



LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
COMPREHENSIVE PLAN AMENDMENT  
and  
ZONING HEARING  
AGENDA

Wednesday, December 5, 2018

9:30AM

CPA2018-10009	LEE COUNTY PORT AUTHORITY AIRPORT LANDS UPDATE – TRANSMITTAL
CPA2017-00006	CONSERVATION AND COASTAL MGT. - ADOPTION
DCI2017-00025 <b>Z-18-031</b>	GCMC PLANTATION HEALTH CARE
REZ2018-00006 <b>Z-18-029</b>	MCNEILL SUBDIVISION
DCI2016-00018 <b>Z-18-010</b>	VERDANA MPD
DCI2017-00010 <b>Z-18-006</b>	OAK VILLAGES RPD

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

The Lee County Board of County Commissioners will hold a public hearing to consider the adoption of proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, December 5, 2018. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers, 2120 Main Street in Downtown Fort Myers.

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

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.

Copies of this Notice and the proposed ordinance are available for inspection or copying during regular business hours at the Minutes Office of the Clerk of Courts of Lee County, located in the Courthouse Administration Building, 2115 Second Street, Fort Myers, Florida. This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to the proposed plan amendment. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

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

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@leegov.com](mailto:ADArequests@leegov.com), at least five business days in advance.

**CPA2017-00006**

**CONSERVATION  
AND COASTAL  
MANAGEMENT**

# Summary Sheet

## Conservation and Coastal Management, CPA2017-06

### Purpose:

- **Streamlining and Reorganization:** Re-structure provisions within the Conservation and Coastal Management (CCM) element to be more cohesive and user-friendly.
- **Rare and Unique Upland Habitats:** Expand areas to protect Rare and Unique Upland habitats.
- **Conflicting Goals:** Clarify provisions relating to density/potential units/site-built affordable housing within the Coastal High Hazard Area (CHHA).
- **Wetlands:** Enhance wetland protection within the CHHA to help protect against coastal flooding.
- **State Statutory Requirements:** Align the CCM element provisions with state statutes, specifically addressing the 2015 'Peril of Flood' legislation (163.3178, F.S.).

### Transmittal Hearing:

A motion was made to transmit CPA2017-06 as recommended by staff. The motion was passed 3 to 0.

### VOTE:

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

### Public Comments:

There were no members of the public present; therefore, there was no public comment.

### State Reviewing Agency Objections, Recommendations, and Comments:

Lee County received responses from the following review agencies addressing the transmitted amendment: South Florida Water Management District (SFWMD); Florida Fish and Wildlife Conservation Commission (FWC); Florida Department of Agriculture and Consumer Services; Florida Department of Environmental Protection (FDEP); and, Florida Department of Economic Opportunity (DEO).

There were no objections concerning the proposed amendments. DEO and SFWMD provided technical assistance comments, which are discussed within Part 6 of the staff report.

### Staff Recommendation:

Staff recommends that the BoCC adopt the proposed amendments as provided in Attachment 1 and 2 of the staff report.

**LEE COUNTY ORDINANCE NO. 18-\*\***  
Conservation and Coastal Management  
(CPA2017-00006)

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “LEE PLAN,” ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO CONSERVATION AND COASTAL MANAGEMENT (CPA2017-00006) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF “THE LEE PLAN”; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.**

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

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

WHEREAS, the Lee County Local Planning Agency (“LPA”) held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on July 23, 2018; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on September 5, 2018. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Conservation and Coastal Management (CPA2017-00006) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the September 5, 2018 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies’ written comments; and,

WHEREAS, on November 7, 2018, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

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

## SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map and text amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the “Lee Plan.” **This amending ordinance may be referred to as the “Conservation and Coastal Management Ordinance (CPA2017-00006).”**

## SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, which amends the Lee Plan to align provisions within the Lee Plan with the Board of County Commissioners’ strategic policy priority of preservation, water quality, and flood management, known as Conservation and Coastal Management (CPA2017-00006). The amendments will also reduce redundancies; align with state statutes; and provide better organization of the Lee Plan.

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

## SECTION THREE: LEGAL EFFECT OF THE “LEE PLAN”

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

## SECTION FOUR: MODIFICATION

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

## SECTION FIVE: GEOGRAPHIC APPLICABILITY

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

## SECTION SIX: SEVERABILITY

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

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

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

## SECTION EIGHT: EFFECTIVE DATE

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

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

John Manning \_\_\_\_\_  
Cecil Pendergrass \_\_\_\_\_  
Larry Kiker \_\_\_\_\_  
Brian Hamman \_\_\_\_\_  
Frank Mann \_\_\_\_\_

DONE AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

ATTEST:  
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF  
COUNTY COMMISSIONERS

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Cecil Pendergrass, Chair

DATE: \_\_\_\_\_

APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

\_\_\_\_\_  
County Attorney's Office

Exhibit A: Adopted revisions to Text and Map 5, Lee County Coastal High Hazard Area (CHHA) and Coastal Building Zone (Adopted by BOCC November 7, 2018)



## EXHIBIT A

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

**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.

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**IV. Community Facilities and Services**

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**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.

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**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)

**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.

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**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)

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**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.~~ (Ordinance No. 94-30, 00-22)

**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.~~ (Ordinance No. 07-12)

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**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. (Ordinance No. 00-22, 07-12)

**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.~~
- (Ordinance No. 94-30, 07-12)

**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, ~~this~~ policy will not be interpreted so as to waive any concurrency or level-of-service standards. (Ordinance No. 94-30, 00-22, 07-12)

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**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.~~ (Ordinance No. 94-30, 00-22)

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**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.~~ (Ordinance No. 03-06).

**POLICY 60.5.1:** ~~The County e~~Encourages new developments to design ~~their~~ surface water management systems ~~to incorporate~~ with ~~b~~Best m~~Management p~~Practices (BMPs) 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. (Ordinance No. 03-06)

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**POLICY 60.5.4:** ~~The County will continue to i~~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. (Ordinance No. 03-06)

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**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.~~ (Ordinance No. 00-22)

**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.~~

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**POLICY 61.3.2:** Maintain F~~floodplains~~ ~~must be managed~~ to minimize the potential loss of life and damage to property by flooding. (Ordinance No. 00-22)

**POLICY 61.3.3:** Keep F~~floodways~~ ~~should be kept~~ as unobstructed as possible. (Ordinance No. 00-22)

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**POLICY 61.3.6:** ~~Require D~~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.~~ (Ordinance No. 00-22)

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**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.~~ (Ordinance No. 00-22)

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**POLICY 61.3.14:** ~~Artificial watercourses must be designed so as to reduce velocity of runoff and prevent erosion.~~ (Ordinance No. 00-22)

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**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)

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

**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 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)

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

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**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.

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

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**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.

**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. (Ordinance No. 94-30, 00-22, 08-17, 08-17)~~

**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)

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

~~**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.~~

~~**OBJECTIVE 103.1 69.2 RESPONSE COORDINATION:** The county will sSupport 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)~~

~~**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).—Tthrough 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)~~

~~**POLICY 103.1.2 69.2.2:** The county will aAssist 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 coordinatingion 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)~~

~~**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)~~

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

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

~~**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.~~

~~**POLICY 103.1.5 69.3.1:** Require Aany 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 (or subsequent updates) Code of Federal Regulations (CFR), Title 40, Chapter I, Subchapter J, Part 355; 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)~~

**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)

**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)

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## I. Emergency Services

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**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.

**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)

**POLICY ~~101.1.1~~ 72.1.1:** Utilize ~~T~~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 requireing 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)

**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)

**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)

~~**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)

**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.

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

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

~~**OBJECTIVE 111.1**~~ **POLICY 72.1.7: POST-DISASTER STRATEGIC PLAN.** The county will 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)

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

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

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

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

~~**OBJECTIVE 111.2**~~ **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)

~~**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)~~

~~**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.~~

~~**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)~~

**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 development in the Coastal High Hazard Area (CHHA) and the A Zone (as defined by the Federal Emergency Management Agency) be reduced. (Amended by Ordinance No. 94-30, 00-22, 07-12, 16-07)~~

~~**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.~~~~

~~**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)

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

~~**OBJECTIVE 109.1-73.1: EVACUATION.** By 2030 Lee County will wWork 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 ~~48 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)~~

~~**POLICY 109.1.2-73.1.1:** Coordinate Pperiodic updates of the hurricane evacuation portion of the Comprehensive Emergency Management Plan ~~will be coordinated 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)~~

~~**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)~~

**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~~)

**OBJECTIVE ~~109.2-73.2~~: SHELTER.** Ensure that ~~By 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.~~

**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)~~

**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:

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. An impact fee or fee in lieu for new residential developments, with appropriate credits for the construction of on-site shelters outside of category 1 areas;~~
- ~~3. Mandatory on-site shelters for new residential developments (including mobile home and recreational vehicle parks) over a specified size threshold and outside Category 1 areas of the Hurricane Vulnerability Zone; 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 ~~O~~n-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 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~~)

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

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

~~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.

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

~~POLICY 102.1.1 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)

~~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)

~~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)

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

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

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

~~OBJECTIVE 82.1: WATER ACCESS.~~ Maintain water accessses and ~~acquire additional water accessses 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)

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

~~POLICY 125.2.1 82.1.2:~~ The county staff will dDesign 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.~~

**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 new development and maintenance of beach and water accesses. (Amended by Ordinance No. 94-30, 00-22, 11-22)

**POLICY 82.2.1:** ~~The development of water access sites will be evaluated on an individual basis in order to provide the correct level of development for each site. Development of water accesses will vary from simple signage on some to parking areas, beach crossovers, and dune restoration on others. 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.~~

**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)~~

**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.

**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)~~

**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)~~

**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)~~

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

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

**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.~~

~~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.

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## VII. Conservation and Coastal Management

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~~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)

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

~~POLICY 105.1.1 101.1.3:~~ Evaluate as needed county policy regarding development seaward of the updated 1994 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)

~~POLICY 109.1.5 101.1.4:~~ Require that comprehensive 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~~maintain 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~~ Provide 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~~)

**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~~)

**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~~)

**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.

**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~~)

**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 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)

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

**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) through the Federal Emergency Management Agency. (~~Amended by~~ Ordinance No. 94-30, 00-22)

**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)

**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 Development Orders for any permanent or temporary places of residence, including but not limited to caretakers residence, dormitories, hotels or motels, and dwelling units within the Hurricane Vulnerability Zone or on islands must provide appropriate mitigation as determined by Lee County Public Safety, which may include, but is not limited to: the payment of a fee, or construction of hurricane shelters and transportation facilities.

**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.

**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)

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

**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)

**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)

**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)

**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:

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 coordinateing 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)

**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)~~

**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)~~

**~~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.~~

**~~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.)~~

**~~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)~~

**~~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.~~

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

**~~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.~~

~~**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.~~

**GOAL 102 – GOAL 112: [RESERVED]**

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

~~**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.~~

~~**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.~~

~~**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.~~

~~**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.~~

~~**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.~~

~~**POLICY 121.1.5 113.1.3:** The county will mMaintain 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.~~

~~**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.~~

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

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

~~**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.~~

~~**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.~~

~~**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.

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

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

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

~~**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.~~

~~**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.~~

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

~~**POLICY 124.1.1 114.1.1:** The county will eCoordinate 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.~~

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

~~**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 mMaintain, where environmentally and economically feasible, existing channels and passes to the Gulf of Mexico at their authorized and/or historic depths.~~

~~**POLICY 114.1.4:** The county will sSupport 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.~~

**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.

**POLICY ~~124.2.1~~ 114.2.1:** ~~The county, in eCoordination 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).

- ~~• 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 mMaintaining 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.~~

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

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

**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.~~

**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.~~

**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.~~

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

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

**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.~~

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

**~~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.

**~~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".

**~~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.

**~~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.

**~~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.

**~~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.

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

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

**~~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.~~

**~~POLICY 108.1.1~~122.1.1:** The Lee County Division of Natural Resources Management (or its successor) will ~~m~~Monitor estuarine water quality and be responsible for through the following:

1. ~~Setting up~~ Establish and ~~operateing~~ 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. ~~Maintainig~~ 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.

