

LEE COUNTY ORDINANCE NO. 18-28
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 December 5, 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 Manning, who moved its adoption. The motion was seconded by Commissioner Hamman. The vote was as follows:

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

DONE AND ADOPTED this 5th day of December 2018.

ATTEST:
LINDA DOGGETT, CLERK

LEE COUNTY CLERK OF COURTS

BY: Missy Flent
Deputy Clerk



LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: Brian Hamman
~~Larry Kiker, Chair~~

BRIAN HAMMAN, VICE CHAIRMAN

DATE: 12/5/2018

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

Manning
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.

IV. Community Facilities and Services

c. Surface Water Management

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

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.

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)

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)

~~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, ~~t~~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)

~~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)

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~~ Best mManagement pPractices (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)

~~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. (Ordinance No. 03-06)

~~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.~~

~~POLICY 61.3.2: Maintain 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 Floodways should be kept as unobstructed as possible.~~ (Ordinance No. 00-22)

~~POLICY 61.3.6: Require Developments must have and maintain an adequate to provide surface water management systems, provision for acceptable programs for operation and maintenance, and post-development runoff conditions which that reflect the natural surface water flow in terms of rate, direction, quality, hydroperiod, and drainage basin. Detailed regulations will continue to be integrated with other county development regulations.~~ (Ordinance No. 00-22)

~~POLICY 61.3.9: The county will adopt appropriate regulations to pProtect the natural functions of riparian systems from incompatible development practices along their banks.~~ (Ordinance No. 00-22)

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

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)

g. Fire Protection and Emergency Medical Service

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

i. Health Care-Environmental Health

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 c~~ontinue ~~it's a~~ local ~~p~~ollution ~~e~~ontrol 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). ~~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)~~

~~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 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)~~

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-4I, 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)

I. Emergency Services

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

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

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 eCoordinate 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 mMaintain 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 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.~~

~~**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.~~

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 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)~~

~~**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 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)~~

OBJECTIVE 109.2-73.2: SHELTER. Ensure that Bby 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 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 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 On-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]

V. Parks, Recreation and Open Space

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

~~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)~~

~~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 accesses 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.

VII. Conservation and Coastal Management

~~GOAL 105101: PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS.~~ To protect human life and along with current and future 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 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)

~~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 P~~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 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)

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~~ 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 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 ~~113.2-101.4.1~~: Renumber

POLICY ~~113.2-101.4.2~~: Renumber

POLICY ~~113.2-101.4.3~~: The county will 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 ~~113.2-101.4.4~~: 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 ~~113.3-101.5.1~~: ~~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. Coordinating 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 County's aquatic resources.
4. Utilizing all possible means to protect beach-quality sand resources from use by public and private out of county users. Lee County will provide comments to the U.S. Army Corps of Engineers and the Florida Department of Environmental Protection (or successor) regarding impacts to off-shore beach-quality sand resources. ~~Protect sand resources from the placement of infrastructure that may impede access to the resource such as, but not limited to, pipelines and transmission cables.~~
5. Preparing renourishment plans for eroding areas where public facilities and access exist, including areas designated by the Florida Department of Environmental Protection as critically eroded in the report entitled Critically Eroded Beaches in Florida (as updated April, 2006).
6. Recommending regulations and policies to restrict hardened coastal engineering structures such as groin fields and seawalls, protect eroding coastal areas and sand dunes, and discourage development of undeveloped coastal barriers.
7. Protecting sand resources from the placement of infrastructure that may impede access to the resource such as, but not limited to, pipelines and transmission cables. ~~Maintaining a central~~

~~clearinghouse for information on beach and dune studies and recommendations by both public and private organizations.~~

8. Educating citizens and developers about the costs and benefits of beach and dune conservation approaches.
9. Preparing a sand conservation plan that emphasizes the importance of maintaining beach quality sand within the littoral system.
10. Continuing to participate in the Federal Shore Project as the local sponsor; and it will also coordinate beach renourishment activities, as appropriate, for the Estero Island segment with the Town of Fort Myers Beach for implementation of the Estero Island segment.
11. Pursuing all available sources of funding, ~~to specifically include state and federal funding,~~ for implementation of beach and dune projects.
12. Requiring the installation of dune vegetation as a component of all County funded renourishment projects.

