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CPA2005-25
CHANGE LEE PLAN HORIZON TO
THE YEAR 2030
BoCC SPONSORED
AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Adoption Document

Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 479-8585

May 16, 2007

LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2005-25



Text Amendment



Map Amendment

This Document Contains the Following Reviews:	
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
✓	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
✓	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: November 16, 2006

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

- 2. REQUEST:** Amend the Lee Plan to change the references from 2020 to 2030 and update the Vision Statements to 2030.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners adopt this proposed amendment as transmitted, to update text that references the 2020 planning horizon to the new planning horizon date of 2030. Additionally, to delete any text that is date sensitive and the time frame has passed or the intent of the text has been satisfied.

From Chapter I of the Lee Plan
Element I - Vision Statement

The Lee Plan is designed to depict Lee County as it will appear in the year ~~2020~~ 2030. Given the projected increase in population (to ~~602,000~~ 979,000 permanent residents with an additional 18 % ~~and 764,171~~ seasonal residents) and the probable rate of technological change between the present date and ~~2020~~ 2030, it is impossible to describe the future face of the county with any degree of certainty or precision. However, the following list of themes will be of great importance as Lee County approaches the planning horizon:

- The growth patterns of the county will continue to be dictated by a Future Land Use map that will not change dramatically during the time frame of this plan. With the exception of Cape Coral and Lehigh Acres, the county's urban areas will be essentially built out by ~~2020~~ 2030 (pending, in some cases, redevelopment). The county will attempt to maintain the clear distinction between urban and rural areas that characterizes this plan. Its success will depend on two things: the continuing viability of agricultural uses and the amount of publicly-owned land in outlying areas.*

There are no changes proposed for the remaining section.

The horizon year is being changed to 2030 and the projected population is being updated based on the latest Bureau of Economic and Business Research (BEBR) projections.

1. Alva –

There are no changes proposed for the first paragraph.

While the Alva community does offer some commercial opportunities, residents satisfy most of their commercial needs outside of this community in the more urbanized communities to the west and south. For the most part, these conditions are expected to remain through the life of this plan. The population of Alva is projected to continue to grow through the life of this plan. ~~from an estimated 4,260 in 1996 to 4,818 in 2020.~~ Commercially, ~~Alva will~~ activity is expected to continue to increase to the year 2030 ~~double its available square footage to nearly 150,000sf.~~ ~~In the year 2020, the~~ The Alva community will remain largely rural/agricultural in nature with over half of its total acreage being used for this purpose. The Alva Community will also strive to protect its historic resources.

There are no distinct sub-communities within the Alva Community.

The horizon year is being changed to 2030 and the old population projections are being deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

2. Gasparilla Island/Boca Grande –

There are no changes proposed for the first four paragraphs

The population is highly seasonal with peak population residency and daily visiting occurring during the months of November through May. With land vacancy of less than 15%, Gasparilla Island/Boca Grande has virtually no capacity for additional new development, while substantial population growth is expected in adjacent areas of Charlotte and Sarasota Counties. The Gasparilla Island/Boca Grande community is dedicated to preserving its historic character and scale and its unique island residential character so that the community will look substantially the same in 2020 as it does today through 2030, including its unique mix of vital small businesses, without fast food franchises, formula and intense retail or intense commercial tourist activities, other than the historic Gasparilla Inn.

There are no changes proposed for the remaining paragraphs.

The reference to the year 2020, the old Lee Plan horizon has been removed and a reference to the new horizon year has been added.

3. Bonita –

There are no changes proposed for the first paragraph.

Bonita Springs is one of the fastest growing communities in Lee County and is expected to nearly double in population between 1996 and 2020 2030 with an expected 2020 permanent population of approximately 37,000. The Bonita Community will also remain an attractive seasonal homeowner destination and has an anticipated Seasonal Population of 61,000 in the year 2020. This community will have only 20% of its total land area remaining vacant or in agricultural use in the year 2020.

There are no changes proposed for the remaining paragraphs.

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

5. **Burnt Store** - *This Community is located in the northwest corner of the mainland of unincorporated Lee County. The property east of Burnt Store Road is designated Open Lands and the land west of Burnt Store Road is designated as Rural (also known as Burnt Store Marina) with the exception of 10 acres designated as Outlying Suburban. Most of The Burnt Store Marina development was approved prior to the adoption of the 1984 Lee Plan and is "vested" for densities higher than allowed by the current plan. This development is primarily residential with a high percentage of seasonal residents. There are some commercial and marine oriented amenities within the Burnt Store Marina development primarily serving residents of that development. This area is expected to substantially grow through the year 2030. double its dwelling units during the life of this*

~~plan from 917 in 1996 to over 2000 in 2020.~~ Today, most of the community's commercial needs are served outside of the community in Cape Coral, North Fort Myers and Fort Myers, or in Charlotte County. This development pattern is expected to remain through 2020.

The reference to the year 2020, the old Lee Plan horizon has been removed and a reference to the new horizon year has been added. Text referencing projected dwelling units has been deleted. Population projections necessary to project future dwelling units have not been completed.

6. **Cape Coral** - *The Cape Coral Community includes all the unincorporated enclaves with the exception of the few enclaves located on Pine Island Road West of Chiquita Boulevard. These enclaves may annex into the city and it may be advantageous at that time to amend the Community Map and the corresponding allocation tables to reflect such annexations. While commercial and industrial opportunities of all varieties exist in the City of Cape Coral, many of the residents still satisfy ~~these~~ their needs outside of the city. Likewise, many residents of less intense areas of the county will utilize Cape Coral's commercial and industrial opportunities for their needs. ~~Cape Coral will have a functional population of approximately 225,000 people by 2020 and will be, by far, the county's largest city.~~ Development in the Cape will be stimulated by the expansion of the airport, the construction of the new university, and the availability of reasonably-priced lots with public water and sewer. The imbalance between the city's population and its relatively small commercial and industrial sectors will continue to present a challenge in spite of the city's success in promoting the S.R. 78 corridor as an employment center.*

Text referencing the horizon year and the outdated population projections has been deleted.

7. **Captiva** - *This community includes the major islands of Captiva Island, Upper Captiva Island, Cayo Casta Island, Useppa Island, Buck Key, and Cabbage Key and the surrounding smaller islands. Although Captiva itself is a seasonal resort community, in comparison to the other islands in this community it is the center of activity. Due to the nature of this community, residents must satisfy their major commercial and industrial needs outside of this community. Conversely, the commercial aspects of the Captiva Community are utilized by many residents and tourists from outside of the Community. The population of Captiva is not expected to greatly change by ~~2020~~ 2030. Furthermore, the area will look much as it does today in the absence of a major hurricane or other natural disaster.*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

8. **Fort Myers** - *The Fort Myers Community includes all land within the City of Fort Myers along with most areas included in the repealed Fort Myers Urban Reserve and the portions of Gateway which are in the process of annexing or expected to annex into the City of Fort Myers. The City of Fort Myers is annexing land in an aggressive manner, especially in the vicinity of Gateway. An urban reserve overlay for the City of Fort Myers is no longer in effect. Due to cessation of the inter-local with the City of Fort Myers, this planning tool was deleted from the Lee Plan in the 1992/1993 amendment cycle. The Morse Shores/Tice area is unlikely to annex into the City of Fort Myers and is*

not included in this community even though it was previously in the Fort Myers Urban Reserve. While the emphasis of new commercial and industrial activity in Lee County has been moving south along US 41, The community of Fort Myers remains an administrative, financial, and cultural center for the rest of Lee County. This situation is not expected to change during the life of this plan. ~~The population of the Fort Myers community will also grow from the current 57,000 permanent residents in 1996 to over 86,000 permanent residents in 2020. The seasonal influx of residents in the Fort Myers community is not as great as in other areas of the county. In 2020 the Fort Myers community will have a functional population of approximately 94,000.~~

Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

- 9. Fort Myers Beach** - *This community includes all land incorporated in the Town of Fort Myers Beach as of this date. The town of Fort Myers beach will continue to have a strong retail base for tourist needs and the daily needs of the residents. However, major consumer needs will remain to be met outside of this community. Fort Myers Beach does a boating and marina industry on the island which fosters the employment base of the community. The development of its own comprehensive plan ensures that the Town of Fort Myers Beach will look much as it does today in the absence of a major hurricane or other natural disaster. The population of this community is very influenced by seasonal factors. This community is nearly built out today and will not have a substantial increase in permanent population by the year ~~2020~~ 2030.*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

10. Gateway/Airport -

There are no changes proposed for the first paragraph.

There are three distinct areas within this community. The Gateway portion of this community is the area where residential uses will occur. Gateway will be a thriving, nearly built-out, mixed-use community in 2020. The population of this community is anticipated to grow substantially from today to 2030. ~~from 1,500 permanent residents in 1996 to approximately 8,000 in 2020 and is expected to have fewer than 1,000 units remaining to be built in the year 2020. The Gateway/Airport community will continue to have an average seasonal resident influx for the Lee County area with an expected 2020 functional population of 10,000.~~

The second area in this community is the Southwest Florida International Airport. The airport will be greatly expanded by ~~2020~~ 2030. The expanded airport will have a second parallel runway and a new terminal building that will more than double the existing capacity of the airport. Development will be guided by the Airport Layout Plan (as established through the airport master plan process) consistent with the Southwest Florida International Airport Proposed Development Schedule (Table 5) and all other Lee Plan provisions.

There are no changes proposed for the remaining paragraphs.

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

11. Daniels Parkway - *This Community is located between I-75 and the Six Mile Cypress Slough, south of the City of Fort Myers and north of the Alico Road industrial area. The community contains lands designated Rural, Outlying Suburban, and a small area of General Interchange. This community is considered one of the primary gateways to Lee County. This community has some rural characteristics which will remain in existence through the year ~~2020~~ 2030. Much of the existing vacant land will be developed into low density gated communities. While there is a potential to ~~redevelopment~~ redevelop the large lot home sites north of Daniels Parkway into the smaller lots allowed by the Outlying Suburban category, this development pattern is not anticipated by ~~2020~~ 2030. This community will grow through 2030 ~~from 6,000 to 7,500 permanent residents and over 10,000 total residents by 2020.~~*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

12. Iona/McGregor –

There are no changes proposed for the first paragraph.

The McGregor Blvd./San Carlos Blvd area will be approaching build out by ~~2020~~ 2030 and some of the older (pre 1980) developments will begin to redevelop to take advantage of a higher end market seeking a combination of quick beach access and closeness to urban services. This area will remain primarily residential with retail uses located at the major intersections.

The Summerlin Road Corridor will develop a new look by ~~2020~~ 2030 and will emerge as one of the county's primary medical service areas. This portion of the community will also continue to develop as a strong residential area with an influx of new gated communities.

There are no changes proposed for the fourth paragraph.

Residents of this community will address current planning concerns in a comprehensive review of this area and future amendments to this plan will be made to address these concerns. This area is anticipated to grow substantially from today to 2030. ~~from a current permanent population of 24,000 to 32,000 by 2020. The Iona/McGregor area is also expected to be home to an additional 14,000 seasonal residents by 2020.~~

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

13. San Carlos - This Community is located in the southern portion of Lee County, east of Hendry Creek and, for the most part, south of Alico Road. It is north of the Estero River on the west side of US 41 then north of the new Brooks of Bonita development east of US41. The community does extend east of I-75 to include the approved developments along Corkscrew Road and all lands designated University Community. The majority of the land in this community is designated as Suburban and then Urban Community (both having a maximum standard density of 6 units per acre) with the remaining areas designated as Rural, Outlying Suburban, and Industrial Development. There are ~~four~~ three distinct areas within this community: San Carlos Park, Island Park, ~~Estero~~, and the new university area. All of these areas will be experiencing tremendous development pressures as this community ~~explodes~~ continues to grow into the next century.

There are no changes proposed for the second paragraph.

~~The historic Estero area will struggle to maintain its historic character through the year 2020 and will feel many development pressures which will threaten this character.~~

~~Overall, this community, which has been a fast growing area of Lee County since 1980, will add more than 15,000 new permanent residents and accommodate a total functional population of nearly 50,000 people by the year 2020~~

Corrections have been made to reflect changes in the Lee Plan. The Estero Planning Community (Goal 19) was created in 2005. The vision statement is being amended to reflect Estero is not included as part of the San Carlos Planning Community. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

15. South Fort Myers - This Community is located in the center of Lee County. South of the City of Fort Myers, east of the Caloosahatchee River, west of the Six Mile Cypress Slough, and north of Gladiolus Drive. This community primarily has the higher intensity land use categories such as Intensive Development, Central Urban, Urban Community, Industrial Development, and Suburban. This community contains one of the county's major hospitals, a baseball spring training facility, and the local community college. This community will be nearly built out by the year 2020. The South Fort Myers Community will continue to be a core area of the county providing office area for professional services in areas such as financial and medical. There will also be an increased amount of commercial activity along the US 41 corridor and light industrial uses will continue to expand along the Metro Avenue corridor north of Daniels Parkway. The amounts of commercial and industrial uses in this community are expected to double and most of the suitable land for these uses will be developed by ~~2020~~ 2030.

The residential areas of this community will also continue to develop through the year ~~2020~~ 2030 however the popularity of the residential opportunities to the south in the San Carlos/Estero and Bonita communities will continue to dominate this segment of the market. ~~This community will grow from a 1996 permanent population of 46,000 to approximately 52,000 in 2020. In 2020, this community will still be 4,000 permanent residents from its build out population. While this community is not as heavily influenced by the seasonal population as the communities to the south, in season, South Fort Myers is expected to have a population of over 60,000 in the year 2020.~~

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

17. Lehigh Acres - This community is the Lehigh Acres development, which was platted starting in 1954. This community is located south of Township 43 South, generally north of SR 82, and east of Buckingham Road/the Buckingham Rural Community Preserve to the eastern Lee County line. This community is designated as Urban Community, Central Urban, Industrial Development and Public Facilities. The Lehigh Community will continue to grow ~~through the year 2020~~ at a rate faster than the county average growth rate. This community, however, will not be close to build out by ~~2020~~ 2030. ~~The Lehigh community will grow from a 1996 permanent population of 26,000 to over 71,000 permanent residents in the year 2020. The build out potential for the Lehigh Community is more than double the projected 2020 population.~~ Lehigh will continue to struggle with providing sufficient non-residential uses to accommodate a community of its size. New provisions for providing these uses has been implemented and will aid in this problem, however, residents will continue to commute from this community to the core communities such as Fort Myers, South Fort Myers, and Gateway/Airport for employment, shopping and other services. This community will also struggle with providing an adequate road network to reduce traffic congestion as the population grows.

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

18. Southeast Lee County - As the name implies, this Community is located in the southeast area of Lee County. South of SR 82, north of Bonita Beach Road, east of I-75 (excluding areas in the San Carlos Park/Island Park/Estero Corkscrew Road and Gateway/Southwest Florida International Airport Communities) and west of the county line. With the exception of a few Public Facilities, the entire community is designated as Density Reduction/Groundwater Resource, Conservation Lands (both upland and wetlands), and Wetlands on the Future Land Use Map. This "community" consists of mining operations, agricultural uses, and very large lot residential home sites. The one exception is the Citrus Park Community. This community ~~will not change in character by the year 2020 is not expected to change in character through the year 2030, and will continue to have a population of approximately 2000 residents.~~

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

19. North Fort Myers - This Community is located north of the Caloosahatchee River between the Alva Planning Community and the City of Cape Coral. This community

includes a wide mix of Future Land Use designations from Intensive Development to Density Reduction/Groundwater Resource. The area between the two US 41 routes near the river will remain the core of this community. The old US 41 corridor will be redeveloped with new commercial uses and waterfront development taking advantage of this areas close proximity to downtown Fort Myers and its riverfront location. The US 41 corridor from Pondella Road north will continue to attract new commercial development that will serve the North Fort Myers community and other surrounding communities. Total commercial, service, and industrial uses will have doubled from the amount existing in 1996. These areas are surrounded by residential uses. ~~Most of the North Fort Myers community will develop at residential densities less than what is allowed by the Lee Plan Future Land Use Map. Furthermore, much of this community is designated for low density development of less than one unit per acre. This community will not be one of the fastest growing areas, residentially, in Lee County. This area will add fewer than 3,000 new residents by the year 2020. However, with a total permanent population of over 50,000 residents and nearly 65,000 residents in season, the North Fort Myers community will be the fourth largest community, in population, in the year 2020. As stated in the Alva community, the Bayshore area does have characteristics differing from both the Alva and North Fort Myers community. The split in the Bayshore area between Alva and North Fort Myers was done to include properties which were most closely related to those respective communities.~~

Corrections have been made to reflect changes that have taken place in the planning community. References to the year 2020, the old Lee Plan horizon have been removed. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

In addition to the Vision Statement, Element I there are several Objectives and Policies that refer to the horizon year of 2020 for the Lee Plan that will need to be changed to the new horizon year of 2030.

POLICY 1.1.1: *The Future Land Use Map contained in this element is hereby adopted as the pattern for future development and substantial redevelopment within the unincorporated portion of Lee County. Map 16 and Table 1(b) are an integral part of the Future Land Use Map series (see Policies 1.7.6 and 2.2.2). They depict the extent of development through the year ~~2020~~ 2030. No development orders or extensions to development orders will be issued or approved by Lee County which would allow the Planning Community's acreage totals for residential, commercial or industrial uses established in Table 1(b) to be exceeded (see Policy 1.7.6). The cities of Fort Myers, Cape Coral, and Sanibel are depicted on these maps only to indicate the approximate intensities of development permitted under the comprehensive plans of those cities. Residential densities are described in the following policies and summarized in Table 1(a).*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

OBJECTIVE 1.2: SOUTHWEST FLORIDA INTERNATIONAL AIRPORT AREA.

Designate on the Future Land Use Map adequate land in appropriate locations to accommodate the projected growth needs of the Southwest Florida International Airport and the business and industrial areas related to it, as well as research and development activities and other non-aviation related development that is not necessarily related to the airport, through the year 2020-2030. The Lee County Port Authority desires to establish non-aviation related uses to provide a supplementary revenue source as well as providing an opportunity for businesses that desire a location on airport property. Designate on the Airport Layout Plan suitable areas to accommodate these desired uses and provide general policy guidance as to how these uses will be developed. These categories are also considered Future Urban Areas.

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

POLICY 1.2.1: *Airport lands include the Southwest Florida International Airport's existing facility and projected growth areas through the year 2020 2030. These areas will include airport and airport-related development as well as non-aviation land uses as proposed in the approved 2003 Airport Master Plan update and as depicted on the Airport Layout Plan sheet (Map 3F) and the Southwest Florida International Airport Proposed Development Schedule (Table 5). This mix of uses is intended to support the continued development of the Southwest Florida International Airport. Future development at the Southwest Florida International Airport will also include non-aviation related land uses such as hotels/motels, light industrial, service stations, ancillary retail/shopping, and office development. Any future airport expansion or development of aviation-related and non-aviation uses will offset environmental impacts through the Airport Mitigation Lands Overlay (Map 3M) or other appropriate mitigation acceptable to the permitting agencies and to Lee County. The physical design of the airport expansion will minimize any degradation of the recharge capability of land being developed. Airport expansion beyond the present boundaries will be subject to necessary amendments to the Lee Plan.*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

POLICY 1.4.1: *The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre).*

~~*The property consisting of Sections 1, 2, and 3, Township 48 South, Range 26 East must be developed only in accordance with the following standards:*~~

- ~~*1. The Property may be developed only in accordance with the following conditions. Pre-development activities such as rezonings, zoning permits, certifications, special exceptions, and variances must be consistent with the following conditions, but need not implement*~~

~~them until application is made for a development order that would authorize physical, on-the-ground development on the Property.~~

~~a) The Property, or any part of it, will only be developed as a Planned Development, as defined by Chapter XII of the Lee County Comprehensive Plan. Should development occur in a series of increments by different developers, each development must receive planned development approval. Residential development will be clustered in order to maximize opportunities to provide open spaces and natural areas. A maximum of five acres of the property will be reserved for commercial uses of the type which serve neighborhood needs. Commercial development may be aggregated on any portion of the Property. Clustering will be achieved by requiring homesites to be platted or designed in contiguous groups, adjacent to open spaces. Clustering of residential development will also be achieved by limiting the areas on the Property available for residential homesites in the following fashion.~~

~~(1) Residential development. Single and/or multiple family homesite acreage may account for no more than 45% of the gross area of the Property. Homesite acreage includes the entire site for all single family houses, multi-family dwellings, and any other residential structure, including the house or building pad, the yard, and any driveway, parking areas, landscaped areas, and the like upon the homesite.~~

~~(2) Open Spaces. These areas will include preserved natural areas, buffers, lakes, parks, golf courses, nature trails, retention areas, conservation areas, scenic resources, green belts, wetlands and associated areas and must account for a minimum of 40% of the Property. Golf course fairways will account for no more than fifty percent (50%) of the open space of the subject property.~~

~~(3) Non-residential Development. These areas will include vehicular and pedestrian ways, commercial and institutional areas, club houses and associated facilities, utility buildings, maintenance areas, tennis courts and associated non-residential uses and will be a maximum of 15% of the Property.~~

~~b) All naturally occurring wetlands, which have not been significantly degraded, must be designated as preserve areas and be subject to a conservation easement similar to that set forth in Section 704.06, Florida Statutes. Limited uses in preserve areas such as nature trails, bike paths, cart paths, boardwalks and the like will be allowed when permitted by appropriate State and Federal agencies. The use of wetland areas for water management, to the extent allowed by law, will not be precluded. Wetland areas being used as water management areas on the Property may be relocated if (1) all approvals are obtained from appropriate State and Federal agencies and (2) where the affected wetland functions are replaced on the Property.~~

~~c) Where feasible, open space areas will be designed so as to provide connections between wetlands, preserve areas, and buffers on the Property. The design of these open space areas will seek to provide areas which will be integrated with on-site and adjacent preserve properties so as to enhance habitat for small mammals and wading birds.~~