**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.

**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.~~

**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.

**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.

**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)

**GOAL 107-123: 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.

**OBJECTIVE 107.1-123.1: 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.

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

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

~~2. **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.~~

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

~~4. **POLICY 123.1.2:** Maintain the Conservation 20/20 Conducting a sensitive lands acquisition program, which will consist of the following elements (see also Policy 107.2.8):~~

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

~~b. 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).~~

~~c. Beginning in 1997, the county will adopt and implement a program to acquire and ~~m~~Manage 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.~~~~

~~db. The county will take full advantage of opportunities to ~~e~~Cooperatively 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.~~

- ~~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.~~
  - ~~d. Staff will provide 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.~~
  - ~~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.~~
  - ~~f. **POLICY 123.1.3:** 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.~~
- ~~5. Maintaining a central clearinghouse for all environmental studies and recommendations by both public and private organizations.~~
  - ~~6. Compiling, maintaining and regularly updating county mapping of vegetation communities; listed species habitat and sitings; and water resources including watersheds, floodplains, wetlands, aquifers, and surface water features.~~
  - ~~7. Preparing recommendations for maintaining or restoring the desired seasonal base flows and water quality after reviewing monitoring data.~~
  - ~~8. **POLICY 123.1.4:** Coordinateing 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.~~
  - ~~9. Providing an annual progress report to the county commission on the resource management program. The report should address the adequacy of the program and land use regulations to protect and enhance these natural systems.~~



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

POLICY 123.1.5: Encourage private restoration of natural habitats to support connectivity between public and private conservation and preservation efforts.

~~POLICY 104.1.3~~ 123.1.6: 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.

~~POLICY 107.1.2~~ 123.1.7: To increase protection of natural resources, the County will promote the formation of a public/private management team to eCoordinate the location of area wide conservation easements to maximize the protection of natural resources.

POLICY 123.1.8: Encourage the use of prescribed burns that mimic the fire regimes to support threatened and endangered species as a land management technique.

~~POLICY 107.1.3~~ 123.1.9: Renumber

**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.

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

~~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.).

~~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.

~~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.

~~POLICY 107.2.9~~ 123.2.9: Renumber

**POLICY ~~107.2.10~~ 123.2.10:** ~~Require that 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.~~

**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.~~

**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.

**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)

**POLICY 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.

**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 identifies and protects areas utilized by wildlife, including panthers and bears, so as to promote the continued viability and diversity of regional species.~~

**POLICY 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.

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

**POLICY ~~107.4.1~~ 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.~~

**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.

**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 and as designated under the Endangered Species Act from the impacts of development.

**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:

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 plan 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.

**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.

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

**POLICY ~~107.6.3~~ 123.6.3:** ~~The Committee will continue to inform land owners and the general public of proper practices to minimize disturbances to eagle nests. (Amended by Ordinance No. 94-30, 98-09)~~

**OBJECTIVE ~~107.7~~ 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.~~

**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.

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

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

**OBJECTIVE ~~107.9~~ 123.9: RED-COCKADED WOODPECKER.** ~~County staff will coordinate with the United States Fish and Wildlife Service and 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.~~

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

**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).

**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.

**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.

**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).~~

**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.

**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.

**POLICY ~~107.11.5~~ 123.11.5:** ~~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.~~

**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.

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

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

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

**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.

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

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

~~**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.~~

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

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

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

~~**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)~~

~~**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.~~

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

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

~~**OBJECTIVE 114.124.1:** Protect and conserve tThe 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.~~

~~**POLICY 114.1-114.1.1:** Ensure that dDevelopment 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.~~

**POLICY ~~114.1.2~~124.1.2:** Renumber

**POLICY ~~114.1.3~~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.~~

**GOAL ~~115~~125:** WATER QUALITY AND WASTEWATER. Renumber

**OBJECTIVE ~~115.1~~125.1:** Renumber

**POLICY ~~115.1.1~~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).~~

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

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

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

**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.

**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.

**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.

**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.

**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.~~)

**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 129 – GOAL 134: RESERVED**

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**X. Intergovernmental Coordination**

\*\*\*\*\*

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

~~**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)~~

~~**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)~~

~~**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.~~

~~**POLICY 112.2.1 151.7.2:** Lee County will re-evaluate 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.~~

\*\*\*\*\*

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

~~**POLICY 152.1.6 152.1.5:** 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.

\*\*\*\*\*

**POLICY 158.4.7:** Lee County will encourage the retention of the agricultural and commercial fishing industries as described in Goals 8, 9, 121, 122, 128, and their associated objectives and policies of the Lee Plan. (Amended by Ordinance No. 00-22)

\*\*\*\*\*

## **XII. Glossary**

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~~**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)

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

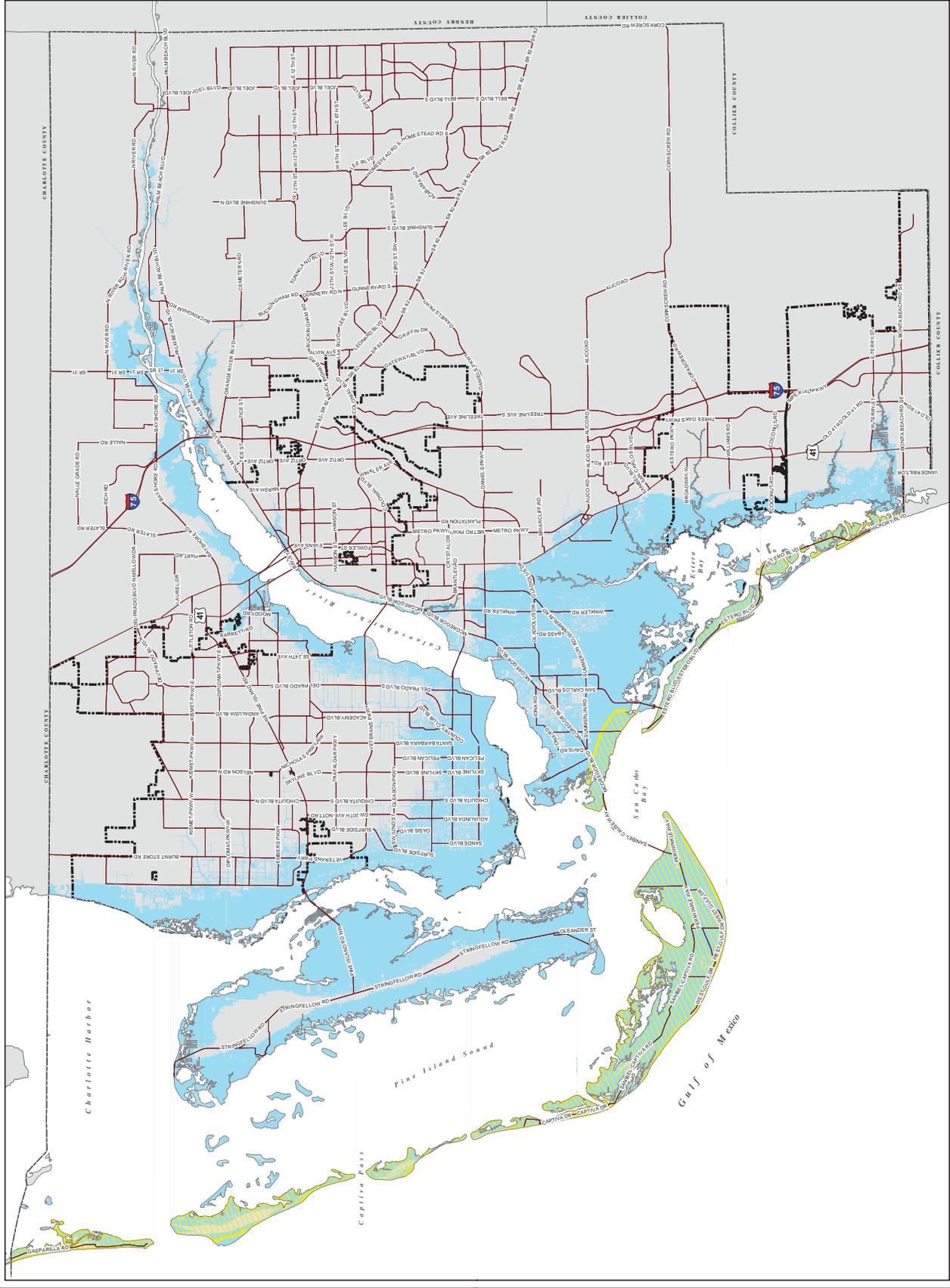
## LEGEND

-  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



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  
ADN: 12/5/2018

**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 **adopt** 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 105.101: PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS.~~**

~~To p~~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.~~ Public expenditures in areas particularly subject to repeated destruction by hurricanes will be limited to 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)~~ 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 **adopt** 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** CPA2017-00006 as recommended by staff. The motion was passed 3 to 0.

**VOTE:**

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

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

Comments from the State Reviewing Agencies were due to Lee County by October 10, 2018.

**A. OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

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

- South Florida Water Management District (SFWMD);
- Florida Fish and Wildlife Conservation Commission (FWC);
- Florida Department of Agriculture and Consumer Services;
- Florida Department of Environmental Protection (FDEP); and,
- Florida Department of Economic Opportunity (DEO).

There were **no objections** concerning the proposed amendments. South Florida Water Management District (SFWMD) provided technical guidance comments with regards to Regional Water Supply Planning. Technical assistance comments were provided by the Florida Department of Economic Opportunity (DEO), both of which are addressed below.

**South Florida Water Management District (SFWMD):**

Staff is appreciative of SFWMD's technical guidance comments regarding the County's Regional Water Supply Planning and more particularly its Water Supply Facilities Work Plan (Work Plan).

**Staff's Response to SFWMD Technical Guidance Comments:**

County staff is currently reviewing the current Work Plan, and updates are being made in accordance with SFWMD requirements. Updates to the Work Plan will be adopted prior to the June 14, 2019 deadline.

**Florida Department of Economic Opportunity (DEO):**

Staff is appreciative of the DEO's technical assistance comments that sought to help strengthen consistency between the proposed amendments and State Statutes. DEO's technical assistance comments were specific to requirements of Section 163.3178(2)(f)(1-4), F.S (below); staff believes that the proposed amendments adequately address the county's statutory requirements:

“(2) Each coastal management element required by s. 163.3177(6)(g) shall be based on studies, surveys, and data; be consistent with coastal resource plans prepared and adopted pursuant to general or special law; and contain:

(f) 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:

1. 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.
2. Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.
3. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.
4. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60”

**Staff’s Response to Florida DEO Technical Assistance Comments:**

Staff believes the above referenced statutory requirements have been addressed through the proposed amendments, as well as through other existing regulations and codes. The proposed amendments adequately address protection of life and property in areas that may be subject to coastal flooding by protecting wetlands and other natural systems, which help to mitigate the effects of coastal flooding.

Lee County administers the Conservation 20/20 program which is used to acquire environmentally sensitive land; this includes land within the Coastal High Hazard Area (CHHA). Land acquired through this program is often used for participation in the National Flood Insurance Program (NFIP) Community Rating System (CRS) program. Currently, Lee County participates in this program, and has added a provision to memorialize the importance of participation in the NFIP CRS program. The Conservation 20/20 program and participation in the NFIP CRS program, together with increased protection of wetlands, improves the County’s coastal resiliency through the protection of natural systems and acquisition of land that may be adversely affected by coastal flooding. Provisions within the Conservation and Coastal Management (CCM) Element also address different practices and techniques to protect against coastal flooding, such as shoreline stabilization systems, beach and dune systems, and development in coastal areas. Residential development within the CHHA is responsible for appropriate design and mitigation; which is utilized to improve and expand the capacity of the County’s emergency management systems.