~~POLICY 113.3.2-101.5.2:~~ Renumber

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

~~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 Concurrence Management System will apply in full within the coastal planning area.~~

GOAL 102 – GOAL 112: [RESERVED]

GOAL 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.

~~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 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.

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 participate with other responsible agencies in the location and placement of spoil material.

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

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

~~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 maintain, 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~~ 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.

OBJECTIVE 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 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).

- ~~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 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.~~

POLICY 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.

POLICY 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.

POLICY 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 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 114.4: 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 manage estuarine ecosystems in order to conserve productivity through so as to maintaining or improving water quality, protecting and wildlife diversity; to and reduceing or maintaining current pollution loading and system imbalances in order to conserve estuarine productivity; and to provide the best use of estuarine areas.

~~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 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. 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.

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~~nstallation 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~~ncourages 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 e~~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).~~

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

appropriate agencies to better control flows of freshwater and reduce pollutant discharges into the Lee County coastal waters.

~~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~~ Coordinate 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 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 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.

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:~~ 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~~ 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 ~~d~~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 the natural functions of wetlands and wetland systems will be protected and conserved through the enforcement of the county's by maintaining wetland protection regulations and the goals, objectives, and policies in this plan. "Wetlands" include all of these 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 114.1.124.1.1: Ensure that d~~Development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII of this plan, and except that owners of wetlands adjacent to Intensive Development, Central Urban, Urban Community, Suburban, and Outlying Suburban areas may transfer densities to developable contiguous uplands under common ownership in accordance with Footnotes ~~98b and 9e~~ of Table 1(a), Summary of Residential Densities. In Future Limerock Mining areas only (see Map 14), impacts to wetlands resulting from mining will be allowed ~~by Lee County~~ when those impacts are offset through appropriate mitigation, preferably within Southeast Lee County (see also Policy 33.1.3). Appropriate wetland mitigation may be provided by preservation of high quality indigenous habitat, restoration or reconnection of historic flowways, connectivity to public conservation lands, and restoration of historic ecosystems or other mitigation measures as deemed sufficient by the ~~Division of Environmental Sciences~~ Lee County. ~~It is recommended that, whenever possible, wetland mitigation be located within Southeast Lee County. The Land Development Code will be revised to include provisions to implement this policy.~~

~~POLICY 114.1.2124.1.2: Renumber~~

~~POLICY 114.1.3124.1.3: 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 ~~115.1.25~~: WATER QUALITY AND WASTEWATER. Renumber

~~OBJECTIVE 115.1.125.1: Renumber~~

~~POLICY 115.1.1125.1.1: Renumber~~

~~POLICY 115.1.2125.1.2: Renumber~~

~~POLICY 115.1.3125.1.3: Renumber~~

~~POLICY 115.1.4125.1.4: Renumber~~

~~POLICY 115.1.5125.1.5: Renumber~~

~~POLICY 115.1.6125.1.6: 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 115.1.7125.1.7: 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 ~~117.1.1~~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

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 p~~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)

~~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 ~~p~~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.

~~POLICY 112.2.1~~ 151.7.2: Lee County will ~~re-e~~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.