~~Golf courses, when constructed and maintained in compliance with this paragraph will be considered to be functional open space to the extent set forth above.~~

~~d) The design of the functional open space area must incorporate the following design features:~~

~~(1) A surface water management system that mimics the functions of the natural system, in accordance with Objective 61.2 of the Lee Plan:~~

~~(2) For those areas that drain to the Imperial River Basin, a surface water management system that is consistent with the Kehl Canal/Imperial River basin study prepared for the SFWMD, and adopted by the BOCC pursuant to Policy 60.3.2 of the Lee Plan:~~

~~(3) Uses including, but not limited to, picnic areas, trails, benches, boardwalks, golf courses, water management systems, biking/jogging/equestrian trails, vista courses, bird viewing blinds/tower and interpretative facilities will be permitted within functional open areas:~~

~~(4) The open space areas must be replanted with vegetation after construction. Seventy five percent of the total number of required trees used in buffers, and landscaping must be indigenous, and fifty percent of the shrubs must be indigenous:~~

~~(5) Plant material used for revegetation must conform to the standards for Florida Number 1, or better as given in Grades and Standards for Nursery Plants 1973, and Grades and Standards for Nursery Plants, Part II, Florida Department of Agriculture and Consumer Services Tallahassee:~~

~~(6) Australian pine, cajuput, Brazilian pepper, downy rose myrtle, Cuban laurel, melaleuca, bishopwood, castor bean, common papaya, common snakeplant, day jessamine, hunters robe, queensland umbrella tree, trailing wedelia may not be used as part of the revegetation of the property after development. Any such plants that exist on the site at the time of the issuance of a development order must be removed; and~~

~~(7) The vegetation that surrounds, or is within the open space areas should have the capacity to provide habitat for a diversity of wildlife.~~

~~e) Development must provide a buffer to protect adjacent natural areas from the impacts of development. The purpose of the buffer is to protect adjacent natural resources from the activities and impacts of development on the Property.~~

~~(1) All development must incorporate buffers, as follows, in three zones:~~

~~Zone 1 will be a minimum of 100 feet wide and will extend completely along all portions of the eastern and southern boundary of the Property. These are the areas of the Property which are adjacent to the Collier County Line. The buffer will consist of selected native upland forest plant species such as south Florida slash pine, live oak,~~

~~laurel oak, and saw palmetto. Selected species will be tolerant of drought conditions, and will not require fertilizers and pesticides to promote growth and survival. Exotic plant species will be controlled by the periodic application of herbicides and mechanical removal. Wetland forest species will be used in situations where wetland functions remain on the property and where soil and moisture conditions are suitable.~~

~~Zone 1 will incorporate the existing water management reservoirs which are located along the southern boundaries of Sections 1 and 2. These reservoirs will not require additional buffering. There will be no structures erected in Zone 1, however, passive recreation such as hiking, bird watching, and nature study will be permitted. Construction of lakes in Zone 1 will be allowed. Existing berms and ditches will be allowed to remain in Zone 1.~~

~~Zone 2 will be adjacent to Zone 1 and will encompass an area that is at least 50 feet wide. This area will be free of lights and other structures such as fences, pools, and sheds. The permanent placement of generators, pumps, and other fixed motors will be prohibited. Homesites may extend into Zone 2, but no portion of the residence itself may extend into this zone. If residential lots are incorporated into this zone, those portions of yard acreage will be planted and maintained in a fashion similar to that proposed for Buffer Zone 1. Passive recreation such as hiking, jogging, biking, and walking will be allowed along designated trails and boardwalk system. Golf courses and lakes may extend into this zone, but may not incorporate lights or structures other than drainage structures and cart paths. All golf course acreage in Zone 2 will be free of lights and structures, and the use of golf carts will be permitted. If water, sewer, or electrical lines are placed in Zone 2 they must be buried.~~

~~Zone 3 will be parallel Zone 2 and will consist of residences and other infrastructure development in a 100-foot wide band. Exterior lighting in this zone may not project toward adjacent preserve land. Measures such as directional lighting, reduced height light supports, and other light abatement technology will be used.~~

~~The buffer zones will not preclude governmental entities from constructing public roadways that are currently depicted on the Lee County 2020 Traffic Circulation Plan Map through these zones, as long as other State and Federal permits are obtained.~~

- ~~f) The Property must be served with all necessary facilities and services at no expense to the County (including central water and sewer). Uniform Community Development Districts any special taxing districts may be utilized to achieve this standard. The Property is presently within the Lee County Privately Funded Infrastructure Overlay (PFIO). This Overlay requires that all development within these areas pay for the construction and extension of public services to all properties that seek to develop to a different land use. Should at the time when the Property begins to develop, the PFIO no longer applies to this area, all development will still be required to pay for its infrastructure costs. All development must comply with the Lee County Concurrence Management Plan. The owners of the property and their successors in interest must not withdraw from or opt out of the PFIO.~~

- ~~g) Development must be on central water and sewer or the extension of such and other utilities must be planned to coincide with the development of the Property. Bonita Beach Road improvements must have been extended east to the planned development, or its extension must be committed to occur in pace with the planned development.~~
- ~~h) The shorelines of any stormwater management lakes must be sinuous in configuration, and must be sloped or bermed. The littoral zones around the ponds must be planted with native wetland herbaceous plants, and trees or shrubs can be included within the herbaceous plants. At least four species must be planted. The minimum required number of plants will be one plant per linear foot of lake shoreline as measured at the control elevation water level. The littoral shelf should provide a feeding area for water dependent avian species.~~
- ~~i) The owners will employ management strategies in and around any golf course to address the potential for pesticide/chemical pollution of the groundwater and surface water receiving areas. The owners will comply with the goals of the Audubon Cooperative Sanctuary Program for Golf Courses. The management practices will include:~~
 - ~~(1) The use of slow release fertilizers and/or carefully managed fertilizer applications which are timed to ensure maximum root uptake and minimal surface water runoff or leaching to the groundwater;~~
 - ~~(2) The practice of integrated pest management when seeking to control various pests, such as weeds, insects, and nematodes. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is not acceptable. The management program will minimize, to the extent possible, the use of pesticides, and will include the use of the USDA-SCS Soil Pesticide Interaction Guide to select pesticides for uses that have a minimum potential for leaching or loss due to runoff depending of the site specific soil conditions. Application of pesticides within 25 feet of any CREW, or other adjacent public preserve lands, is prohibited.~~
 - ~~(3) The coordination of the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients;~~
 - ~~(4) The utilization of a golf course manager who is licensed by the State to use restricted pesticides and who will perform the required management functions. The golf course manager will be responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater; and~~
 - ~~(5) The storage, mixing and loading of fertilizer and pesticides will be designed to prevent/minimize the pollution of the natural environment.~~
- ~~j) In order to minimize the adverse impacts that construction may have on wildlife, natural environmental values, and water quality, the developer will institute~~

~~appropriate measures such as full compaction of any fill material placed around newly installed structures.~~

- k) ~~Any future individual development on the Property will be subject to Development of Regional Impact (DRI) review once it reaches the 80% threshold, i.e., at 800 units such development will be presumed to be a DRI. If two or more individual projects will be developed on the Property, this 80% threshold will be applicable to each, and not applied in a cumulative fashion unless subject to the aggregation criteria in Rule 9J-2, Fla. Admin. Code.~~

All of the property described in the text proposed for deletion has been annexed into The City Of Bonita Springs. Lee County has no jurisdiction and/or permitting authority over these lands.

GOAL 5: RESIDENTIAL LAND USES. *To provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the projected population of Lee County in the year ~~2020~~ 2030 in attractive and safe neighborhoods with a variety of price ranges and housing types.*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

POLICY 36.2.1: *The Official Trafficways Map is intended to represent all roadway facilities that may be needed by buildout of Lee County at some unspecified point in the future. As such, it contains numerous corridors which will not be needed by the year ~~2020~~ 2030 and are therefore not shown on Transportation Map 3A.*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

Glossary

SOUTHWEST FLORIDA INTERNATIONAL AIRPORT PROPOSED DEVELOPMENT SCHEDULE (TABLE 5) - *This Table depicts the proposed development schedule for the Southwest Florida International Airport through the year ~~2020~~ 2030.*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

Some of the Objectives or Policies predate the horizon year and represent dead-lines that have passed or activities that have been achieved. These policies no longer serve a valid purpose and are been marked for deletion or to be rewritten.

~~**POLICY 2.6.3:** Amend the county's development regulations by 1994 to provide additional flexibility for redevelopment activities within CRAs.~~

County no longer has any active CRA's, in addition the Board of County Commissioners does not need this Policy to propose revisions to the Land Development Code to address future provisions concerning redevelopment areas.

~~**POLICY 5.1.9:** Consider by 1996 the provision of incentives and requirements for the reassembly, redesign, and replatting of vacant platted residential lots that are not suitable for timely, safe, and efficient development; and re-evaluate the effects of the single family residence provision and the privately funded infrastructure overlay on the county's ability to provide incentives for reassembly, redesign, and replatting~~

Market demand is effectively providing incentives toward this goal of reassembling plats that are not suitable for residential uses. Additionally, there have been specific locations throughout Lee County, specifically Lehigh Acres that have had properties identified for commercial activities, as part of the Lee Plan. Also, recent legislation and a constitutional amendment have hindered the Counties ability to assemble properties for redevelopment.

~~**POLICY 6.1.11:** Provide by 1995 appropriate requirements and incentives for the conversion of strip commercial development into series of discrete, concentrated commercial areas.~~

Lee County has adopted revised landscape and commercial design standards into the Land Development Code. Further, staff is proposing incorporating new urbanism and smart growth through Lee Plan amendment CPA2005-00037.

~~**POLICY 9.1.5:** Amend the Noise Ordinance by 1995 to provide exemptions for crop dusting and other essential agricultural activities~~

This is an outdated farming practice no longer used within Lee County.

~~**POLICY 10.2.1:** By 2000, the county will conduct a study to determine the appropriateness of oil exploration, drilling, or production. The study will address the issues of the compatibility of oil-related activities with the environment and urban uses. This study will include recommendations regarding the appropriateness of such activities within Lee County as well as guidelines under which such activities should be regulated under the Lee County Land Development Code~~

The draft study has been completed. The Land Development Code (Sec 34-1651) has been amended to address exploration activity and existing uses.

~~**POLICY 18.1.3:** By the end of 1995, Lee County will maintain and as necessary adopt appropriate regulations providing for university housing, including student dormitories and boarding houses.~~

The Land Development Code has been amended to address student dormitories and boarding houses as it would relate to university housing.

POLICY 18.1.4: ~~By the end of 1995, Lee County will~~ maintain and as necessary adopt regulations further defining how densities for individual parcels within the University Community will be determined. The regulations will address how the total number of units will be tallied to insure that the overall average density of 2.5 units an acre will be maintained. The regulations will provide a mechanism for clustering densities within the University Community.

100% of the University Community has been rezoned.

~~**POLICY 18.1.11:** By 1996, Lee County and the Metropolitan Planning Organization will consider amending their respective transportation planning maps and policies to reflect the roadway segments identified by the Conceptual Master Plan.~~

The roadway network created within and around the University Community, identified through Goal 18 has been incorporated within the respective transportation planning maps utilized by Lee County and the Metropolitan Planning Organization.

POLICY 18.2.3: The University Window Overlay includes the area within 100 feet on both sides of the right-of-way of the following roadway segments:

Treeline Avenue	<i>From Alico Road to Corkscrew Road</i>
Alico Road	<i>From I-75 to Treeline Avenue</i>
Corkscrew Road	<i>From I-75 to Treeline Avenue</i>
Koreshan Boulevard	<i>From I-75 to Treeline Avenue</i>

With input from affected property owners, ~~by 1995,~~ Lee County and the Board of Regents will develop mutually agreed upon standards for the University Window addressing landscaping, signage and architectural features visible from the designated roadway segments.

Standards have been created for the University Window Overlay. All of the property owners in the designated area, and the County have entered into an agreement that satisfies the intent of this Policy. It is not considered an on going effort to update landscaping, signage, and architectural features, as necessary.

POLICY 19.1.5: ~~By 2002, +~~ The Estero Community will draft continue to work on a corridor management plan for the Estero US 41 corridor during the five year update to their community plan to advance development in a manner that promotes a safe, high quality urban environment. Plan elements will ~~include~~ address roadway and median landscape standards, residential buffering standards, access management guidelines, street lighting, sidewalks, and insuring safe and effective pedestrian crossings within the context of a comprehensive pedestrian and bikeway system.

The Estero Community is beginning work on the 5 year update to their community plan.

POLICY 19.1.6: *By ~~2004~~ Lee County will continue to evaluate historic resources; and as necessary, draft & proposals for their designation under Chapter 22 of the Land Development Code.*

Lee County has identified historic resources for designation under Chapter 22 of the Land Development Code and continues its efforts to identify historic resources.

POLICY 21.1.1: *By the end of ~~2004~~ 2007, the Caloosahatchee Shores community will draft and submit regulations for Lee County to review and consider for amendment or adoption as Land Development Code regulations that provide for enhanced landscaping, signage and architectural standards consistent with the Community Vision.*

Caloosahatchee Shore Planning Community is currently going through an update of their community plan.

POLICY 21.3.1: *By the end of ~~2004~~ 2007, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee County to review and consider for amendment or adoption as regulations in the Land Development Code to provide for greater buffering between distinctly different adjacent commercial and residential properties, modified however when a project is of mixed use nature.*

Caloosahatchee Shore Planning Community is currently going through an update of their community plan.

POLICY 21.4.3: *Any existing or future regulation in the Land Development Code that is shown by the applicant of a planned development to inhibit the development of a mixed-use project will be given strong consideration for a waiver. By the end of ~~2004~~ 2007, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee County to review and consider for amendment or adoption as Land Development Code regulations that encourage mixed-use developments.*

Caloosahatchee Shore Planning Community is currently going through an update of their community plan.

OBJECTIVE 58.1: *Oversee sewer service delivery management through a joint effort between Lee County and the various private sector providers. Re-evaluate, ~~by 1999~~, as needed the effectiveness of this effort.*

Lee County is continuing to communicate and coordinate, as necessary with private sector providers. Lee County Utilities has viewed these efforts as a benefit for both the private sector and Lee County.

POLICY 58.1.1: ~~By 1995, Lee County will have~~ continue to collected data from private sanitary sewer providers, including reporting of sewage flows, holding and treatment capacity, number of customers, committed future connections, and proposed expansion plans. Thereafter, this data will be updated on a yearly basis.

The data is being collected to update the annual Concurrency Report each year. This information is provided by the individual plant operators.

POLICY 59.1.1: ~~The County will continue to prepare and update and implement a the comprehensive county-wide surface water management master plan, with full attention to issues of regional water quality and environmental integrity. The County will complete basin plans for all of the remaining watersheds in Lee County by 2005. As each basin plan is completed, it will be scheduled for adoption by the Board of County Commissioners.~~

The basin plans have been completed. Continuing efforts are being made to keep the plan updated.

POLICY 59.1.3: ~~By 1995~~ 2007, Lee County will update its flood plain regulations in accordance with the ~~1984~~ 2006 Flood Plain Management Study Insurance Rate Map (FIRM) and other available sources.

The adoption of the new FIRM data will require a review of all ordinances and regulatory documents to update flood zone information to be completed by August, 2007.

POLICY 60.1.1: ~~The detailed Surface Water Management Master Plan that was initiated in 1989 to identify the existing watershed basin boundaries within Lee County, to evaluate the storm capacity and establish design criteria, and to determine costs for surface water management within each basin to meet applicable design storm standards will be completed by 2005.~~

The Surface Water Management Master Plan has been completed.

OBJECTIVE 60.2: BASIN PROGRAM. ~~Promote water management permitting on a basin-wide basis, as opposed to the current individual-site approach used by Lee County and the South Florida Water Management District, through pilot or demonstration programs in two or more basins by 1996.~~

Both the South Florida Water Management District and Lee County use the Lee County surface water master plan as a guide for reviewing development. Lee County, Natural Resources Division is supportive of reviewing development on a basin-wide analysis level.

OBJECTIVE 60.3: LEVEL-OF-SERVICE STANDARDS. ~~Revise by 1996 the surface water management level of service standards for basins and sub-basins identified in the Surface Water Management Master Plan. These future service standards can only be finalized upon the completion of the basin studies and will be based upon providing a defined level of flood protection, balanced with the protection of natural flow ways and associated wetland systems. Level of Service Standards have been established for basins identified in the surface water master plan and are provided in the following policies. The Level of Service Standards will be updated as necessary based on new basin studies or more accurate information~~

The Level of Service Standards are established within the Lee Plan. Any changes to these standards would be based upon new information.

POLICY 60.3.5: ~~By 1996, complete the preliminary design of storm water management systems for each basin identified in the Surface Water Management Master Plan and develop a capital facility improvement schedule.~~

This task has been completed and projects are included in the Capital Improvement Program.

POLICY 61.1.3: *In the event that the timing and volume of freshwater discharges necessary to maintain the health and productivity of estuaries and other wetlands cannot be determined or supported by existing scientific data, the county will sponsor, in collaboration with other agencies, institutions, and organizations, adequate research programs to make such data available by 1995.*

This is an ongoing effort for both Lee County and numerous outside agencies. Collaboration in the form of shared data is ongoing.

OBJECTIVE 62.2: SOLID WASTE DISPOSAL. ~~By 1995, begin~~ Continue operation of a waste to energy resource recovery facility and continue to explore means to reduce the volume of solid waste.

This plant is currently operating and will be expanded.

OBJECTIVE 64.2: MONITORING. ~~By 1996~~ 2009, establish a system to accurately assess the information needs of the various constituencies in the community.

The Lee County Library system views an assessment system as a vital public outreach tool. It is the Library system's intent to have a satisfaction assessment system in place by 2009.

POLICY 66.1.3: ~~*By 1995, Lee County will continue to maintain and regularly update a school impact fee. staff will develop, in conjunction with economic consultants and the Board of Education, an impact fee program for capital costs for schools and present it to the Board of County Commissioners for formal consideration.*~~

The Board of County Commissioners has adopted a School District Impact Fee on November 27, 2001 and amended in November 2005.

POLICY 68.1.1: ~~*By 1995, Lee County will provide a*~~ *continue* ~~*mechanism to educate and train small businesses in waste minimization and the proper storage, handling and disposal of hazardous materials through increased occupational license fees.*~~

This is a continuing effort, started in 1990, of the Pollution Prevention program. The program targets all businesses. This education process is being met through on site assessments, presentations, and educational outreach efforts.

OBJECTIVE 76.3: ~~*By 1995, the county will establish a*~~ *continue to maintain a* ~~*systematic approach to surveying users of park facilities and other residents of Lee County as to their needs, desires, preferences, and evaluations of park and recreation facilities and programs.*~~

Lee County Park and Recreation currently surveys park users and Lee County residents to gain feedback on new park facilities and plans to continue such efforts. A county wide user survey was completed in 2006 for both programs and facilities. Every program offered by Lee County Parks is accompanied by a user survey and is administered by the program staff. All new facilities developed by Lee County Parks are done in the public form with public input.

POLICY 76.3.2: ~~*The results of user and resident surveys will become*~~ *are* ~~*an integral part of the planning process for park and recreation facilities and programs by 1996.*~~

Lee County Parks and Recreation currently uses parks users and Lee County resident surveys to determine the benefit of and potential new programs and facilities. A county wide user survey was completed in 2006 for both programs and facilities. Every program offered by Lee County Parks is accompanied by a user survey and is administered by the program staff. All new facilities developed by Lee County Parks are done in the public form with public input.

POLICY 83.3.1: ~~*The county will*~~ *continue to* ~~*research national or regional standards for pool development and make recommendations, as needed for adoption of a local, non-regulatory standard by 1995.*~~

Lee County, in conjunction with Florida Gulf Coast University has partnered in the creation of an aquatic center which accomplishes the intent of the policies. As these facilities are used for competition events, they meet with national and regional standards.

~~**POLICY 83.3.2:** The county will evaluate the need, feasibility, and economic benefit of developing a 50 meter pool and related aquatic center by 1995.~~

Lee County, in conjunction with Florida Gulf Coast University has partnered in the creation of an aquatic center which accomplishes the intent of the policies. As these facilities are used for competition events, they meet with national and regional standards for 50 meter pools.

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

~~10. Providing an annual on an as needed basis a report to the County Commission on the status of wetlands and rare and unique uplands by 1996.~~

There are no changes proposed for other text within this Policy.

An annual report is excessive and in fact has not been undertaken by the County. Data on wetland impacts is available through the SFWMD and DEP. Providing a status on rare and unique uplands would be a major task to undertake, clearly not feasible on an annual basis.

~~**OBJECTIVE 108.1:** Establish baseline conditions in all estuarine systems, including pollutant and freshwater loadings by 2000, and m Maintain an ongoing water quality monitoring program. Maintain communication with other local, state, and federal estuarine water quality studies to ensure that the latest data and recommendations are available.~~

Baseline conditions have been established. The effort has now shifted to maintaining the water quality monitoring program.

~~**OBJECTIVE 108.2: WATERSHED MANAGEMENT PLANS.** By 1996, establish procedures for reviewing Review all new upland development in terms of its impacts on estuarine systems. Prepare estuarine watershed management plans which maximize stormwater retention and treatment, with priority to the Estero Bay watershed Lee County will work with the South Florida Water Management District to ensure new development will maximize stormwater retention and treatment.~~

Procedures have been established to review upland development. The South Florida Water Management District is going through basin Rule changes that will maximize the stormwater retention and treatment

~~**POLICY 109.2.3:** By 1995, On-site shelters will be required to meet standards established by the county, including provision of adequate shelter space, elevation above Category 3 hurricane storm surge flooding levels, adequate windproofing, glass protection, emergency power where needed, water supplies, and other basic needs.~~

The Land Development Code has been amended and now addresses these issues.

OBJECTIVE 110.1: DEVELOPMENT REGULATIONS. *By ~~1995~~ 2007, all development regulations will be reviewed and revised to require that the vulnerability of future development in the A-Zone (as defined by the Federal Emergency Management Agency) be reduced.*

The adoption of the new FIRM data will require a review of all ordinances and regulatory documents to update flood zone information to be completed by August, 2007.

POLICY 110.1.3: *~~By 1995, a~~ All new residential development 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)*

The LDC has been amended and now addresses this issue.

POLICY 110.1.4: *~~By 1995, a~~ 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)*

The LDC has been amended and now addresses this issue.

POLICY 110.1.5: *~~By 1995, the county will prepare and adopt a flood plain management plan. The~~ County will 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)*

This has been completed and has been implemented.

OBJECTIVE 111.1: POST-DISASTER STRATEGIC PLAN. *~~By 1995, t~~ The county will formally establish maintain a post-disaster institutions and procedures to guide county actions following a natural or technological disaster. (Amended by Ordinance No. 94-30, 00-22)*

The County has a post-disaster procedure. The Objective has been modified to ensure this document is maintained regularly.

OBJECTIVE 111.2: 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 disaster. ~~By 1995, t~~ The Recovery Task Force will recommend amendments as needed to the Post-Disaster Strategic Plan. (Amended by Ordinance No. 94-30, 00-22)*

The post disaster ordinance does exist. The Objective has been modified to ensure the ordinance accurately reflects the strategic plan and provides appropriate regulations that may be needed following a disaster.

POLICY 114.1.2: *The county's wetlands protection regulations will ~~be amended by 1995~~ to be consistent with the following:*

There are no changes proposed for other text within this Policy.

The Land Development Code has been amended to address this issue.

POLICY 114.1.3: *The Future Land Use Map shows the approximate boundaries of wetlands in Lee County. The map will be updated ~~by 2000~~, as needed based on the definitions in this plan and new information. If the Future Land Use Map is incorrect due to a clear factual error, or if an exact boundary determination is desired, an administrative process is set out in Chapter XIII of this plan to establish the precise boundary of the wetland. (Amended by Ordinance No. 94-30)*

New wetland boundaries are regularly updated on the Future Land Use Map. The Policy has been amended to reflect this ongoing effort.

POLICY 121.1.5: *~~By 1996, the county will establish an ongoing~~ maintain the monitoring system for estuarine water quality and its impacts on the health of recreationally and commercially important fish and shellfish. (Amended by Ordinance No. 00-22)*

The County currently has a monitoring system in place. The Policy has been amended to reflect this ongoing effort.

OBJECTIVE 124.3: MARINE SANITATION. *The county will provide for effective control of waste disposal by maintaining local marine sanitation regulations in the Land Development Code which complement the Florida Clean Vessel Act and by cooperating with the Southwest Florida Regional Harbor Board to develop regional guidelines for marine sanitation systems ~~by 2001~~. (Amended by Ordinance No. 94-30, 98-09)*

The Land Development Code has been amended to address this issue.

POLICY 124.6.3: ~~By 1997, the county will, with recommendations from an advisory committee, affected elements of county government and other affected persons, further develop and implement a Matanzas Harbor Management Plan. The scope of this plan will include the designation of a managed mooring area; the regulation of trash and wastewater disposal; and establishment of a research facility designed to meet the needs of marine environmental sciences, marine education, marine research and study of the estuarine and intertidal environment of waters unique to Lee County, specifically, Estero Bay, Ostego Bay and Hurricane Bay. This plan will provide mechanisms and standards for the strict enforcement of health, safety and welfare regulations throughout the Estero Bay and Matanzas Harbor area, regulations for the protection of marine resources; and the initiation and operation of a marine research/educational facility that would provide public access as determined by a final master plan. 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. (Amended by Ordinance No. 00-22)~~

The plan is complete and the area now falls under the jurisdiction of the Town of Fort Myers Beach. Lee County continues to offer technical assistance toward the goal of maximizing the health of the Estero Bay, Ostego Bay, and Hurricane Bay.

OBJECTIVE 127.1: ARTIFICIAL REEF PROGRAM. ~~The county will continue its artificial reef program for increasing fisheries habitat in coordination with—the Department of Environmental Protection and appropriate organizations. (Amended by Ordinance No. 00-22)~~

The deleted text does not change the intent of the Objective, it has been proposed to show Lee County's desire to work with any appropriate organization.

POLICY 127.1.1: ~~By 1994, the Board of County Commissioners will create an artificial reef and habitat enhancement advisory committee composed of representatives from the commercial fishing industry, recreational fishing clubs, scuba diving organizations, environmental and conservation groups, and government agencies with an interest in fisheries or environmental matters. (Amended by Ordinance No. 00-22)~~

This Policy has been completed. The advisory committee has been formed and has been integrated into the "Reef Plan".

OBJECTIVE 143.4: PUBLICLY OWNED SITES. *Lee County will continue to preserve and protect the historic and archaeological resources owned, acquired, or disposed of by Lee County by designating them under the Lee County Historic Preservation Ordinance if feasible. By 1999, Lee County will ~~develop a~~ continue the program to preserve and protect those historic and archaeological resources owned, acquired or disposed of by Lee County which do not qualify for designation under the Lee County Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)*

Lee County has developed a program to preserve and protect historic and archaeological resources within Lee County that do not qualify for the Lee County Historic Preservation Ordinance

POLICY 151.3.1: *~~By 1995, enter into interlocal agreements between Lee County DOT will continue open communications with and the various water and wastewater utility companies to establish a process to coordinate expected utility construction projects with programmed roadway maintenance and capital projects. (Added by Ordinance No. 94-30)~~*

Lee County Department of Transportation has an effective process in place to coordinate construction projects with the various utility providers.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Evaluation and Appraisal Report identified the need to revise the County's population projection and adjusting the Plan's planning horizon to the year 2030.
- The horizon year for the Lee Plan is being moved from 2020 to 2030.
- Subsequent data sets reference by the Lee Plan are utilizing projections to the year 2030.

C. BACKGROUND INFORMATION

There are several references to the horizon year of 2020 within the Lee Plan. The references associated to the horizon year vary from projected population counts to anticipated levels of development.

This comprehensive plan amendment is not intended to change any dates that are associated with a "sunset" or a dead-line that have not already passed.

The staff report is broken into several different sections, each section is identified with a brief descriptor explaining the purpose for the section. The first section presents the Vision Statement for Lee County, located in Element I of the Lee Plan. The changes proposed in this section pertain to the change of the horizon year from 2020 to 2030. It is not the purpose of any of the proposed text changes to alter the intent of the Vision Statements. The second section changed the horizon year for the Goals, Objectives, and Policies of the Lee Plan. The third section would have changed text from Objectives or Policies that predate the horizon year and represent dead-lines that have passed or activities that have been achieved. These policies no longer serve a valid purpose and are been marked for deletion or to be rewritten.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Staff has reviewed the Lee Plan to identify Goals, Objectives, Policies, or Standards that were sensitive to the horizon date (2020) of the Lee Plan. The changes that were done, to update the Lee Plan to the 2030 horizon date did not change the intent of any of the Goals, Objectives, or Policies, the sole purpose was to make those specific changes to accurately reference new data based on a 2030 projection year.

Additional changes have been made to remove dead-lines that have passed or Policies that refer to actions that have been accomplished.

It is not the purpose of this Lee Plan Text Amendment to change the intent of any Goals, Objectives, or Policies, however in the process of updating the Lee Plan it was necessary, in a few specific cases, to re-write sections of or the entire Objective or Policy as the actions required were completed.

B. CONCLUSIONS

The proposed text amendment is a required action to keep the Lee Plan updated with more accurate or current information.

C. STAFF RECOMMENDATION

Staff recommends the Board of County Commissioners transmit the proposed amendment to update text that references the 2020 planning horizon to the new planning horizon date of 2030. Additionally, to delete any text that is date sensitive and the time frame has passed or the intent of the text amendment has been met.

**PART III - LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

PUBLIC HEARING DATE. November 27, 2006

- A. LOCAL PLANNING AGENCY REVIEW:** Staff explained the purpose of the amendment as updating the Lee Plan to reflect the new horizon year of 2030 and to delete or re-write, as necessary any text that is date sensitive and time frame has passed or the intent of the text has been satisfied. Staff's discussion centered on a review of the staff report and recommendations.

There were no comments provided by LPA members.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit the proposal to amend the Lee Plan to change the references from 2020 to 2030 and update the Vision Statements to 2030.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	AYE
DEREK BURR	AYE
RONALD INGE	AYE
RAYMOND SCHUMANN, ESQ	AYE
CARLETON RYFFELL	ABSENT
RAE ANN WESSEL	AYE
VACANT	

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: December 13, 2006

A. BOARD REVIEW: The Board of County Commissioners provided no discussion concerning the proposed plan amendment. This item was approved on the consent agenda

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION: The Board of County Commissioners voted to transmit the proposed plan amendment.

2. BASIS AND RECOMMENDED FINDINGS OF FACT: The Board of County Commissioners accepted the findings of fact advanced by staff and the LPA.

C. VOTE:

A. BRIAN BIGELOW	_____ AYE
TAMMARA HALL	_____ AYE
BOB JANES	_____ AYE
RAY JUDAH	_____ AYE
FRANKLIN B. MANN	_____ AYE

**PART V – DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT:

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

The Department of Community Affairs has raised objections to proposed amendment CPA2005-00026. The DCA objections are reproduced below.

OBJECTION:

"The County is proposing to change the horizon year of the County's plan from 2020 to 2030. However, the update does not include a Future Land use Map for the planning period of 2030. While the land use allocation table (Table (l)b., for the planning communities is labeled 2030, the associated planning community's overlay map (Map 16) is not labeled as such. Pursuant to Chapter 163.3177(5)(a), Florida Statutes, and Rule 9J-5.005(4), each local government comprehensive plan must include at least two planning periods, one covering at least the first five-year period subsequent to the plan's adoption or the adoption of the EAR- based amendments and one for at least a 10-year period. The County has chosen to adopt a long term planning period of 2030 which the Future Land Use and Future Transportation maps should reflect. In addition, while the future land use for the planning communities are allocated based on the projected population of each planning community, the population figures upon which the allocations are based are not stated. [Chapter 163.3177(5)(a), (6)(a) F.S; 9J-5.005(4), 9J-5.005(2)(a), (c), & (e) and 9J- 5.006(4)(b), FAC]"

Recommendation: *"Revise the amendment to include a Future Land Use Map for the next planning timeframe. The planning timeframe should be clearly stated on the map. In addition, include a Future Land Use map series that covers all the relevant future conditions such as the location of existing and planned potable water wells and wellhead protection areas and wetlands, etc. As a part of the data and analysis, include a table of the population distribution for the planning communities upon which the projected land use allocations are based."*

B. STAFF RESPONSE:

The objections and recommended changes from the ORC Report have been incorporated into CPA2005-00026-Update BEBR Population Projections. Staff recommends that this amendment be adopted as transmitted.

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: May 16, 2006

A. BOARD REVIEW: The staff explained that the ORC Report objections raised on this amendment were collective with CPA2005-00026. These objections were addressed by CPA2005-00026. Staff explained no changes were made to the transmittal recommendation. There was no additional board discussion on this item.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board of County Commissioners voted to adopt the proposed text amendment
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board of County Commissioners accepted the facts advanced by staff and the LPA.
3. **VOTE:**

A. BRIAN BIGELOW	_____ AYE
TAMMARA HALL	_____ AYE
BOB JANES	_____ AYE
RAY JUDAH	_____ AYE
FRANKLIN B. MANN	_____ AYE

LEE COUNTY ORDINANCE NO. 07-12
(Lee Plan Horizon 2030)
(CPA2005-25)

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 CPA2005-25 (PERTAINING TO CHANGING THE LEE PLAN HORIZON YEAR TO 2030) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; 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 public hearings on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on October 23, 2006 and November 27, 2006; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on December 13, 2006. At that hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2005-25, which updates the planning horizon year from 2020 to 2030, to the Florida Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the December 13, 2006 meeting, the Board announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC report on March 2, 2007; and,

WHEREAS, the Board held public hearings on the adoption of the proposed amendment to the Lee Plan on April 11 and May 16, 2007; and,

WHEREAS, on May 16, 2007, the Board 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 the 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 "2005/2006 Regular Comprehensive Plan Amendment Cycle CPA2005-25 Lee Plan Horizon Update Ordinance."**

SECTION TWO: ADOPTION OF LEE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, as revised by the Board on April 11, 2007, known as CPA2005-25. CPA2005-25 amends the

Lee Plan to change references to the planning horizon from the year 2020 to the year 2030 and to update the Vision Statements to the year 2030.

The corresponding Staff Reports and Analysis, along with all attachments for this amendment are adopted as "Support Documentation" for the Lee Plan.

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: 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 FIVE: 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 SIX: 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 or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. 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. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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

Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammy Hall	Aye
Frank Mann	Aye

DONE AND ADOPTED this 16th day of May 2007.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: Marcia Wilson
Deputy Clerk

BY: Robert P. Jones
Robert P. Jones, Chair

DATE: 5-16-07

Approved as to form by:

Donna Marie Collins
Donna Marie Collins
County Attorney's Office



STATE OF FLORIDA

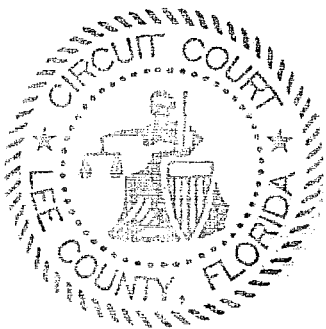
COUNTY OF LEE

I Charlie Green, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby certify that the above and foregoing, is a true and correct copy of Ordinance No. 07-12, adopted by the Board of Lee County Commissioners, at their meeting held on the 16th day of May, 2007 and same filed in the Clerk's Office.

Given under my hand and seal, at Fort Myers, Florida, this 21st day of May 2007.

CHARLIE GREEN,
Clerk of Circuit Court
Lee County, Florida

By: Marcia Wilson
Deputy Clerk



CPA2005-25
CHANGE LEE PLAN HORIZON TO
THE YEAR 2030
BoCC SPONSORED
AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Public Hearing Document
For the
April 11th Adoption Hearing

Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 479-8585

April 4, 2007

LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2005-25



Text Amendment



Map Amendment

This Document Contains the Following Reviews:	
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
✓	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: November 16, 2006

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

- 2. REQUEST:** Amend the Lee Plan to change the references from 2020 to 2030 and update the Vision Statements to 2030.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners adopt this proposed amendment as transmitted, to update text that references the 2020 planning horizon to the new planning horizon date of 2030. Additionally, to delete any text that is date sensitive and the time frame has passed or the intent of the text has been satisfied.

From Chapter I of the Lee Plan
Element I - Vision Statement

The Lee Plan is designed to depict Lee County as it will appear in the year ~~2020~~ 2030. Given the projected increase in population (to ~~602,000~~ 979,000 permanent residents with an additional 18 % ~~and 764,171~~ seasonal residents) and the probable rate of technological change between the present date and ~~2020~~ 2030, it is impossible to describe the future face of the county with any degree of certainty or precision. However, the following list of themes will be of great importance as Lee County approaches the planning horizon:

- *The growth patterns of the county will continue to be dictated by a Future Land Use map that will not change dramatically during the time frame of this plan. With the exception of Cape Coral and Lehigh Acres, the county's urban areas will be essentially built out by ~~2020~~ 2030 (pending, in some cases, redevelopment). The county will attempt to maintain the clear distinction between urban and rural areas that characterizes this plan. Its success will depend on two things: the continuing viability of agricultural uses and the amount of publicly-owned land in outlying areas.*

There are no changes proposed for the remaining section.

The horizon year is being changed to 2030 and the projected population is being updated based on the latest Bureau of Economic and Business Research (BEBR) projections.

1. Alva –

There are no changes proposed for the first paragraph.

While the Alva community does offer some commercial opportunities, residents satisfy most of their commercial needs outside of this community in the more urbanized communities to the west and south. For the most part, these conditions are expected to remain through the life of this plan. The population of Alva is projected to continue to grow through the life of this plan. ~~from an estimated 4,260 in 1996 to 4,818 in 2020.~~ Commercially, Alva will activity is expected to continue to increase to the year 2030 double its available square footage to nearly 150,000sf. In the year 2020, the The Alva community will remain largely rural/agricultural in nature with over half of its total acreage being used for this purpose. The Alva Community will also strive to protect its historic resources.

There are no distinct sub-communities within the Alva Community.

The horizon year is being changed to 2030 and the old population projections are being deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

2. Gasparilla Island/Boca Grande –

There are no changes proposed for the first four paragraphs

The population is highly seasonal with peak population residency and daily visiting occurring during the months of November through May. With land vacancy of less than 15%, Gasparilla Island/Boca Grande has virtually no capacity for additional new development, while substantial population growth is expected in adjacent areas of Charlotte and Sarasota Counties. The Gasparilla Island/Boca Grande community is dedicated to preserving its historic character and scale and its unique island residential character so that the community will look substantially ~~the same in 2020~~ as it does today through 2030, including its unique mix of vital small businesses, without fast food franchises, formula and intense retail or intense commercial tourist activities, other than the historic Gasparilla Inn.

There are no changes proposed for the remaining paragraphs.

The reference to the year 2020, the old Lee Plan horizon has been removed and a reference to the new horizon year has been added.

3. Bonita –

There are no changes proposed for the first paragraph.

Bonita Springs is one of the fastest growing communities in Lee County and is expected to nearly double in population between 1996 and 2020 2030 ~~with an expected 2020 permanent population of approximately 37,000. The Bonita Community will also remain an attractive seasonal homeowner destination and has an anticipated Seasonal Population of 61,000 in the year 2020. This community will have only 20% of its total land area remaining vacant or in agricultural use in the year 2020.~~

There are no changes proposed for the remaining paragraphs.

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

- 5. Burnt Store -** *This Community is located in the northwest corner of the mainland of unincorporated Lee County. The property east of Burnt Store Road is designated Open Lands and the land west of Burnt Store Road is designated as Rural (also known as Burnt Store Marina) with the exception of 10 acres designated as Outlying Suburban. Most of The Burnt Store Marina development was approved prior to the adoption of the 1984 Lee Plan and is "vested" for densities higher than allowed by the current plan. This development is primarily residential with a high percentage of seasonal residents. There are some commercial and marine oriented amenities within the Burnt Store Marina development primarily serving residents of that development. This area is expected to*

substantially grow through the year 2030. ~~double its dwelling units during the life of this plan from 917 in 1996 to over 2000 in 2020.~~ Today, most of the community's commercial needs are served outside of the community in Cape Coral, North Fort Myers and Fort Myers, or in Charlotte County. This development pattern is expected to remain through 2020.

The reference to the year 2020, the old Lee Plan horizon has been removed and a reference to the new horizon year has been added. Text referencing projected dwelling units has been deleted. Population projections necessary to project future dwelling units have not been completed.

6. **Cape Coral** - *The Cape Coral Community includes all the unincorporated enclaves with the exception of the few enclaves located on Pine Island Road West of Chiquita Boulevard. These enclaves may annex into the city and it may be advantageous at that time to amend the Community Map and the corresponding allocation tables to reflect such annexations. While commercial and industrial opportunities of all varieties exist in the City of Cape Coral, many of the residents still satisfy ~~these~~ their needs outside of the city. Likewise, many residents of less intense areas of the county will utilize Cape Coral's commercial and industrial opportunities for their needs. ~~Cape Coral will have a functional population of approximately 225,000 people by 2020 and will be, by far, the county's largest city.~~ Development in the Cape will be stimulated by the expansion of the airport, the construction of the new university, and the availability of reasonably-priced lots with public water and sewer. The imbalance between the city's population and its relatively small commercial and industrial sectors will continue to present a challenge in spite of the city's success in promoting the S.R. 78 corridor as an employment center.*

Text referencing the horizon year and the outdated population projections has been deleted.

7. **Captiva** - *This community includes the major islands of Captiva Island, Upper Captiva Island, Cayo Casta Island, Useppa Island, Buck Key, and Cabbage Key and the surrounding smaller islands. Although Captiva itself is a seasonal resort community, in comparison to the other islands in this community it is the center of activity. Due to the nature of this community, residents must satisfy their major commercial and industrial needs outside of this community. Conversely, the commercial aspects of the Captiva Community are utilized by many residents and tourists from outside of the Community. The population of Captiva is not expected to greatly change by ~~2020~~ 2030. Furthermore, the area will look much as it does today in the absence of a major hurricane or other natural disaster.*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

8. **Fort Myers** - *The Fort Myers Community includes all land within the City of Fort Myers along with most areas included in the repealed Fort Myers Urban Reserve and the portions of Gateway which are in the process of annexing or expected to annex into the City of Fort Myers. The City of Fort Myers is annexing land in an aggressive manner, especially in the vicinity of Gateway. An urban reserve overlay for the City of Fort Myers is no longer in effect. Due to cessation of the inter-local with the City of Fort*

Myers, this planning tool was deleted from the Lee Plan in the 1992/1993 amendment cycle. The Morse Shores/Tice area is unlikely to annex into the City of Fort Myers and is not included in this community even though it was previously in the Fort Myers Urban Reserve. While the emphasis of new commercial and industrial activity in Lee County has been moving south along US 41, The community of Fort Myers remains an administrative, financial, and cultural center for the rest of Lee County. This situation is not expected to change during the life of this plan. ~~The population of the Fort Myers community will also grow from the current 57,000 permanent residents in 1996 to over 86,000 permanent residents in 2020. The seasonal influx of residents in the Fort Myers community is not as great as in other areas of the county. In 2020 the Fort Myers community will have a functional population of approximately 94,000.~~

Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

- 9. Fort Myers Beach** - *This community includes all land incorporated in the Town of Fort Myers Beach as of this date. The town of Fort Myers beach will continue to have a strong retail base for tourist needs and the daily needs of the residents. However, major consumer needs will remain to be met outside of this community. Fort Myers Beach does a boating and marina industry on the island which fosters the employment base of the community. The development of its own comprehensive plan ensures that the Town of Fort Myers Beach will look much as it does today in the absence of a major hurricane or other natural disaster. The population of this community is very influenced by seasonal factors. This community is nearly built out today and will not have a substantial increase in permanent population by the year ~~2020~~ 2030.*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

10. Gateway/Airport -

There are no changes proposed for the first paragraph.

There are three distinct areas within this community. The Gateway portion of this community is the area where residential uses will occur. Gateway will be a thriving, nearly built-out, mixed-use community in 2020. The population of this community is anticipated to grow substantially from today to 2030. ~~from 1,500 permanent residents in 1996 to approximately 8,000 in 2020 and is expected to have fewer than 1,000 units remaining to be built in the year 2020. The Gateway/Airport community will continue to have an average seasonal resident influx for the Lee County area with an expected 2020 functional population of 10,000.~~

The second area in this community is the Southwest Florida International Airport. The airport will be greatly expanded by ~~2020~~ 2030. The expanded airport will have a second parallel runway and a new terminal building that will more than double the existing capacity of the airport. Development will be guided by the Airport Layout Plan (as established through the airport master plan process) consistent with the Southwest

Florida International Airport Proposed Development Schedule (Table 5) and all other Lee Plan provisions.

There are no changes proposed for the remaining paragraphs.

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

11. Daniels Parkway - *This Community is located between I-75 and the Six Mile Cypress Slough, south of the City of Fort Myers and north of the Alico Road industrial area. The community contains lands designated Rural, Outlying Suburban, and a small area of General Interchange. This community is considered one of the primary gateways to Lee County. This community has some rural characteristics which will remain in existence through the year ~~2020~~ 2030. Much of the existing vacant land will be developed into low density gated communities. While there is a potential to ~~redevelopment~~ redevelop the large lot home sites north of Daniels Parkway into the smaller lots allowed by the Outlying Suburban category, this development pattern is not anticipated by ~~2020~~ 2030. This community will grow through 2030 ~~from 6,000 to 7,500 permanent residents and over 10,000 total residents by 2020.~~*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

12. Iona/McGregor –

There are no changes proposed for the first paragraph.

The McGregor Blvd./San Carlos Blvd area will be approaching build out by ~~2020~~ 2030 and some of the older (pre 1980) developments will begin to redevelop to take advantage of a higher end market seeking a combination of quick beach access and closeness to urban services. This area will remain primarily residential with retail uses located at the major intersections.

The Summerlin Road Corridor will develop a new look by ~~2020~~ 2030 and will emerge as one of the county's primary medical service areas. This portion of the community will also continue to develop as a strong-residential area with an influx of new gated communities.

There are no changes proposed for the fourth paragraph.

Residents of this community will address current planning concerns in a comprehensive review of this area and future amendments to this plan will be made to address these concerns. This area is anticipated to grow substantially from today to 2030. ~~from a current permanent population of 24,000 to 32,000 by 2020. The Iona/McGregor area is also expected to be home to an additional 14,000 seasonal residents by 2020.~~

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

*13. **San Carlos** - This Community is located in the southern portion of Lee County, east of Hendry Creek and, for the most part, south of Alico Road. It is north of the Estero River on the west side of US 41 then north of the new Brooks of Bonita development east of US41. The community does extend east of I-75 to include the approved developments along Corkscrew Road and all lands designated University Community. The majority of the land in this community is designated as Suburban and then Urban Community (both having a maximum standard density of 6 units per acre) with the remaining areas designated as Rural, Outlying Suburban, and Industrial Development. There are ~~four~~ three distinct areas within this community: San Carlos Park, Island Park, ~~Estero~~, and the new university area. All of these areas will be experiencing tremendous development pressures as this community ~~explodes~~ continues to grow into the next century.*

There are no changes proposed for the second paragraph.

~~The historic Estero area will struggle to maintain its historic character through the year 2020 and will feel many development pressures which will threaten this character.~~

~~Overall, this community, which has been a fast growing area of Lee County since 1980, will add more than 15,000 new permanent residents and accommodate a total functional population of nearly 50,000 people by the year 2020~~

Corrections have been made to reflect changes in the Lee Plan. The Estero Planning Community (Goal 19) was created in 2005. The vision statement is being amended to reflect Estero is not included as part of the San Carlos Planning Community. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

*15. **South Fort Myers** - This Community is located in the center of Lee County. South of the City of Fort Myers, east of the Caloosahatchee River, west of the Six Mile Cypress Slough, and north of Gladiolus Drive. This community primarily has the higher intensity land use categories such as Intensive Development, Central Urban, Urban Community, Industrial Development, and Suburban. This community contains one of the county's major hospitals, a baseball spring training facility, and the local community college. This community will be nearly built out by the year 2020. The South Fort Myers Community will continue to be a core area of the county providing office area for professional services in areas such as financial and medical. There will also be an increased amount of commercial activity along the US 41 corridor and light industrial uses will continue to expand along the Metro Avenue corridor north of Daniels Parkway. The amounts of commercial and industrial uses in this community are expected to double and most of the suitable land for these uses will be developed by ~~2020~~ 2030.*

The residential areas of this community will also continue to develop through the year ~~2020~~ 2030 however the popularity of the residential opportunities to the south in the San Carlos/Estero and Bonita communities will continue to dominate this segment of the

~~market. This community will grow from a 1996 permanent population of 46,000 to approximately 52,000 in 2020. In 2020, this community will still be 4,000 permanent residents from its build out population. While this community is not as heavily influenced by the seasonal population as the communities to the south, in season, South Fort Myers is expected to have a population of over 60,000 in the year 2020.~~

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

17. Lehigh Acres - This community is the Lehigh Acres development, which was platted starting in 1954. This community is located south of Township 43 South, generally north of SR 82, and east of Buckingham Road/the Buckingham Rural Community Preserve to the eastern Lee County line. This community is designated as Urban Community, Central Urban, Industrial Development and Public Facilities. The Lehigh Community will continue to grow ~~through the year 2020~~ at a rate faster than the county average growth rate. This community, however, will not be close to build out by ~~2020~~ 2030. ~~The Lehigh community will grow from a 1996 permanent population of 26,000 to over 71,000 permanent residents in the year 2020. The build out potential for the Lehigh Community is more than double the projected 2020 population.~~ Lehigh will continue to struggle with providing sufficient non-residential uses to accommodate a community of its size. New provisions for providing these uses has been implemented and will aid in this problem, however, residents will continue to commute from this community to the core communities such as Fort Myers, South Fort Myers, and Gateway/Airport for employment, shopping and other services. This community will also struggle with providing an adequate road network to reduce traffic congestion as the population grows.

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

18. Southeast Lee County - As the name implies, this Community is located in the southeast area of Lee County. South of SR 82, north of Bonita Beach Road, east of I-75 (excluding areas in the San Carlos Park/Island Park/Estero Corkscrew Road and Gateway/Southwest Florida International Airport Communities) and west of the county line. With the exception of a few Public Facilities, the entire community is designated as Density Reduction/Groundwater Resource, Conservation Lands (both upland and wetlands), and Wetlands on the Future Land Use Map. This "community" consists of mining operations, agricultural uses, and very large lot residential home sites. The one exception is the Citrus Park Community. ~~This community will not change in character by the year 2020 is not expected to change in character through the year 2030, and will continue to have a population of approximately 2000 residents.~~

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

19. North Fort Myers - This Community is located north of the Caloosahatchee River between the Alva Planning Community and the City of Cape Coral. This community includes a wide mix of Future Land Use designations from Intensive Development to Density Reduction/Groundwater Resource. The area between the two US 41 routes near the river will remain the core of this community. The old US 41 corridor will be redeveloped with new commercial uses and waterfront development taking advantage of this areas close proximity to downtown Fort Myers and its riverfront location. The US 41 corridor from Pondella Road north will continue to attract new commercial development that will serve the North Fort Myers community and other surrounding communities. Total commercial, service, and industrial uses will have doubled from the amount existing in 1996. These areas are surrounded by residential uses. ~~Most of the North Fort Myers community will develop at residential densities less than what is allowed by the Lee Plan Future Land Use Map. Furthermore, much of this community is designated for low density development of less than one unit per acre. This community will not be one of the fastest growing areas, residentially, in Lee County. This area will add fewer than 3,000 new residents by the year 2020. However, with a total permanent population of over 50,000 residents and nearly 65,000 residents in season, the North Fort Myers community will be the fourth largest community, in population, in the year 2020. As stated in the Alva community, the Bayshore area does have characteristics differing from both the Alva and North Fort Myers community. The split in the Bayshore area between Alva and North Fort Myers was done to include properties which were most closely related to those respective communities.~~

Corrections have been made to reflect changes that have taken place in the planning community. References to the year 2020, the old Lee Plan horizon have been removed. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

In addition to the Vision Statement, Element I there are several Objectives and Policies that refer to the horizon year of 2020 for the Lee Plan that will need to be changed to the new horizon year of 2030.

POLICY 1.1.1: *The Future Land Use Map contained in this element is hereby adopted as the pattern for future development and substantial redevelopment within the unincorporated portion of Lee County. Map 16 and Table 1(b) are an integral part of the Future Land Use Map series (see Policies 1.7.6 and 2.2.2). They depict the extent of development through the year ~~2020~~ 2030. No development orders or extensions to development orders will be issued or approved by Lee County which would allow the Planning Community's acreage totals for residential, commercial or industrial uses established in Table 1(b) to be exceeded (see Policy 1.7.6). The cities of Fort Myers, Cape Coral, and Sanibel are depicted on these maps only to indicate the approximate intensities of development permitted under the comprehensive plans of those cities. Residential densities are described in the following policies and summarized in Table 1(a).*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

OBJECTIVE 1.2: SOUTHWEST FLORIDA INTERNATIONAL AIRPORT AREA.

Designate on the Future Land Use Map adequate land in appropriate locations to accommodate the projected growth needs of the Southwest Florida International Airport and the business and industrial areas related to it, as well as research and development activities and other non-aviation related development that is not necessarily related to the airport, through the year ~~2020-2030~~. The Lee County Port Authority desires to establish non-aviation related uses to provide a supplementary revenue source as well as providing an opportunity for businesses that desire a location on airport property. Designate on the Airport Layout Plan suitable areas to accommodate these desired uses and provide general policy guidance as to how these uses will be developed. These categories are also considered Future Urban Areas.

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

POLICY 1.2.1: *Airport lands include the Southwest Florida International Airport's existing facility and projected growth areas through the year ~~2020~~ 2030. These areas will include airport and airport-related development as well as non-aviation land uses as proposed in the approved 2003 Airport Master Plan update and as depicted on the Airport Layout Plan sheet (Map 3F) and the Southwest Florida International Airport Proposed Development Schedule (Table 5). This mix of uses is intended to support the continued development of the Southwest Florida International Airport. Future development at the Southwest Florida International Airport will also include non-aviation related land uses such as hotels/motels, light industrial, service stations, ancillary retail/shopping, and office development. Any future airport expansion or development of aviation-related and non-aviation uses will offset environmental impacts through the Airport Mitigation Lands Overlay (Map 3M) or other appropriate mitigation acceptable to the permitting agencies and to Lee County. The physical design of the*

airport expansion will minimize any degradation of the recharge capability of land being developed. Airport expansion beyond the present boundaries will be subject to necessary amendments to the Lee Plan.

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

POLICY 1.4.1: The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre).

~~The property consisting of Sections 1, 2, and 3, Township 48 South, Range 26 East must be developed only in accordance with the following standards:~~

~~1. The Property may be developed only in accordance with the following conditions. Pre-development activities such as rezonings, zoning permits, certifications, special exceptions, and variances must be consistent with the following conditions, but need not implement them until application is made for a development order that would authorize physical, on-the-ground development on the Property.~~

~~a) The Property, or any part of it, will only be developed as a Planned Development, as defined by Chapter XII of the Lee County Comprehensive Plan. Should development occur in a series of increments by different developers, each development must receive planned development approval. Residential development will be clustered in order to maximize opportunities to provide open spaces and natural areas. A maximum of five acres of the property will be reserved for commercial uses of the type which serve neighborhood needs. Commercial development may be aggregated on any portion of the Property. Clustering will be achieved by requiring homesites to be platted or designed in contiguous groups, adjacent to open spaces. Clustering of residential development will also be achieved by limiting the areas on the Property available for residential homesites in the following fashion.~~

~~(1) Residential development. Single and/or multiple family homesite acreage may account for no more than 45% of the gross area of the Property. Homesite acreage includes the entire site for all single family houses, multi family dwellings, and any other residential structure, including the house or building pad, the yard, and any driveway, parking areas, landscaped areas, and the like upon the homesite.~~

~~(2) Open Spaces. These areas will include preserved natural areas, buffers, lakes, parks, golf courses, nature trails, retention areas, conservation areas, scenic resources, green belts, wetlands and associated areas and must account for a minimum of 40% of the Property. Golf course fairways will account for no more than fifty percent (50%) of the open space of the subject property.~~

- ~~(3) Non-residential Development. These areas will include vehicular and pedestrian ways, commercial and institutional areas, club houses and associated facilities, utility buildings, maintenance areas, tennis courts and associated non-residential uses and will be a maximum of 15% of the Property.~~
- ~~b) All naturally occurring wetlands, which have not been significantly degraded, must be designated as preserve areas and be subject to a conservation easement similar to that set forth in Section 704.06, Florida Statutes. Limited uses in preserve areas such as nature trails, bike paths, cart paths, boardwalks and the like will be allowed when permitted by appropriate State and Federal agencies. The use of wetland areas for water management, to the extent allowed by law, will not be precluded. Wetland areas being used as water management areas on the Property may be relocated if (1) all approvals are obtained from appropriate State and Federal agencies and (2) where the affected wetland functions are replaced on the Property.~~
- ~~c) Where feasible, open space areas will be designed so as to provide connections between wetlands, preserve areas, and buffers on the Property. The design of these open space areas will seek to provide areas which will be integrated with on-site and adjacent preserve properties so as to enhance habitat for small mammals and wading birds. Golf courses, when constructed and maintained in compliance with this paragraph will be considered to be functional open space to the extent set forth above.~~
- ~~d) The design of the functional open space area must incorporate the following design features:~~
- ~~(1) A surface water management system that mimics the functions of the natural system, in accordance with Objective 61.2 of the Lee Plan;~~
 - ~~(2) For those areas that drain to the Imperial River Basin, a surface water management system that is consistent with the Kehl Canal/Imperial River basin study prepared for the SFWMD, and adopted by the BOCC pursuant to Policy 60.3.2 of the Lee Plan;~~
 - ~~(3) Uses including, but not limited to, picnic areas, trails, benches, boardwalks, golf courses, water management systems, biking/jogging/equestrian trails, water courses, bird viewing blinds/tower and interpretative facilities will be permitted within functional open areas;~~
 - ~~(4) The open space areas must be replanted with vegetation after construction. Seventy five percent of the total number of required trees used in buffers, and landscaping must be indigenous, and fifty percent of the shrubs must be indigenous;~~
 - ~~(5) Plant material used for revegetation must conform to the standards for Florida Number 1, or better as given in Grades and Standards for Nursery Plants 1973, and Grades and Standards for Nursery Plants, Part II, Florida Department of Agriculture and Consumer Services Tallahassee;~~

- ~~(6) Australian pine, cajeput, Brazilian pepper, downy rose myrtle, Cuban laurel, melaleuca, bishopwood, castor bean, common papaya, common snakeplant, day jessamine, hunters robe, queensland umbrella tree, trailing wedelia may not be used as part of the revegetation of the property after development. Any such plants that exist on the site at the time of the issuance of a development order must be removed; and~~
- ~~(7) The vegetation that surrounds, or is within the open space areas should have the capacity to provide habitat for a diversity of wildlife.~~
- ~~e) Development must provide a buffer to protect adjacent natural areas from the impacts of development. The purpose of the buffer is to protect adjacent natural resources from the activities and impacts of development on the Property.~~
- ~~(1) All development must incorporate buffers, as follows, in three zones:~~

~~Zone 1 will be a minimum of 100 feet wide and will extend completely along all portions of the eastern and southern boundary of the Property. These are the areas of the Property which are adjacent to the Collier County Line. The buffer will consist of selected native upland forest plant species such as south Florida slash pine, live oak, laurel oak, and saw palmetto. Selected species will be tolerant of drought conditions, and will not require fertilizers and pesticides to promote growth and survival. Exotic plant species will be controlled by the periodic application of herbicides and mechanical removal. Wetland forest species will be used in situations where wetland functions remain on the property and where soil and moisture conditions are suitable.~~

~~Zone 1 will incorporate the existing water management reservoirs which are located along the southern boundaries of Sections 1 and 2. These reservoirs will not require additional buffering. There will be no structures erected in Zone 1, however, passive recreation such as hiking, bird watching, and nature study will be permitted. Construction of lakes in Zone 1 will be allowed. Existing berms and ditches will be allowed to remain in Zone 1.~~

~~Zone 2 will be adjacent to Zone 1 and will encompass an area that is at least 50 feet wide. This area will be free of lights and other structures such as fences, pools, and sheds. The permanent placement of generators, pumps, and other fixed motors will be prohibited. Homesites may extend into Zone 2, but no portion of the residence itself may extend into this zone. If residential lots are incorporated into this zone, those portions of yard acreage will be planted and maintained in a fashion similar to that proposed for Buffer Zone 1. Passive recreation such as hiking, jogging, biking, and walking will be allowed along designated trails and boardwalk system. Golf courses and lakes may extend into this zone, but may not incorporate lights or structures other than drainage structures and cart paths. All golf course acreage in Zone 2 will be free of lights and structures, and the use of golf carts will be permitted. If water, sewer, or electrical lines are placed in Zone 2 they must be buried.~~

~~Zone 3 will be parallel Zone 2 and will consist of residences and other infrastructure development in a 100-foot wide band. Exterior lighting in this zone may not project toward adjacent preserve land. Measures such as directional lighting, reduced height light supports, and other light abatement technology will be used.~~

~~The buffer zones will not preclude governmental entities from constructing public roadways that are currently depicted on the Lee County 2020 Traffic Circulation Plan Map through these zones, as long as other State and Federal permits are obtained.~~

~~f) The Property must be served with all necessary facilities and services at no expense to the County (including central water and sewer). Uniform Community Development Districts any special taxing districts may be utilized to achieve this standard. The Property is presently within the Lee County Privately Funded Infrastructure Overlay (PFIO). This Overlay requires that all development within these areas pay for the construction and extension of public services to all properties that seek to develop to a different land use. Should at the time when the Property begins to develop, the PFIO no longer applies to this area, all development will still be required to pay for its infrastructure costs. All development must comply with the Lee County Concurrency Management Plan. The owners of the property and their successors in interest must not withdraw from or opt out of the PFIO.~~

~~g) Development must be on central water and sewer or the extension of such and other utilities must be planned to coincide with the development of the Property. Bonita Beach Road improvements must have been extended east to the planned development, or its extension must be committed to occur in pace with the planned development.~~

~~h) The shorelines of any stormwater management lakes must be sinuous in configuration, and must be sloped or bermed. The littoral zones around the ponds must be planted with native wetland herbaceous plants, and trees or shrubs can be included within the herbaceous plants. At least four species must be planted. The minimum required number of plants will be one plant per linear foot of lake shoreline as measured at the control elevation water level. The littoral shelf should provide a feeding area for water dependent avian species.~~

~~i) The owners will employ management strategies in and around any golf course to address the potential for pesticide/chemical pollution of the groundwater and surface water receiving areas. The owners will comply with the goals of the Audubon Cooperative Sanctuary Program for Golf Courses. The management practices will include:~~

~~(1) The use of slow release fertilizers and/or carefully managed fertilizer applications which are timed to ensure maximum root uptake and minimal surface water runoff or leaching to the groundwater;~~

~~(2) The practice of integrated pest management when seeking to control various pests, such as weeds, insects, and nematodes. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified~~

~~targeted species. The regular widespread application of broad spectrum pesticides is not acceptable. The management program will minimize, to the extent possible, the use of pesticides, and will include the use of the USDA SCS Soil Pesticide Interaction Guide to select pesticides for uses that have a minimum potential for leaching or loss due to runoff depending of the site specific soil conditions. Application of pesticides within 25 feet of any CREW, or other adjacent public preserve lands, is prohibited.~~

- ~~(3) The coordination of the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients;~~
- ~~(4) The utilization of a golf course manager who is licensed by the State to use restricted pesticides and who will perform the required management functions. The golf course manager will be responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater; and~~
- ~~(5) The storage, mixing and loading of fertilizer and pesticides will be designed to prevent/minimize the pollution of the natural environment.~~
- ~~j) In order to minimize the adverse impacts that construction may have on wildlife, natural environmental values, and water quality, the developer will institute appropriate measures such as full compaction of any fill material placed around newly installed structures.~~
- ~~k) Any future individual development on the Property will be subject to Development of Regional Impact (DRI) review once it reaches the 80% threshold, i.e., at 800 units such development will be presumed to be a DRI. If two or more individual projects will be developed on the Property, this 80% threshold will be applicable to each, and not applied in a cumulative fashion unless subject to the aggregation criteria in Rule 9J-2, Fla. Admin. Code.~~

All of the property described in the text proposed for deletion has been annexed into The City Of Bonita Springs. Lee County has no jurisdiction and/or permitting authority over these lands.

GOAL 5: RESIDENTIAL LAND USES. To provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the projected population of Lee County in the year ~~2020~~ 2030 in attractive and safe neighborhoods with a variety of price ranges and housing types.

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

POLICY 36.2.1: *The Official Trafficways Map is intended to represent all roadway facilities that may be needed by buildout of Lee County at some unspecified point in the future. As such, it contains numerous corridors which will not be needed by the year 2020 2030 and are therefore not shown on Transportation Map 3A.*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

Glossary

SOUTHWEST FLORIDA INTERNATIONAL AIRPORT PROPOSED DEVELOPMENT SCHEDULE (TABLE 5) - *This Table depicts the proposed development schedule for the Southwest Florida International Airport through the year 2020-2030.*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

Some of the Objectives or Policies predate the horizon year and represent dead-lines that have passed or activities that have been achieved. These policies no longer serve a valid purpose and are been marked for deletion or to be rewritten.

~~***POLICY 2.6.3:***~~ ~~*Amend the county's development regulations by 1994 to provide additional flexibility for redevelopment activities within CRAs.*~~

County no longer has any active CRA's, in addition the Board of County Commissioners does not need this Policy to propose revisions to the Land Development Code to address future provisions concerning redevelopment areas.

~~***POLICY 5.1.9:***~~ ~~*Consider by 1996 the provision of incentives and requirements for the reassembly, redesign, and replatting of vacant platted residential lots that are not suitable for timely, safe, and efficient development; and re-evaluate the effects of the single family residence provision and the privately funded infrastructure overlay on the county's ability to provide incentives for reassembly, redesign, and replatting*~~

Market demand is effectively providing incentives toward this goal of reassembling plats that are not suitable for residential uses. Additionally, there have been specific locations throughout Lee County, specifically Lehigh Acres that have had properties identified for commercial activities, as part of the Lee Plan. Also, recent legislation and a constitutional amendment have hindered the Counties ability to assemble properties for redevelopment.

POLICY 6.1.11: *Provide by 1995 appropriate requirements and incentives for the conversion of strip commercial development into series of discrete, concentrated commercial areas.*

Lee County has adopted revised landscape and commercial design standards into the Land Development Code. Further, staff is proposing incorporating new urbanism and smart growth through Lee Plan amendment CPA2005-00037.

~~**POLICY 9.1.5:** *Amend the Noise Ordinance by 1995 to provide exemptions for crop dusting and other essential agricultural activities*~~

This is an outdated farming practice no longer used within Lee County.

~~**POLICY 10.2.1:** *By 2000, the county will conduct a study to determine the appropriateness of oil exploration, drilling, or production. The study will address the issues of the compatibility of oil-related activities with the environment and urban uses. This study will include recommendations regarding the appropriateness of such activities within Lee County as well as guidelines under which such activities should be regulated under the Lee County Land Development Code*~~

The draft study has been completed. The Land Development Code (Sec 34-1651) has been amended to address exploration activity and existing uses.

~~**POLICY 18.1.3:** *By the end of 1995, Lee County will maintain and as necessary adopt appropriate regulations providing for university housing, including student dormitories and boarding houses.*~~

The Land Development Code has been amended to address student dormitories and boarding houses as it would relate to university housing.

~~**POLICY 18.1.4:** *By the end of 1995, Lee County will maintain and as necessary adopt regulations further defining how densities for individual parcels within the University Community will be determined. The regulations will address how the total number of units will be tallied to insure that the overall average density of 2.5 units an acre will be maintained. The regulations will provide a mechanism for clustering densities within the University Community.*~~

100% of the University Community has been rezoned.

~~**POLICY 18.1.11:** *By 1996, Lee County and the Metropolitan Planning Organization will consider amending their respective transportation planning maps and policies to reflect the roadway segments identified by the Conceptual Master Plan.*~~

The roadway network created within and around the University Community, identified through Goal 18 has been incorporated within the respective transportation planning maps utilized by Lee County and the Metropolitan Planning Organization.

POLICY 18.2.3: *The University Window Overlay includes the area within 100 feet on both sides of the right-of-way of the following roadway segments:*

Treeline Avenue	<i>From Alico Road to Corkscrew Road</i>
Alico Road	<i>From I-75 to Treeline Avenue</i>
Corkscrew Road	<i>From I-75 to Treeline Avenue</i>
Koreshan Boulevard	<i>From I-75 to Treeline Avenue</i>

With input from affected property owners, ~~by 1995~~, Lee County and the Board of Regents will develop mutually agreed upon standards for the University Window addressing landscaping, signage and architectural features visible from the designated roadway segments.

Standards have been created for the University Window Overlay. All of the property owners in the designated area, and the County have entered into an agreement that satisfies the intent of this Policy. It is not considered an on going effort to update landscaping, signage, and architectural features, as necessary.

POLICY 19.1.5: *~~By 2002,~~ The Estero Community will ~~draft~~ continue to work on a corridor management plan for the Estero US 41 corridor during the five year update to their community plan to advance development in a manner that promotes a safe, high quality urban environment. Plan elements will ~~include~~ address roadway and median landscape standards, residential buffering standards, access management guidelines, street lighting, sidewalks, and insuring safe and effective pedestrian crossings within the context of a comprehensive pedestrian and bikeway system.*

The Estero Community is beginning work on the 5 year update to their community plan.

POLICY 19.1.6: *~~By 2004~~ Lee County will continue to evaluate historic resources; and as necessary, ~~draft a proposals~~ for their designation under Chapter 22 of the Land Development Code.*

Lee County has identified historic resources for designation under Chapter 22 of the Land Development Code and continues its efforts to identify historic resources.

POLICY 21.1.1: *By the end of ~~2004~~ 2007, the Caloosahatchee Shores community will draft and submit regulations for Lee County to review and consider for amendment or adoption as Land Development Code regulations that provide for enhanced landscaping, signage and architectural standards consistent with the Community Vision.*

Caloosahatchee Shore Planning Community is currently going through an update of their community plan.

POLICY 21.3.1: *By the end of ~~2004~~ 2007, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee County to review and consider for amendment or adoption as regulations in the Land Development Code to provide for greater buffering*

between distinctly different adjacent commercial and residential properties, modified however when a project is of mixed use nature.

Caloosahatchee Shore Planning Community is currently going through an update of their community plan.

POLICY 21.4.3: *Any existing or future regulation in the Land Development Code that is shown by the applicant of a planned development to inhibit the development of a mixed-use project will be given strong consideration for a waiver. By the end of ~~2004~~ 2007, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee County to review and consider for amendment or adoption as Land Development Code regulations that encourage mixed-use developments.*

Caloosahatchee Shore Planning Community is currently going through an update of their community plan.

OBJECTIVE 58.1: *Oversee sewer service delivery management through a joint effort between Lee County and the various private sector providers. Re-evaluate, ~~by 1999~~, as needed the effectiveness of this effort.*

Lee County is continuing to communicate and coordinate, as necessary with private sector providers. Lee County Utilities has viewed these efforts as a benefit for both the private sector and Lee County.

POLICY 58.1.1: *~~By 1995, Lee County will have~~ continue to collect data from private sanitary sewer providers, including reporting of sewage flows, holding and treatment capacity, number of customers, committed future connections, and proposed expansion plans. Thereafter, this data will be updated on a yearly basis.*

The data is being collected to update the annual Concurrency Report each year. This information is provided by the individual plant operators.

POLICY 59.1.1: *~~The County will continue to prepare and update and implement a the comprehensive county-wide surface water management master plan, with full attention to issues of regional water quality and environmental integrity. The County will complete basin plans for all of the remaining watersheds in Lee County by 2005. As each basin plan is completed, it will be scheduled for adoption by the Board of County Commissioners.~~*

The basin plans have been completed. Continuing efforts are being made to keep the plan updated.

POLICY 59.1.3: *~~By 1995~~ 2007, Lee County will update its flood plain regulations in accordance with the ~~1984~~ 2006 Flood Plain Management Study Insurance Rate Map (FIRM) and other available sources.*

The adoption of the new FIRM data will require a review of all ordinances and regulatory documents to update flood zone information to be completed by August, 2007.

~~**POLICY 60.1.1:** The detailed Surface Water Management Master Plan that was initiated in 1989 to identify the existing watershed basin boundaries within Lee County, to evaluate the storm capacity and establish design criteria, and to determine costs for surface water management within each basin to meet applicable design storm standards will be completed by 2005.~~

The Surface Water Management Master Plan has been completed.

OBJECTIVE 60.2: BASIN PROGRAM. ~~Promote water management permitting on a basin-wide basis, as opposed to the current individual-site approach used by Lee County and the South Florida Water Management District, through pilot or demonstration programs in two or more basins by 1996.~~

Both the South Florida Water Management District and Lee County use the Lee County surface water master plan as a guide for reviewing development. Lee County, Natural Resources Division is supportive of reviewing development on a basin-wide analysis level.

OBJECTIVE 60.3: LEVEL-OF-SERVICE STANDARDS. ~~Revise by 1996 the surface water management level of service standards for basins and sub-basins identified in the Surface Water Management Master Plan. These future service standards can only be finalized upon the completion of the basin studies and will be based upon providing a defined level of flood protection, balanced with the protection of natural flow ways and associated wetland systems. Level of Service Standards have been established for basins identified in the surface water master plan and are provided in the following policies. The Level of Service Standards will be updated as necessary based on new basin studies or more accurate information~~

The Level of Service Standards are established within the Lee Plan. Any changes to these standards would be based upon new information.

~~**POLICY 60.3.5:** By 1996, complete the preliminary design of storm water management systems for each basin identified in the Surface Water Management Master Plan and develop a capital facility improvement schedule.~~

This task has been completed and projects are included in the Capital Improvement Program.

POLICY 61.1.3: *In the event that the timing and volume of freshwater discharges necessary to maintain the health and productivity of estuaries and other wetlands cannot be determined or supported by existing scientific data, the county will sponsor, in collaboration with other agencies, institutions, and organizations, adequate research programs to make such data available by 1995.*

This is an ongoing effort for both Lee County and numerous outside agencies. Collaboration in the form of shared data is ongoing.

OBJECTIVE 62.2: SOLID WASTE DISPOSAL. ~~By 1995, begin~~ Continue operation of a waste to energy resource recovery facility and continue to explore means to reduce the volume of solid waste.

This plant is currently operating and will be expanded.

OBJECTIVE 64.2: MONITORING. ~~By 1996~~ 2009, establish a system to accurately assess the information needs of the various constituencies in the community.

The Lee County Library system views an assessment system as a vital public outreach tool. It is the Library system's intent to have a satisfaction assessment system in place by 2009.

POLICY 66.1.3: ~~By 1995, Lee County will continue to maintain and regularly update a school impact fee. staff will develop, in conjunction with economic consultants and the Board of Education, an impact fee program for capital costs for schools and present it to the Board of County Commissioners for formal consideration.~~

The Board of County Commissioners has adopted a School District Impact Fee on November 27, 2001 and amended in November 2005.

POLICY 68.1.1: ~~By 1995, Lee County will provide a~~ continue mechanism to educate and train small businesses in waste minimization and the proper storage, handling and disposal of hazardous materials through increased occupational license fees.

This is a continuing effort, started in 1990, of the Pollution Prevention program. The program targets all businesses. This education process is being met through on site assessments, presentations, and educational outreach efforts.

OBJECTIVE 76.3: ~~By 1995, + The county will establish a~~ continue to maintain a systematic approach to surveying users of park facilities and ~~other~~ residents of Lee County as to their needs, desires, preferences, and evaluations of park and recreation facilities and programs.

Lee County Park and Recreation currently surveys park users and Lee County residents to gain feedback on new park facilities and plans to continue such efforts. A county wide user survey was completed in 2006 for both programs and facilities. Every program offered by Lee County Parks is accompanied by a user survey and is administered by the program staff. All new facilities developed by Lee County Parks are done in the public form with public input.

POLICY 76.3.2: The results of user and resident surveys ~~will become~~ are an integral part of the planning process for park and recreation facilities and programs ~~by 1996.~~

Lee County Parks and Recreation currently uses parks users and Lee County resident surveys to determine the benefit of and potential new programs and facilities. A county wide user survey was completed in 2006 for both programs and facilities. Every program offered by Lee County Parks is accompanied by a user survey and is administered by the program staff. All new facilities developed by Lee County Parks are done in the public form with public input.

POLICY 83.3.1: *The county will continue to research national or regional standards for pool development and make recommendations, as needed for adoption of a local, non-regulatory standard by 1995.*

Lee County, in conjunction with Florida Gulf Coast University has partnered in the creation of an aquatic center which accomplishes the intent of the policies. As these facilities are used for competition events, they meet with national and regional standards.

~~***POLICY 83.3.2:*** *The county will evaluate the need, feasibility, and economic benefit of developing a 50-meter pool and related aquatic center by 1995.*~~

Lee County, in conjunction with Florida Gulf Coast University has partnered in the creation of an aquatic center which accomplishes the intent of the policies. As these facilities are used for competition events, they meet with national and regional standards for 50 meter pools.

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

10. Providing ~~an annual~~ on an as needed basis a report to the County Commission on the status of wetlands and rare and unique uplands by 1996.

There are no changes proposed for other text within this Policy.

An annual report is excessive and in fact has not been undertaken by the County. Data on wetland impacts is available through the SFWMD and DEP. Providing a status on rare and unique uplands would be a major task to undertake, clearly not feasible on an annual basis.

OBJECTIVE 108.1: ~~*Establish baseline conditions in all estuarine systems, including pollutant and freshwater loadings by 2000, and m*~~ *Maintain an ongoing water quality monitoring program. Maintain communication with other local, state, and federal estuarine water quality studies to ensure that the latest data and recommendations are available.*

Baseline conditions have been established. The effort has now shifted to maintaining the water quality monitoring program.

OBJECTIVE 108.2: WATERSHED MANAGEMENT PLANS. ~~*By 1996, establish procedures for reviewing*~~ *Review all new upland development in terms of its impacts on estuarine systems. Prepare estuarine watershed management plans which maximize stormwater retention and treatment, with priority to the Estero Bay watershed* *Lee County will work with the South Florida Water Management District to ensure new development will maximize stormwater retention and treatment.*

Procedures have been established to review upland development. The South Florida Water Management District is going through basin Rule changes that will maximize the stormwater retention and treatment

POLICY 109.2.3: ~~By 1995, a~~ On-site shelters will be required to meet standards established by the county, including provision of adequate shelter space, elevation above Category 3 hurricane storm surge flooding levels, adequate windproofing, glass protection, emergency power where needed, water supplies, and other basic needs.

The Land Development Code has been amended and now addresses these issues.

OBJECTIVE 110.1: DEVELOPMENT REGULATIONS. ~~By 1995~~ 2007, all development regulations will be reviewed and revised to require that the vulnerability of future development in the A-Zone (as defined by the Federal Emergency Management Agency) be reduced.

The adoption of the new FIRM data will require a review of all ordinances and regulatory documents to update flood zone information to be completed by August, 2007.

POLICY 110.1.3: ~~By 1995, a~~ All new residential development 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)

The LDC has been amended and now addresses this issue.

POLICY 110.1.4: ~~By 1995, a~~ 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)

The LDC has been amended and now addresses this issue.

POLICY 110.1.5: ~~By 1995, the county will prepare and adopt a flood plain management plan. The County will 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)~~

This has been completed and has been implemented.

OBJECTIVE 111.1: POST-DISASTER STRATEGIC PLAN. ~~By 1995, t~~ The county will formally establish maintain a post-disaster institutions and procedures to guide county actions following a natural or technological disaster. (Amended by Ordinance No. 94-30, 00-22)

The County has a post-disaster procedure. The Objective has been modified to ensure this document is maintained regularly.

OBJECTIVE 111.2: 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 disaster. ~~By 1995, the~~ The Recovery Task Force will recommend amendments as needed to the Post-Disaster Strategic Plan. (Amended by Ordinance No. 94-30, 00-22)*

The post disaster ordinance does exist. The Objective has been modified to ensure the ordinance accurately reflects the strategic plan and provides appropriate regulations that may be needed following a disaster.

POLICY 114.1.2: *The county's wetlands protection regulations will ~~be amended by 1995~~ to be consistent with the following:*

There are no changes proposed for other text within this Policy.

The Land Development Code has been amended to address this issue.

POLICY 114.1.3: *The Future Land Use Map shows the approximate boundaries of wetlands in Lee County. The map will be updated ~~by 2000,~~ as needed based on the definitions in this plan and new information. If the Future Land Use Map is incorrect due to a clear factual error, or if an exact boundary determination is desired, an administrative process is set out in Chapter XIII of this plan to establish the precise boundary of the wetland. (Amended by Ordinance No. 94-30)*

New wetland boundaries are regularly updated on the Future Land Use Map. The Policy has been amended to reflect this ongoing effort.

POLICY 121.1.5: *~~By 1996, the~~ The county will ~~establish an ongoing~~ maintain the monitoring system for estuarine water quality and its impacts on the health of recreationally and commercially important fish and shellfish. (Amended by Ordinance No. 00-22)*

The County currently has a monitoring system in place. The Policy has been amended to reflect this ongoing effort.

OBJECTIVE 124.3: MARINE SANITATION. *The county will provide for effective control of waste disposal by maintaining local marine sanitation regulations in the Land Development Code which complement the Florida Clean Vessel Act and by cooperating with the Southwest Florida Regional Harbor Board to develop regional guidelines for marine sanitation systems ~~by 2001.~~ (Amended by Ordinance No. 94-30, 98-09)*

The Land Development Code has been amended to address this issue.

POLICY 124.6.3: ~~By 1997, the county will, with recommendations from an advisory committee, affected elements of county government and other affected persons, further develop and implement a Matanzas Harbor Management Plan. The scope of this plan will include the designation of a managed mooring area; the regulation of trash and wastewater disposal; and establishment of a research facility designed to meet the needs of marine environmental sciences, marine education, marine research and study of the estuarine and intertidal environment of waters unique to Lee County, specifically, Estero Bay, Ostego Bay and Hurricane Bay. This plan will provide mechanisms and standards for the strict enforcement of health, safety and welfare regulations throughout the Estero Bay and Matanzas Harbor area, regulations for the protection of marine resources; and the initiation and operation of a marine research/educational facility that would provide public access as determined by a final master plan. 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. (Amended by Ordinance No. 00-22)~~

The plan is complete and the area now falls under the jurisdiction of the Town of Fort Myers Beach. Lee County continues to offer technical assistance toward the goal of maximizing the health of the Estero Bay, Ostego Bay, and Hurricane Bay.

OBJECTIVE 127.1: ARTIFICIAL REEF PROGRAM. ~~The county will continue its artificial reef program for increasing fisheries habitat in coordination with the Department of Environmental Protection and appropriate organizations. (Amended by Ordinance No. 00-22)~~

The deleted text does not change the intent of the Objective, it has been proposed to show Lee County's desire to work with any appropriate organization.

POLICY 127.1.1: ~~By 1994, the Board of County Commissioners will create an artificial reef and habitat enhancement advisory committee composed of representatives from the commercial fishing industry, recreational fishing clubs, scuba diving organizations, environmental and conservation groups, and government agencies with an interest in fisheries or environmental matters. (Amended by Ordinance No. 00-22)~~

This Policy has been completed. The advisory committee has been formed and has been integrated into the "Reef Plan".

OBJECTIVE 143.4: PUBLICLY OWNED SITES. *Lee County will continue to preserve and protect the historic and archaeological resources owned, acquired, or disposed of by Lee County by designating them under the Lee County Historic Preservation Ordinance if feasible. ~~By 1999, Lee County will develop a~~ continue the program to preserve and protect those historic and archaeological resources owned, acquired or disposed of by Lee County which do not qualify for designation under the Lee County Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)*

Lee County has developed a program to preserve and protect historic and archaeological resources within Lee County that do not qualify for the Lee County Historic Preservation Ordinance

POLICY 151.3.1: *~~By 1995, enter into interlocal agreements between Lee County DOT will continue open communications with~~ and the various water and wastewater utility companies to establish a process to coordinate expected utility construction projects with programmed roadway maintenance and capital projects. (Added by Ordinance No. 94-30)*

Lee County Department of Transportation has an effective process in place to coordinate construction projects with the various utility providers.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Evaluation and Appraisal Report identified the need to revise the County's population projection and adjusting the Plan's planning horizon to the year 2030.
- The horizon year for the Lee Plan is being moved from 2020 to 2030.
- Subsequent data sets reference by the Lee Plan are utilizing projections to the year 2030.

C. BACKGROUND INFORMATION

There are several references to the horizon year of 2020 within the Lee Plan. The references associated to the horizon year vary from projected population counts to anticipated levels of development.

This comprehensive plan amendment is not intended to change any dates that are associated with a "sunset" or a dead-line that have not already passed.

The staff report is broken into several different sections, each section is identified with a brief descriptor explaining the purpose for the section. The first section presents the Vision Statement for Lee County, located in Element I of the Lee Plan. The changes proposed in this section pertain to the change of the horizon year from 2020 to 2030. It is not the purpose of any of the proposed text changes to alter the intent of the Vision Statements. The second section changed the horizon year for the Goals, Objectives, and Policies of the Lee Plan. The third section would have changed text from Objectives or Policies that predate the horizon year and represent dead-lines that have passed or activities that have been achieved. These policies no longer serve a valid purpose and are been marked for deletion or to be rewritten.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Staff has reviewed the Lee Plan to identify Goals, Objectives, Policies, or Standards that were sensitive to the horizon date (2020) of the Lee Plan. The changes that were done, to update the Lee Plan to the 2030 horizon date did not change the intent of any of the Goals, Objectives, or Policies, the sole purpose was to make those specific changes to accurately reference new data based on a 2030 projection year.

Additional changes have been made to remove dead-lines that have passed or Policies that refer to actions that have been accomplished.

It is not the purpose of this Lee Plan Text Amendment to change the intent of any Goals, Objectives, or Policies, however in the process of updating the Lee Plan it was necessary, in a few specific cases, to re-write sections of or the entire Objective or Policy as the actions required were completed.

B. CONCLUSIONS

The proposed text amendment is a required action to keep the Lee Plan updated with more accurate or current information.

C. STAFF RECOMMENDATION

Staff recommends the Board of County Commissioners transmit the proposed amendment to update text that references the 2020 planning horizon to the new planning horizon date of 2030. Additionally, to delete any text that is date sensitive and the time frame has passed or the intent of the text amendment has been met.

**PART III - LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

PUBLIC HEARING DATE. November 27, 2006

- A. LOCAL PLANNING AGENCY REVIEW:** Staff explained the purpose of the amendment as updating the Lee Plan to reflect the new horizon year of 2030 and to delete or re-write, as necessary any text that is date sensitive and time frame has passed or the intent of the text has been satisfied. Staff's discussion centered on a review of the staff report and recommendations.

There were no comments provided by LPA members.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit the proposal to amend the Lee Plan to change the references from 2020 to 2030 and update the Vision Statements to 2030.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	AYE
DEREK BURR	AYE
RONALD INGE	AYE
RAYMOND SCHUMANN, ESQ	AYE
CARLETON RYFFELL	ABSENT
RAE ANN WESSEL	AYE
VACANT	

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: December 13, 2006

A. BOARD REVIEW: The Board of County Commissioners provided no discussion concerning the proposed plan amendment. This item was approved on the consent agenda

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION: The Board of County Commissioners voted to transmit the proposed plan amendment.

2. BASIS AND RECOMMENDED FINDINGS OF FACT: The Board of County Commissioners accepted the findings of fact advanced by staff and the LPA.

C. VOTE:

A. BRIAN BIGELOW	<u>AYE</u>
TAMMARA HALL	<u>AYE</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
FRANKLIN B. MANN	<u>AYE</u>
	<u> </u>

**PART V – DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT:

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

The Department of Community Affairs has raised objections to proposed amendment CPA2005-00026. The DCA objections are reproduced below.

OBJECTION:

"The County is proposing to change the horizon year of the County's plan from 2020 to 2030. However, the update does not include a Future Land use Map for the planning period of 2030. While the land use allocation table (Table (l)b., for the planning communities is labeled 2030, the associated planning community's overlay map (Map 16) is not labeled as such. Pursuant to Chapter 163.3177(5)(a), Florida Statutes, and Rule 9J-5.005(4), each local government comprehensive plan must include at least two planning periods, one covering at least the first five-year period subsequent to the plan's adoption or the adoption of the EAR- based amendments and one for at least a 10-year period. The County has chosen to adopt a long term planning period of 2030 which the Future Land Use and Future Transportation maps should reflect. In addition, while the future land use for the planning communities are allocated based on the projected population of each planning community, the population figures upon which the allocations are based are not stated. [Chapter 163.3177(5)(a), (6)(a) F.S; 9J-5.005(4), 9J-5.005(2)(a), (c), & (e) and 9J- 5.006(4)(b), FAC]"

Recommendation: *"Revise the amendment to include a Future Land Use Map for the next planning timeframe. The planning timeframe should be clearly stated on the map. In addition, include a Future Land Use map series that covers all the relevant future conditions such as the location of existing and planned potable water wells and wellhead protection areas and wetlands, etc. As a part of the data and analysis, include a table of the population distribution for the planning communities upon which the projected land use allocations are based."*

B. STAFF RESPONSE:

The objections and recommended changes from the ORC Report have been incorporated into CPA2005-00026-Update BEBR Population Projections. Staff recommends that this amendment be adopted as transmitted.

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING:

D. BOARD REVIEW:

E. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

F. VOTE:

A. BRIAN BIGELOW

TAMMARA HALL

BOB JANES

RAY JUDAH

FRANKLIN B. MANN

CPA2005-25
CHANGE LEE PLAN HORIZON TO
THE YEAR 2030
BoCC SPONSORED
AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

DCA Transmittal Document

Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 479-8585

December 21, 2006

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2005-25**



Text Amendment



Map Amendment

This Document Contains the Following Reviews:	
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: November 16, 2006

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

- 2. REQUEST:** Amend the Lee Plan to change the references from 2020 to 2030 and update the Vision Statements to 2030.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners transmit the proposed amendment to update text that references the 2020 planning horizon to the new planning horizon date of 2030. Additionally, to delete any text that is date sensitive and the time frame has passed or the intent of the text has been satisfied.

From Chapter I of the Lee Plan
Element I - Vision Statement

The Lee Plan is designed to depict Lee County as it will appear in the year ~~2020~~ 2030. Given the projected increase in population (to ~~602,000~~ 979,000 permanent residents with an additional 18 % and ~~764,171~~ seasonal residents) and the probable rate of technological change between the present date and ~~2020~~ 2030, it is impossible to describe the future face of the county with any degree of certainty or precision. However, the following list of themes will be of great importance as Lee County approaches the planning horizon:

- *The growth patterns of the county will continue to be dictated by a Future Land Use map that will not change dramatically during the time frame of this plan. With the exception of Cape Coral and Lehigh Acres, the county's urban areas will be essentially built out by ~~2020~~ 2030 (pending, in some cases, redevelopment). The county will attempt to maintain the clear distinction between urban and rural areas that characterizes this plan. Its success will depend on two things: the continuing viability of agricultural uses and the amount of publicly-owned land in outlying areas.*

There are no changes proposed for the remaining section.

The horizon year is being changed to 2030 and the projected population is being updated based on the latest Bureau of Economic and Business Research (BEBR) projections.

1. Alva –

There are no changes proposed for the first paragraph.

While the Alva community does offer some commercial opportunities, residents satisfy most of their commercial needs outside of this community in the more urbanized communities to the west and south. For the most part, these conditions are expected to remain through the life of this plan. The population of Alva is projected to continue to grow through the life of this plan. ~~from an estimated 4,260 in 1996 to 4,818 in 2020.~~ Commercially, ~~Alva will~~ activity is expected to continue to increase to the year 2030 ~~double its available square footage to nearly 150,000sf.~~ In the year 2020, the ~~The~~ Alva community will remain largely rural/agricultural in nature with over half of its total acreage being used for this purpose. The Alva Community will also strive to protect its historic resources.

There are no distinct sub-communities within the Alva Community.

The horizon year is being changed to 2030 and the old population projections are being deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

2. Gasparilla Island/Boca Grande –

There are no changes proposed for the first four paragraphs

The population is highly seasonal with peak population residency and daily visiting occurring during the months of November through May. With land vacancy of less than 15%, Gasparilla Island/Boca Grande has virtually no capacity for additional new development, while substantial population growth is expected in adjacent areas of Charlotte and Sarasota Counties. The Gasparilla Island/Boca Grande community is dedicated to preserving its historic character and scale and its unique island residential character so that the community will look substantially ~~the same in 2020 as it does today~~ through 2030, including its unique mix of vital small businesses, without fast food franchises, formula and intense retail or intense commercial tourist activities, other than the historic Gasparilla Inn.

There are no changes proposed for the remaining paragraphs.

The reference to the year 2020, the old Lee Plan horizon has been removed and a reference to the new horizon year has been added.

3. Bonita –

There are no changes proposed for the first paragraph.

Bonita Springs is one of the fastest growing communities in Lee County and is expected to nearly double in population between 1996 and 2020 2030 ~~with an expected 2020 permanent population of approximately 37,000. The Bonita Community will also remain an attractive seasonal homeowner destination and has an anticipated Seasonal Population of 61,000 in the year 2020. This community will have only 20% of its total land area remaining vacant or in agricultural use in the year 2020.~~

There are no changes proposed for the remaining paragraphs.

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

- 5. Burnt Store -** *This Community is located in the northwest corner of the mainland of unincorporated Lee County. The property east of Burnt Store Road is designated Open Lands and the land west of Burnt Store Road is designated as Rural (also known as Burnt Store Marina) with the exception of 10 acres designated as Outlying Suburban. Most of The Burnt Store Marina development was approved prior to the adoption of the 1984 Lee Plan and is "vested" for densities higher than allowed by the current plan. This development is primarily residential with a high percentage of seasonal residents. There are some commercial and marine oriented amenities within the Burnt Store Marina development primarily serving residents of that development. This area is expected to*

~~substantially grow through the year 2030. double its dwelling units during the life of this plan from 917 in 1996 to over 2000 in 2020.~~ Today, most of the community's commercial needs are served outside of the community in Cape Coral, North Fort Myers and Fort Myers, or in Charlotte County. This development pattern is expected to remain through 2020.

The reference to the year 2020, the old Lee Plan horizon has been removed and a reference to the new horizon year has been added. Text referencing projected dwelling units has been deleted. Population projections necessary to project future dwelling units have not been completed.

6. **Cape Coral** - *The Cape Coral Community includes all the unincorporated enclaves with the exception of the few enclaves located on Pine Island Road West of Chiquita Boulevard. These enclaves may annex into the city and it may be advantageous at that time to amend the Community Map and the corresponding allocation tables to reflect such annexations. While commercial and industrial opportunities of all varieties exist in the City of Cape Coral, many of the residents still satisfy ~~these~~ their needs outside of the city. Likewise, many residents of less intense areas of the county will utilize Cape Coral's commercial and industrial opportunities for their needs. ~~Cape Coral will have a functional population of approximately 225,000 people by 2020 and will be, by far, the county's largest city.~~ Development in the Cape will be stimulated by the expansion of the airport, the construction of the new university, and the availability of reasonably-priced lots with public water and sewer. The imbalance between the city's population and its relatively small commercial and industrial sectors will continue to present a challenge in spite of the city's success in promoting the S.R. 78 corridor as an employment center.*

Text referencing the horizon year and the outdated population projections has been deleted.

7. **Captiva** - *This community includes the major islands of Captiva Island, Upper Captiva Island, Cayo Casta Island, Useppa Island, Buck Key, and Cabbage Key and the surrounding smaller islands. Although Captiva itself is a seasonal resort community, in comparison to the other islands in this community it is the center of activity. Due to the nature of this community, residents must satisfy their major commercial and industrial needs outside of this community. Conversely, the commercial aspects of the Captiva Community are utilized by many residents and tourists from outside of the Community. The population of Captiva is not expected to greatly change by ~~2020~~ 2030. Furthermore, the area will look much as it does today in the absence of a major hurricane or other natural disaster.*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

8. **Fort Myers** - *The Fort Myers Community includes all land within the City of Fort Myers along with most areas included in the repealed Fort Myers Urban Reserve and the portions of Gateway which are in the process of annexing or expected to annex into the City of Fort Myers. The City of Fort Myers is annexing land in an aggressive manner, especially in the vicinity of Gateway. An urban reserve overlay for the City of Fort Myers is no longer in effect. Due to cessation of the inter-local with the City of Fort*

Myers, this planning tool was deleted from the Lee Plan in the 1992/1993 amendment cycle. The Morse Shores/Tice area is unlikely to annex into the City of Fort Myers and is not included in this community even though it was previously in the Fort Myers Urban Reserve. While the emphasis of new commercial and industrial activity in Lee County has been moving south along US 41, The community of Fort Myers remains an administrative, financial, and cultural center for the rest of Lee County. This situation is not expected to change during the life of this plan. ~~The population of the Fort Myers community will also grow from the current 57,000 permanent residents in 1996 to over 86,000 permanent residents in 2020. The seasonal influx of residents in the Fort Myers community is not as great as in other areas of the county. In 2020 the Fort Myers community will have a functional population of approximately 94,000.~~

Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

- 9. **Fort Myers Beach** - This community includes all land incorporated in the Town of Fort Myers Beach as of this date. The town of Fort Myers beach will continue to have a strong retail base for tourist needs and the daily needs of the residents. However, major consumer needs will remain to be met outside of this community. Fort Myers Beach does a boating and marina industry on the island which fosters the employment base of the community. The development of its own comprehensive plan ensures that the Town of Fort Myers Beach will look much as it does today in the absence of a major hurricane or other natural disaster. The population of this community is very influenced by seasonal factors. This community is nearly built out today and will not have a substantial increase in permanent population by the year ~~2020~~ 2030.*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

10. Gateway/Airport -

There are no changes proposed for the first paragraph.

There are three distinct areas within this community. The Gateway portion of this community is the area where residential uses will occur. Gateway will be a thriving, nearly built-out, mixed-use community in 2020. The population of this community is anticipated to grow substantially from today to 2030. ~~from 1,500 permanent residents in 1996 to approximately 8,000 in 2020 and is expected to have fewer than 1,000 units remaining to be built in the year 2020. The Gateway/Airport community will continue to have an average seasonal resident influx for the Lee County area with an expected 2020 functional population of 10,000.~~

The second area in this community is the Southwest Florida International Airport. The airport will be greatly expanded by ~~2020~~ 2030. The expanded airport will have a second parallel runway and a new terminal building that will more than double the existing capacity of the airport. Development will be guided by the Airport Layout Plan (as established through the airport master plan process) consistent with the Southwest

Florida International Airport Proposed Development Schedule (Table 5) and all other Lee Plan provisions.

There are no changes proposed for the remaining paragraphs.

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

- 11. Daniels Parkway** - *This Community is located between I-75 and the Six Mile Cypress Slough, south of the City of Fort Myers and north of the Alico Road industrial area. The community contains lands designated Rural, Outlying Suburban, and a small area of General Interchange. This community is considered one of the primary gateways to Lee County. This community has some rural characteristics which will remain in existence through the year ~~2020~~ 2030. Much of the existing vacant land will be developed into low density gated communities. While there is a potential to ~~redevelopment~~ redevelop the large lot home sites north of Daniels Parkway into the smaller lots allowed by the Outlying Suburban category, this development pattern is not anticipated by 2020 2030. This community will grow through 2030 ~~from 6,000 to 7,500 permanent residents and over 10,000 total residents by 2020.~~*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

12. Iona/McGregor –

There are no changes proposed for the first paragraph.

The McGregor Blvd./San Carlos Blvd area will be approaching build out by ~~2020~~ 2030 and some of the older (pre 1980) developments will begin to redevelop to take advantage of a higher end market seeking a combination of quick beach access and closeness to urban services. This area will remain primarily residential with retail uses located at the major intersections.

The Summerlin Road Corridor will develop a new look by ~~2020~~ 2030 and will emerge as one of the county's primary medical service areas. This portion of the community will also continue to develop as a strong residential area with an influx of new gated communities.

There are no changes proposed for the fourth paragraph.

Residents of this community will address current planning concerns in a comprehensive review of this area and future amendments to this plan will be made to address these concerns. This area is anticipated to grow substantially from today to 2030. ~~from a current permanent population of 24,000 to 32,000 by 2020. The Iona/McGregor area is also expected to be home to an additional 14,000 seasonal residents by 2020.~~

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

- 13. San Carlos** - *This Community is located in the southern portion of Lee County, east of Hendry Creek and, for the most part, south of Alico Road. It is north of the Estero River on the west side of US 41 then north of the new Brooks of Bonita development east of US41. The community does extend east of I-75 to include the approved developments along Corkscrew Road and all lands designated University Community. The majority of the land in this community is designated as Suburban and then Urban Community (both having a maximum standard density of 6 units per acre) with the remaining areas designated as Rural, Outlying Suburban, and Industrial Development. There are ~~four~~ three distinct areas within this community: San Carlos Park, Island Park, ~~Estero~~, and the new university area. All of these areas will be experiencing tremendous development pressures as this community ~~explodes~~ continues to grow into the next century.*

There are no changes proposed for the second paragraph.

~~The historic Estero area will struggle to maintain its historic character through the year 2020 and will feel many development pressures which will threaten this character.~~

~~Overall, this community, which has been a fast growing area of Lee County since 1980, will add more than 15,000 new permanent residents and accommodate a total functional population of nearly 50,000 people by the year 2020~~

Corrections have been made to reflect changes in the Lee Plan. The Estero Planning Community (Goal 19) was created in 2005. The vision statement is being amended to reflect Estero is not included as part of the San Carlos Planning Community. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

- 15. South Fort Myers** - *This Community is located in the center of Lee County. South of the City of Fort Myers, east of the Caloosahatchee River, west of the Six Mile Cypress Slough, and north of Gladiolus Drive. This community primarily has the higher intensity land use categories such as Intensive Development, Central Urban, Urban Community, Industrial Development, and Suburban. This community contains one of the county's major hospitals, a baseball spring training facility, and the local community college. This community will be nearly built out by the year 2020. The South Fort Myers Community will continue to be a core area of the county providing office area for professional services in areas such as financial and medical. There will also be an increased amount of commercial activity along the US 41 corridor and light industrial uses will continue to expand along the Metro Avenue corridor north of Daniels Parkway. The amounts of commercial and industrial uses in this community are expected to double and most of the suitable land for these uses will be developed by ~~2020~~ 2030.*

The residential areas of this community will also continue to develop through the year ~~2020~~ 2030 however the popularity of the residential opportunities to the south in the San Carlos/Estero and Bonita communities will continue to dominate this segment of the

~~market. This community will grow from a 1996 permanent population of 46,000 to approximately 52,000 in 2020. In 2020, this community will still be 4,000 permanent residents from its build-out population. While this community is not as heavily influenced by the seasonal population as the communities to the south, in season, South Fort Myers is expected to have a population of over 60,000 in the year 2020.~~

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

17. Lehigh Acres - This community is the Lehigh Acres development, which was platted starting in 1954. This community is located south of Township 43 South, generally north of SR 82, and east of Buckingham Road/the Buckingham Rural Community Preserve to the eastern Lee County line. This community is designated as Urban Community, Central Urban, Industrial Development and Public Facilities. The Lehigh Community will continue to grow through the year 2020 at a rate faster than the county average growth rate. This community, however, will not be close to build out by 2020 2030. ~~The Lehigh community will grow from a 1996 permanent population of 26,000 to over 71,000 permanent residents in the year 2020. The build-out potential for the Lehigh Community is more than double the projected 2020 population.~~ Lehigh will continue to struggle with providing sufficient non-residential uses to accommodate a community of its size. New provisions for providing these uses has been implemented and will aid in this problem, however, residents will continue to commute from this community to the core communities such as Fort Myers, South Fort Myers, and Gateway/Airport for employment, shopping and other services. This community will also struggle with providing an adequate road network to reduce traffic congestion as the population grows.

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

18. Southeast Lee County - *As the name implies, this Community is located in the southeast area of Lee County. South of SR 82, north of Bonita Beach Road, east of I-75 (excluding areas in the San Carlos Park/Island Park/Estero Corkscrew Road and Gateway/Southwest Florida International Airport Communities) and west of the county line. With the exception of a few Public Facilities, the entire community is designated as Density Reduction/Groundwater Resource, Conservation Lands (both upland and wetlands), and Wetlands on the Future Land Use Map. This "community" consists of mining operations, agricultural uses, and very large lot residential home sites. The one exception is the Citrus Park Community. This community will not change in character by the year 2020 is not expected to change in character through the year 2030, and will continue to have a population of approximately 2000 residents.*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

19. North Fort Myers - *This Community is located north of the Caloosahatchee River between the Alva Planning Community and the City of Cape Coral. This community includes a wide mix of Future Land Use designations from Intensive Development to Density Reduction/Groundwater Resource. The area between the two US 41 routes near the river will remain the core of this community. The old US 41 corridor will be redeveloped with new commercial uses and waterfront development taking advantage of this areas close proximity to downtown Fort Myers and its riverfront location. The US 41 corridor from Pondella Road north will continue to attract new commercial development that will serve the North Fort Myers community and other surrounding communities. Total commercial, service, and industrial uses will have doubled from the amount existing in 1996. These areas are surrounded by residential uses. ~~Most of the North Fort Myers community will develop at residential densities less than what is allowed by the Lee Plan Future Land Use Map. Furthermore, much of this community is designated for low density development of less than one unit per acre. This community will not be one of the fastest growing areas, residentially, in Lee County. This area will add fewer than 3,000 new residents by the year 2020. However, with a total permanent population of over 50,000 residents and nearly 65,000 residents in season, the North Fort Myers community will be the fourth largest community, in population, in the year 2020. As stated in the Alva community, the Bayshore area does have characteristics differing from both the Alva and North Fort Myers community. The split in the Bayshore area between Alva and North Fort Myers was done to include properties which were most closely related to those respective communities.~~*

Corrections have been made to reflect changes that have taken place in the planning community. References to the year 2020, the old Lee Plan horizon have been removed. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

In addition to the Vision Statement, Element I there are several Objectives and Policies that refer to the horizon year of 2020 for the Lee Plan that will need to be changed to the new horizon year of 2030.

POLICY 1.1.1: *The Future Land Use Map contained in this element is hereby adopted as the pattern for future development and substantial redevelopment within the unincorporated portion of Lee County. Map 16 and Table 1(b) are an integral part of the Future Land Use Map series (see Policies 1.7.6 and 2.2.2). They depict the extent of development through the year ~~2020~~ 2030. No development orders or extensions to development orders will be issued or approved by Lee County which would allow the Planning Community's acreage totals for residential, commercial or industrial uses established in Table 1(b) to be exceeded (see Policy 1.7.6). The cities of Fort Myers, Cape Coral, and Sanibel are depicted on these maps only to indicate the approximate intensities of development permitted under the comprehensive plans of those cities. Residential densities are described in the following policies and summarized in Table 1(a).*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

OBJECTIVE 1.2: SOUTHWEST FLORIDA INTERNATIONAL AIRPORT AREA. *Designate on the Future Land Use Map adequate land in appropriate locations to accommodate the projected growth needs of the Southwest Florida International Airport and the business and industrial areas related to it, as well as research and development activities and other non-aviation related development that is not necessarily related to the airport, through the year ~~2020~~ 2030. The Lee County Port Authority desires to establish non-aviation related uses to provide a supplementary revenue source as well as providing an opportunity for businesses that desire a location on airport property. Designate on the Airport Layout Plan suitable areas to accommodate these desired uses and provide general policy guidance as to how these uses will be developed. These categories are also considered Future Urban Areas.*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

POLICY 1.2.1: *Airport lands include the Southwest Florida International Airport's existing facility and projected growth areas through the year ~~2020~~ 2030. These areas will include airport and airport-related development as well as non-aviation land uses as proposed in the approved 2003 Airport Master Plan update and as depicted on the Airport Layout Plan sheet (Map 3F) and the Southwest Florida International Airport Proposed Development Schedule (Table 5). This mix of uses is intended to support the continued development of the Southwest Florida International Airport. Future development at the Southwest Florida International Airport will also include non-aviation related land uses such as hotels/motels, light industrial, service stations, ancillary retail/shopping, and office development. Any future airport expansion or development of aviation-related and non-aviation uses will offset environmental impacts through the Airport Mitigation Lands Overlay (Map 3M) or other appropriate mitigation acceptable to the permitting agencies and to Lee County. The physical design of the*

airport expansion will minimize any degradation of the recharge capability of land being developed. Airport expansion beyond the present boundaries will be subject to necessary amendments to the Lee Plan.

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

POLICY 1.4.1: *The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre).*

~~The property consisting of Sections 1, 2, and 3, Township 48 South, Range 26 East must be developed only in accordance with the following standards:~~

~~1. The Property may be developed only in accordance with the following conditions. Pre-development activities such as rezonings, zoning permits, certifications, special exceptions, and variances must be consistent with the following conditions, but need not implement them until application is made for a development order that would authorize physical, on-the-ground development on the Property.~~

~~a) The Property, or any part of it, will only be developed as a Planned Development, as defined by Chapter XII of the Lee County Comprehensive Plan. Should development occur in a series of increments by different developers, each development must receive planned development approval. Residential development will be clustered in order to maximize opportunities to provide open spaces and natural areas. A maximum of five acres of the property will be reserved for commercial uses of the type which serve neighborhood needs. Commercial development may be aggregated on any portion of the Property. Clustering will be achieved by requiring homesites to be platted or designed in contiguous groups, adjacent to open spaces. Clustering of residential development will also be achieved by limiting the areas on the Property available for residential homesites in the following fashion:~~

~~(1) Residential development. Single and/or multiple family homesite acreage may account for no more than 45% of the gross area of the Property. Homesite acreage includes the entire site for all single family houses, multi family dwellings, and any other residential structure, including the house or building pad, the yard, and any driveway, parking areas, landscaped areas, and the like upon the homesite.~~

~~(2) Open Spaces. These areas will include preserved natural areas, buffers, lakes, parks, golf courses, nature trails, retention areas, conservation areas, scenic resources, green belts, wetlands and associated areas and must account for a minimum of 40% of the Property. Golf course fairways will account for no more than fifty percent (50%) of the open space of the subject property.~~

- ~~(3) Non-residential Development. These areas will include vehicular and pedestrian ways, commercial and institutional areas, club houses and associated facilities, utility buildings, maintenance areas, tennis courts and associated non-residential uses and will be a maximum of 15% of the Property.~~
- ~~b) All naturally occurring wetlands, which have not been significantly degraded, must be designated as preserve areas and be subject to a conservation easement similar to that set forth in Section 704.06, Florida Statutes. Limited uses in preserve areas such as nature trails, bike paths, cart paths, boardwalks and the like will be allowed when permitted by appropriate State and Federal agencies. The use of wetland areas for water management, to the extent allowed by law, will not be precluded. Wetland areas being used as water management areas on the Property may be relocated if (1) all approvals are obtained from appropriate State and Federal agencies and (2) where the affected wetland functions are replaced on the Property.~~
- ~~c) Where feasible, open space areas will be designed so as to provide connections between wetlands, preserve areas, and buffers on the Property. The design of these open space areas will seek to provide areas which will be integrated with on-site and adjacent preserve properties so as to enhance habitat for small mammals and wading birds. Golf courses, when constructed and maintained in compliance with this paragraph will be considered to be functional open space to the extent set forth above.~~
- ~~d) The design of the functional open space area must incorporate the following design features:~~
- ~~(1) A surface water management system that mimics the functions of the natural system, in accordance with Objective 61.2 of the Lee Plan;~~
 - ~~(2) For those areas that drain to the Imperial River Basin, a surface water management system that is consistent with the Kehl Canal/Imperial River basin study prepared for the SFWMD, and adopted by the BOCC pursuant to Policy 60.3.2 of the Lee Plan;~~
 - ~~(3) Uses including, but not limited to, picnic areas, trails, benches, boardwalks, golf courses, water management systems, biking/jogging/equestrian trails, water courses, bird viewing blinds/tower and interpretative facilities will be permitted within functional open areas;~~
 - ~~(4) The open space areas must be replanted with vegetation after construction. Seventy five percent of the total number of required trees used in buffers, and landscaping must be indigenous, and fifty percent of the shrubs must be indigenous;~~
 - ~~(5) Plant material used for revegetation must conform to the standards for Florida Number 1, or better as given in Grades and Standards for Nursery Plants 1973, and Grades and Standards for Nursery Plants, Part II, Florida Department of Agriculture and Consumer Services Tallahassee;~~

- ~~(6) Australian pine, cajeput, Brazilian pepper, downy rose myrtle, Cuban laurel, melaleuca, bishopwood, castor bean, common papaya, common snakeplant, day jessamine, hunters robe, queensland umbrella tree, trailing wedelia may not be used as part of the revegetation of the property after development. Any such plants that exist on the site at the time of the issuance of a development order must be removed; and~~
- ~~(7) The vegetation that surrounds, or is within the open space areas should have the capacity to provide habitat for a diversity of wildlife.~~
- ~~e) Development must provide a buffer to protect adjacent natural areas from the impacts of development. The purpose of the buffer is to protect adjacent natural resources from the activities and impacts of development on the Property.~~

~~(1) All development must incorporate buffers, as follows, in three zones:~~

~~Zone 1 will be a minimum of 100 feet wide and will extend completely along all portions of the eastern and southern boundary of the Property. These are the areas of the Property which are adjacent to the Collier County Line. The buffer will consist of selected native upland forest plant species such as south Florida slash pine, live oak, laurel oak, and saw palmetto. Selected species will be tolerant of drought conditions, and will not require fertilizers and pesticides to promote growth and survival. Exotic plant species will be controlled by the periodic application of herbicides and mechanical removal. Wetland forest species will be used in situations where wetland functions remain on the property and where soil and moisture conditions are suitable.~~

~~Zone 1 will incorporate the existing water management reservoirs which are located along the southern boundaries of Sections 1 and 2. These reservoirs will not require additional buffering. There will be no structures erected in Zone 1, however, passive recreation such as hiking, bird watching, and nature study will be permitted. Construction of lakes in Zone 1 will be allowed. Existing berms and ditches will be allowed to remain in Zone 1.~~

~~Zone 2 will be adjacent to Zone 1 and will encompass an area that is at least 50 feet wide. This area will be free of lights and other structures such as fences, pools, and sheds. The permanent placement of generators, pumps, and other fixed motors will be prohibited. Homesites may extend into Zone 2, but no portion of the residence itself may extend into this zone. If residential lots are incorporated into this zone, those portions of yard acreage will be planted and maintained in a fashion similar to that proposed for Buffer Zone 1. Passive recreation such as hiking, jogging, biking, and walking will be allowed along designated trails and boardwalk system. Golf courses and lakes may extend into this zone, but may not incorporate lights or structures other than drainage structures and cart paths. All golf course acreage in Zone 2 will be free of lights and structures, and the use of golf carts will be permitted. If water, sewer, or electrical lines are placed in Zone 2 they must be buried.~~

~~Zone 3 will be parallel Zone 2 and will consist of residences and other infrastructure development in a 100 foot wide band. Exterior lighting in this zone may not project toward adjacent preserve land. Measures such as directional lighting, reduced height light supports, and other light abatement technology will be used.~~

~~The buffer zones will not preclude governmental entities from constructing public roadways that are currently depicted on the Lee County 2020 Traffic Circulation Plan Map through these zones, as long as other State and Federal permits are obtained.~~

~~f) The Property must be served with all necessary facilities and services at no expense to the County (including central water and sewer). Uniform Community Development Districts any special taxing districts may be utilized to achieve this standard. The Property is presently within the Lee County Privately Funded Infrastructure Overlay (PFIO). This Overlay requires that all development within these areas pay for the construction and extension of public services to all properties that seek to develop to a different land use. Should at the time when the Property begins to develop, the PFIO no longer applies to this area, all development will still be required to pay for its infrastructure costs. All development must comply with the Lee County Concurrence Management Plan. The owners of the property and their successors in interest must not withdraw from or opt out of the PFIO.~~

~~g) Development must be on central water and sewer or the extension of such and other utilities must be planned to coincide with the development of the Property. Bonita Beach Road improvements must have been extended east to the planned development, or its extension must be committed to occur in pace with the planned development.~~

~~h) The shorelines of any stormwater management lakes must be sinuous in configuration, and must be sloped or bermed. The littoral zones around the ponds must be planted with native wetland herbaceous plants, and trees or shrubs can be included within the herbaceous plants. At least four species must be planted. The minimum required number of plants will be one plant per linear foot of lake shoreline as measured at the control elevation water level. The littoral shelf should provide a feeding area for water dependent avian species.~~

~~i) The owners will employ management strategies in and around any golf course to address the potential for pesticide/chemical pollution of the groundwater and surface water receiving areas. The owners will comply with the goals of the Audubon Cooperative Sanctuary Program for Golf Courses. The management practices will include:~~

~~(1) The use of slow release fertilizers and/or carefully managed fertilizer applications which are timed to ensure maximum root uptake and minimal surface water runoff or leaching to the groundwater;~~

~~(2) The practice of integrated pest management when seeking to control various pests, such as weeds, insects, and nematodes. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified~~

~~targeted species. The regular widespread application of broad spectrum pesticides is not acceptable. The management program will minimize, to the extent possible, the use of pesticides, and will include the use of the USDA SCS Soil Pesticide Interaction Guide to select pesticides for uses that have a minimum potential for leaching or loss due to runoff depending of the site specific soil conditions. Application of pesticides within 25 feet of any CREW, or other adjacent public preserve lands, is prohibited.~~

- ~~(3) The coordination of the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients;~~
- ~~(4) The utilization of a golf course manager who is licensed by the State to use restricted pesticides and who will perform the required management functions. The golf course manager will be responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater; and~~
- ~~(5) The storage, mixing and loading of fertilizer and pesticides will be designed to prevent/minimize the pollution of the natural environment.~~
- ~~j) In order to minimize the adverse impacts that construction may have on wildlife, natural environmental values, and water quality, the developer will institute appropriate measures such as full compaction of any fill material placed around newly installed structures.~~
- ~~k) Any future individual development on the Property will be subject to Development of Regional Impact (DRI) review once it reaches the 80% threshold, i.e., at 800 units such development will be presumed to be a DRI. If two or more individual projects will be developed on the Property, this 80% threshold will be applicable to each, and not applied in a cumulative fashion unless subject to the aggregation criteria in Rule 9J-2, Fla. Admin. Code.~~

All of the property described in the text proposed for deletion has been annexed into The City Of Bonita Springs. Lee County has no jurisdiction and/or permitting authority over these lands.

GOAL 5: RESIDENTIAL LAND USES. *To provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the projected population of Lee County in the year 2020 2030 in attractive and safe neighborhoods with a variety of price ranges and housing types.*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

POLICY 36.2.1: *The Official Trafficways Map is intended to represent all roadway facilities that may be needed by buildout of Lee County at some unspecified point in the future. As such, it contains numerous corridors which will not be needed by the year 2020 2030 and are therefore not shown on Transportation Map 3A.*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

Glossary

SOUTHWEST FLORIDA INTERNATIONAL AIRPORT PROPOSED DEVELOPMENT SCHEDULE (TABLE 5) - *This Table depicts the proposed development schedule for the Southwest Florida International Airport through the year 2020 2030.*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

Some of the Objectives or Policies predate the horizon year and represent dead-lines that have passed or activities that have been achieved. These policies no longer serve a valid purpose and are been marked for deletion or to be rewritten.

~~***POLICY 2.6.3:*** *Amend the county's development regulations by 1994 to provide additional flexibility for redevelopment activities within CRAs.*~~

County no longer has any active CRA's, in addition the Board of County Commissioners does not need this Policy to propose revisions to the Land Development Code to address future provisions concerning redevelopment areas.

~~***POLICY 5.1.9:*** *Consider by 1996 the provision of incentives and requirements for the reassembly, redesign, and replatting of vacant platted residential lots that are not suitable for timely, safe, and efficient development; and re-evaluate the effects of the single family residence provision and the privately funded infrastructure overlay on the county's ability to provide incentives for reassembly, redesign, and replatting*~~

Market demand is effectively providing incentives toward this goal of reassembling plats that are not suitable for residential uses. Additionally, there have been specific locations throughout Lee County, specifically Lehigh Acres that have had properties identified for commercial activities, as part of the Lee Plan. Also, recent legislation and a constitutional amendment have hindered the Counties ability to assemble properties for redevelopment.

POLICY 6.1.11: *Provide by 1995 appropriate requirements and incentives for the conversion of strip commercial development into series of discrete, concentrated commercial areas.*

Lee County has adopted revised landscape and commercial design standards into the Land Development Code. Further, staff is proposing incorporating new urbanism and smart growth through Lee Plan amendment CPA2005-00037.

~~***POLICY 9.1.5:*** *Amend the Noise Ordinance by 1995 to provide exemptions for crop dusting and other essential agricultural activities*~~

This is an outdated farming practice no longer used within Lee County.

~~***POLICY 10.2.1:*** *By 2000, the county will conduct a study to determine the appropriateness of oil exploration, drilling, or production. The study will address the issues of the compatibility of oil related activities with the environment and urban uses. This study will include recommendations regarding the appropriateness of such activities within Lee County as well as guidelines under which such activities should be regulated under the Lee County Land Development Code*~~

The draft study has been completed. The Land Development Code (Sec 34-1651) has been amended to address exploration activity and existing uses.

~~***POLICY 18.1.3:*** *By the end of 1995, Lee County will maintain and as necessary adopt appropriate regulations providing for university housing, including student dormitories and boarding houses.*~~

The Land Development Code has been amended to address student dormitories and boarding houses as it would relate to university housing.

~~***POLICY 18.1.4:*** *By the end of 1995, Lee County will maintain and as necessary adopt regulations further defining how densities for individual parcels within the University Community will be determined. The regulations will address how the total number of units will be tallied to insure that the overall average density of 2.5 units an acre will be maintained. The regulations will provide a mechanism for clustering densities within the University Community.*~~

100% of the University Community has been rezoned.

~~***POLICY 18.1.11:*** *By 1996, Lee County and the Metropolitan Planning Organization will consider amending their respective transportation planning maps and policies to reflect the roadway segments identified by the Conceptual Master Plan.*~~

The roadway network created within and around the University Community, identified through Goal 18 has been incorporated within the respective transportation planning maps utilized by Lee County and the Metropolitan Planning Organization.

POLICY 18.2.3: *The University Window Overlay includes the area within 100 feet on both sides of the right-of-way of the following roadway segments:*

<i>Treeline Avenue</i>	<i>From Alico Road to Corkscrew Road</i>
<i>Alico Road</i>	<i>From I-75 to Treeline Avenue</i>
<i>Corkscrew Road</i>	<i>From I-75 to Treeline Avenue</i>
<i>Koreshan Boulevard</i>	<i>From I-75 to Treeline Avenue</i>

With input from affected property owners, ~~by 1995~~, Lee County and the Board of Regents will develop mutually agreed upon standards for the University Window addressing landscaping, signage and architectural features visible from the designated roadway segments.

Standards have been created for the University Window Overlay. All of the property owners in the designated area, and the County have entered into an agreement that satisfies the intent of this Policy. It is not considered an on going effort to update landscaping, signage, and architectural features, as necessary.

POLICY 19.1.5: *~~By 2002,~~ The Estero Community will ~~draft~~ continue to work on a corridor management plan for the Estero US 41 corridor during the five year update to their community plan to advance development in a manner that promotes a safe, high quality urban environment. Plan elements will ~~include~~ address roadway and median landscape standards, residential buffering standards, access management guidelines, street lighting, sidewalks, and insuring safe and effective pedestrian crossings within the context of a comprehensive pedestrian and bikeway system.*

The Estero Community is beginning work on the 5 year update to their community plan.

POLICY 19.1.6: *~~By 2004~~ Lee County will continue to evaluate historic resources, and as necessary, ~~draft a proposals~~ for their designation under Chapter 22 of the Land Development Code.*

Lee County has identified historic resources for designation under Chapter 22 of the Land Development Code and continues its efforts to identify historic resources.

POLICY 21.1.1: *By the end of ~~2004~~ 2007, the Caloosahatchee Shores community will draft and submit regulations for Lee County to review and consider for amendment or adoption as Land Development Code regulations that provide for enhanced landscaping, signage and architectural standards consistent with the Community Vision.*

Caloosahatchee Shore Planning Community is currently going through an update of their community plan.

POLICY 21.3.1: *By the end of ~~2004~~ 2007, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee County to review and consider for amendment or adoption as regulations in the Land Development Code to provide for greater buffering*

between distinctly different adjacent commercial and residential properties, modified however when a project is of mixed use nature.

Caloosahatchee Shore Planning Community is currently going through an update of their community plan.

POLICY 21.4.3: *Any existing or future regulation in the Land Development Code that is shown by the applicant of a planned development to inhibit the development of a mixed-use project will be given strong consideration for a waiver. By the end of 2004 2007, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee County to review and consider for amendment or adoption as Land Development Code regulations that encourage mixed-use developments.*

Caloosahatchee Shore Planning Community is currently going through an update of their community plan.

OBJECTIVE 58.1: *Oversee sewer service delivery management through a joint effort between Lee County and the various private sector providers. Re-evaluate, ~~by 1999~~, as needed the effectiveness of this effort.*

Lee County is continuing to communicate and coordinate, as necessary with private sector providers. Lee County Utilities has viewed these efforts as a benefit for both the private sector and Lee County.

POLICY 58.1.1: *~~By 1995, Lee County will have~~ continue to collected data from private sanitary sewer providers, including reporting of sewage flows, holding and treatment capacity, number of customers, committed future connections, and proposed expansion plans. Thereafter, this data will be updated on a yearly basis.*

The data is being collected to update the annual Concurrency Report each year. This information is provided by the individual plant operators.

POLICY 59.1.1: *~~The County will continue to prepare and update and implement a the comprehensive county-wide surface water management master plan, with full attention to issues of regional water quality and environmental integrity. The County will complete basin plans for all of the remaining watersheds in Lee County by 2005. As each basin plan is completed, it will be scheduled for adoption by the Board of County Commissioners.~~*

The basin plans have been completed. Continuing efforts are being made to keep the plan updated.

POLICY 59.1.3: *~~By 1995~~ 2007, Lee County will update its flood plain regulations in accordance with the ~~1984~~ 2006 Flood Plain Management Study Insurance Rate Map (FIRM) and other available sources.*

The adoption of the new FIRM data will require a review of all ordinances and regulatory documents to update flood zone information to be completed by August, 2007.

~~**POLICY 60.1.1:** The detailed Surface Water Management Master Plan that was initiated in 1989 to identify the existing watershed basin boundaries within Lee County, to evaluate the storm capacity and establish design criteria, and to determine costs for surface water management within each basin to meet applicable design storm standards will be completed by 2005.~~

The Surface Water Management Master Plan has been completed.

~~**OBJECTIVE 60.2: BASIN PROGRAM.** Promote water management permitting on a basin-wide basis, as opposed to the current individual-site approach used by Lee County and the South Florida Water Management District, through pilot or demonstration programs in two or more basins by 1996.~~

Both the South Florida Water Management District and Lee County use the Lee County surface water master plan as a guide for reviewing development. Lee County, Natural Resources Division is supportive of reviewing development on a basin-wide analysis level.

~~**OBJECTIVE 60.3: LEVEL-OF-SERVICE STANDARDS.** Revise by 1996 the surface water management level of service standards for basins and sub-basins identified in the Surface Water Management Master Plan. These future service standards can only be finalized upon the completion of the basin studies and will be based upon providing a defined level of flood protection, balanced with the protection of natural flow ways and associated wetland systems. Level of Service Standards have been established for basins identified in the surface water master plan and are provided in the following policies. The Level of Service Standards will be updated as necessary based on new basin studies or more accurate information~~

The Level of Service Standards are established within the Lee Plan. Any changes to these standards would be based upon new information.

~~**POLICY 60.3.5:** By 1996, complete the preliminary design of storm water management systems for each basin identified in the Surface Water Management Master Plan and develop a capital facility improvement schedule.~~

This task has been completed and projects are included in the Capital Improvement Program.

~~**POLICY 61.1.3:** In the event that the timing and volume of freshwater discharges necessary to maintain the health and productivity of estuaries and other wetlands cannot be determined or supported by existing scientific data, the county will sponsor, in collaboration with other agencies, institutions, and organizations, adequate research programs to make such data available by 1995.~~

This is an ongoing effort for both Lee County and numerous outside agencies. Collaboration in the form of shared data is ongoing.

OBJECTIVE 62.2: SOLID WASTE DISPOSAL. ~~By 1995, begin~~ Continue operation of a waste to energy resource recovery facility and continue to explore means to reduce the volume of solid waste.

This plant is currently operating and will be expanded.

OBJECTIVE 64.2: MONITORING. ~~By 1996~~ 2009, establish a system to accurately assess the information needs of the various constituencies in the community.

The Lee County Library system views an assessment system as a vital public outreach tool. It is the Library system's intent to have a satisfaction assessment system in place by 2009.

POLICY 66.1.3: ~~By 1995, Lee County will continue to maintain and regularly update a school impact fee. staff will develop, in conjunction with economic consultants and the Board of Education, an impact fee program for capital costs for schools and present it to the Board of County Commissioners for formal consideration.~~

The Board of County Commissioners has adopted a School District Impact Fee on November 27, 2001 and amended in November 2005.