Furthermore, the Lee Plan contains provisions not within the CCM Element that address development regulations for areas that are at risk of natural or man-made hazards - for the entire County, including the CHHA. Additional regulations and requirements are in place to address these statutory requirements; including the Floodplain Management Plan (that is referenced in the Lee Plan), building codes that are consistent with or more stringent than those identified by State Statutes, Flood Hazards Ordinance (codified in the Land Development Code), and the NFIP's requirements. The provisions within the CCM Element, the Lee Plan, and the aforementioned requirements and regulations sufficiently address these statutory requirements of protecting life and property from (coastal) flooding by protecting the natural environmental, and maintaining stringent development requirements and regulations that are consistent with State Statutes.

With regards to addressing 163.3178(2)(f)(4), F.S: "4. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60", Lee County currently has more stringent regulations than those required by the Florida Build Code; a policy to memorialize the County's adherence to this statutory requirement is being proposed as follows:

**POLICY 72.2.4:** Lee County will maintain regulations that are consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.

## **B. ADDITIONAL CHANGES**

Staff identified the proposed Policy 101.3.5 language requires revisions and has accordingly amended the language. The intent of appropriate mitigation for residential development remains; however, when appropriate mitigation for development within the Hurricane Vulnerability Zone would be due to Lee County Public Safety, is being clarified for improved implementation of the policy:

**~~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 at time Applicants of a Development Order for any permanent or temporary places of residence, including but not limited to caretakers residence, dormitories, hotels or motels, and dwelling units within the Hurricane Vulnerability Zone rezoning requests to increase the potential numbers of units that could be built within the Coastal High Hazard Area or on islands, must provide 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 a fee, 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.~~

**C. STAFF RECOMMENDATION**

Staff recommends that the Board of County Commissioners adopt the amendments to the Lee Plan as transmitted with revisions, and as provided in Attachment 1.

**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**

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**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 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, 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~~ncourages 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 ~~F~~loodplains ~~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 ~~F~~loodways ~~should be kept~~ as unobstructed as possible.

- Update language to clarify Policy.

\*\*\*\*\*

**POLICY 61.3.6:** Require ~~D~~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.

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

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

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**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.

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### **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 e~~Continue it's a local ~~p~~Pollution Prevention ~~e~~Control 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 s~~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 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 (or subsequent updates)~~ Code of Federal Regulations (CFR), Title 40, Chapter I, Subchapter J, Part 355; ~~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.

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## I. Emergency Services

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**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 require 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

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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 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.

**POLICY 72.2.4:** Lee County will maintain regulations that are consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.

- Create Policy addressing state statutes.

**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 Pperiodic updates of the hurricane evacuation portion of the Comprehensive Emergency Management Plan ~~will be coordinated 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 Nnew 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 By 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. ~~An impact fee or fee in lieu for new residential developments, with appropriate credits for the construction of on-site shelters outside of category 1 areas;~~
3. ~~Mandatory on-site shelters for new residential developments (including mobile home and recreational vehicle parks) over a specified size threshold and outside Category 1 areas of the Hurricane Vulnerability Zone; 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 ~~N~~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]**

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

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**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 water access will be evaluated on an individual basis in order to provide the correct level of development for each site development of water accesses will vary from simple signage on some to, parking areas, beach crossovers, and dune restoration on others. 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 clearing 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.

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## VII. Conservation and Coastal Management

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~~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)~~

- 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 ~~C~~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~~comprehensive 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) 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 at time Applicants of a Development Order for any permanent or temporary places of residence, including but not limited to caretakers residence, dormitories, hotels or motels, and dwelling units within the Hurricane Vulnerability Zone rezoning requests to increase the potential numbers of units that could be built within the Coastal High Hazard Area or on islands, must provide 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 a fee, 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 density in the Hurricane Vulnerability Zone.

**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 coordinateing 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 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 pParticipate 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 eCoordinate 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 pParticipate 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 mMaintain, 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 mManage estuarine ecosystems in order to conserve productivity through so as to maintaining or improveing 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 succesor) will mMonitor 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 ~~108.2.122.2.1~~:** Renumbered

**POLICY ~~108.2.122.2.2~~:** ~~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~~: 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~~: 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 retention 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 123.1.2:** 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 environmentally 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 manage 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 e~~Cooperatively 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 a~~An 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 123.1.3:** The county will e~~Encourage the establishment of and provide assistance to community-based land trusts, whose purpose is the preservation and protection of Lee County's natural resources.

- 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 123.1.4:** Coordinate 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 123.1.5:** 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 104.1.3123.1.6:** 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~~ 123.1.7:** ~~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 123.1.8:** 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.

**POLICY ~~107.1.3~~ 123.1.9:** Renumber

**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 p~~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.

**POLICY 123.2.16:** Maintain and update an inventory of native plant species that have been threatened through anthropogenic processes. Utilize this inventory to help identity 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.

**POLICY 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 ~~p~~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 and as designated under the Endangered Species Act from the impacts of development.

- Relocate from Policy 107.4.1 (proposed Policy 123.4.1).
- Update by Conservancy recommendation.

**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 United States Fish and Wildlife Service and 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.
- Update by Conservancy recommendation.

**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 ~~d~~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 outdate 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~~124: WETLANDS.** Renumber

~~**OBJECTIVE ~~114.1~~124.1:** Protect and conserve tThe 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~~124.1.1:** Ensure that dDevelopment 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~~124.1.2:** Renumber

**POLICY ~~114.1.3~~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~~125: WATER QUALITY AND WASTEWATER.** Renumber

**OBJECTIVE ~~115.1~~125.1:** Renumber

**POLICY ~~115.1.1~~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 e~~Conserve, manage, and protect the natural hydrologic systems of Lee County to ~~insure~~ ensure continued water resource availability.

- Update language for consistent formatting.

**OBJECTIVE ~~117.1.1~~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 c~~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 129 – GOAL 134: RESERVED**

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## **X. Intergovernmental Coordination**

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~~**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 participate 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 participate 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~~ **POLICY 151.7.2:** Lee County will re-evaluate 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.

\*\*\*\*\*

**POLICY 158.4.7:** Lee County will encourage the retention of the agricultural and commercial fishing industries as described in Goals 8, 9, 121, 122, 128, and their associated objectives and policies of the Lee Plan. (Amended by Ordinance No. 00-22)

- Remove out-of-date cross reference.
- Updated after BoCC transmittal hearing.

\*\*\*\*\*

## 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



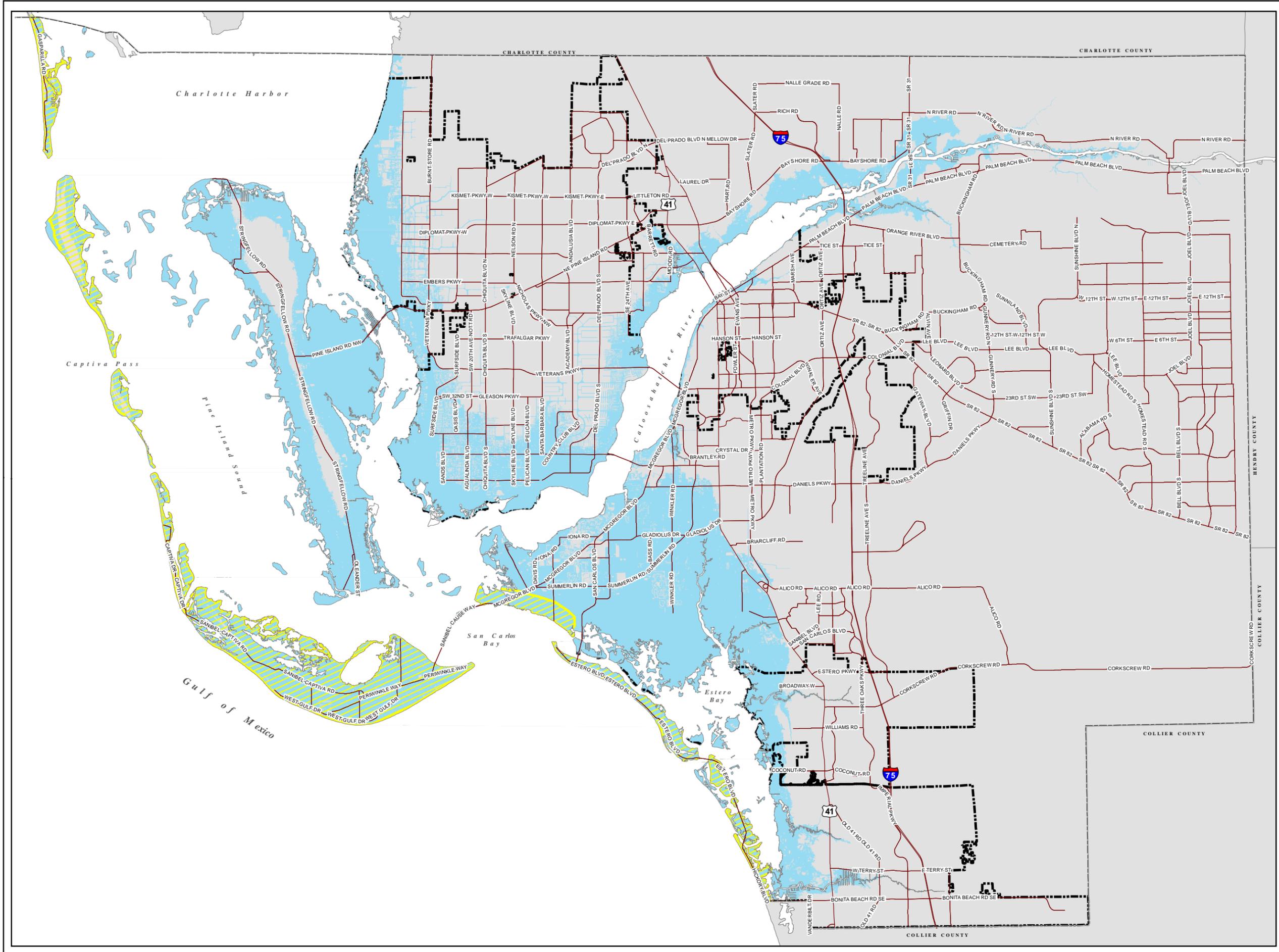
Adopted By: ORD 99-17  
 Amended By: ORD 16-13

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



**CPA2017-00006**

**AGENCY  
COMMENTS**

**Rick Scott**  
GOVERNOR



**Cissy Proctor**  
EXECUTIVE DIRECTOR

October 10, 2018

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

Dear Chairman Pendergrass:

The Department of Economic Opportunity ("Department") has reviewed the Lee County proposed comprehensive plan amendment (Amendment No. 18-06 ESR), received on September 10, 2018, pursuant to the expedited state review process in Section 163.3184(2)(3), Florida Statutes (F.S.). We have identified no comment related to adverse impacts to important state resources and facilities within the Department's authorized scope of review.

We are, however, providing two technical assistance comments consistent with Section 163.3168(3), F.S. The technical assistance comments will not form the basis of a challenge. They are offered either as suggestions which can strengthen the County's comprehensive plan in order to foster a vibrant, healthy community or are technical in nature and designed to ensure consistency with the Community Planning Act in Chapter 163, Part II, F.S. The technical assistance comments are:

The Conservation and Coastal Management Element is proposed to be amended to address Section 163.3178(2)(f)1-6, F.S., related to sea-level rise. Although the proposed amendment addresses portions of the new requirements, the element does not address Section 163.3178(2)(f)1., 2., 3., and 4., F.S. The County should consider coordinating with the Department as they work towards revising the Conservation and Coastal Management Element to address the requirements of Section 163.3178(2)(f), F.S. More specifically the revisions to address the requirements regarding: 1) including principles, strategies and engineering solutions reducing the flood risk in coastal areas; 2) encouraging best practices that will result in removing coastal real property from flood zone designations; 3) identifying techniques that may result in reducing losses due to flooding and claims made under flood insurance policies; and 4) being consistent with flood resistant construction requirements in the Florida Building Code.

The County proposes to revise the Coastal High Hazard Area (CHHA) map to identify the County's Coastal Building Zone. The Department commends the County on choosing to add such an essential component to the CHHA map. Additionally, while the County is amending the CHHA map, it may want to take this opportunity to update the CHHA as depicted on the map to be based on the most

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recent SLOSH data. If the County chooses to update the map, updating the data source reference on the map and including the documentation will be useful to both the County and the Department.

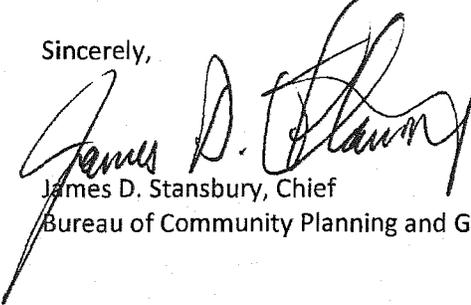
The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments, or the amendment will be deemed withdrawn unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1, F.S.

The County is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the County. If other reviewing agencies provide comments, we recommend the County consider appropriate changes to the proposed amendment based on those comments. If unresolved, such reviewing agency comments could form the basis for a challenge to the amendment after adoption.

If the amendment is adopted, please note that pursuant to Sections 163.3184(3)(c)2 and 4, F.S., the amendment does not become effective until 31 days after the state land planning agency notifies the local government that the plan amendment package is complete or, if it is challenged, until the amendment is found to be in compliance by the Department or the Administration Commission.

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

Sincerely,



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

JDS/vj

Enclosure(s): Procedures for Adoption

cc: Brandon Dunn, Principal Planner, Lee County Planning Section  
Margaret Wuerstle, Executive Director, Southwest Florida Regional Planning Council

**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS**

**FOR EXPEDITED STATE REVIEW**

Section 163.3184(3), Florida Statutes

**NUMBER OF COPIES TO BE SUBMITTED:** Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

**SUBMITTAL LETTER:** Please include the following information in the cover letter transmitting the adopted amendment:

\_\_\_\_\_ State Land Planning Agency identification number for adopted amendment package;

\_\_\_\_\_ Summary description of the adoption package, including any amendments proposed but not adopted;

\_\_\_\_\_ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

\_\_\_\_\_ Ordinance number and adoption date;

\_\_\_\_\_ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

\_\_\_\_\_ Name, title, address, telephone, FAX number and e-mail address of local government contact;

\_\_\_\_\_ Letter signed by the chief elected official or the person designated by the local government.

**ADOPTION AMENDMENT PACKAGE:** Please include the following information in the amendment package:

\_\_\_\_\_ In the case of text amendments, changes should be shown in strike-through/underline format.

\_\_\_\_\_ In the case of future land use map amendments, an adopted future land use map, in **color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

\_\_\_\_\_ A copy of any data and analyses the local government deems appropriate.

**Note:** If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

\_\_\_\_\_ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

\_\_\_\_\_ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

\_\_\_\_\_ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

\_\_\_\_\_ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

Rick Scott  
GOVERNOR



Cissy Proctor  
EXECUTIVE DIRECTOR

September 10, 2018

RECEIVED  
SEP 13 2018

COMMUNITY DEVELOPMENT

Ms. Mikki Rozdolski, Planning Manager  
Lee County Department of Community Development  
Planning Section  
Post Office Box 398  
Fort Myers, Florida 33902-0398

Dear Ms. Rozdolski:

Thank you for submitting Lee County's proposed comprehensive plan amendments submitted for our review pursuant to the Expedited State Review process. The reference number for this amendment package is **Lee County 18-6ESR**.

The proposed submission package will be reviewed pursuant to Section 163.3184(3), Florida Statutes. Once the review is underway, you may be asked to provide additional supporting documentation by the review team to ensure a thorough review. You will receive the Department's Comment Letter no later than **October 10, 2018**.

If you have any questions please contact Anita Franklin, Plan Processor at (850) 717-8486 or Brenda Winningham, Regional Planning Administrator, whom will be overseeing the review of the amendments, at (850) 717-8516.

Sincerely,

D. Ray Eubanks, Administrator  
Plan Review and Processing

DRE

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
850.245.7105 | [www.floridajobs.org](http://www.floridajobs.org)  
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Rick Scott  
GOVERNOR



Cissy Proctor  
EXECUTIVE DIRECTOR

MEMORANDUM

TO: Florida Department of Environmental Protection  
Florida Department of Education  
Florida Department of State  
Florida Department of Transportation District 1  
Southwest Florida Regional Planning Council  
South Florida Water Management  
Florida Fish and Wildlife Conservation Commission  
Florida Department of Agriculture and Consumer Services

DATE: September 10, 2018

SUBJECT: COMMENTS FOR PROPOSED EXPEDITED STATE REVIEW PLAN AMENDMENT

**LOCAL GOVERNMENT/ STATE LAND PLANNING AGENCY AMENDMENT #: LEE CO 18-06ESR**

**STATE LAND PLANNING AGENCY CONTACT PERSON/PHONE NUMBER: Brenda Winningham/(850)717-8516**

The referenced proposed comprehensive plan amendment is being reviewed pursuant to the Expedited State Review Process according to the provisions of Section 163.3184(3), Florida Statutes. Please review the proposed documents for consistency with applicable provisions of Chapter 163, Florida Statutes.

Please note that your comments must be sent directly to and received by the above referenced local government within 30 days of receipt of the proposed amendment package. A copy of any comments shall be sent directly to the local government and to the State Land Planning Agency to the attention of Ray Eubanks, Administrator, Plan Review and Processing at the Department E-mail address: [DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com)

Please use the above referenced State Land Planning Agency AMENDMENT NUMBER on all correspondence related to this amendment.

Note: Review Agencies - The local government has indicated that they have mailed the proposed amendment *directly to your agency*. See attached transmittal letter. *Be sure to contact the local government if you have not received the amendment*. Also, letter to the local government from State Land Planning Agency acknowledging receipt of amendment is attached.

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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](mailto:bdunn@leegov.com)

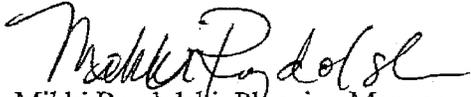
RECEIVED  
Dir. of Community Development

SEP 10 2018

Dir. of Land Management  
Dep. Dir.

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

OFFICE OF THE COMMISSIONER  
(850) 617-7700



THE CAPITOL  
400 SOUTH MONROE STREET  
TALLAHASSEE, FLORIDA 32399-0800

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
COMMISSIONER ADAM H. PUTNAM

---

September 18, 2018

VIA EMAIL(bdunn@leegov.com)

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

Re: DACS Docket # -- 2018  
Lee County CPA-2018-00006  
Submission dated September 6, 2018

Dear Mr. Dunn:

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment and has reviewed it pursuant to the provisions of Chapter 163, Florida Statutes to address any potential adverse impacts to important state resources or facilities related to agricultural, aquacultural, or forestry resources in Florida if the proposed amendment(s) are adopted. Based on our review of your county's submission, the Department has no comment on the proposal.

If we may be of further assistance, please do not hesitate to contact me at 850-245-1000.

Sincerely,

Joan Matthews  
Senior Attorney

cc: Florida Department of Economic Opportunity  
(CPA #: Lee County 2018-00006)

*18-06 ER*

**Miller, Janet**

---

**From:** Dunn, Brandon  
**Sent:** Friday, September 21, 2018 9:41 AM  
**To:** Miller, Janet; Laskowski, Michael  
**Cc:** Rozdolski, Mikki; Sweigert, Rebecca  
**Subject:** FW: Lee County 18-6ESR (CPA2017-06)

Please see correspondence for CPA2017-06 from FWC below.

*Brandon D. Dunn*, Principal Planner  
Lee County Department of Community Development  
Planning Section  
[bdunn@leegov.com](mailto:bdunn@leegov.com)  
239.533.8585

---

**From:** Hight, Jason [<mailto:Jason.Hight@MyFWC.com>]  
**Sent:** Friday, September 21, 2018 9:19 AM  
**To:** Dunn, Brandon; [DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com)  
**Cc:** Keltner, James; Wallace, Traci  
**Subject:** [EXTERNAL] Lee County 18-6ESR (CPA2017-06)

Dear Mr. Dunn:

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

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

Thank you,

Jason Hight  
Biological Administrator II  
Office of Conservation Planning Services  
Division of Habitat and Species Conservation  
620 S. Meridian Street, MS 5B5  
Tallahassee, FL 32399-1600  
(850) 228-2055

Lee County 18-6ESR\_37208

**Miller, Janet**

---

**From:** Dunn, Brandon  
**Sent:** Friday, September 28, 2018 2:08 PM  
**To:** Jenkins-Owen, Sharon; Miller, Janet  
**Cc:** Rozdolski, Mikki  
**Subject:** FW: Lee County Proposed Comprehensive Plan Amendment #18-7ESR

---

**From:** Manning, Terese [<mailto:tmanning@sfwmd.gov>]  
**Sent:** Friday, September 28, 2018 1:43 PM  
**To:** Rozdolski, Mikki  
**Cc:** Ray Eubanks ([DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com)); Brenda Winningham ([brenda.winningham@deo.myflorida.com](mailto:brenda.winningham@deo.myflorida.com)); ext-Wuerstle, Margaret (swfrpc.org); Dunn, Brandon  
**Subject:** [EXTERNAL] FW: Lee County Proposed Comprehensive Plan Amendment #18-7ESR  
18-6

Dear Ms. Rozdolski:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from Lee County (County). The amendment package includes updates to the Conservation and Coastal Management Element. There appear to be no regionally significant water resource issues; however, the District offers the following technical guidance regarding Regional Water Supply Planning:

- The County is required to revise its Water Supply Facilities Work Plan (Work Plan) within 18 months after approval of the Lower West Coast (LWC) Water Supply Plan Update by the District's Governing Board. The District's Governing Board approved the LWC Water Supply Plan Update on December 11, 2017. Therefore, the County's Work Plan should be updated and adopted by June 14, 2019. The Work Plan must cover at least a 10-year planning period, include updated water demand projections, identify alternative and traditional water supply projects, and describe conservation and reuse activities needed to meet the projected future demands. Planning tools are available on the District's website for your use and District Staff are available to provide technical assistance to update the Work Plan, including reviewing draft Work Plans prior to formal plan amendment submittal. The planning tools are located at this link: <https://www.sfwmd.gov/our-work/water-supply/work-plans>.

The District offers its technical assistance to the County in developing sound, sustainable solutions to meet the County's future water supply needs and to protect the region's water resources. Please forward a copy of the adopted amendments to the District. Please contact Deb Oblaczynski at (561) 682-2544 or [doblaczy@sfwmd.gov](mailto:doblaczy@sfwmd.gov) if you need assistance or additional information.

Sincerely,

Terry Manning, Policy and Planning Analyst  
South Florida Water Management District  
Water Supply Implementation Unit  
3301 Gun Club Road  
West Palm Beach, FL 33406  
Phone: 561-682-6779  
Fax: 561-681-6264  
E-Mail: [tmanning@sfwmd.gov](mailto:tmanning@sfwmd.gov)

## Laskowski, Michael

---

**From:** Dunn, Brandon  
**Sent:** Friday, October 05, 2018 9:13 AM  
**To:** Miller, Janet; Laskowski, Michael  
**Cc:** Rozdolski, Mikki  
**Subject:** FW: Lee County 18-6ESR Proposed

Please see attached correspondence for CPA2017-06.

---

**From:** Plan\_Review [<mailto:Plan.Review@dep.state.fl.us>]  
**Sent:** Friday, October 05, 2018 8:50 AM  
**To:** Dunn, Brandon; [DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com)  
**Cc:** Plan\_Review  
**Subject:** [EXTERNAL] Lee County 18-6ESR Proposed

To: Brandon Dunn, Principal Planner

Re: Lee County 18-6ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to [plan.review@floridadep.gov](mailto:plan.review@floridadep.gov). If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.