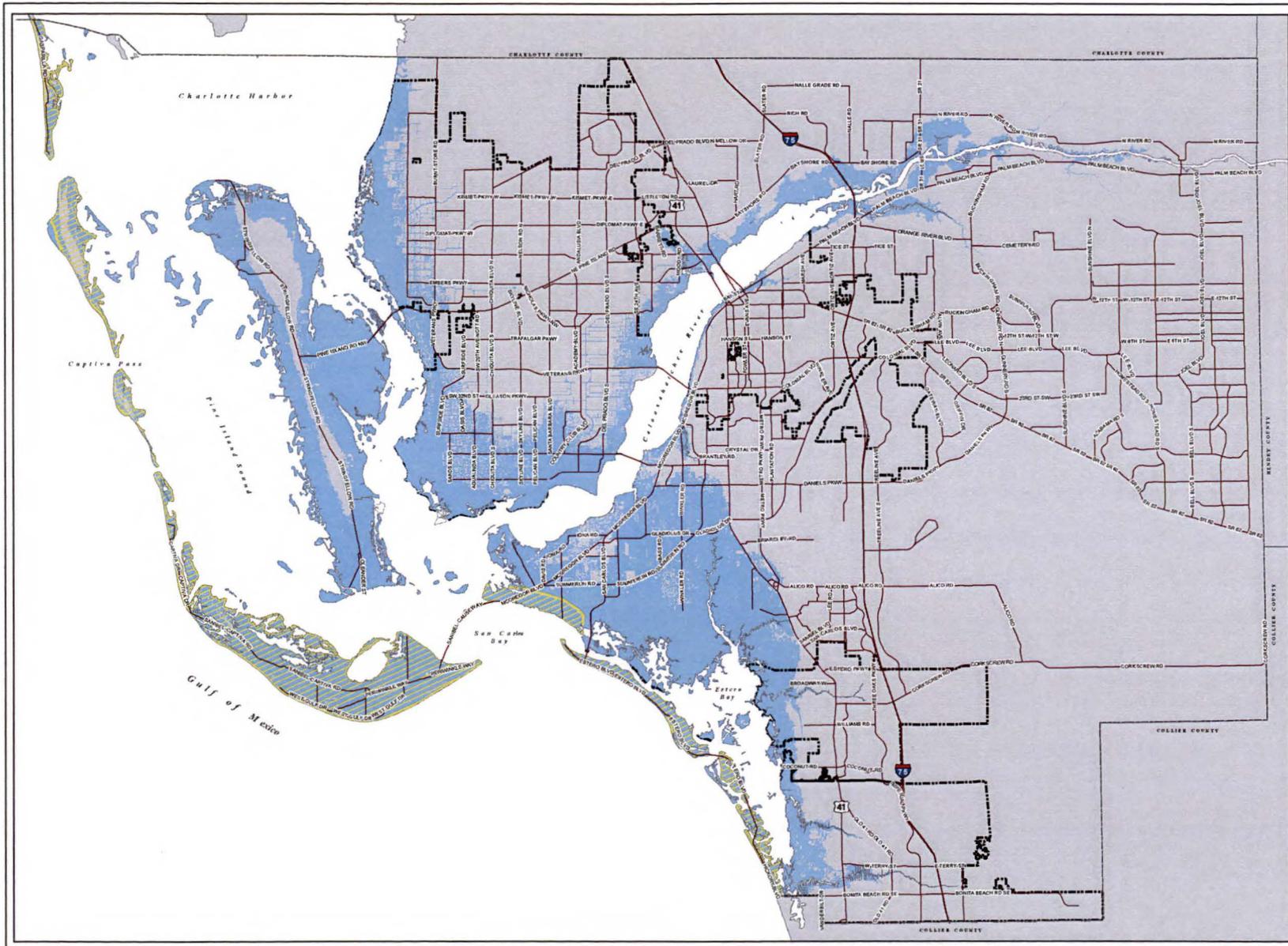
POLICY ~~152.1.10~~ 152.1.9: Renumber.

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

~~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

Prepared By: Lee County Department of Community Development/Planning

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 18-28

(e.g., 93-001)

PRIMARY KEYFIELD

DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD

DESCRIPTOR: Planning

OTHER KEYFIELD

DESCRIPTOR: Land Use Planning

ORDINANCE DESCRIPTION: Conservation & Coastal

(25 Characters Maximum Including Spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT #1: 89-02

AMENDMENT #2: _____

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL #1: _____ ; REPEAL #3: _____

REPEAL #2: _____ ; REPEAL #4: _____

(Others Repealed: List All That Apply): _____

(FOR OFFICE USE ONLY):

COUNTY CODE NUMBER: _____

KEYFIELD 1 CODE: _____

KEYFIELD 2 CODE: _____

KEYFIELD 3 CODE: _____



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

December 6, 2018

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

Attention: Missy Flint

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Ordinance No. 18-28, which was filed in this office on December 6, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb