- A member of the LPA asked for clarification regarding the Manatee Protection Plan. Staff stated that the Manatee Protection Plan was written based on requirements which came from the Florida Fish and Wildlife Commission and the County's position is to defer an update until prompted by the Florida Fish and Wildlife Commission.
- A member of the LPA asked if the proposed amendment regarding Rare and Unique Upland habitats was consistent with state and federal regulations. Staff stated that overlap between the two might exist, but the provisions are intended to complement state and federal regulations. A member of the LPA stated the provision was an overreach and would limit the rights of property owners. Staff stated that there are current provisions within the LDC regarding criteria and incentives pertaining specifically to Rare and Unique Upland habitats. Staff also identified the possibility of adding LDC provisions to properly implement this policy, if found to be necessary. This provision is further discussed, below, in section C.
- A member of the LPA asked for clarification regarding Policy 101.3.6 and 101.3.7, specifically bonus density and the LPA member thought the policies contradicted one another. Staff stated that there are three different types of bonus density and these policies are a clarification of our existing provisions found elsewhere in the Lee Plan and in the LDC.
- A member of the LPA asked for clarification regarding the language of Policy 101.3.5, specifically, "Provide appropriate mitigation as determined by Lee County Public Safety, which may include, but is not limited to: the payment of money, or construction of hurricane shelters and transportation facilities. The developer must enter into a development agreement to

memorialize the mitigation plan prior to adoption of the rezoning”. Staff stated the policy would not require a payment of additional money and would require a development agreement at the time of zoning, rather than at the time of development order. A member of the LPA asked whether sheltering in place would be a viable mitigation option and why it was not explicitly listed as a mitigation option. Staff stated that sheltering in place is not the County’s preference, but there might be cases where it is an option. Additionally, staff stated the language in the policy provides enough flexibility for mitigation options that are not explicitly stated within the language of the policy.

- A member of the LPA had a question regarding Policy 123.3.3 and the implementation of a human-wildlife coexistence plan. This member was not in favor of each new development being required to implement a plan and thought staff should have a way to quantify with a planned development. Staff stated that they would further review this policy.

A member of the public spoke regarding the proposed amendment. Public comment mostly addressed recommended changes to the proposed amendments. The member of the public also submitted a copy of their recommended text changes and those recommendations will be addressed in section C.

**B. LOCAL PLANNING AGENCY RECOMMENDATION:**

A motion was made to recommend that the Board of County Commissioners *transmit* CPA2017-00006 provided the following provisions are made: first, removal of Policy 101.3.2; second, strike the verbiage “to the maximum extent possible” from Policy 123.2.15 in conjunction with adding the suggested verbiage suggested by the Conservancy of Southwest Florida “conservation and or”; third, adopt the rest of the suggestions made by the Conservancy of Southwest Florida; fourth, refer to the Land Development Code in Policy 73.2.3; fifth, including “shelter in place” in Policy 101.3.5; and, sixth, address Policy 123.3.3, specifically attempting to quantify “new non-agricultural development”. The motion was passed 5 to 1.

**VOTE:**

<b>DENNIS CHURCH</b>	<b>AYE</b>
<b>FRANK FEENEY</b>	<b>AYE</b>
<b>JAMES INK</b>	<b>NAY</b>
<b>KRISTINE SMALE</b>	<b>AYE</b>
<b>STAN STOUDE</b>	<b>AYE</b>
<b>JUSTIN THIBAUT</b>	<b>AYE</b>
<b>HENRY ZUBA</b>	<b>ABSENT</b>

**C. STAFF RESPONSE TO LPA RECOMMENDATION:**



Below, staff will address the recommendations proposed by the members of the LPA, including the proposed changes submitted by the Conservancy of Southwest Florida:

1. Staff does not recommend the LPA's proposed change to remove proposed Policy 101.3.2 from Attachment 1. Wetlands are undoubtedly one of Florida's most valued ecosystem/habitat, and for good reason. In addition to providing habitat and foraging opportunities for different flora and fauna, wetlands provide humans numerous benefits from their ecosystem services. The Millennium Ecosystem Assessment defines ecosystem services as "the benefits people derive from ecosystems". Some of the most pronounced benefits, provided by wetlands, are protection from wave action and erosion, aquifer recharge, flood protection and water storage for storm and flood waters, and natural water filtration and purification functions. Properly functioning wetlands catch and slow down the flow of surface water and then slowly release the water, which significantly reduces the amount of flooding downstream. Wetland habitats are important and valued because other habitats cannot provide the same beneficial ecosystem services wetlands provide. The Coastal High Hazard Area (CHHA) is subject to the potential dangers that are associated with coastal flooding, including but not limited to high tide events, storm surge, flash floods, stormwater runoff, and impacts of sea level rise. The ecosystem services provided by wetlands help mitigate against the potential dangers of coastal flooding. Wetlands in the CHHA aid in protecting life and property against the potential dangers associated with coastal flooding through their mitigative functions. The proposed policy is also consistent with state statutes, specifically F.S. 163.3178(2)(f)(1) and F.S. 163.3178 (2)(b) which prompt local governments to protect coastal wetlands from developmental impacts and to mitigate the potential dangers associated with coastal flooding.

Currently, wetlands can be developed at very low density; one dwelling unit per twenty acres – the Future Land Use Category with the lowest density assignment aside from Conservation Lands. Property owners within the CHHA can develop upland portions of their property, and can utilize Lee County's Transfer of Development Rights (TDR) program to create Transfer of Development Units (TDUs) for onsite wetlands. The TDR program allows for the creation of 1 TDU for every 5 acres of Wetlands – which is a higher density assignment than what can be developed in the Wetlands Future Land Use Category. The TDR program is an existing incentive which can be utilized in the CHHA to the benefit of the developers, the public's safety and welfare, and the County's wetland ecosystem.

2. Staff does not recommend the proposed change to strike the verbiage "to the maximum extent possible" from Policy 123.2.15. Staff believes striking the verbiage would create a policy that would be prohibitive, and not the intent of the LPA's recommendation. Staff does recommend the proposed verbiage of "conservation and/or" to Policy 123.2.15. This change is reflected in Attachment 1.

3. Staff recommends some of the suggestions provided by the Conservancy of Southwest Florida, which are provided in further detail below.
  - I. Staff recommends that Policy 73.2.2 be amended to reference the LDC or a specific provision and has amended the policy in Attachment 1.
  - II. Staff does not recommend adding 'compatible' to Policy 82.2.1, but does recommend amending the policy as provided in Attachment 1.
  - III. Staff recommends the addition of "conservation and/or" to Policy 123.2.15, as shown in Attachment 1.
  - IV. Staff acknowledges the Conservancy's concern regarding Policy 101.3.5 and the potential degradation of natural resources, but has proposed provisions to protect against the degradation of the County's natural resources. Staff does not propose any amendments to Policy 101.3.5.
  - V. Staff does not recommend amending Objective 101.2 to include wind damage. Objective 101.2 is in regard to the CHHA, which is defined in terms of storm surge. Adding wind damage to this section does not make sense. Additionally, Florida Building Code provides adequate standards for new development, with regards to wind speed/wind damage.
4. Staff recommends the proposed change to amend Policy 73.2.2 to reference the Land Development Code, as shown in Attachment 1.
5. Staff does not recommend the proposed amendment to Policy 101.3.5, which would add the verbiage "sheltering in place". Sheltering in place is not the County's preference, but there might be cases where it is an option. Additionally, the language in the policy provides enough flexibility for mitigation options that are not explicitly stated within the language of the policy.
6. Staff recommends amending Policy 123.3.3 in order to improve clarity and to prevent unintended consequences, as shown in Attachment 1.

**D. ADDITIONAL CHANGES TO ADDRESS OTHER PUBLIC COMMENTS:**

Staff recommends the proposed change to amend Objective 101.2 to address public expenditure for restoration efforts of natural resources and/or natural systems, as shown in Attachment 1.

Staff recommends the proposed change to amend Policy 101.3.4 to better align Lee Plan and Land Development Code provisions, as shown in Attachment 1.

Staff recommends the proposed change to amend Goal 114 to address marine resources – as it was proposed to be struck and should be kept to help broaden and clarify the intent of Goal 114, as shown in Attachment.

**E. STAFF RECOMMENDATION:**

Staff recommends that the Board of County Commissioners *transmit* CPA2017-00006, with the changes recommended by staff. Staff's complete and updated recommendation is included within Attachment 1 of the staff report.

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

DATE OF PUBLIC HEARING: September 5, 2018

**A. BOARD REVIEW:**

Staff provided a brief presentation for the proposed amendments, reasons for the proposed amendments, and staff recommendation. One member of the public spoke in favor of the proposed amendment. A member of the BoCC asked a question concerning the expanded protection of rare and unique habitat; staff responded that there are currently regulations within the LDC that incentivize the protection of rare and unique upland habitats and this policy seeks to expand those protections and incentives, county-wide. Staff also noted that this policy is not meant to be prohibitive, rather, through site design, rare and unique upland habitats must be protected to the maximum extent possible.

**B. BOARD ACTION:**

A motion was made to transmit CPA2018-00001 as recommended by staff. The motion was passed 3 to 0.

**VOTE:**

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

**OBJECTIVE 2.8: COASTAL ISSUES.** Development in coastal areas is subject to the additional requirements found in the Conservation and Coastal Management element of this plan, particularly those found under Goals ~~105, 109, 110, 111, 112, and 113~~ 72, 73, and 101.

- Update Goal cross-references.

\*\*\*\*\*

**IV. Community Facilities and Services**

\*\*\*\*\*

**c. Surface Water Management**

**POLICY 59.1.3:** ~~By 2007, Lee County will update~~ Maintain its flood plain regulations in accordance with the ~~2006~~ most recently adopted Flood Insurance Rate Map (FIRM) and other available sources.

- Remove specific date.
- Update language to reflect most recent FIRM map.

\*\*\*\*\*

**POLICY ~~110.1.5~~ 59.1.9:** ~~The County will m~~Maintain the flood plain management plan and ~~will~~ analyze the flooding problem of the unincorporated areas of Lee County, inventory the flood hazard area, review possible activities to remedy identified flooding problems, select appropriate alternatives, and formulate a schedule for implementation. (Amended by Ordinance No. 92-35, 94-30, 00-22, 07-12)

- Update language to provide consistent formatting.
- Relocate from Policy 110.1.5.

**POLICY 59.1.10:** Lee County will participate in the National Flood Insurance Program Community Rating System (or successor program) to minimize impacts of potential flooding and achieve flood insurance premium discounts for its residents.

- Memorialize current practice.

\*\*\*\*\*

**POLICY ~~110.1.6~~ 59.2.4:** Maintain the provisions of the Flood Plain Management Ordinance that interpret the 50% improvement threshold as cumulative for any improvement, modification, addition or reconstruction project to an existing building or structure identified as part of a repetitive loss property by the Federal Emergency Management Agency (FEMA). A repetitive loss property is defined as one for which two or more National Flood Insurance Program (NFIP) losses of at least \$1000.00 each have been paid ~~since 1978~~ out within any 10-year period. (Amended by Ordinance No. 92-35, 94-30)

- Update language to provide consistent formatting and referencing.

\*\*\*\*\*

**OBJECTIVE 60.1: SURFACE WATER, COUNTY-WIDE PROGRAM.** ~~Lee County will continue its efforts in developing~~ Develop a surface water management program that is multi-objective in scope, ~~and is geographically based on basin boundaries, and incorporates the requirements of applicable adopted Basin Management Action Plans.~~

- Update language to be consistent with South Florida Water Management District (SFWMD).
- Update language for consistent formatting.

**POLICY 60.1.1:** ~~Develop~~ Require design of surface water management systems ~~in such a manner as to protect or enhance the groundwater table as a possible source of potable water.~~

- Remove unnecessary language.
- Update language for consistent formatting and maintenance.

\*\*\*\*\*

**POLICY 60.1.3:** ~~The county will examine~~ Examine steps necessary to restore principal flow-way systems, ~~if feasible,~~ to assure the continued environmental function, value, and use of natural surface water flow-ways and associated wetland systems.

- Remove unnecessary language.

**POLICY 60.1.4:** ~~Additional public hearings on Lee Plan amendments will be held to incorporate each phase~~ Updates of the Surface Water Management Master Plan will be incorporated into the Lee Plan as necessary. These amendments will specifically address:

- ~~(a) incorporating the additions to the database into the Lee Plan;~~
- ~~(b) modifying the interim level of service standards; and~~
- ~~(c) modifying the Future Land Use, Community Facilities and Services, and Capital Improvements elements as necessary to incorporate the study's initial findings.~~

- Reduce redundancies and unnecessary language.

**POLICY 60.1.5:** ~~Lee County will m~~Maintain in its land development regulations that require the installation of requirements that proper stormwater management systems ~~be installed~~ when land is being redeveloped. Appropriate Provide exemptions, as appropriate, will be provided to this requirement for individual residential structures and for historic districts. ~~The regulations may also provide modified stormwater management standards for publicly sponsored projects within community redevelopment areas (as defined by Chapter 163, Part III, Florida Statutes). However, t~~This policy will not be interpreted so as to waive any concurrency or level-of-service standards.

- Revise for clarity.

\*\*\*\*\*

~~POLICY 60.2.3: The County will utilize~~ Evaluate the feasibility for the creation of a Water Conservation Utility to address flooding and water quality ~~implement the provision and maintenance of collection and disposal systems for stormwater and the regulation of groundwater. By the end of 1996, the county will establish a dedicated funding source for the effective operation of the Stormwater Management Utility.~~

- Revise for clarity.

\*\*\*\*\*

**OBJECTIVE 60.5: INCORPORATION OF ~~GREEN INFRASTRUCTURE~~ NATURAL SYSTEMS INTO THE SURFACE WATER MANAGEMENT SYSTEM.** ~~The long term benefits of incorporating~~ Incorporate natural systems green infrastructure as part of ~~into the surface water management system to~~ include improved water quality, improved air quality, improved water recharge/infiltration, water storage, wildlife habitat, recreational opportunities, and visual relief within the urban environment.

