



WALDROP ENGINEERING
CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS

28100 BONITA GRANDE DR. #305
BONITA SPRINGS, FL 34135
P: 239-405-7777
F: 239-405-7599

BABCOCK CPA

PROPOSED LEE PLAN TEXT AMENDMENT

REVISED NOVEMBER 2016

POLICY 1.4.5: The Density Reduction/Groundwater Resource (DR/GR) land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed.2

1. New land uses in these areas that require rezoning or a development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels (except as provided in Policies 33.1.3 and 33.3.5) utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream, as well as adjacent to the site. Offsite mitigation may be utilized, and may be required, to demonstrate this compatibility. Evidence as to historic levels may be submitted during the rezoning or development review processes.
2. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum density of one dwelling unit per ten acres (1 du/10 acres). See Policies 33.3.2, 33.3.3, 33.3.4, 33.3.5 and 33.3.6 and Objective 35.11 (and policies thereunder) for potential density adjustments resulting from concentration or transfer of development rights.
 - a. For residential development, also see Objectives 33.3 and 35.11 and following policies. Commercial and civic uses can be incorporated into Mixed-Use Communities and the Environmental Enhancement and Economic Development Overlay to the extent specifically provided in those policies.

GOAL 35: NORTH OLGA COMMUNITY. To promote and support North Olga's unique rural character, heritage, economy, and quality of life, and provide for diverse economic development opportunities that will enhance natural resources, and maintain the rural character of the surrounding community by establishing a participatory community planning efforts to guide North Olga's future. For the purpose of this Goal, the North Olga Community boundaries are defined by Map 1, Page 2 of 8 of the Lee Plan.

Deleted: POLICY 6.1.2: Commercial development in non-urban future land use categories is limited to minor commercial and located so that the retail use, including buildings and outdoor sales area, is located at the intersection (within 330 feet of the adjoining rights-of-way of the intersecting roads) of arterial and collector roads roads, except as permitted in Objective 35.11 for development within the Environmental Enhancement and Economic Development Development Overlay. Direct access may be achieved with an internal internal access road to either intersecting road. On islands, without an an intersecting network of collector and arterial roads, commercial development may be located at the intersection of local and collector, collector, or local and arterial, or collector and collector roads.¶

POLICY 6.1.8: Commercial development may take place, when properly zoned and when meeting the standards in Policy 6.1.2, within the Future Urban Areas. Minor or rural commercial uses which serve rural residents or marine traffic, commercial uses which serve major non-commercial public attractions (e.g. Lee County Civic Center), limited agricultural - commercial uses which serve rural areas and agriculturally related needs, and limited commercial marinas (not including heavy marine commercial, such as extensive storage and hull, engine, and electronic repairs) may be permitted in non-urban areas, or as permitted through the Environmental Enhancement and Economic Development Overlay (see Objective 35.11).¶

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OBJECTIVE 35.3: COMMERCIAL LAND USES. Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions should promote the rural character within the North Olga community boundaries and allow for non-residential land uses that serve and support the rural community, and provide for diverse economic development opportunities that will be developed in a manner that protects the rural character. County regulations will support a unified and attractive rural-oriented design theme in terms of landscaping architecture, lighting and signage.

POLICY 35.3.1: Continue to support the long-term viability of commercial agriculture industry through the development and implementation of incentives and tools including, but not limited to: TDR programs; farmland trusts; agricultural easements; and development practices that promote compact development patterns and the preservation of productive agricultural lands. For the purposes of this policy, commercial agriculture is defined as the production of crops and livestock for sale, specifically for widespread distribution to wholesalers and /or retail outlets.

POLICY 35.3.2: Support ancillary commercial throughout the Rural designated areas that promote the rural and agricultural character of the community, if appropriate zoning approval is granted. For the purposes of this policy, ancillary commercial uses are defined as nonresidential uses that support the local, rural-based economy.

POLICY 35.3.3: In order to maintain the rural and aesthetic value of the community, proposed new commercial development will utilize a consistent landscaping and architectural style for all buildings within proposed commercial developments, and will comply with the applicable design standards within Land Development Code Chapter 33 as part of the development review process.

POLICY 35.3.4: Promote opportunities for clustered, non-residential and mixed-use development within the Environmental Enhancement and Economic Development Overlay, where projects demonstrate achievement of the County's economic development goals, enhancement of natural resources, protection of critical hydrological and wildlife corridors and connections, preservation of open space, and compatibility with the area's rural character, as defined in Objective 34.1, and in accordance with Objective 35.11.

OBJECTIVE 35.4: ECONOMIC DEVELOPMENT. Encourage future economic development opportunities in the North Olga Community that identify and promote the rural and agricultural-based quality of life for the residents and surrounding communities, and retain and expand the County's eco-tourism, agri-tourism and sports tourism industries where projects demonstrate a clustered and well-planned development footprint, and protection of natural resources and the rural character of the surrounding community.

POLICY 35.4.1: Continue to protect and support the long-term viability of commercial agricultural businesses within the community.

POLICY 35.4.2: Support the development of nature and agriculturally-based tourism where appropriate throughout the community. Opportunities for nature and agriculturally-

based tourism include but are not limited to bird watching, equestrian facilities, kayaking/canoeing, and bed and breakfast establishments

POLICY 35.4.3: Facilitate appropriate access and use of Conservation 20/20 lands to support kayaking/canoeing, bird watching, hiking and other passive recreational uses related to nature based tourism. Recreational opportunities will be balanced with the protection of natural resources and will comply with the Land Stewardship Plan prepared by the Conservation 20/20 Land Program.

POLICY 35.4.3: Facilitate retention and expansion of Lee County’s sports tourism industry, in addition to other supportive tourism-based economic development opportunities, through implementation of the Environmental Enhancement and Economic Development Overlay.

OBJECTIVE 35.11: ENVIRONMENTAL ENHANCEMENT AND ECONOMIC DEVELOPMENT OVERLAY OPTIONS. Designate on the Future Land Use Map the Environmental Enhancement and Economic Development Overlay (“Overlay”) within the North Olga Community to protect and enhance natural resources; allow for diverse economic development opportunities; retain viable agriculture operations; and prevent sprawling land use patterns through a concentrated and compact development pattern, while protecting the rural character of the surrounding community. The Overlay includes incentive-based criteria to improve, restore and permanently protect critical hydrological and wildlife corridors and connections; provide for economic development and employment opportunities and initiatives as directed in the Lee Plan and adopted by the County Commission; and encourage a compact form of development with a mix of land uses to service North Olga and the surrounding rural communities, in lieu of large-lot, single-use development patterns.

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POLICY 35.11.1: Properties that provide regionally-significant environmental and hydrological connections have the potential to improve water quality, restore hydrology and historic flowways, connect wildlife habitats, and support the long-term protection of the region’s natural resources. The Overlay is an optional, incentive-based framework to allow for additional densities and intensities within the North Olga Community Planning Area, where projects in the DR/GR future land use category demonstrate significant environmental and economic development-based enhancements through the Planned Development rezoning process. Lands eligible for the Environmental Enhancement and Economic Development Overlay must be within the DR/GR future land use category; designated on Map 1, Page 9 of 9, of the Lee Plan; and be located within the North Olga Community Planning Area.

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Deleted: Environmental Enhancement and Economic Development Development Overlay Option 1.

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- 1. Residential densities within the Overlay may be permitted up to a maximum of 1 du/2.5 acres within DR/GR designated lands. Density in the Overlay will be based upon total acreage within the Overlay boundary, inclusive of residential and non-residential development areas, lakes, roadways, civic/recreational areas, open space, and preserve areas.

Deleted: The Planned Development must demonstrate a transition to the lower densities where adjacent to off-site conservation lands. Density in the Overlay will be based upon total acreage within the Overlay boundary, inclusive of residential and non-residential development areas, lakes, roadways, civic/recreational areas, open space, and preserve areas.

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2. Non-residential intensities may also be permitted within the Overlay up to a maximum permitted Floor Area Ratio (FAR) of 0.25. The FAR will be based upon the acreage dedicated to non-residential uses within the overall planned development boundary, including all uplands, wetlands, open space, rights-of-way, recreation areas, or lake.

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3. Properties meeting the minimum Overlay criteria and requirements set forth below are permitted these additional densities and intensities if the project is found consistent with the following development criteria and enhancements, as demonstrated through a Planned Development rezoning with binding conditions, processed concurrently with the designation of the Property on Map 1, Page 9 of 9.

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a. Environmental Enhancements.

1. The Planned Development must include a minimum of 60 percent open space, inclusive of onsite preserve, which will be used to accommodate the following:

- i. Water quality enhancement areas, including but not limited to natural systems-based stormwater management facilities, filter marshes, and wetland buffers to reduce the rate of run-off and associated nutrient loads;
- ii. Protection of existing regional flowways;
- iii. Preservation of wetlands;
- iv. Preservation and restoration of indigenous upland habitats;
- v. Critical wildlife connections to adjacent conservation areas; and
- vi. Extraordinary roadway and perimeter buffers in excess of the minimum Land Development Code requirements.
- vii. Passive recreational and civic areas that comply with the definition of open space, as set forth in the Land Development Code.

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2. Open space areas must be platted in separate tracts, outside of privately owned lots, and dedicated to an appropriate maintenance entity. A Community Development District (CDD), Independent Special District (ISD), or a master homeowners association must be created that will accept responsibility for perpetually maintaining the open space areas identified in the Planned Development.

3. Record a conservation easement for a minimum of 50 percent of the planned development, to be dedicated to the appropriate maintenance entity that designates a public agency acceptable to Lee County with third party enforcement rights. Lands subject to conservation easements can be used for on-site mitigation and will be recorded as development proceeds.

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4. Provide a protected species management plan to address human wild-life coexistence, including educational programs, development standards, and the locating wildlife corridors away from proposed development areas.

5. Provide interconnectivity to adjacent conservation lands and state-owned preserves, subject to approval by the appropriate agencies, through the provision of publicly accessible trailheads and similar facilities within the development.

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6. Incorporate Florida friendly plantings with the low irrigation requirements in common areas in accordance with Objective 117.2.

7. A binding commitment to implement an environmental education program for homeowners, businesses and visitors to describe the local ecology, including but not limited to wildlife, plant communities, and native habitats, in addition to the design standards, restoration projects, and management programs/plans, incorporated into the development to address environmental protection.

8. Incorporate building energy efficiency performance standards within the development, where possible.

b. Water Quality & Hydrological Enhancements.

1. The stormwater management system must demonstrate through design or other means that water leaving the development meets current state and federal water quality standards. Outfall monitoring will be required on a quarterly basis for a minimum of 3 years from the date of acceptance of construction of the water management system by the South Florida Water Management District. Monitoring frequency may be reduced after 3 years if the water quality standards are met.

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2. Protect existing groundwater levels.

3. Provide a lake management plan that applies best management practices for the following:

i. fertilizers and pesticides;

ii. Provides erosion control and bank stabilization;

iii. Establishes lake maintenance requirements and deep lake management for lakes exceeding 12 feet BLS; and

iv. Water quality monitoring plan which will document the specifics of the surface water and groundwater monitoring networks, based upon monitoring at project outfalls.

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4. Provide a site-specific ecological and hydrological plan, which includes at a minimum the following: preliminary excavation and grading plans, exotic removal and maintenance plan, supplemental planting plan, and success criteria for meeting established goals.

5. Provide for site-specific mitigation and enhancements to address flooding. Utilize reclaimed water for irrigation purposes throughout development areas, where feasible.

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6. Demonstrate that the proposed rezoning will not result in significant detrimental impacts on present or future water resources.

c. Infrastructure Enhancements

1. All development within the Planned Development must connect to centralized water and sewer services, which may be publicly- or privately-owned and operated.

2. All development within the Planned Development will be required to mitigate the traffic impacts of the project, and provide its proportionate share of the needed roadway improvements in accordance with Objective 37.4 and Administrative Code (AC) 13-16, adopted August 21, 1991. The proportionate share amount can be offset, in accordance with AC 13-16, by the dedication of needed right-of-way or the construction of improvements that would measurably lessen the need for roadway improvements, or by payment of impact fees, or use of impact fee credits, or as otherwise set forth in a written agreement between Lee County and the Developer.

3. Obtain written verification as to adequate public services for the Planned Development, from the sheriff, EMS, fire district, and Lee County School District, or via interlocal agreements with adjacent jurisdictions and/or special districts.

4. Provide for civic space for public meetings and other community-based activities within the North Olga community planning area.

d. Economic Development Enhancements

1. Provide for diverse land uses that support Lee County's economic development goals, objectives and policies, and provide for employment opportunities, goods and services, and recreational amenities for the residents of Northeast Lee County, visitors, and the general public.

2. Provide for measurable economic development enhancements, including but not limited to the diversification of the local economic base, job creation and employment opportunities, and the retention and expansion of the sports tourism industry in accordance with Policy 158.2.6.

3. Enhance the local rural-based economy and support the continued development of agri-tourism and eco-tourism industries through community design and programming.

4. Create land use efficiency through compact development patterns and provision of infrastructure.

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5. Provide recreational spaces and a variety of amenities distributed throughout the development for use by the general public, to be maintained by the developer or assigned property owners association or similar entity.

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POLICY 35.11.2: The total amount of retail and office uses permitted within the Environmental Enhancement and Economic Development Overlay shall not cause the combined total retail and office uses to exceed that agreed upon in the "Interlocal Planning Agreement for the Babcock Ranch" between MSKP III, Inc. ("Babcock Property Holdings, LLC"), a Florida corporation and the State of Florida, Lee County, and Charlotte County dated December 13, 2005.

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<#>All development within the Planned Development must connect to centralized water and sewer services, which may be publicly- or privately-owned and operated.¶

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<#>All development within the Planned Development will be required to mitigate the traffic impacts of the project, and provide its proportionate share of the needed roadway improvements in accordance with Objective 37.4 and Administrative Code (AC) 13-16, 16, adopted August 21, 1991. The proportionate share amount can be offset, in accordance with AC 13-16, by the dedication of needed right-of-way or the construction of improvements that would measurably lessen the need for roadway improvements, or by payment of impact fees, or use of impact fee credits, or as otherwise set forth in a written agreement between Lee County and the Developer.¶

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<#>Obtain written verification as to adequate public services for the Planned Development, from the sheriff, EMS, fire district, and Lee County School District, or via interlocal agreements with adjacent jurisdictions and/or special districts.¶

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<#>Provide for civic space for public meetings and other community-community-based activities within the North Olga community planning area.¶

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POLICY 35.11.3: In order to ensure that development within the Overlay maintain the rural character of the surrounding North Olga community, and avoids conflicts with active, commercial agricultural operations and large-lot residential uses, all development within the Planned Development must comply with the following rural design criteria:

- a. Transition to lower densities and intensities where adjacent to off-site conservation lands.
- b. Enhanced buffers along external roadways and the perimeter of the Overlay to preserve rural vistas and viewsheds.
- c. All principal structures and surface parking lots will be setback a minimum of 100 feet from public rights-of-way that are external to the development, excluding essential uses that include but are not limited to electric facilities, power plants, substations, utility plants telephone towers, gas facilities, and other public use essential facilities not listed herein
- d. Principal and accessory structures exceeding 35 feet in height must be setback a minimum of 150 feet from the Planned Development boundary.
- e. Access to adjacent arterial roadways will be located and designed to minimize impact to the surrounding rural community. Access points to future development will be designed to facilitate ingress/egress from SR 31, and minimize traffic impacts on North River Road.
- f. Unified architectural theme must be provided for principal and accessory structures, signage, fences/walls, and other site features that upholds the "Old Florida" character of the community.
- g. The Planned Development must provide appropriate conditions addressing neighborhood compatibility, including but not limited to: the location and scale of infrastructure, including but not limited to parking areas, signage, lighting, service and maintenance facilities, and utilities.

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- h. The Planned Development will be integrated with natural features, such as rivers, tributaries, wetlands, and native vegetation.
- i. Where development abuts active agricultural operations outside of the Planned Development boundary, and where such lands are not owned or under the control of the developer, additional buffering will be designed to mitigate potential conflicts between the agricultural operations and future residents and patrons of the development

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