- Align language with State Statutes.

~~POLICY 60.5.1: The County e~~Encourages new developments to design ~~their~~ surface water management systems ~~to incorporate~~ with best management practices including, but not limited to, filtration marshes, grassed swales planted with native or Florida Friendly vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow-ways.

- Align language with State Statutes.

\*\*\*\*\*

~~POLICY 60.5.4: The County will continue to~~ Identify and map flow-ways as part of the Lee County Surface Water Management Plan ~~The Plan provides a~~ with general depictions of watersheds and their trunk and major tributaries, ~~and has been expanded to some degree in the DRGR area. As new information is assembled, the Plan will be updated for public use. Due to its magnitude and need for site specific information, not all flow ways will be shown.~~

- Update language to clarify Policy.
- Remove vague language.

\*\*\*\*\*

~~POLICY 61.2.3: Outside the future urban areas where traditional drainage structures exist (ditches, canals, dikes, etc.), the county may permit their continued existence and maintenance, but will discourage their expansion or extension. Discourage the expansion or extension of existing traditional drainage structures, such as ditches, canals, dikes, etc., in non-agricultural areas, and only permit the continued existence and maintenance of such structures outside future urban areas~~

- Update to clarify what the county will discourage.

~~POLICY 61.2.4: Where feasible within future urban areas, surface water management plans are encouraged~~ Encourage surface water management plans that mimic the functions of natural systems, notwithstanding the type or intensity of development permitted.

- Update language to clarify Policy.

\*\*\*\*\*

~~POLICY 61.3.2: Maintain~~ Floodplains must be managed to minimize the potential loss of life and damage to property by flooding.

- Update language to clarify Policy.

~~POLICY 61.3.3: Keep~~ Floodways should be kept as unobstructed as possible.

- Update language to clarify Policy.

\*\*\*\*\*

~~POLICY 61.3.6: Require~~ Developments must have and maintain an adequate to provide surface water management systems, provision for acceptable programs for operation and maintenance, and post-development runoff conditions which that reflect the natural surface water flow in terms of rate, direction, quality, hydroperiod, and drainage basin. Detailed regulations will continue to be integrated with other county development regulations.

- Remove redundant language.

\*\*\*\*\*

~~POLICY 61.3.9: The county will adopt appropriate regulations to p~~ Protect the natural functions of riparian systems from incompatible development practices along their banks.

- Update to maintain regulations and remove vague language.
- Requirements are adopted in the LDC.

\*\*\*\*\*

~~POLICY 61.3.14: Artificial watercourses must be designed so as to reduce velocity of runoff and prevent erosion.~~

- Duplicates 61.3.10.

\*\*\*\*\*

OBJECTIVE 61.4: Work with the appropriate permitting agencies to develop a common set of local permitting criteria, incentives, and regulatory measures specifically for Southwest Florida conditions. (Added by Ordinance No. 07-16)

- Objective deleted by previous scrivener error.



**POLICY 61.4.1:** The permitting measures developed should aim towards rehydrating the region and attaining minimum flows and levels for County waterbodies. (Added by Ordinance No. 07-16)

- Policy deleted by previous scrivener error.

**POLICY 61.4.2:** The permitting measures developed should improve the storage within existing natural and manmade flowways. (Added by Ordinance No. 07-16)

- Policy deleted by previous scrivener error.

**POLICY 61.4.3:** The permitting measures should reevaluate the relationship of volume/area to stormwater management and storage. (Added by Ordinance No. 07-16)

- Policy deleted by previous scrivener error.

**POLICY 61.4.4:** The permitting measures should link Best Management Practices (BMPs) to impervious cover of the impacted sub-watershed and to runoff from various land use types. (Added by Ordinance No. 07-16)

- Policy deleted by previous scrivener error.

\*\*\*\*\*

---

### **g. Fire Protection and Emergency Medical Service**

- Modify sub-element title to reflect addition of GOPs that relate to Emergency Medical Service.

\*\*\*\*\*

**OBJECTIVE 65.2: AREAS OUTSIDE THE EXISTING FIRE SERVICE.** ~~Insure~~ Ensure that county development orders outside the established fire service areas are granted only if fire service expansions or other mitigation measures are approved concurrently.

\*\*\*\*\*

---

### **i. Health Care Environmental Health**

- This sub-element division will be moved to after Policy 68.1.2 and before Goal 69

**GOAL 69: ~~POLLUTION CONTROL~~ ENVIRONMENTAL HEALTH.** ~~To ensure a safe, and healthful environment for all Lee County residents~~ Protect public health through the expansion and improvement of clean air and water requirements.

- Clarify language of Goal.

**OBJECTIVE 69.1:** ~~Lee County will eContinue it's a local pPollution Prevention eControl program by educating homeowners, businesses, and the public on proper storage, handling and disposal methods for hazardous waste and providing collection days, for homeowners and small businesses.~~

- Update language to clarify Objective.

~~POLICY 69.1.1: Lee County will continue mechanisms~~ Continue to identify funding opportunities to educate and train small businesses in waste minimization and the proper storage, handling and disposal of hazardous materials through increased occupational license fees and/or Operational Compliance Permits (OCP). (Amended by Ordinance No. 94-30, 00-22, 07-12; Renumbered by Ordinance No. 08-17)

- Update language to clarify Policy.

~~POLICY 69.1.2: Efforts to protect public health through the clean air and water requirements will be expanded and improved.~~ (Amended by Ordinance No. 00-22; Renumbered by Ordinance No. 08-17)

- Policy language moved to Goal 69.

~~POLICY 69.1.3: Natural and manmade environmental health hazards should be identified.~~ (Renumbered by Ordinance No. 08-17)

- Relocated.

~~POLICY 69.1.4~~ 69.1.2: Renumbered.

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

- Combine Goal 103 with Goal 69 and Objective 69.2 and delete redundant Goal.

~~OBJECTIVE 103.1~~ 69.2 RESPONSE COORDINATION: ~~The county will~~ Support and assist in the creation, maintenance, and improvement of appropriate responses to hazardous material accidents, spills, or leaks in order to protect the public and the environment. (Amended by Ordinance No. 00-22)

- Update language to clarify Objective.

~~POLICY 103.1.1~~ 69.2.1: ~~The county will strive to maintain a representative on~~ Support the Local Emergency Planning Committee (as required by the provisions of Title III: The Federal Emergency Planning and Community Right-To-Know Act of 1986). ~~Through this representative, the county will~~ continued to support and implementation to the extent of relevant information, material, and practicable the responsibilities set forth by the Local Emergency Planning Committee ~~until such time as the Committee is terminated~~. (Amended by Ordinance No. 94-30, 00-22)

- Update language to clarify Policy.

~~POLICY 103.1.2~~ 69.2.2: ~~The county will~~ Assist the various fire districts and other interested parties in the development and maintenance of a hazardous material response team; ~~will provide through providing notification,~~ necessary resources; and logistical support to the response team and other primary agencies responding to hazardous material incidents; ~~and will assisting in the~~ coordinating in the various of resources to ensure proper containment, cleanup and disposal of hazardous materials ~~involved in an emergency incident~~. (Amended by Ordinance No. 00-22)

- Update language to clarify Policy.

**POLICY ~~103.1.3~~ 69.2.3:** ~~The county will develop and maintain~~ Support a the hazardous material emergency response plan created by the Local Emergency Planning Committee that complies with applicable federal and state regulations and guidelines. (Amended by Ordinance No. 00-22)

- Update language to clarify Policy.
- Specify Local Emergency Planning Committee as the entity who creates the plan.

**POLICY ~~103.1.4:~~** ~~The county will assist the various fire districts and appropriate parties in the development and maintenance of a training program for hazardous material response.~~ (Amended by Ordinance No. 00-22)

- Delete redundant Policy.

**POLICY 69.2.4:** Identify natural and manmade environmental health hazards. (Renumbered by Ordinance No. 08-17)

- Relocate from Policy 69.1.3.

**OBJECTIVE 69.3 HAZARDOUS MATERIALS:** Protect the public and the environment from unnecessary contact with hazardous materials through the regulation of entities that rely on these hazardous materials.

- Create Objective that is representative of proceeding Policies, which do not currently fall under the current Objective.

**POLICY ~~103.1.5~~ 69.3.1:** Require ~~Any~~ new development involved in the manufacturing, production, use, application, and storage of hazardous materials or toxic substances contained on the current list of extremely hazardous substances published in the ~~Federal Register on 11/17/86~~ Code of Federal Regulations (CFR), Title 40, Chapter I, Subchapter J, Part 355; ~~(or subsequent updates)~~ must to establish an emergency notification system in the event of a release of a listed hazardous substance. Notification information will conform to requirements set forth in Section 304 of Title III: The Federal Emergency Community Right-to-Know Act of 1986. (Amended by Ordinance No. 00-22)

- Update language to clarify Policy.

**POLICY ~~103.1.6~~ 69.3.2:** Require ~~Any~~ new development involved in the manufacturing, production, use, application, and storage of hazardous materials or toxic substances listed in Chapter 38F-41, Florida Administrative Code (or subsequent updates), ~~must to~~ prepare or have available ~~material safety data sheets (MSDS)~~ Safety Data Sheets (SDS) under the Occupational Safety and Health Administration regulations and submit either copies of ~~MSDS-SDS~~ or a list of MSDS-SDS chemicals to the applicable fire department or district ~~and to the~~, Lee County ~~Division of Public Safety, and~~ Natural Resources Pollution Prevention Program. (Amended by Ordinance No. 94-30, 00-22)

- Update language to clarify Policy.

**POLICY ~~103.1.7~~ 69.3.3:** ~~The county will~~ Implement and maintain an ordinance that requires the county to review disaster preparedness plans for all petroleum storage facilities including any petroleum port or storage facility. This review will also include an assessment of the engineering specifications of the containment dikes at the site in a 100-year storm surge. (Amended by Ordinance No. 99-15)

- Update language to clarify Policy.

---

## I. Emergency Services

---

**GOAL ~~101~~ 72: ~~PLANNING, COORDINATION AND IMPLEMENTATION.~~** ~~To protect the public from the effects of natural and technological hazards through county emergency plans and programs.~~ **EMERGENCY MANAGEMENT.** Establish objectives and policies to help prevent and mitigate threats from natural disasters by reducing their potential impact on future development and responding efficiently to disasters and hazards after the fact.

- Update language to clarify purpose of Goal.

**OBJECTIVE ~~101.1~~ 72.1: ~~PLANNING, COORDINATING, AND IMPLEMENTATION~~** **EMERGENCY MANAGEMENT PLANNING.** Protect the public from the effects of natural and man-made hazards through implementation of county emergency plans and programs. The county will maintain a system that provides a reasonable opportunity for protecting the population at risk to injury or death from the natural and technological hazards defined in the 1984 Lee County Hazard Vulnerability Analysis or subsequent updates. (Amended by Ordinance No. 00-22)

- Remove outdated language and timeframes.
- Update language to clarify Policy.

**POLICY ~~101.1.1~~ 72.1.1:** Utilize the Lee County Comprehensive Emergency Management Plan (EMP) will be used as the operational guide in preparing for, responding to, and recovering from those natural and technological man-made hazards that requiring emergency actions by Lee County local government officials. Maintain, and update as necessary, the EMP following a man-made or natural disaster. (Amended by Ordinance No. 00-22)

- Update language for consistency within the Emergency Management Goal.

**POLICY ~~101.1.2~~ 72.1.2:** ~~The county, in cooperation with local news media, educational institutions, public service groups, and other agencies will implement a~~ Maintain, in cooperation with local news media, educational institutions, public service groups and other agencies, a program of education and information describing the risks of natural and man-made hazards such as hurricanes, tropical storms, severe thunderstorms, tornadoes, lightning, freezes, and attack from hostile governments; and actions necessary to mitigate potential damages from such hazards. the dangers which these hazards present. (Amended by Ordinance No. 00-22)

- Update language for consistency within the Emergency Management Goal.

~~POLICY 101.1.3~~ **72.1.3:** ~~The county will establish and m~~Maintain an emergency resource inventory program describing facilities and sites designated to serve as local, state, and federally sponsored emergency assistance locations; examples of such facilities include disaster ~~application~~ recovery centers, citizen assistance centers, ~~disaster~~ joint field offices, temporary housing sites, and debris disposal locations. (Amended by Ordinance No. 00-22)

- Update language for consistency within the Emergency Management Goal.

~~POLICY 101.1.4~~ **72.1.4:** ~~The county will maintain a mechanism to e~~Coordinate the development and maintenance of emergency plans and programs among the relevant with appropriate local, regional, and state, and federal governments, ~~districts, the administration of the Florida Gulf Coast University, or agencies.~~ (Amended by Ordinance No. 94-30, 00-22)

- Update language for consistency and clarity.

**POLICY 72.1.5:** Maintain, and update as necessary, a Joint Unified Local Mitigation Strategy (LMS) for Lee County with appropriate local, state, and federal agencies. The LMS includes a hazard and vulnerability assessment, mitigation goals and objectives for the community, and a prioritized list of mitigation projects that can be funded by grant opportunities after declared disasters. The LMS is a comprehensive plan that is reviewed and approved every five years by the Florida Division of Emergency Management and the Federal Emergency Management Agency.

- Add Policy to clarify scope of Emergency Management Goal.

**POLICY 72.1.6:** Maintain the All-Hazards Protection Fund (MSTU) to supplement budgetary needs for emergency planning, disaster mitigation, and recovery.

- Add Policy to clarify scope of Emergency Management Goal.

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

- Streamline/Remove redundant language.

~~**OBJECTIVE 111.1 POLICY 72.1.7: POST-DISASTER STRATEGIC PLAN.** The county will m~~Maintain a post-disaster institutions and procedures to guide county actions following a natural or technological man-made disaster. (Amended by Ordinance No. 94-30, 00-22, 07-12)

- Update language for consistent formatting.

~~**POLICY 111.1.1:** The plan will maintain a Recovery Task Force to work with state and federal emergency officials, assess damage, review emergency actions, prepare a redevelopment plan, and recommend needed changes to the Strategic Plan and to this comprehensive plan.~~ (Amended by Ordinance No. 94-30, 00-22)

- The Post Disaster Strategic Plan is contained in the Lee County Code of Ordinances and will be maintained.
- Remove redundant language.

~~**POLICY 111.1.2:** The plan will maintain guidelines for determining priorities for the acquisition of storm damaged property in hazard prone areas. (Amended by Ordinance No. 94-30, 00-22)~~

- The Post Disaster Strategic Plan is contained in the Lee County Code of Ordinances and will be maintained.
- Remove redundant language.

~~**POLICY 111.1.3:** The plan will establish principles for repairing, replacing, modifying, or relocating public facilities in hazard prone areas. (Amended by Ordinance No. 00-22)~~

- The Post Disaster Strategic Plan is contained in the Lee County Code of Ordinances and will be maintained.
- Remove redundant language.

~~**POLICY 111.1.4:** The applicable portions of the Comprehensive Emergency Management Plan will be modified to comply with these policies, and will contain step by step details for post disaster recovery operations. (Amended by Ordinance No. 00-22)~~

- The Post Disaster Strategic Plan is contained in the Lee County Code of Ordinances and will be maintained.

~~**OBJECTIVE 111.2 POLICY 72.1.8: POST-DISASTER ORDINANCE.** Maintain an ordinance that implements (where necessary) the Post-Disaster Strategic Plan, and provides regulations that may be needed following a natural or technological man-made disaster. The Recovery Task Force will recommend amendments as needed to the Post Disaster Strategic Plan. (Amended by Ordinance No. 94-30, 00-22, 07-12)~~

- Update language for consistent formatting.
- Remove redundancies.

~~**POLICY 111.2.1:** The ordinance will continue to provide for enactment of a temporary moratorium on rebuilding not immediately needed for the public health, safety, and welfare (e.g., to allow repairs to water, power, fire, police, and medical; debris removal; stabilization or removal of structures in danger of collapsing; and minimal repairs to make dwellings habitable). (Amended by Ordinance No. 94-30, 00-22)~~

- The Post Disaster Ordinance is contained in the Lee County Code of Ordinances and will be maintained.
- Remove redundant language.

~~**POLICY 111.2.2:** The ordinance may incorporate a redevelopment plan for hazard prone areas where such a plan would minimize repeated exposures to life threatening situations.~~

- The Post Disaster Strategic Plan is contained in the Lee County Code of Ordinances and will be maintained.
- Remove redundant language.

~~**POLICY 111.2.3:** The ordinance will implement the county buildback policy (see Procedures and Administration Section). (Amended by Ordinance No. 94-30, 00-22)~~

- The Post Disaster Strategic Plan is contained in the Lee County Code of Ordinances and will be maintained.
- Remove redundant language.

~~**OBJECTIVE 110.1-72.2: DEVELOPMENT REGULATIONS.** All Maintain land development regulations that reduce the vulnerability of development from the threats of natural and man-made hazards. will be reviewed and revised to require that the vulnerability of future developments in the Coastal High Hazard Area (CHHA) and the A Zone (as defined by the Federal Emergency Management Agency) be reduced. (Amended by Ordinance No. 94-30, 00-22, 07-12, 16-07)~~

- Update language to provide consistent formatting and referencing.
- Relocate from Objective 110.1

~~**POLICY 110.1.1-72.2.1:** Regulations and incentives will be examined for additional setbacks in Maintain land development regulations that provide for additional setbacks in critical erosion areas, conservation and enhancement of dunes and vegetation, floodproofing of utilities, and appropriate requirements for structural wind resistance and floodplain management.~~

- Update language to provide consistent formatting.
- Relocate from Policy 110.1.1.

~~**POLICY 109.1.1-72.2.2:** The county will ~~a~~Assess the impact of all new residential development upon the projected hurricane evacuation network and upon projected hurricane evacuation times, and will require mitigation either through structural (on-site, or off-site shelter) provisions or through non-structural methods or techniques. Pursuant to Policy 14.8.4, all new residential development and redevelopment within the Hurricane Vulnerability Zone in Greater Pine Island must mitigate hurricane sheltering and evacuation impacts in accordance with Chapter 2, Article XI of the Land Development Code. (Amended by Ordinance No. 00-22, 16-07)~~

- Update language to provide consistent formatting.

~~**POLICY 72.2.3:** Maintain and update, as necessary, provisions for the protection of life and property from fire related impacts.~~

- Create Policy addressing the protection of life and property with regards to fire related impacts.

~~**GOAL 109-73: -EVACUATION AND SHELTER PLANNING:** To provide evacuation and shelter capabilities adequate to safeguard the public against the effects of hurricanes and tropical storms.~~

- Update for consistent language and structure.

**OBJECTIVE ~~109.1-73.1~~: EVACUATION.** ~~By 2030 Lee County will w~~Work towards attaining a level of service for out of county hurricane evacuation for a Category 5 storm event (Level E storm surge threat) that does not exceed ~~18 hours~~ the timeframes referenced in the Statewide Regional Evacuation Study. Lee County will work to improve clearance times by increasing shelter availability within the county, improving evacuation routes and increasing public awareness and citizen preparedness. (Amended by Ordinance No. 09-17)

- Update for consistent language, references, and structure.
- Add clarifying language.
- Align with statewide regional evacuation study.

**POLICY ~~109.1.2-73.1.1~~: Coordinate** ~~P~~periodic updates of the hurricane evacuation portion of the Comprehensive Emergency Management Plan ~~will be e~~ordinated with ~~computer transportation modeling~~ the Lee County MPO Long Range Transportation Plan to identify critical ~~roadway links~~ transportation routes for evacuation. (Amended by Ordinance No. 94-30, 00-22, 16-07)

- Update language to provide consistent formatting.
- Clarify language and specify specific plans.

**POLICY ~~109.1.3~~:** ~~Critical roadway links causing congestion on evacuation routes will receive high priority for capital improvement expenditures.~~ (Amended by Ordinance No. 94 30, 00 22, 09 17)

- Delete redundant Policy.

**POLICY ~~109.1.4-73.1.2~~:** Design, construct and operate ~~N~~new or replacement bridges on evacuation routes spanning major or marked navigable waterways ~~will be designed, constructed, and operated~~ to adequately accommodate the safe and timely evacuation needs of both motor vehicle and marine traffic. For the purposes of accommodating hurricane evacuation, a new bridge to Pine Island is strongly discouraged due to the costs, design constraints, and potential impacts to growth patterns within Greater Pine Island. (Amended by Ordinance No. 99-15, 00-22, 16-07)

- Update language to provide consistent formatting.

**OBJECTIVE ~~109.2-73.2~~: SHELTER.** ~~Ensure that B~~y ~~2010-2040~~, adequate shelter space will be available for the population in ~~the Hurricane Vulnerability Zone at risk under a Category 3 storm areas most susceptible to storm surge inundation.~~

- Modify old dates.
- Align with State Statutes.



**POLICY ~~109.2.1-73.2.1~~:** ~~The percentage rate of the evacuation population to be used as the basis for in-county and on-site shelter demand will be ten (10) percent of the population at risk in the Hurricane Vulnerability Zone under a Category 5 storm hazard scenario. Utilize as the basis for in-county and on-site shelter demand the evacuation rate of ten (10) percent of the population at risk.~~ This rate will also be the target shelter capacity for a program to provide an emergency shelter supply within Lee County ~~by the year 2030~~. (Amended by Ordinance No. 92-35, 00-22, 09-17)

- Update language to provide consistent formatting and referencing.
- Adjust shelter capacity.
- Remove unnecessary dates and language.

**POLICY ~~109.2.2-73.2.2~~:** ~~By 1995, the county will Continue to implement a shelter capacity program designed to meet the level of service in Policy 109.2.1 by 2010. Components of this program may include by:~~

- Update language to provide consistent formatting and referencing.
- Remove outdated language.
- Amended by LPA recommendation.

1. Funding of the All-Hazards Protection Fund (MSTU);
2. Requiring appropriate shelter mitigation, for new development, as determined by Lee County Public Safety, which may include, but is not limited to: the payment of money, or construction of hurricane shelters; as specified in the Land Development Code; and
2. ~~Requiring a~~An impact fee or fee in lieu for new residential developments, with appropriate credits for the construction of on-site shelters outside of category 1 areas the Coastal High Hazard Areas;
3. ~~Requiring m~~Mandatory on-site shelters for new residential developments (including mobile home and recreational vehicle parks) over a specified size threshold ~~to be specified in county regulations and outside Category 1 areas of the Hurricane Vulnerability Zone~~ the Coastal High Hazard Areas; and
- 4 3. Applying for aAny available state funds. (Added by Ordinance No. 94-30)

**POLICY ~~109.2.3-73.2.3~~:** ~~Establish regulations and procedures to require~~ On-site shelters will be required to meet standards established by the county in the Land Development Code, including location and provision of adequate shelter space, elevation above a Category 3 storm event (Level C storm surge threat) hurricane storm surge flooding threat levels, adequate windproofing, glass protection, emergency power where needed, water supplies, and other basic needs. (Amended by Ordinance No. 94-30, 00-22, 07-12)

- Update language to provide consistent formatting and referencing.

~~POLICY 109.2.4 73.2.4: Prohibit the building of On-site shelters for the general public must not be built on barrier or coastal islands. (Amended by Ordinance No. 00-22)~~

- Update language to provide consistent formatting.

~~POLICY 109.2.5: By 1995, the county will determine the feasibility of evacuating residents from the Category 1 area to vertical shelters within residential, commercial, and industrial sites in the Category 2, 3, 4, and 5 areas of the Hurricane Vulnerability Zone. (Amended by Ordinance No. 94-30, 00-22)~~

- Delete Policy that is no longer required; situations should be evaluated in context and are situational.

~~GOAL 102 OBJECTIVE 73.3: PEOPLE WITH SPECIAL NEEDS. To assist in the emergency preparedness requirements of the county's for elderly, frail, infirmed, or handicapped (people with special needs). Ensure the county will have mechanisms in place to assist people with special needs during an emergency.~~

- Update language to clarify Policy.
- Update language for consistency.

~~OBJECTIVE 102.1: The county will continue to have mechanisms in place to assist people with special needs during an emergency. (Amended by Ordinance No. 94-30, 00-22)~~

- Delete redundant and duplicative Objective.

~~POLICY 102.1.1 73.3.1: Develop Land Development Code regulations related to hurricane mitigation, Agency for Health Care Administration rules and regulations, and emergency preparedness plans for New hospital, nursing home, adult congregate living facility, or facilities for the developmentally disabled. projects must prepare an emergency preparedness plan acceptable to the Lee County Division of Public Safety prior to receiving a final development order. (Amended by Ordinance No. 00-22)~~

- Remove redundant language.

~~POLICY 102.1.2 73.3.2: The county Assist, in cooperation with other public agencies and service groups, will continue its efforts to assist in the emergency transportation needs of residents having limited mobility and who do not reside in licensed institutions serving people with special needs. (Amended by Ordinance No. 94-30, 00-22)~~

- Update language for consistent formatting.

~~POLICY 102.1.3 73.3.3: The county, in cooperation Work with other public agencies and service groups; towards providing will continue its efforts to provide basic medical functional and access services in selected emergency public shelters for people with special needs. (Amended by Ordinance No. 94-30, 00-22)~~

- Update language to clarify Policy.
- Update language for consistent formatting.

**GOAL 74 - 75: [RESERVED]**

\*\*\*\*\*

**V. Parks, Recreation and Open Space**

\*\*\*\*\*

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

- Update language to clarify Policy.

**OBJECTIVE 82.1: WATER ACCESS.** ~~Maintain water accesses and acquire additional water accesses if needed and economically feasible. (Amended by Ordinance No. 94-30, 00-22)~~ Support multiple forms of water access to the public and acquire additional property to be used as public water access, when economically feasible. (Amended by Ordinance No. 94-30, 00-22)

- Combine with Goal 125 and Objective 125.2.
- Remove redundancies between provisions.

**POLICY 82.1.1:** ~~The county will e~~Continue to pursue grants and other initiatives such as the "Save Our Coast" program as funding sources for additional water accesses by the public. (Amended by Ordinance No. 94-30, 00-22)

- Update language to clarify Policy.
- Remove unnecessary information.

**POLICY 125.2.1 82.1.2:** ~~The county staff will d~~Design a programs that which would require and/or encourage and incentivize new water related developments to provide some form of water access (physical, visual or interpretive) to the public. The program will be submitted to the Board of County Commissioners for formal consideration.

- Update language to clarify Policy.

**OBJECTIVE 82.2: WATER ACCESS STANDARD-DEVELOPMENT DEVELOPMENT STANDARDS FOR WATER ACCESS.** ~~Lee County will retain the current inventory of water accesses and will develop or redevelop public water accesses throughout Lee County~~ Enhance public access to county waterways through (re) development and maintenance of beach and water accesses. (Amended by Ordinance No. 94-30, 00-22, 11-22)

- Combine with Objective 82.2 and Objective 125.1
- Remove redundancies between provisions.

**POLICY 82.2.1:** ~~The development of each Evaluate water access sites will be individually evaluated on an individual basis in order to determine the proper level of provide the correct level of (re) development for each site required. Such (re) Ddevelopment might include, but is not limited to, of water accesses will vary from simple signage on some to, parking areas, beach crossovers, and dune restoration on others. Evaluate individual water access sites to determine future (re) development needs, such as, but not limited to: signage, parking areas, beach crossovers, and dune restoration. (Re) development will be evaluated on compatibility with the surrounding natural environmental and addressing the needs of the public.~~

- Update vague language.
- Combination of previous Policy 82.2.1 and Policy 82.2.2.
- Amended by LPA recommendation.

**POLICY ~~125.1.1~~ 82.2.2:** ~~The establishment of Encourage the use of vegetated buffers, which provide zones along Lee County waterways to prevent protection against the erosion of natural shorelines, establish opportunity for the creation of additional wetlands habitats, and enhancement of the natural scenery along Lee County waterways. will be preferred to the indiscriminate eClearing of vegetation will be subject to local regulations and permit requirements. These buffer zones will be evaluated in the review of planned developments and developments of regional impact, and also by specific county regulations (see Policy 61.3.9). (Amended by Ordinance No. 00-22)~~

- Update vague language.
- Combine with Policy 125.3.1.

**POLICY ~~125.3.1~~ 82.2.3:** Identify areas suitable for publicly-maintained facilities that support water dependent/water related recreational uses and activities, such as canoe/kayak vessel launch areas, boardwalks, jogging paths, fishing platforms, and waterside parks.

- Update vague language.
- Relocate from Policy 125.3.1.

**~~OBJECTIVE 82.3: INVENTORY OF WATER ACCESSES.~~** Lee County will continue to research and maintain available data to determine if there are any additional publicly owned water access which could be added to the current inventories. This research will include the Gulf of Mexico frontage as well as the back bays. (Amended by Ordinance No. 94-30, 00-22)

- Delete redundant Objective.
- Relocate to Policy 82.2.1.

**~~POLICY 82.3.1:~~** Lee County will reclaim any water accesses which are legally county owned property. This reclamation process will include removing any encroachments that have been placed in the access. (Amended by Ordinance No. 94-30, 00-22)

- Delete redundant Policy.

~~**POLICY 82.2.2:** Lee County will provide parking at all water accesses where such development is appropriate and feasible. (Amended by Ordinance No. 00-22)~~

- Delete redundant Policy.
- Relocate to Policy 82.2.1.

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

- Delete redundant Goal.
- Relocate to Goal 82.

~~**OBJECTIVE 125.2: WATER ACCESS IN PRIVATE DEVELOPMENTS.** The county will encourage private landowners to provide some form of water access to the public.~~

- Delete redundant objective and relocate to Policy 82.1.

~~**OBJECTIVE 125.3:** Develop techniques to encourage development and expansion of water-dependent recreational uses in Lee County waterways and discourage any conversion of water-dependent uses to non-water dependent uses.~~

- Delete redundant Objective.

~~**OBJECTIVE 125.1: SCENIC WATERWAYS PROGRAM.** The county will develop and implement a county scenic waterways program in order to enhance the opportunities for physical, visual, and interpretive access to the water.~~

- Delete redundant Objective and relocate to Objective 82.2.

\*\*\*\*\*

## VII. Conservation and Coastal Management

\*\*\*\*\*

~~**GOAL 105101: PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS.** To protect human life and along with current and future development property from the impacts of coastal flooding. Coastal flooding includes, but is not limited to natural disasters high tide events, storm surge, flash floods, stormwater runoff, and impacts of sea level rise. (See also Goal 110.) (Amended by Ordinance No. 94-30)~~

- Update language to clarify Policy.
- Update language for consistent formatting.
- Align with State Statutes.

~~**OBJECTIVE 113.1 101.1: COASTAL AREA PLANNING AREA IN GENERAL.** Lee County will manage the coastal planning area to provide a balance among conservation of resources, public safety capabilities, and development Improve the function of natural systems as a defense against coastal flooding.~~

- Update language for consistent formatting.
- Align with State Statutes.

**POLICY ~~113.1.1~~ 101.1.1:** ~~Coastal areas with significant public value for water retention and purification, wildlife habitat, and primary productivity will be protected through the development permitting process and enforcement of appropriate codes and regulations. Require that development within the Coastal High Hazard Area must be compatible with any current natural systems, such as; water retention and purification, wildlife habitat, and primary productivity, and defense against coastal flooding.~~ (Amended by Ordinance No. 00-22)

- Combine with Policy 113.1.2.
- Update language for consistent formatting.
- Align with State Statutes.

**POLICY ~~113.1.5~~ 101.1.2:** ~~Lee County will p~~Protect and conserve the following environmentally sensitive coastal areas: wetlands, estuaries, mangrove stands, undeveloped barrier islands, beach and dune systems, aquatic preserves, ~~and~~ wildlife refuges, undeveloped tidal creeks and inlets, critical wildlife habitats, benthic communities, and marine grass beds. (Amended by Ordinance No. 00-22)

- Update language for consistent formatting.

**POLICY ~~105.1.1~~ 101.1.3:** ~~Evaluate as needed~~ County policy regarding development seaward of the ~~updated 1991~~ Coastal Construction Control Line ~~will be re-evaluated approximately every five years beginning in 1995~~ to assess the adequacy of policies and practices developed by the Department of Environmental Protection and modify county policy as necessary. (Amended by Ordinance No. 92-35, 94-30, 00-22)

- Relocate and amend for consistent reference of the Coastal Construction Control Line from Policy 105.1.1.

**POLICY ~~109.1.5~~ 101.1.4:** Require that ~~C~~omprehensive plan amendments that increase density within the Coastal High Hazard Areas or on islands must meet one of the following criteria consistent with Section 163.3178(8), F.S.:

1. ~~The proposed amendment w~~Will not exceed a 16 hour result in an out of county hurricane evacuation time that exceeds 16 hours for a Category 5 storm event (Level E storm surge threat); or
2. Will M~~aintain~~ a 12 hour evacuation time to shelter for a Category 5 storm event (Level E storm surge threat) and ensure shelter space is available to accommodate the additional residents of the development allowed by the proposed comprehensive plan amendment population; or
3. Will P~~rovide~~ appropriate mitigation as determined by Lee County Public Safety to satisfy both criteria above ~~the provisions of either of the previous two paragraphs~~, which may include ~~without limitation~~, the payment of money, ~~contribution of land~~, or construction of hurricane shelters and transportation facilities. The ~~developer applicant~~ must enter into a ~~binding agreement~~ development agreement to memorialize the mitigation plan prior to adoption of the plan amendment. (Added by Ordinance No. 09-17, Amended by Ordinance No. 16-07)

- Update language to provide consistent formatting and referencing.

- Relocate from Policy 109.1.5.

**POLICY ~~113.1.4~~ 101.1.5:** ~~Maintain Undeveloped barrier islands will be maintained~~ predominantly in their natural state. ~~Public expenditures for infrastructure will be limited to public parks in such areas.~~ (Amended by Ordinance No. 94-30, 00-22)

- Relocate from Policy 113.1.4.
- Delete redundant language that is addressed in previous Goals, Objectives, and Policies.

**OBJECTIVE ~~106.1~~ 101.2: LIMITATION OF PUBLIC EXPENDITURES IN COASTAL HIGH HAZARD AREAS.** ~~Public expenditures in areas particularly subject to repeated destruction by hurricanes will be limited to necessary repairs, public safety needs, services to existing residents, and recreation and open space uses. Limit the expenditure of public funds in areas particularly subject to repeated destruction by coastal flooding to only necessary repairs, public safety needs, restoration of natural systems, services to existing residents, and recreation and open space uses. Coastal flooding includes, but is not limited to, high tide events, storm surge, flash floods, stormwater runoff, and impacts of sea level rise.~~ (Amended by Ordinance No. 94-30, 00-22)

- Align with State Statutes.
- Clarify language.
- Amended by LPA recommendation.

**POLICY ~~106.1.1~~ 101.2.1:** ~~All further public expenditures made for new facilities on undeveloped barrier islands or within V zones will require a finding by the county commission that such expenditures are necessary to maintain required service levels, to protect existing residents, or to provide for recreation and open space needs. Limit the expenditure of public funds for new facilities on undeveloped barrier islands or within V zones, as defined by the Flood Insurance Rate Maps (FIRM maps), to only those expenditures that maintain required service levels, protect existing residents, provide for recreation and open space needs, or improve the function of natural systems.~~ (Also see Policy 95.1.2) (Amended by Ordinance No. 00-22)

- Clarify specific reference to FIRM maps.

**POLICY ~~106.1.2~~ 101.2.2:** Renumbered.

**POLICY ~~106.1.3~~ 101.2.3:** Renumbered.

**POLICY ~~106.1.4~~ 101.2.4:** Renumbered.

**POLICY 101.2.5:** Limit public expenditures on undeveloped barrier islands to public parks.

- Move from Objective 101.1 to more appropriate section.

**OBJECTIVE ~~105.1~~ 101.3: DEVELOPMENT IN COASTAL HIGH HAZARD AREAS.** Protect human life and property from natural and man-made disasters. ~~Development seaward of the 1991 Coastal Construction Control Line will require applicable State of Florida approval; new development on barrier islands will be limited to densities that meet required evacuation standards; new development requiring seawalls for protection from coastal erosion will not be permitted; and allowable densities for undeveloped areas within coastal high hazard areas will be considered for reduction.~~ (Amended by Ordinance No. 92-35, 93-25, 94-30, 00-22)

- Relocate and amend for consistent reference of the Coastal Construction Control Line from Objective 105.1.
- Relocate language to Policy 101.3.9 for clarity.
- Redundant with statutory requirements.

**POLICY ~~105.1.3~~ 101.3.1:** ~~Protect S~~shoreline development in V Zones will be protected from coastal erosion, wave action, and storms by ~~vegetation~~ natural systems, setbacks, and/or beach re-nourishment, rather than by seawalls or other hardened structures which tend to hasten beach erosion (~~see also policies under Objective 113.2~~). Repairs of lawfully constructed, functional, hardened structures as defined in F.S. Chapter 161 may be allowed subject to applicable state and local review and approval. (Amended by Ordinance No. 92-35, 00-22)

- Relocate from Policy 105.1.3.

**POLICY 101.3.2:** Restrict development in the Coastal High Hazard Area to uplands except as needed for the provision of public facilities.

- Create Policy which protects wetland habitats in the Coastal High Hazard Area.
- Protect development in the Coastal High Hazard Area.
- Consistent with 'Peril of Flood' legislation.

**POLICY ~~110.1.2~~ 101.3.3:** ~~The county will not permit~~ Prohibit new or expanded mobile home or recreational vehicle development on barrier islands or in V-Zones as defined by the Flood Insurance Rate Maps (FIRM MAPS) through the Federal Emergency Management Agency. (Amended by Ordinance No. 94-30, 00-22)

- Update language to provide consistent formatting and referencing.
- Relocate from Policy 110.1.2.

**POLICY ~~110.1.3~~ 101.3.4:** Encourage All new residential development, as required by the Land Development Code, ~~of more than 50 units will be required~~ to provide continuing information to residents concerning hurricane evacuation and shelters; ~~through the establishment of a homeowners' or residents' association.~~ (Amended by Ordinance No. 94-30, 00-22, 07-12)

- Update language to provide consistent formatting.
- Relocate from Policy 110.1.3.
- Amended by LPA recommendation.



~~POLICY 105.1.5~~ **101.3.5:** ~~Zoning requests located in the coastal high hazard area will be considered for reduced or minimum density assignments, in accordance with their future land use category density range. This evaluation should be done in concert with an evaluation of other individual characteristics such as compatibility with existing uses, desired urban form, and availability of urban services.~~ Require that rezoning requests to increase the potential numbers of units that could be built within the Coastal High Hazard Area or on islands meet the following: Provide appropriate mitigation as determined by Lee County Public Safety, which may include, but is not limited to: the payment of money, or construction of hurricane shelters and transportation facilities. The developer must enter into a development agreement to memorialize the mitigation plan prior to adoption of the rezoning.

- Relocate from Policy 105.1.5.
- Delete redundant language.
- Create a Policy that addresses criteria for rezoning requests in the Coastal High Hazard Area.

~~POLICY 110.1.8~~ **101.3.6:** Prohibit the use of Transferable Development Units (TDUs) and bonus density utilizing cash contributions for affordable housing may not be utilized on property located within the Coastal High Hazard Area. (Added by Ordinance No. 16-07)

- Relocate from Policy 110.1.8.
- Amend Policy that addresses affordable housing within the Coastal High Hazard Area.

**POLICY 101.3.7:** Bonus density for site built affordable housing development will be considered within the Coastal High Hazard Area.

- Create Policy that addresses affordable housing within the Coastal High Hazard Area.

~~POLICY 113.1.3~~ **101.3.8:** ~~Construction of vehicular access to, and paved roads or commercial marinas on, undeveloped barrier islands is prohibited, as mandated by the Charlotte Harbor Management Plan~~ Prohibit development of undeveloped barrier islands that is inconsistent with the Charlotte Harbor Management Plan, as amended. (See also Policy 106.1.2.) (Amended by Ordinance No. 94-30, 00-22)

- Relocate from Policy 113.1.3.
- Update language to clarify.

**POLICY 101.3.9:** Prohibit new development requiring seawalls for protection from coastal erosion. (Amended by Ordinance No. 92-35, 93-25, 94-30, 00-22)

- Move from Objective 101.3 to create policy.

**OBJECTIVE 113.2** **101.4: SHORELINE STABILIZING SYSTEMS.** ~~Lee County will continue to encourage the construction of environmentally compatible shoreline stabilizing systems where stabilizing systems are needed. (Amended by Ordinance No. 00-22)~~

- Update language for consistent formatting.

**POLICY ~~113.2.1~~ 101.4.1:** Renumber

**POLICY ~~113.2.2~~ 101.4.2:** Renumber

**POLICY ~~113.2.3~~ 101.4.3:** ~~The county will e~~Encourage the planting of mangroves or placement of rip-rap in artificial and natural canal systems to replace existing seawalls in need of repair. (Amended by Ordinance No. 00-22)

- Update language for consistent formatting.

**POLICY ~~113.2.4~~ 101.4.4:** Renumber

**OBJECTIVE ~~113.3~~ 101.5: BEACH AND DUNE SYSTEMS.** ~~Lee County will continue to implement a~~ Maintain a beach preservation and management plan through the Lee County Coastal Advisory Council or successor agency. (Amended by Ordinance No. 98-09)

- Update language for consistent formatting.

**POLICY ~~113.3.1~~ 101.5.1:** ~~The Division of Natural Resources Management, or successor agency, will be responsible for the~~ Maintain a beach and dune management program. ~~This program will~~ which includes:

- Update language for consistent formatting.
  - Update language to clarify policy.
  - Remove redundant and unnecessary information.
  - Remove unnecessary dates and cross references.
1. Preparing beach and dune management plans, with priority to areas designated by the Florida Department of Environmental Protection as critically eroded in the report entitled Critically Eroded Beaches in Florida ~~(as updated April, 2006)~~.
  2. Coordinating with local municipalities and the Captiva Erosion Prevention District in preparing beach and dune management plans.
  3. Coordinateing with government and private entities to identify sources of beach-quality sand for renourishment projects, concentrating on areas that will have minimal impacts on the eCounty's aquatic resources.
  4. Utilizeing all possible means to protect beach-quality sand resources from use by public and private out of county users. Lee County will provide comments to the U.S. Army Corps of Engineers and the Florida Department of Environmental Protection ~~(or successor)~~ regarding impacts to off-shore beach-quality sand resources. ~~Protect sand resources from the placement of infrastructure that may impede access to the resource such as, but not limited to, pipelines and transmission cables.~~
  5. Preparing renourishment plans for eroding areas where public facilities and access exist, including areas designated by the Florida Department of Environmental Protection as critically eroded in the report entitled Critically Eroded Beaches in Florida ~~(as updated April, 2006)~~.

6. Recommending regulations and policies to restrict hardened coastal engineering structures such as groin fields and seawalls, protect eroding coastal areas and sand dunes, and discourage development of undeveloped coastal barriers.
7. Protecting sand resources from the placement of infrastructure that may impede access to the resource such as, but not limited to, pipelines and transmission cables. Maintaining a central clearinghouse for information on beach and dune studies and recommendations by both public and private organizations.
8. Educating citizens and developers about the costs and benefits of beach and dune conservation approaches.
9. Preparing a sand conservation plan that emphasizes the importance of maintaining beach quality sand within the littoral system.
10. Continuing to participate in the Federal Shore Project as the local sponsor; and it will also coordinate beach renourishment activities, as appropriate, for the Estero Island segment with the Town of Fort Myers Beach for implementation of the Estero Island segment.
11. Pursuing all available sources of funding, ~~to specifically include~~ state and federal funding, for implementation of beach and dune projects.
12. Requiring the installation of dune vegetation as a component of all County funded renourishment projects.

**POLICY ~~113.3.2~~ 101.5.2:** Renumber

**POLICY ~~113.3.3~~ 101.5.3:** ~~The county will s~~Support the renourishment of beaches through the use of environmentally responsible methods. (Amended by Ordinance No. 98-09, 00-22)

- Update language for consistent formatting.

**~~POLICY 105.1.4:~~** ~~Through the Lee Plan amendment process, future land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories in order to limit the future population exposed to coastal flooding. (Amended by Ordinance No. 92-35, 94-30, 00-22, 05-19)~~

- Delete outdated Policy.

**~~POLICY 105.1.2:~~** ~~Rezoning to allow higher densities will not be permitted on barrier and coastal islands if the capacity of critical evacuation routes would thereby be exceeded (see Objective 109.1). (Amended by Ordinance No. 92-35, 00-22)~~

- Delete redundant Policy.

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

- Combine Goal 106 with Goal 110 and Goal 105.
- Delete redundancies.

~~**GOAL 110: HAZARD MITIGATION.** To provide through county plans, programs, and regulations means to minimize future property losses from natural disasters such as flooding, tropical storms and hurricanes. (See also Goal 105.)~~

- Delete redundant Goal.
- Combine Goal 110 with Goal 101.

~~**POLICY 110.1.4:** All new residential development of more than 100 units will be required to formulate an emergency hurricane preparedness plan; this plan is subject to the approval of the Lee County Division of Public Safety. (Amended by Ordinance No. 94-30, 00-22, 07-12)~~

- Delete outdated Policy.

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

- Delete redundant Goal.
- Combine with Goal 101 and Objective 101.1.

~~**POLICY 113.1.2:** All development within the coastal planning area must be compatible with protection of natural systems.~~

- Delete redundant Policy.
- Combine with Policy 101.1.1.

~~**POLICY 113.1.6:** The county will gather and utilize available technical criteria and supporting information necessary to guide the formulation of plans, ordinances, and regulations to insure that development in the coastal planning high hazard area is compatible with the continued or improved functioning of natural coastal systems.~~

- Redundant with state statutes.

~~**POLICY 113.1.7:** Levels of service for facilities and services within the coastal planning area will be the same as those established for the remainder of the county (see Policy 95.1.3 for service level summaries). The county's Concurrency Management System will apply in full within the coastal planning area.~~

- Delete redundant and outdated Policy.

**GOAL 102 – GOAL 112: [RESERVED]**

**GOAL ~~121~~ 113: FISHERIES MANAGEMENT.** ~~To p~~Preserve the ecosystem that nourishes and shelters the commercial and sport fisheries in Lee County's commercial, sport, and recreational fisheries.

- Update language for consistent formatting.

**OBJECTIVE ~~121.1~~ 113.1:** ~~The county will~~ Support policies and practices that enhance estuarine ecosystems in order to achieve sustainable yields of ~~continue monitoring for estuarine water quality to monitor the health and population of recreationally and commercially important fish and shellfish that depend on the estuaries.~~

- Update language to clarify Policy.

**POLICY ~~121.1.1~~ 113.1.1:** ~~The county will continue to compile and analyze data about the condition of commercial and sport fisheries, coordinated with DEP, USGS, SFWMD, and the Florida Marine Fisheries Commission~~ Coordinate with federal, state, academic, and non-governmental agencies to compile and analyze data about the condition of fisheries in Lee County to guide county actions.

- Update language for consistent formatting.
- Delete references to specific agencies.

**POLICY ~~121.1.2:~~** ~~The county will make recommendations to appropriate agencies (such as state level environmental and fisheries agencies) regarding the restoration and protection of commercial sport fisheries.~~

- Delete redundant Policy.

**POLICY ~~121.1.3:~~** ~~The county will continue to design and implement protective and incentive mechanisms to prevent adverse impacts to commercial and sport fisheries.~~

- Delete redundant Policy.

**POLICY ~~121.1.4~~ 113.1.2:** ~~The county will develop a~~ Support state and federal fisheries management programs to that protect maintain and improve the long-term biological and economic productivity of commercial and sport Lee County's fisheries.

- Relocate from Policy 121.1.4.

**POLICY ~~121.1.5~~ 113.1.3:** ~~The county will m~~Maintain the monitoring system for estuarine water quality and its so as to evaluate impacts on the health of recreationally and commercially important fish and shellfish.

- Update language for consistent formatting.
- Relocate from Policy 121.1.5.

**POLICY 113.1.4:** Create long-lasting fisheries habitat by studying, building, maintaining, and evaluating artificial reefs in coordination with public and private organizations in order to achieve sustainable yielding fisheries.

- Relocated and amended from Objective 127.1 and Policy 127.1.2.

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

- Delete redundancies and combine with Goal 113.

~~**OBJECTIVE 122.1:** The county will conduct or sponsor, alone or in cooperation with private and/or public entities, economic base studies, reports on research, and assistance programs for commercial fishing.~~

- Delete redundant policy.

~~**POLICY 122.1.1:** In order to monitor the economic health of the commercial fishing industry, the county will conduct or sponsor, alone or in cooperation with private and/or public entities, an economic base study of the commercial fishing industry, which will be conducted in five year intervals. The next such study will be completed before the end of 1994.~~

- Delete redundant policy.

~~**POLICY 122.1.2:** The staff of the Division of Natural Resources Management will deposit pertinent materials about the commercial fishing industry at the Lee County Public Library.~~

- Delete. Information available on County website.

~~**POLICY 122.1.3/113.1.5:** The county, alone or in cooperation with public or private entities, will continue to assist the commercial fishing industry to obtain Provide information, technical assistance, and support funding for projects such as developing that enhance fisheries, increasing catches of under-utilized species, developing new markets and marketing techniques, and exploring the feasibility of establishing establish environmentally friendly aquaculture ventures for the commercial fishing industry.~~

- Delete redundancies and combine with Goal 113.

~~**GOAL 127: ARTIFICIAL REEFS.** To encourage maintenance and development of artificial reefs in the waters in and near Lee County.~~

- Delete and incorporate non-redundant language into proposed Goal 113.
- Delete redundancies.

~~**OBJECTIVE 127.1: ARTIFICIAL REEF PROGRAM.** The county will continue its artificial reef program for increasing fisheries habitat in coordination with appropriate organizations.~~

- Delete and incorporate non-redundant language into proposed Goal 113.
- Delete redundancies.

~~**POLICY 127.1.1:** The county will coordinate with the appropriate advisory committee(s) on the location and construction or regulation of artificial reefs.~~

- Delete and incorporate non-redundant language into proposed Goal 113.
- Delete redundancies.

~~**POLICY 127.1.2:** The County will support appropriate private and public agencies in the study of the feasibility of using artificial reefs for the benefit of the commercial fishing industry.~~

- Delete and incorporate non-redundant language into proposed Goal 113.
- Delete redundancies.

**GOAL 124 114: MARINE AND NAVIGATION MANAGEMENT.** ~~To develop and implement a comprehensive marine resources management program. Protect and maintain the county's waterways and marine resources through proper navigational, sanitation, and dredging activities.~~

- Update language for consistent formatting.
- Amended by LPA recommendation.

**OBJECTIVE 124.1 114.1: DREDGE SPOIL DISPOSAL.** ~~The county will continue to p~~Participate with other responsible agencies in the location and placement of spoil material.

- Update language for consistent formatting.

~~**POLICY 124.1.1 114.1.1:** The county will e~~Coordinate with the U.S. Army Corps of Engineers on the location and placement of spoil material ~~that result from maintenance dredging activities.~~ When possible, dredging spoils will be used with use of this material for beach renourishment ~~where needed and financially feasible.~~

- Remove unnecessary information.
- Update language for consistent formatting.

~~**POLICY 124.1.2 114.1.2:** The county will p~~Participate in and coordinate with the efforts of the West Coast Inland Navigation District to identify existing and future dredge spoil sites in Lee County.

- Update language for consistent formatting.

~~**POLICY 124.1.3 114.1.3:** The county will, with recommendations from the Waterways Advisory Committee (or successor agency) and other affected agencies and persons, on an as needed basis, make application to the Army Corps of Engineers, and all other agencies as required, to m~~Maintain, where environmentally and economically feasible, existing channels and passes to the Gulf of Mexico at their authorized and/or historic depths.

- Remove vague language.
- Remove references to specific agencies.

**POLICY 114.1.4:** ~~The county will s~~Support the efforts of private individuals or groups to maintain established depths in private canals and waterways through the establishment of Municipal Service Benefit Units (MSBUs) to fund such private efforts, unless the county has determined such efforts to be detrimental to the environment.

- Update language for consistent formatting.
- Split from Policy 124.1.3.

**OBJECTIVE 124.2 114.2:** **NAVIGATIONAL MARKERS.** ~~The county will continue its marker designation program~~ Maintain the Aids to Navigation Program and upkeep update its the computerized marker inventory when appropriate.

- Clarify Aids to Navigation Program.
- Update language for consistent formatting.

**POLICY 124.2.1 114.2.1:** ~~The county, in e~~Coordination with ~~the Florida Department of Environmental Protection and the U.S. Coast Guard~~ appropriate federal and state agencies, will: assess the conditions of unmarked channels and identify those used to traverse shallow in-shore waters (a practice that damages seagrass beds and vessels) and develop a program to mark these channels (if appropriate on the basis of the assessment)

- Include appropriate agencies.
- Delete unnecessary and redundant provisions.
- ~~Assess the conditions of unmarked channels and identify those used to traverse shallow in-shore waters (a practice that damages seagrass beds) and develop a program to mark these channels (if appropriate on the basis of the assessment) so as to reduce injury to seagrass beds (see also Policy 107.12.3).~~
- ~~Study the feasibility of designating and enforcing a maximum draft for all boats in some waters and developing a rotating system whereby some areas containing valuable marine beds would be off limits to boat traffic.~~

**OBJECTIVE 124.3 114.3:** **MARINE SANITATION.** ~~The county will provide for effective control of waste disposal by m~~Maintaining local marine sanitation regulations in the Land Development Code which that complement the Florida Clean Vessel Act and by cooperating with the Southwest Florida Regional Harbor Board to develop regional guidelines for marine sanitation systems.

- Update language to remove redundancies and unnecessary language.

**POLICY 124.3.1 114.3.1:** ~~The county will continue to a~~Assist federal and state agencies to maintain an inventory and promote the public awareness of existing marine sanitation facilities.

- Update language for consistent formatting.

**POLICY 124.3.2 114.3.2:** ~~The county will continue and e~~Expand, as needed, coordination with its efforts to coordinate with appropriate law enforcement and environmental agencies in designing providing enforcement and education measures for current and future marine sanitation laws.

- Update language for consistent formatting.



~~POLICY 124.3.3 114.3.3:~~ The county will provide Maintain regulations in the Land Development Code for marine sanitation and waste disposal in marinas, docks, wharfs, piers, seawalls, or other docking structures ~~attached to real property.~~

- Remove redundant language.
- Policy identified for corresponding LDC's.

~~POLICY 124.3.4 114.3.4:~~ The county will coordinate with the Southwest Florida Regional Harbor Board Cooperate with state agencies in the development of management standards for marine sanitation in anchorages.

- Update to include appropriate agencies.

~~OBJECTIVE 124.4: LIVE ABOARD VESSELS.~~ The county will re-evaluate the feasibility of establishing regulations to control vessel mooring upon the completion of the Southwest Florida Regional Harbor Board Management Plan.

- Delete unnecessary and redundant provision.

~~POLICY 124.4.1:~~ The county will coordinate with the Southwest Florida Regional Harbor Board to establish management standards for vessel mooring in anchorages.

- Delete unnecessary and redundant provision.

~~OBJECTIVE 124.5: OFFSHORE COMMERCIAL ACTIVITIES.~~ The county will monitor, evaluate and update, as needed, the existing programs regulating offshore commercial activities.

- Delete unnecessary and redundant provision.

~~POLICY 124.5.1:~~ The county staff will develop an ongoing program to monitor, evaluate and update, as needed, existing regulations on offshore commercial activities.

- Delete unnecessary and redundant provision.

~~OBJECTIVE 124.6: MATANZAS HARBOR MANAGEMENT PLAN.~~ The county will implement a Matanzas Harbor Management Plan.

- Delete unnecessary and redundant provision.

~~POLICY 124.6.1:~~ The Matanzas Harbor Management Plan will address the county's plans for use of the property the county acquired on San Carlos Island that is commonly known as the Murphy Oil site.

- Delete unnecessary and redundant provision.

~~POLICY 124.6.2:~~ The county will apply to the state of Florida for a submerged land management agreement or a submerged land lease for the county acquired property on San Carlos Island that is commonly known as the "Murphy Oil site".

- Delete unnecessary and redundant provision.

~~**POLICY 124.6.3:** Lee County will continue to offer support to governmental entities in the effort to manage Matanzas Harbor to protect marine resources and maximize the health, safety, and welfare of the estuarine and intertidal environment of waters unique to Lee County, particularly Estero Bay, Ostego Bay, and Hurricane Bay.~~

- Delete unnecessary and redundant provision.

~~**POLICY 124.6.4:** The Matanzas Harbor Management Plan will address public participation issues and must be consistent with the San Carlos Island Redevelopment Plan.~~

- Delete unnecessary and redundant provision.

~~**POLICY 124.6.5:** The county will implement the findings of the study completed concerning the designation of special anchorage areas that would allow the mooring of live aboard vessels, especially in the Matanzas Harbor area.~~

- Delete unnecessary and redundant provision.

~~**POLICY 124.6.6:** The county will prepare a preliminary study of the designation of special anchorage areas that would allow the mooring of live aboard vessels.~~

- Delete unnecessary and redundant provision.

#### **GOAL 115 – GOAL 121: [RESERVED]**

~~**GOAL 108 122: ESTUARINE WATER QUALITY.** To manage estuarine ecosystems in order to conserve productivity through so as to maintaining or improving water quality, protecting and wildlife diversity; to and reduceing or maintaining current pollution loading and system imbalances in order to conserve estuarine productivity; and to provide the best use of estuarine areas.~~

- Update for consistent language and structure.

~~**OBJECTIVE 108.1-122.1:** Maintain an ongoing water quality monitoring program—Maintain communication with other local, state, and federal estuarine water quality studies agencies to ensure that the latest data and recommendations are available.~~

- Update for consistent language and structure.

~~**POLICY 108.1.122.1.1:** The Lee County Division of Natural Resources Management (or its successor) will monitor estuarine water quality and be responsible for through the following:~~

- Update for consistent language and structure.
- Align policy with State Statutes.

1. ~~Setting up~~ Establish and operating a network of water quality sampling sites to fill in gaps in the state sampling program, especially in Estero Bay including monitoring of surface water resources for federal and state water quality standards compliance and NPDES permit compliance.
2. ~~Maintaining~~ liaisons with other local, state, and federal agencies engaged in water quality monitoring, and reviewing their data, conclusions, and recommendations.

3. Developing a system for reporting on water quality conditions and trends on a regular basis.
4. Recommending actions that are intended to maintain or improve water quality in the estuaries to meet the Florida Department of Environmental Protection's criteria for the appropriate class water body and preserve the "approved for shellfish harvesting" classification where applicable, while attempting Attempt to return viable "closed" (due to water quality) shellfishing areas to an "approved" status.

**POLICY ~~108.1.2~~122.1.2:** ~~Require d~~Development affecting coastal and estuarine water resources ~~must to~~ maintain or enhance the biological and economic productivity of ~~these~~ those resources.

- Update for consistent language and structure.
- Acknowledge policy for LDC Creation.

**POLICY ~~108.1.3~~122.1.3:** Renumber

**POLICY ~~108.1.4~~122.1.4:** ~~The county will cooperate with the Florida Marine Patrol, U.S. Coast Guard, U.S. Army Corps of Engineers, and the Florida Department of Environmental Regulation in the~~ Cooperate with state and federal agencies to enforcement of pollution control standards for marinas, marine dumping, and illegal discharges from water craft.

- Delete listed agencies.

**POLICY ~~108.1.5~~122.1.5:** ~~Require i~~Installation of shoreside pumpout stations at marinas that serve live-aboards ~~will be required~~ to provide adequate facilities for subsequent transfer and treatment of boat sewage. ~~The county will consider expanding this requirement to all marinas where central sewer service is available.~~

- Update for consistent language and structure; remove redundant language.
- Acknowledge Policy for LDC creation.

**POLICY ~~108.1.6~~122.1.6:** ~~Lee County e~~Encourages the on-going efforts by the SFWMD ~~in to~~ establishing a Caloosahatchee Water Management Plan for the Caloosahatchee River that recognizes public, environmental and agricultural uses of the river through participation in the Southwest Florida ~~Feasibility Study~~Comprehensive Watershed Plan, Northern Everglades and Estuary Protection Plan, Caloosahatchee River Watershed Protection Plan, Lower East Coast and Lower West Coast Regional Water Supply Plans, Caloosahatchee Study, Minimum Flows and Levels, and the development of maximum flows and discretionary release protocols for Lake Okeechobee.

- Update for consistent language and structure.
- Align policy with specific State Statutes and other regulating entities.

**OBJECTIVE ~~108.2~~122.2:** **ESTUARINE WATERSHED MANAGEMENT PLANS.** Review all new upland development ~~in terms of~~ for its impacts on estuarine systems. ~~Lee County will work~~ Coordinate with the South Florida Water Management District to ensure new development will maximize stormwater retention and treatment.

- Update for consistent language and structure.

**POLICY ~~108.2.1~~122.2.1:** Renumbered

**POLICY ~~108.2.2~~122.2.2:** ~~The County will review the Comprehensive Conservation and Management Plan for the Greater Charlotte Harbor Watershed by the year 2002 in order to identify~~ Apply key action plans, objectives and policies from the Comprehensive Conservation and Management Plan for the Greater Charlotte Harbor Watershed that relate to Pine Island Sound, Matlacha Pass, the Estero Bay, the tidal Caloosahatchee and attendant watersheds, including. ~~The review will assess~~ County upland and coastal development management practices and public land acquisition programs as they related to the findings and recommendations of the Charlotte Harbor Plan. Particular emphasis will be placed on evaluating the effectiveness and improvement of County watershed programs as they relate to watershed conservation and public land acquisition programs, watershed management needs prioritization and water quality monitoring. (Added by Ordinance No. 02-02)

- Update for consistent language and structure.
- Align policy with specific State Statutes and other regulating entities.

**GOAL ~~107-123~~ 123: RESOURCE PROTECTION.** ~~To m~~Manage the county's coastal, wetland, and upland ecosystems and natural resources in order so as to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.

- Update language for consistent formatting.

**OBJECTIVE ~~107.1-123.1~~ 123.1: RESOURCE MANAGEMENT PLAN.** ~~The county will e~~Continue to implement a resource management policies and regulations program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the by retaining retentiong of the interconnectedness, functioning, and maintainable functionality of the hydroecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape in order to progress towards a more ecologically productive and sustainable environment.

- Update language for consistent formatting.

**~~POLICY 107.1.1:~~** ~~County agencies implementing the natural resources management program will be responsible for the following:~~

- Delete redundant Policy.

~~1. Identifying upland and wetland habitats/systems most suitable for protection, enhancement, reclamation, and conservation.~~

- Delete redundant Policy.

~~2. **POLICY 123.1.1:** Recommending Maintain standards to the Board of County Commissioners for Board approval for development, mitigation, and conservation that will protect and integrate wetlands (as defined in Objective 114.1) and significant areas of Rare and Unique upland habitats (as defined in Objective 104.1) as defined in this plan.~~

- Update language for consistent formatting.
- Remove outdated references.

- Remove redundant and unclear language.

3. ~~Preparing standards for wetland and rare and unique upland mitigation.~~

- Delete redundant Policy.

4. ~~**POLICY 123.1.3: Maintain the Conservation 20/20** Conducting a sensitive lands acquisition program, which will consist of the following elements (see also Policy 107.2.8):~~

- Remove redundant language.
- Update language referencing specific program – Conservation 20/20.

a. ~~A comprehensive inventory of environmentally sensitive lands will be maintained and expanded as new data becomes available.~~

- Remove redundant language.

b. ~~Acquire and manage eEnvironmentally sensitive lands, will includeing wetlands (as defined in Objective 114.1); important plant communities (as identified by Objective 107.2); critical habitat for listed wildlife species (see also Objective 107.8 and Policies 107.4.1, 107.4.2, 107.10.4, and 107.11.2); environmentally sensitive coastal planning areas (as defined in Policy 113.1.5); natural waterways; important water resources (as defined in Policy 117.1.1); storm the Coastal High Hazard Area and other flood hazard areas; and Rare and Unique uplands (as defined in Objective 104.1).~~

- Remove unnecessary and redundant language.
- Update language for consistent formatting.

c. ~~Beginning in 1997, the county will adopt and implement a program to acquire and mManage lands critical to water quality and supply, flood protection, wildlife habitat, and passive recreation. The program will be funded by an ad valorem tax of up to 0.50 (1/2) mil annually for a period not to exceed seven years. A fifteen member advisory group to be called the Conservation Lands Acquisition and Stewardship Advisory Committee (CLASAC) An advisory committee will develop and implement the program. Ten percent of the funds will be used to manage the lands acquired.~~

- Remove unnecessary and redundant language.

db. ~~The county will take full advantage of opportunities to eCooperatively acquire and manage sensitive lands and to leverage other funding sources by working with other state land acquisition and land management agencies and organizations, such as the Florida Communities Trust and the Florida Game and Fresh Water Fish Commission and by participating in state land acquisition programs such as the Save Our Rivers program and the Conservation and Recreational Lands program. Give Ppriority should be given to acquiring and otherwise protecting properties which are adjacent to or in close proximity to existing preservation areas, with emphasis on maintaining opportunities for a regional greenways system that may include a mix of flow ways, areas subject to flooding, native habitats, recreational trails and wildlife corridors.~~

- Remove specific referenced agencies.

- ~~ec. The county (or other appropriate agency) will prepare a management plan for each acquired site. A Land Stewardship Plan (LSP) will be created for each Conservation 20/20 property, providing information relating to the long term maintenance and enhancement of acquired properties its health and environmental integrity. The management plan LSP will determine the use of the acquired properties and will address any necessary people management (e.g., fences and signage to prevent incompatible uses such as off road vehicle use and hunting); surface water management and restoration; ecosystems restoration; litter control; fire management; invasive exotic plant and animal control; and, where appropriate, compatible recreational use facilities. The plan will also address how maintenance will be funded funding. Creation of the LSP will provide opportunity for public input.~~
- Update provision to align with current Conservation 20/20 administrative procedures.
  - Update terminology specific to Conservation 20/20.
- ~~d. Staff will providing aAn annual progress report to the county commission on the resource management status of the Conservation 20/20 program. The report should address the adequacy of the program and land use regulations to protect and enhance these natural systems.~~
- Remove redundant information.
  - Reference Conservation 20/20 program.
- ~~g. The County will build upon the Conservation 20/20 program for funding a green infrastructure and natural functions program, which will be within the County CIP program.~~
- Delete outdated and redundant Policy.
- ~~f. **POLICY 123.1.4:** The county will eEncourage the establishment of and provide assistance to community-based land trusts, whose purpose is the preservation and protection of Lee County's natural resources.~~
- Update language for consistent formatting.
- ~~5. Maintaining a central clearinghouse for all environmental studies and recommendations by both public and private organizations.~~
- Delete. Information is available on County's website.
- ~~6. Compiling, maintaining and regularly updating county mapping of vegetation communities; listed species habitat and sitings; and water resources including watersheds, floodplains, wetlands, aquifers, and surface water features.~~
- Delete. Information is available on County's website.
- ~~7. Preparing recommendations for maintaining or restoring the desired seasonal base flows and water quality after reviewing monitoring data.~~
- Delete redundant Policy.

8. ~~**POLICY 123.1.5:** Coordinating in the preparation of plans with the municipalities, South Florida Water Management District, and Southwest Florida Water Management District appropriate agencies to better control flows of freshwater and reduce pollutant discharges into the Lee County coastal waters.~~

- Delete specific referenced agencies.
- Update language for consistent formatting.

9. ~~Providing an annual progress report to the county commission on the resource management program. The report should address the adequacy of the program and land use regulations to protect and enhance these natural systems.~~

- Delete redundant Policy.

10. ~~Providing on an as needed basis a report to the County Commission on the status of wetlands and rare and unique uplands.~~

- Delete redundant Policy.

**POLICY 123.1.6:** Encourage private restoration of natural habitats to support connectivity between public and private conservation and preservation efforts.

- Add Policy to address connectivity between habitats.

~~**POLICY 104.1.3**~~**123.1.7:** ~~The county will~~ Continue to study the costs and benefits of adding preservation areas adjacent to extending the Estero Bay Aquatic Preserve, to including lands along major inland tributaries (Hendry, Mullock, and Spring Creeks, and the Estero and Imperial Rivers) by 2005.

- Update language for consistent formatting.

~~**POLICY 107.1.2**~~ **123.1.8:** ~~To increase protection of natural resources, the County will promote the formation of a public/private management team to e~~Coordinate the location of area wide conservation easements to maximize the protection of natural resources.

- Remove redundant/unnecessary information.

**POLICY 123.1.9:** Encourage the use of prescribed burns that mimic the fire regimes to support threatened and endangered species as a land management technique.

- Add policy addressing prescribed burns as a cost effective method of land management.

**OBJECTIVE 107.2** ~~123.2:~~ **PLANT COMMUNITIES.** ~~Lee County will maintain and routinely update an inventory of natural plant communities and will protect at various suitable locations remnant tracts of all important and representative natural plant communities occurring within Lee County~~ Maintain and enhance the biodiversity of the natural plant communities within Lee County to create a more resilient and sustainable ecosystem.

- Update for consistent language and structure.

**POLICY ~~107.2.1~~ 123.2.1:** Coordinate with ~~state and regional~~ appropriate agencies to exchange updated natural resources information.

- Update language to clarify Policy.
- Update for consistent language and structure.

**POLICY ~~107.2.2~~ 123.2.2:** Continue to provide regulations and incentives to prevent incompatible development in and around environmentally sensitive lands (~~as defined in Policy 107.1.1.4.b.~~).

- Remove outdated and redundant cross reference.

**POLICY ~~107.2.3~~ 123.2.3:** Renumber

**POLICY ~~107.2.4~~ 123.2.4:** Renumber

**POLICY ~~107.2.5~~ 123.2.5:** Renumber

**POLICY ~~107.2.6~~ 123.2.6:** Avoid ~~needless~~ destruction of upland vegetation communities including coastal and interior hammocks through consideration of alternative site design layouts during the site plan review process of ~~alternative layouts of permitted uses.~~

- Update for consistent language and structure.
- Update language to clarify Policy.

**POLICY ~~107.2.7~~ 123.2.7:** Renumber

**POLICY ~~107.2.8~~ 123.2.8:** Promote the long-term maintenance of natural systems through such instruments as conservation easements, transfer of development rights, restrictive zoning, ~~and~~ public acquisition, and appropriate other means.

- Update for consistent language and structure.
- Update language to clarify Policy.

**POLICY ~~107.2.9~~ 123.2.9:** Renumber

**POLICY ~~107.2.10~~ 123.2.10:** Require that ~~D~~development adjacent to aquatic and other nature preserves, wildlife refuges, and recreation areas must be designed to protect the natural character and public ~~benefit investment in~~ of these areas ~~including, but not limited to, scenic values for the benefit of future generations.~~

- Update for consistent language and structure.
- Update language to clarify Policy.



~~POLICY 107.2.11~~ **123.2.11:** ~~Prohibit the planting of invasive exotic plants is prohibited as specified in the Land Development Code. in landscaping requirements for land development projects. Prohibited invasive exotic plant species will be specified in the Land Development Code.~~

- Update for consistent language and structure.
- Delete redundant language referencing LDC.

~~POLICY 107.2.12~~ **123.2.12:** Renumber

~~POLICY 107.2.13~~ **123.2.13:** Renumber

~~POLICY 107.2.14~~ **123.2.14:** ~~Coordinate and stay informed on~~ Educate landowners on exotic vegetation eradication, and management techniques, and compliance plan, and involve private land owners, with incentives for exotics removal.

- Update for consistent language and structure.

~~POLICY 104.1.1~~**123.2.15:** ~~Development will be limited in~~ Protect Rare and Unique upland habitats and strictly controlled in wetlands from development impacts, to the maximum extent possible, through conservation and/or site design. in the coastal planning area. (See Policy 107.1.1(2) and Goal 114.) (Amended by Ordinance No. 94-30, 00-22)

- Update Policy to expand Rare and Unique upland habitats to county-wide.
- Amended by LPA recommendation.

**123.2.16:** Maintain and update an inventory of native plant species that have been threatened through anthropogenic processes. Utilize this inventory to help identify future regulations in order to protect these plant communities from further degradation.

- Create Policy from Objective 107.2 (Plant Communities).

**OBJECTIVE 107.3** **123.3: WILDLIFE.** Renumber

~~POLICY 107.3.1~~ **123.3.1:** Renumber

~~POLICY 107.3.2~~ **123.3.2:** ~~Participate with the Southwest Florida Regional Planning Council and the Florida Game and Fresh Water Fish Commission in the development of a regional plan that to identify and protects areas utilized by wildlife, including panthers and bears, so as to promote the continued viability and diversity of regional species.~~

- Delete reference to specific agencies.

**123.3.3:** Protect wildlife from impacts of new non-agricultural development in non-urban areas through the creation and implementation of a human-wildlife coexistence plan for each new development requiring a development order.

- Add Policy to address the need to create a coexistence plan between humans and wildlife in non-urban regions.
- Amended by LPA recommendation.

**OBJECTIVE ~~107.4~~ 123.4: ENDANGERED AND THREATENED SPECIES IN GENERAL.** Lee County will continue to protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers and distributions of listed species.

- Update for consistent language and structure.

**POLICY ~~107.4.1~~ 123.4.1:** Identify, inventory, and protect flora and fauna indicated as endangered, threatened, or species of special concern in the "Official Lists of Endangered and Potentially Endangered Fauna and Flora of Florida," Florida ~~Game and Freshwater Fish and Wildlife Conservation~~ Commission, as periodically updated. ~~Lee County's Enforce Protected Species regulations will be enforced to protect habitat of those listed species found in Lee County that are vulnerable to development. There will be a funding commitment of one full time environmental planner to enforce this ordinance through the zoning and development review process.~~

- Update for consistent language and structure.
- Remove redundant and outdated language.

**POLICY ~~107.4.2~~ 123.4.2:** Conserve critical habitat of rare and endangered plant and animal species through ~~development review enforcement~~, regulations, incentives, and acquisition.

- Update for consistent language and structure.
- Update language to clarify Policy.

**POLICY ~~107.4.3~~ 123.4.3:** Renumber

**POLICY ~~107.4.4~~ 123.4.4:** Renumber

**POLICY 123.4.5** Maintain regulations that protect species as designated by Florida Fish and Wildlife Conservation Commission from the impacts of development.

- Relocate from Policy 107.4.1 (proposed Policy 123.4.1).

**OBJECTIVE ~~107.5~~ 123.5: LOGGERHEAD SEA TURTLES:** Renumber

**POLICY ~~107.5.1~~ 123.5.1:** Include within The sea turtle protection program ~~includes~~ at least the following activities:

- Update for consistent language and structure.
- Update language to clarify Policy.

1. ~~Distribute a guide for homeowners and builders~~ Disseminate information that ~~which~~ explains the detrimental effects of night-time beachfront lighting on hatchling sea turtles.
2. ~~Continue to examine~~ Design public light sources from public facilities and private development to avoid beach lighting (streetlights, security lights, beach access lights, etc.) and prepare a plans to minimize eliminate the amount of harmful light from those such sources onto the beach during the nesting season.

3. ~~Continue to conduct an educational program to persuade~~ Participate in programs to educate residents about the importance of ~~to reduced~~ lighting levels on the beach and ~~to publicize~~ other hazards to turtles from activities of people, pets, and vehicles.
4. ~~Continue to provide~~ Maintain and enforce sea turtle regulations to prevent inappropriate lighting along beaches during the nesting season. (Amended by Ordinance No. 94-30)

**OBJECTIVE ~~107.6~~ 123.6: SOUTHERN BALD EAGLES.** ~~The county will continue to m~~Monitor Southern bald eagle nesting activity and offer incentives to conserve buffer areas around Southern bald eagle nests.

- Update for consistent language and structure.

**POLICY ~~107.6.1~~ 123.6.1:** ~~Maintain a policy of negotiations~~ Negotiate with owners of land surrounding eagle nests to provide an optimal management plan for land subject to imminent development. Management plans will include measures to protect and enhance critical eagle nesting habitat.

- Update language to clarify Policy and add language to reference management plans.

**POLICY ~~107.6.2~~ 123.6.2:** Renumber

**POLICY ~~107.6.3~~:** ~~The Committee will continue to inform land owners and the general public of proper practices to minimize disturbances to eagle nests. (Amended by Ordinance No. 94 30, 98-09)~~

- Delete Policy that belongs in the LDC.

**OBJECTIVE ~~107.7~~ 123.7: WEST INDIAN MANATEES:** Renumber.

**POLICY ~~107.7.1~~ 123.7.1:** Renumber

**POLICY ~~107.7.2~~ 123.7.2:** Renumber

**POLICY ~~107.7.3~~ 123.7.3:** Renumber

**POLICY ~~107.7.4~~ 123.7.4:** Renumber

**POLICY ~~107.7.5~~ 123.7.5:** Renumber

**POLICY ~~107.7.6~~ 123.7.6:** Renumber

**POLICY ~~107.7.7~~ 123.7.7:** Renumber

**OBJECTIVE ~~107.8~~ 123.8: GOPHER TORTOISES.** Restore and maintain secure, viable populations of Gopher Tortoises in Lee County.~~The county will protect gopher tortoises through the enforcement of the protected species regulations and by operating and maintaining, in coordination with the Florida Game and Fresh Water Fish Commission, the Hickey Creek Mitigation Park.~~

- Update for consistent language and structure; delete unnecessary and redundant language.

**POLICY ~~107.8.1~~ 123.8.1:** ~~The county's policy is to p~~Protect gopher tortoise burrows wherever they are found. ~~However, if~~ unavoidable conflicts make on-site protection infeasible, ~~then~~ off-site mitigation may be provided in accordance with Florida ~~Game and Fresh Water~~ Fish and Wildlife Conservation Commission requirements.

- Update for consistent language and structure.
- Update state agency.

**POLICY 123.8.2:** Maintain regulations to protect gopher tortoises.

- Relocate appropriate language from Objective 107.8, to create a policy to maintain regulations that protect gopher tortoises.

**POLICY 123.8.3:** Operate and maintain, in coordination with the Florida Fish and Wildlife Conservation Commission, Gopher Tortoise mitigation areas.

- Add Policy that addresses maintaining gopher tortoise mitigation sites in accordance with Florida Fish and Wildlife.

**OBJECTIVE ~~107.9~~ 123.9: RED-COCKADED WOODPECKER.** ~~County staff will coordinate~~ with the Florida ~~Game and Fresh Water~~ Fish and Wildlife Conservation Commission to determine ~~on a case by case basis~~ the appropriate mitigation for the protection of the red-cockaded woodpecker's habitat. Mitigation may include on-site preservation, on-site mitigation, off-site mitigation, and associated habitat management.

- Update for consistent language and structure.
- Update regulating state agency.

**POLICY ~~107.9.1~~ 123.9.1:** ~~County staff will note and d~~Document other possible red-cockaded woodpecker sites during routine site inspections.

- Update for consistent language and structure.

**OBJECTIVE ~~107.10~~ 123.10: WOODSTORK.** Renumber

**POLICY ~~107.10.1~~ 123.10.1:** Renumber

**POLICY ~~107.10.2~~ 123.10.2:** Renumber

**POLICY ~~107.10.3~~ 123.10.3:** Renumber

**POLICY ~~107.10.4~~ 123.10.4:** ~~By 1995, the county will i~~Identify wood stork flight patterns from roosting and rooking areas to feeding areas ~~within the county~~. ~~By 2000, e~~Evaluate the impact of existing tall structures on wood storks within significant flight areas and consider adoption of regulations if it is ~~deemed~~ appropriate. ~~Include significant wood stork roosting, rooking, and feeding areas in the inventory of environmentally sensitive lands for potential acquisition (see Policy 107.1.1.4).~~

- Update for consistent language and structure.
- Delete old dates and delete redundant language.

**POLICY ~~107.10.5~~ 123.10.5:** Renumber

**OBJECTIVE ~~107.11~~ 123.11.1: FLORIDA PANTHER AND BLACK BEAR.** County staff will ~~develop measures strategies~~ to protect the Florida panther and black bear through greenbelt and acquisition strategies.

- Relocate Black Bear provisions to Objective 123.12.

**POLICY ~~107.11.1~~ 123.11.1:** Lee County will ~~Coordinate with regulatory agencies to maintain and update data on sightings and habitat for the black bear and Florida panther.~~

- Relocate Black Bear provisions to Objective 123.12.

**POLICY ~~107.11.2~~ 123.11.2:** Encourage state land acquisition programs to include ~~and restore known panther and black bear corridors of habitats.~~ The corridor boundaries will include wetlands, upland buffers, and nearby vegetative communities which are particularly beneficial to the Florida panther and black bear (such as high palmetto and oak hammocks).

- Relocate Black Bear provisions to Objective 123.12.

**POLICY ~~107.11.3~~ 123.11.3:** Lee County will ~~inform Collier and Charlotte counties as to Lee County~~ Coordinate corridor acquisition projects with neighboring jurisdictions to encourage a regional approach to ~~corridor acquisition-wildlife movement.~~

- Update for consistent language and structure.

**POLICY ~~107.11.4~~ 123.11.4:** The county will ~~continue to p~~Protect and expand upon the Corkscrew Regional Ecosystem Watershed Greenway, a regionally significant greenway with priority panther habitat, through continued participation in public land acquisition and restoration programs, and incentive programs to preserve and restore habitats and land management activities and ~~through buffer and open space requirements of the Land Development Code.~~

- Update for consistent language and structure.
- Delete outdated and redundant language.
- Move applicable language to LDC.

**POLICY ~~107.11.5~~:** The county will ~~continue to include the Florida panther and black bear in the protected species management section of Chapter 10 of the Land Development Code.~~

- Relocate Black Bear provisions to Objective 123.12.

**POLICY ~~107.11.6~~ 123.11.5:** ~~In any vegetation~~ Include plant species that provide forage for prey of the Florida panther in restoration projects conducted by Lee County for of land acquired for due to its environmental sensitivity (such as the Six Mile Cypress Strand and the Flint Pen Strand), plant lists will include species that provide forage for the prey of the Florida panther and forage for the black bear.

- Update language to clarify Policy.
- Eliminate references to specific locations.

**POLICY 123.11.6:** Ensure panther habitat needs are incorporated in the planning of new roads and road expansion projects.

- Add Policy to address planning for panthers in regards to road projects.

**POLICY 123.11.7:** Provide education and outreach to increase public understanding of Florida panthers and need for panther conservation.

- Add Policy to address educating the public and private on panther habitat and protection.

**OBJECTIVE 123.12: FLORIDA BLACK BEAR:** Maintain sustainable black bear populations in suitable habitats and promote connectivity between sub-populations.

- Create specific Florida Black Bear Objective.

**POLICY 123.12.1:** Promote connectivity within and among Florida black bear sub-populations by maintaining, improving, or creating landscape connectivity as identified within the Fish and Wildlife Conservation Commission Florida Black Bear Management Plan.

- Relocate from Objective 107.11 and subsequent Policies to create own objective and policies for Florida Black Bear.

**POLICY 123.12.2:** Encourage use of bear proof containers to secure waste and other attractants within and adjacent to known bear habitats.

- Relocate from Objective 107.11 and subsequent Policies to create own objective and policies for Florida Black Bear.

**POLICY 123.12.3:** Increase public understanding of black bears and need for bear conservation through public education and outreach.

- Relocate from Objective 107.11 and subsequent Policies to create own objective and policies for Florida Black Bear.

**OBJECTIVE 107.12: MARINE PRODUCTIVITY.** ~~Lee County will support maintenance and improvement of marine fisheries productivity, and promote the conservation of fishery resources through the protection and restoration of finfish and shellfish habitat.~~

- Moved to Policy 113.1.2.

**POLICY 107.12.1:** ~~Assist in creating and renourishing artificial reefs in coordination with the Florida Department of Environmental Protection and other appropriate organizations.~~

- Delete redundant Policy.

~~**POLICY 107.12.2:** Support state and federal fisheries management programs that protect and enhance the long term biological and economic productivity of coastal and estuarine waters and their sources for commercial and sport fisheries.~~

- Moved to Policy 113.1.3.

~~**POLICY 107.12.3:** Unmarked channels or passages that have been used to traverse shallow in-shore waters may be marked to reduce injury to marine seagrass beds if appropriate (subject to obtaining necessary permit approvals).~~

- Delete redundant and outdated Policy.

~~**GOAL 104: COASTAL RESOURCE PROTECTION.** To protect the natural resources of the coastal planning area from damage caused by inappropriate development. (See also Goal 113.) (Amended by Ordinance No. 94-30)~~

- Delete redundant Goal. Move non-redundant Objectives and Policies to Goal 123.

~~**OBJECTIVE 104.1: ENVIRONMENTALLY CRITICAL AREAS.** Within the coastal planning area, the county will manage and regulate, on an ongoing basis, environmentally critical areas to conserve and enhance their natural functions. Environmentally critical areas include wetlands (as defined in Goal 114) and Rare and Unique upland habitats. Rare and Unique upland habitats include, but are not limited to: sand scrub (320); coastal scrub (322); those pine flatwoods (411) which can be categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation; slash pine/midstory oak (412); tropical hardwood (426); live oak hammock (427); and cabbage palm hammock (428). The numbered references are to the Florida Land Use Cover and Forms Classification System (FLUCFCS) Level III (FDOT, 1985). (See also Policy 113.1.4.) The digitization of the 1989 baseline coastal vegetation mapping (including wetlands and rare and unique uplands, as defined above) will be completed by 1996.~~

- Delete redundant language within Objective.
- Definitions exist in Glossary.

~~**POLICY 104.1.2:** The county will continue to support the preservation of environmentally sensitive areas in the coastal planning area by land acquisition.~~

- Delete redundant Policy. Essence of Policy 104.1.2 will be absorbed into Policy 123.1.3.
- Do not limit the preservation of environmentally sensitive areas to the Coastal Planning Area.

**GOAL ~~114.1~~114.124: WETLANDS.** Renumber

**OBJECTIVE ~~114.1~~114.124.1:** ~~Protect and conserve t~~The natural functions of wetlands and wetland systems ~~will be protected and conserved through the enforcement of the county's by maintaining~~ wetland protection regulations ~~and the goals, objectives, and policies in this plan.~~ "Wetlands" include all of those lands, whether shown on the Future Land Use Map or not, that are identified as wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended by F.S. 373.4211.

- Delete redundant language.

**POLICY ~~114.1.1~~114.124.1.1:** ~~Ensure that d~~Development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII of this plan, and except that owners of wetlands adjacent to Intensive Development, Central Urban, Urban Community, Suburban, and Outlying Suburban areas may transfer densities to developable contiguous uplands under common ownership in accordance with Footnotes ~~98b and 9e~~ of Table 1(a), Summary of Residential Densities. In Future Limerock Mining areas only (see Map 14), impacts to wetlands resulting from mining will be allowed ~~by Lee County~~ when those impacts are offset through appropriate mitigation, preferably within Southeast Lee County (see also Policy 33.1.3). Appropriate wetland mitigation may be provided by preservation of high quality indigenous habitat, restoration or reconnection of historic flowways, connectivity to public conservation lands, ~~and~~ restoration of historic ecosystems or other mitigation measures as deemed sufficient by ~~the Division of Environmental Sciences~~ Lee County. It is recommended that, whenever possible, wetland mitigation be located within Southeast Lee County. The Land Development Code will be revised to include provisions to implement this policy.

- Remove redundant and unnecessary language.
- Update language for consistent formatting.

**POLICY ~~114.1.2~~114.124.1.2:** Renumber

**POLICY ~~114.1.3~~114.124.1.3:** Renumber

**POLICY ~~114.1.4~~ 124.1.4:** ~~By the end of 2006, Lee County will amend the Lee County Land Development Code to establish a~~ Maintain sufficient setback requirements for the placement of fill adjacent to existing mangroves ~~or require development designs that address the interface of fill areas with existing mangroves to eliminate impacts from fill sloughing or washing into mangrove areas. Techniques to accomplish this include, but are not limited to: setbacks; stabilized slopes; retaining walls; and, rip rap revetments.~~

- Remove language that belongs in LDC.
- Update language for consistent formatting.

**GOAL ~~115~~115.125: WATER QUALITY AND WASTEWATER.** Renumber

**OBJECTIVE ~~115.1~~115.125.1:** Renumber

**POLICY ~~115.1.1~~115.125.1.1:** Renumber



**POLICY ~~115.1.2~~125.1.2:** Renumber

**POLICY ~~115.1.3~~125.1.3:** Renumber

**POLICY ~~115.1.4~~125.1.4:** Renumber

**POLICY ~~115.1.5~~125.1.5:** Renumber

**POLICY ~~115.1.6~~125.1.6:** ~~The county will initiate~~ Maintain a wellfield protection program to prevent the contamination of shallow wells by pollutant generating development ~~including surface water runoff (see Goal 63).~~

- Remove outdated reference.
- Update language for consistent formatting.

**POLICY ~~115.1.7~~125.1.7:** Renumber

**POLICY ~~115.1.8~~ 125.1.8:** Renumber

**GOAL ~~117~~126: WATER RESOURCES.** ~~To~~Conserve, manage, and protect ~~the~~ natural hydrologic systems of Lee County to ~~insure~~ ensure continued water resource availability.

- Update language for consistent formatting.

**OBJECTIVE ~~117.1~~126.1: WATER SUPPLIES.** ~~Insure~~ Ensure water supplies of sufficient quantity and quality to meet the present and projected demands of ~~all~~ consumers ~~and the environment~~, based on the capacity of the ~~natural systems~~ environment.

- Update language for consistent formatting.
- Update language to clarify Policy.

**POLICY ~~117.1.1~~126.1.1:** Renumber

**POLICY ~~117.1.2~~126.1.2:** ~~The county will r~~Recognize and encourage water and wastewater management ~~practices that, provided that such management~~ does not exceed the natural assimilative capacity of the environment or applicable health standards. ~~Appropriate w~~Water and wastewater management includes, but is not limited to, aquifer recharge, aquifer storage and recovery, ~~reclaimed~~ reuse water, reverse osmosis, dual water systems, use of low volume irrigation systems, use of water-conserving vegetation, and other conservation and recycling techniques.

- Update language for consistent formatting.

**POLICY ~~117.1.3~~126.1.3:** Renumber

**POLICY ~~117.1.4~~126.1.4:** Development designs must provide for maintaining or improving surface water flows, groundwater levels, and lake levels at or above existing conditions.

- Update language to clarify Policy.

**POLICY ~~117.1.5~~126.1.5:** ~~The county will e~~Cooperate with the United States Geological Survey, South Florida Water Management District, and state appropriate agencies to develop and implement an area-wide water resources plan emphasizing planning and management of water resources on the basis of drainage basins; and addressing the needs of the existing and potential built environment, natural hydrologic system requirements, and freshwater flow impacts on estuarine systems.

- Delete redundant language.
- Delete specific referenced agencies.

**POLICY ~~117.1.6~~126.1.6:** Renumber

**POLICY ~~117.1.7~~126.1.7:** Renumber

**POLICY ~~117.1.8~~126.1.8:** ~~The county will s~~Support the acquisition, restoration, and protection of the Flint Pen Strand as a major water retention and aquifer recharge area. (~~See also Policy 107.11.4.~~)

- Update language for consistent formatting.

**POLICY ~~117.1.9~~126.1.8:** Renumber

**OBJECTIVE ~~117.2~~126.2:** Renumber

**POLICY ~~117.2.1~~126.2.1:** Renumber

**POLICY ~~117.2.2~~126.2.2:** Renumber

**POLICY ~~117.2.3~~126.2.3:** Renumber

**GOAL ~~118~~127:** AIR QUALITY. Renumber

**OBJECTIVE ~~118.1~~127.1:** Renumber

**POLICY ~~118.1.1~~127.1.1:** Renumber

**POLICY ~~118.1.2~~127.1.2:** Renumber

**POLICY ~~118.1.3~~127.1.3:** Renumber

**POLICY ~~118.1.4~~127.1.4:** Renumber

**GOAL 128 – GOAL 134: RESERVED**

\*\*\*\*\*

## X. Intergovernmental Coordination

\*\*\*\*\*

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

- Delete redundant Goal and move to appropriate element.

~~**OBJECTIVE 112.1 151.7:** Lee County will pParticipate with local, state, and federal adjacent county natural resource protection agencies and state and federal environmental agencies in regularly conducted natural resource protection staff intergovernmental coordination meetings to protect natural resource systems which cross jurisdictional boundaries. (Amended by Ordinance No. 94-30)~~

- Update language for consistent formatting.
- Clarify language of Policy.

~~**POLICY 112.1.1:** The county will continue to participate in an intergovernmental task force consisting of representatives from Lee County and incorporated municipalities to develop a permanent intergovernmental resource protection organization to deal with stormwater runoff, wastewater discharge, and development management policies aimed at protecting and enhancing estuarine water quality and unusual vegetative communities. (Amended by Ordinance No. 94-30, 00-22)~~

- Delete redundant Policy.

~~**OBJECTIVE 112.2 POLICY 151.7.1:** The county will continue to pParticipate with other governments to prepare and implement water management plans, including the Estero Bay Agency on Bay Management, Charlotte Harbor National Estuary Program, the Charlotte Harbor Management Plan, the Water Management District Surface Water Improvement and Management (SWIM) Plan, Caloosahatchee River Watershed Protection plans, DEP aquatic preserve management plans, DEP Basin Management Action Plans, water supply plans, and other water resource management plans.~~

- Update language for consistent formatting.
- Add additional water management plans and government agencies.

~~**POLICY 112.2.1 151.7.2:** Lee County will re-eEvaluate and amend as necessary county policies for protecting and enhancing natural resources upon a review of natural resource management plans that are newly adopted or revised by other agencies.~~

- Update language for consistent formatting.

\*\*\*\*\*

~~POLICY 152.1.5:~~ The county will protect natural resource systems that cross governmental boundaries through the means described under Goal 112 of this plan. (Amended by Ordinance No. 00-22)

- Delete Policy that references Goal 112 that has been relocated to objective 151.7, Policy is no longer needed and is redundant with Objective 151.7.

POLICY ~~152.1.6~~ 152.1.5: Renumber.

POLICY ~~152.1.7~~ 152.1.6: Renumber.

POLICY ~~152.1.8~~ 152.1.7: Renumber.

POLICY ~~152.1.9~~ 152.1.8: Renumber.

POLICY ~~152.1.10~~ 152.1.9: Renumber.

POLICY ~~152.1.11~~ 152.1.10: Renumber.

\*\*\*\*\*

## XII. Glossary






\*\*\*\*\*

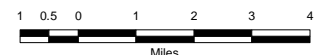
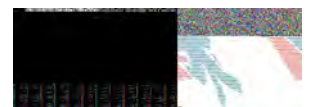
~~COASTAL PLANNING AREA~~ -- The coastal study area of the 1988 Lee County Coastal Study which is defined as all sections of unincorporated Lee County containing any portion of the 1988 A Zone (the 100-year floodplain as mapped in 1988 by FEMA), lying westward of the municipal boundaries of Fort Myers and Cape Coral. (Ordinance No. 94-30)

- Delete out of date area and corresponding language describing area that will no longer be referenced in the Lee Plan.

# LEE COUNTY COASTAL HIGH HAZARD AREA (CHHA) AND COASTAL BUILDING ZONE

## LEGEND

-  County Line
-  Major Roads
-  City Limits
-  Coastal High Hazard Area
-  Coastal Building Zone



Adopted By: ORD 99-17  
Amended By: ORD 16-13

Source: 2010 Evacuation Study  
Florida Statewide Regional Evacuation Study  
Storm Tide Atlas for Lee County

Map Generated: July 2018  
City Limits current to date of map generation

Amended By Ord. No. 09-17, 16-13

## Lee Plan Map 5