POLICY 68.1.1: ~~By 1995, Lee County will provide a~~ continue mechanism to educate and train small businesses in waste minimization and the proper storage, handling and disposal of hazardous materials through increased occupational license fees.

This is a continuing effort, started in 1990, of the Pollution Prevention program. The program targets all businesses. This education process is being met through on site assessments, presentations, and educational outreach efforts.

OBJECTIVE 76.3: ~~By 1995, + The county will establish a~~ continue to maintain a systematic approach to surveying users of park facilities and other residents of Lee County as to their needs, desires, preferences, and evaluations of park and recreation facilities and programs.

Lee County Park and Recreation currently surveys park users and Lee County residents to gain feedback on new park facilities and plans to continue such efforts. A county wide user survey was completed in 2006 for both programs and facilities. Every program offered by Lee County Parks is accompanied by a user survey and is administered by the program staff. All new facilities developed by Lee County Parks are done in the public form with public input.

POLICY 76.3.2: ~~The results of user and resident surveys will become~~ are an integral part of the planning process for park and recreation facilities and programs by 1996.

Lee County Parks and Recreation currently uses parks users and Lee County resident surveys to determine the benefit of and potential new programs and facilities. A county wide user survey was completed in 2006 for both programs and facilities. Every program offered by Lee County Parks is accompanied by a user survey and is administered by the program staff. All new facilities developed by Lee County Parks are done in the public form with public input.

POLICY 83.3.1: *The county will continue to research national or regional standards for pool development and make recommendations, as needed for adoption of a local, non-regulatory standard by 1995.*

Lee County, in conjunction with Florida Gulf Coast University has partnered in the creation of an aquatic center which accomplishes the intent of the policies. As these facilities are used for competition events, they meet with national and regional standards.

~~***POLICY 83.3.2:*** *The county will evaluate the need, feasibility, and economic benefit of developing a 50-meter pool and related aquatic center by 1995.*~~

Lee County, in conjunction with Florida Gulf Coast University has partnered in the creation of an aquatic center which accomplishes the intent of the policies. As these facilities are used for competition events, they meet with national and regional standards for 50 meter pools.

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

10. Providing ~~an annual~~ on an as needed basis a report to the County Commission on the status of wetlands and rare and unique uplands by 1996.

There are no changes proposed for other text within this Policy.

An annual report is excessive and in fact has not been undertaken by the County. Data on wetland impacts is available through the SFWMD and DEP. Providing a status on rare and unique uplands would be a major task to undertake, clearly not feasible on an annual basis.

~~***OBJECTIVE 108.1:*** *Establish baseline conditions in all estuarine systems, including pollutant and freshwater loadings by 2000, and m* Maintain an ongoing water quality monitoring program. Maintain communication with other local, state, and federal estuarine water quality studies to ensure that the latest data and recommendations are available.~~

Baseline conditions have been established. The effort has now shifted to maintaining the water quality monitoring program.

~~***OBJECTIVE 108.2: WATERSHED MANAGEMENT PLANS.*** *By 1996, establish procedures for reviewing* Review all new upland development in terms of its impacts on estuarine systems. Prepare estuarine watershed management plans which maximize stormwater retention and treatment, with priority to the Estero Bay watershed Lee County will work with the South Florida Water Management District to ensure new development will maximize stormwater retention and treatment.~~

Procedures have been established to review upland development. The South Florida Water Management District is going through basin Rule changes that will maximize the stormwater retention and treatment

POLICY 109.2.3: ~~By 1995, o~~ *On-site shelters will be required to meet standards established by the county, including provision of adequate shelter space, elevation above Category 3 hurricane storm surge flooding levels, adequate windproofing, glass protection, emergency power where needed, water supplies, and other basic needs.*

The Land Development Code has been amended and now addresses these issues.

OBJECTIVE 110.1: DEVELOPMENT REGULATIONS. ~~By 1995~~ 2007, *all development regulations will be reviewed and revised to require that the vulnerability of future development in the A-Zone (as defined by the Federal Emergency Management Agency) be reduced.*

The adoption of the new FIRM data will require a review of all ordinances and regulatory documents to update flood zone information to be completed by August, 2007.

POLICY 110.1.3: ~~By 1995, a~~ *All new residential development 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)*

The LDC has been amended and now addresses this issue.

POLICY 110.1.4: ~~By 1995, a~~ *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)*

The LDC has been amended and now addresses this issue.

POLICY 110.1.5: ~~By 1995, the county will prepare and adopt a flood plain management plan. The County will 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)~~

This has been completed and has been implemented.

OBJECTIVE 111.1: POST-DISASTER STRATEGIC PLAN. ~~By 1995, t~~ *The county will formally establish maintain a post-disaster institutions and procedures to guide county actions following a natural or technological disaster. (Amended by Ordinance No. 94-30, 00-22)*

The County has a post-disaster procedure. The Objective has been modified to ensure this document is maintained regularly.

OBJECTIVE 111.2: 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 disaster. ~~By 1995, t~~ The Recovery Task Force will recommend amendments as needed to the Post-Disaster Strategic Plan. (Amended by Ordinance No. 94-30, 00-22)*

The post disaster ordinance does exist. The Objective has been modified to ensure the ordinance accurately reflects the strategic plan and provides appropriate regulations that may be needed following a disaster.

POLICY 114.1.2: *The county's wetlands protection regulations will ~~be amended by 1995~~ to be consistent with the following:*

There are no changes proposed for other text within this Policy.

The Land Development Code has been amended to address this issue.

POLICY 114.1.3: *The Future Land Use Map shows the approximate boundaries of wetlands in Lee County. The map will be updated ~~by 2000,~~ as needed based on the definitions in this plan and new information. If the Future Land Use Map is incorrect due to a clear factual error, or if an exact boundary determination is desired, an administrative process is set out in Chapter XIII of this plan to establish the precise boundary of the wetland. (Amended by Ordinance No. 94-30)*

New wetland boundaries are regularly updated on the Future Land Use Map. The Policy has been amended to reflect this ongoing effort.

POLICY 121.1.5: *~~By 1996, t~~ The county will ~~establish an ongoing~~ maintain the monitoring system for estuarine water quality and its impacts on the health of recreationally and commercially important fish and shellfish. (Amended by Ordinance No. 00-22)*

The County currently has a monitoring system in place. The Policy has been amended to reflect this ongoing effort.

OBJECTIVE 124.3: MARINE SANITATION. *The county will provide for effective control of waste disposal by maintaining local marine sanitation regulations in the Land Development Code which complement the Florida Clean Vessel Act and by cooperating with the Southwest Florida Regional Harbor Board to develop regional guidelines for marine sanitation systems ~~by 2001.~~ (Amended by Ordinance No. 94-30, 98-09)*

The Land Development Code has been amended to address this issue.

POLICY 124.6.3: ~~By 1997, the county will, with recommendations from an advisory committee, affected elements of county government and other affected persons, further develop and implement a Matanzas Harbor Management Plan. The scope of this plan will include the designation of a managed mooring area; the regulation of trash and wastewater disposal; and establishment of a research facility designed to meet the needs of marine environmental sciences, marine education, marine research and study of the estuarine and intertidal environment of waters unique to Lee County, specifically, Estero Bay, Ostego Bay and Hurricane Bay. This plan will provide mechanisms and standards for the strict enforcement of health, safety and welfare regulations throughout the Estero Bay and Matanzas Harbor area, regulations for the protection of marine resources; and the initiation and operation of a marine research/educational facility that would provide public access as determined by a final master plan. 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. (Amended by Ordinance No. 00-22)~~

The plan is complete and the area now falls under the jurisdiction of the Town of Fort Myers Beach. Lee County continues to offer technical assistance toward the goal of maximizing the health of the Estero Bay, Ostego Bay, and Hurricane Bay.

OBJECTIVE 127.1: ARTIFICIAL REEF PROGRAM. ~~The county will continue its artificial reef program for increasing fisheries habitat in coordination with—the Department of Environmental Protection and appropriate organizations. (Amended by Ordinance No. 00-22)~~

The deleted text does not change the intent of the Objective, it has been proposed to show Lee County's desire to work with any appropriate organization.

POLICY 127.1.1: ~~By 1994, the Board of County Commissioners will create an artificial reef and habitat enhancement advisory committee composed of representatives from the commercial fishing industry, recreational fishing clubs, scuba diving organizations, environmental and conservation groups, and government agencies with an interest in fisheries or environmental matters. (Amended by Ordinance No. 00-22)~~

This Policy has been completed. The advisory committee has been formed and has been integrated into the "Reef Plan".

OBJECTIVE 143.4: PUBLICLY OWNED SITES. *Lee County will continue to preserve and protect the historic and archaeological resources owned, acquired, or disposed of by Lee County by designating them under the Lee County Historic Preservation Ordinance if feasible. ~~By 1999, Lee County will develop a~~ continue the program to preserve and protect those historic and archaeological resources owned, acquired or disposed of by Lee County which do not qualify for designation under the Lee County Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)*

Lee County has developed a program to preserve and protect historic and archaeological resources within Lee County that do not qualify for the Lee County Historic Preservation Ordinance

POLICY 151.3.1: *~~By 1995, enter into interlocal agreements between Lee County DOT will continue open communications with~~ and the various water and wastewater utility companies to establish a process to coordinate expected utility construction projects with programmed roadway maintenance and capital projects. (Added by Ordinance No. 94-30)*

Lee County Department of Transportation has an effective process in place to coordinate construction projects with the various utility providers.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Evaluation and Appraisal Report identified the need to revise the County's population projection and adjusting the Plan's planning horizon to the year 2030.
- The horizon year for the Lee Plan is being moved from 2020 to 2030.
- Subsequent data sets reference by the Lee Plan are utilizing projections to the year 2030.

C. BACKGROUND INFORMATION

There are several references to the horizon year of 2020 within the Lee Plan. The references associated to the horizon year vary from projected population counts to anticipated levels of development.

This comprehensive plan amendment is not intended to change any dates that are associated with a "sunset" or a dead-line that have not already passed.

The staff report is broken into several different sections, each section is identified with a brief descriptor explaining the purpose for the section. The first section presents the Vision Statement for Lee County, located in Element I of the Lee Plan. The changes proposed in this section pertain to the change of the horizon year from 2020 to 2030. It is not the purpose of any of the proposed text changes to alter the intent of the Vision Statements. The second section changed the horizon year for the Goals, Objectives, and Policies of the Lee Plan. The third section would have changed text from Objectives or Policies that predate the horizon year and represent dead-lines that have passed or activities that have been achieved. These policies no longer serve a valid purpose and are been marked for deletion or to be rewritten.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Staff has reviewed the Lee Plan to identify Goals, Objectives, Policies, or Standards that were sensitive to the horizon date (2020) of the Lee Plan. The changes that were done, to update the Lee Plan to the 2030 horizon date did not change the intent of any of the Goals, Objectives, or Policies, the sole purpose was to make those specific changes to accurately reference new data based on a 2030 projection year.

Additional changes have been made to remove dead-lines that have passed or Policies that refer to actions that have been accomplished.

It is not the purpose of this Lee Plan Text Amendment to change the intent of any Goals, Objectives, or Policies, however in the process of updating the Lee Plan it was necessary, in a few specific cases, to re-write sections of or the entire Objective or Policy as the actions required were completed.

B. CONCLUSIONS

The proposed text amendment is a required action to keep the Lee Plan updated with more accurate or current information.

C. STAFF RECOMMENDATION

Staff recommends the Board of County Commissioners transmit the proposed amendment to update text that references the 2020 planning horizon to the new planning horizon date of 2030. Additionally, to delete any text that is date sensitive and the time frame has passed or the intent of the text amendment has been met.

**PART III - LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

PUBLIC HEARING DATE. November 27, 2006

- A. LOCAL PLANNING AGENCY REVIEW:** Staff explained the purpose of the amendment as updating the Lee Plan to reflect the new horizon year of 2030 and to delete or re-write, as necessary any text that is date sensitive and time frame has passed or the intent of the text has been satisfied. Staff's discussion centered on a review of the staff report and recommendations.

There were no comments provided by LPA members.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit the proposal to amend the Lee Plan to change the references from 2020 to 2030 and update the Vision Statements to 2030.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	AYE
DEREK BURR	AYE
RONALD INGE	AYE
RAYMOND SCHUMANN, ESQ	AYE
CARLETON RYFFELL	ABSENT
RAE ANN WESSEL	AYE
VACANT	

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: December 13, 2006

A. BOARD REVIEW: The Board of County Commissioners provided no discussion concerning the proposed plan amendment. This item was approved on the consent agenda

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION: The Board of County Commissioners voted to transmit the proposed plan amendment.

2. BASIS AND RECOMMENDED FINDINGS OF FACT: The Board of County Commissioners accepted the findings of fact advanced by staff and the LPA.

C. VOTE:

A. BRIAN BIGELOW	<u>AYE</u>
TAMMARA HALL	<u>AYE</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
FRANKLIN B. MANN	<u>AYE</u>
	<u> </u>

**PART V – DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT:

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

B. STAFF RESPONSE:

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING:

D. BOARD REVIEW:

E. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

F. VOTE:

**A. BRIAN BIGELOW
TAMMARA HALL
BOB JANES
RAY JUDAH
FRANKLIN B. MANN**

CPA2005-25
AMENDING THE HORIZON YEAR
BoCC SPONSORED
AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Public Hearing Document
for the
December 13th, 2006 Public Hearing

Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 479-8585

December 1, 2006

LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2005-25



Text Amendment



Map Amendment

This Document Contains the Following Reviews:	
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: November 16, 2006

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

- 2. REQUEST:** Amend the Lee Plan to change the references from 2020 to 2030 and update the Vision Statements to 2030.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners transmit the proposed amendment to update text that references the 2020 planning horizon to the new planning horizon date of 2030. Additionally, to delete any text that is date sensitive and the time frame has passed or the intent of the text has been satisfied.

From Chapter I of the Lee Plan
Element I - Vision Statement

The Lee Plan is designed to depict Lee County as it will appear in the year ~~2020~~ 2030. Given the projected increase in population (to ~~602,000~~ 979,000 permanent residents with an additional 18 % ~~and 764,171~~ seasonal residents) and the probable rate of technological change between the present date and ~~2020~~ 2030, it is impossible to describe the future face of the county with any degree of certainty or precision. However, the following list of themes will be of great importance as Lee County approaches the planning horizon:

- The growth patterns of the county will continue to be dictated by a Future Land Use map that will not change dramatically during the time frame of this plan. With the exception of Cape Coral and Lehigh Acres, the county's urban areas will be essentially built out by ~~2020~~ 2030 (pending, in some cases, redevelopment). The county will attempt to maintain the clear distinction between urban and rural areas that characterizes this plan. Its success will depend on two things: the continuing viability of agricultural uses and the amount of publicly-owned land in outlying areas.*

There are no changes proposed for the remaining section.

The horizon year is being changed to 2030 and the projected population is being updated based on the latest Bureau of Economic and Business Research (BEBR) projections.

1. Alva –

There are no changes proposed for the first paragraph.

While the Alva community does offer some commercial opportunities, residents satisfy most of their commercial needs outside of this community in the more urbanized communities to the west and south. For the most part, these conditions are expected to remain through the life of this plan. The population of Alva is projected to continue to grow through the life of this plan. ~~from an estimated 4,260 in 1996 to 4,818 in 2020.~~ Commercially, ~~Alva will~~ activity is expected to continue to increase to the year 2030 ~~double its available square footage to nearly 150,000sf. In the year 2020, the~~ The Alva community will remain largely rural/agricultural in nature with over half of its total acreage being used for this purpose. The Alva Community will also strive to protect its historic resources.

There are no distinct sub-communities within the Alva Community.

The horizon year is being changed to 2030 and the old population projections are being deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

2. *Gasparilla Island/Boca Grande* –

There are no changes proposed for the first four paragraphs

The population is highly seasonal with peak population residency and daily visiting occurring during the months of November through May. With land vacancy of less than 15%, Gasparilla Island/Boca Grande has virtually no capacity for additional new development, while substantial population growth is expected in adjacent areas of Charlotte and Sarasota Counties. The Gasparilla Island/Boca Grande community is dedicated to preserving its historic character and scale and its unique island residential character so that the community will look substantially ~~the same in 2020~~ as it does today through 2030, including its unique mix of vital small businesses, without fast food franchises, formula and intense retail or intense commercial tourist activities, other than the historic Gasparilla Inn.

There are no changes proposed for the remaining paragraphs.

The reference to the year 2020, the old Lee Plan horizon has been removed and a reference to the new horizon year has been added.

3. *Bonita* –

There are no changes proposed for the first paragraph.

Bonita Springs is one of the fastest growing communities in Lee County and is expected to nearly double in population between 1996 and 2020 2030 ~~with an expected 2020 permanent population of approximately 37,000~~. The Bonita Community will also remain an attractive seasonal homeowner destination ~~and has an anticipated Seasonal Population of 61,000 in the year 2020~~. ~~This community will have only 20% of its total land area remaining vacant or in agricultural use in the year 2020.~~

There are no changes proposed for the remaining paragraphs.

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

5. ***Burnt Store** - This Community is located in the northwest corner of the mainland of unincorporated Lee County. The property east of Burnt Store Road is designated Open Lands and the land west of Burnt Store Road is designated as Rural (also known as Burnt Store Marina) with the exception of 10 acres designated as Outlying Suburban. Most of The Burnt Store Marina development was approved prior to the adoption of the 1984 Lee Plan and is "vested" for densities higher than allowed by the current plan. This development is primarily residential with a high percentage of seasonal residents. There are some commercial and marine oriented amenities within the Burnt Store Marina development primarily serving residents of that development. This area is expected to*

~~substantially grow through the year 2030. double its dwelling units during the life of this plan from 917 in 1996 to over 2000 in 2020.~~ Today, most of the community's commercial needs are served outside of the community in Cape Coral, North Fort Myers and Fort Myers, or in Charlotte County. This development pattern is expected to remain through 2020.

The reference to the year 2020, the old Lee Plan horizon has been removed and a reference to the new horizon year has been added. Text referencing projected dwelling units has been deleted. Population projections necessary to project future dwelling units have not been completed.

6. **Cape Coral** - *The Cape Coral Community includes all the unincorporated enclaves with the exception of the few enclaves located on Pine Island Road West of Chiquita Boulevard. These enclaves may annex into the city and it may be advantageous at that time to amend the Community Map and the corresponding allocation tables to reflect such annexations. While commercial and industrial opportunities of all varieties exist in the City of Cape Coral, many of the residents still satisfy ~~these~~ their needs outside of the city. Likewise, many residents of less intense areas of the county will utilize Cape Coral's commercial and industrial opportunities for their needs. ~~Cape Coral will have a functional population of approximately 225,000 people by 2020 and will be, by far, the county's largest city.~~ Development in the Cape will be stimulated by the expansion of the airport, the construction of the new university, and the availability of reasonably-priced lots with public water and sewer. The imbalance between the city's population and its relatively small commercial and industrial sectors will continue to present a challenge in spite of the city's success in promoting the S.R. 78 corridor as an employment center.*

Text referencing the horizon year and the outdated population projections has been deleted.

7. **Captiva** - *This community includes the major islands of Captiva Island, Upper Captiva Island, Cayo Casta Island, Useppa Island, Buck Key, and Cabbage Key and the surrounding smaller islands. Although Captiva itself is a seasonal resort community, in comparison to the other islands in this community it is the center of activity. Due to the nature of this community, residents must satisfy their major commercial and industrial needs outside of this community. Conversely, the commercial aspects of the Captiva Community are utilized by many residents and tourists from outside of the Community. The population of Captiva is not expected to greatly change by ~~2020~~ 2030. Furthermore, the area will look much as it does today in the absence of a major hurricane or other natural disaster.*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

8. **Fort Myers** - *The Fort Myers Community includes all land within the City of Fort Myers along with most areas included in the repealed Fort Myers Urban Reserve and the portions of Gateway which are in the process of annexing or expected to annex into the City of Fort Myers. The City of Fort Myers is annexing land in an aggressive manner, especially in the vicinity of Gateway. An urban reserve overlay for the City of Fort Myers is no longer in effect. Due to cessation of the inter-local with the City of Fort*

Myers, this planning tool was deleted from the Lee Plan in the 1992/1993 amendment cycle. The Morse Shores/Tice area is unlikely to annex into the City of Fort Myers and is not included in this community even though it was previously in the Fort Myers Urban Reserve. While the emphasis of new commercial and industrial activity in Lee County has been moving south along US 41, The community of Fort Myers remains an administrative, financial, and cultural center for the rest of Lee County. This situation is not expected to change during the life of this plan. ~~The population of the Fort Myers community will also grow from the current 57,000 permanent residents in 1996 to over 86,000 permanent residents in 2020. The seasonal influx of residents in the Fort Myers community is not as great as in other areas of the county. In 2020 the Fort Myers community will have a functional population of approximately 94,000.~~

Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

- 9. **Fort Myers Beach** - This community includes all land incorporated in the Town of Fort Myers Beach as of this date. The town of Fort Myers beach will continue to have a strong retail base for tourist needs and the daily needs of the residents. However, major consumer needs will remain to be met outside of this community. Fort Myers Beach does a boating and marina industry on the island which fosters the employment base of the community. The development of its own comprehensive plan ensures that the Town of Fort Myers Beach will look much as it does today in the absence of a major hurricane or other natural disaster. The population of this community is very influenced by seasonal factors. This community is nearly built out today and will not have a substantial increase in permanent population by the year ~~2020~~ 2030.*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

10. Gateway/Airport -

There are no changes proposed for the first paragraph.

There are three distinct areas within this community. The Gateway portion of this community is the area where residential uses will occur. Gateway will be a thriving, nearly built-out, mixed-use community in 2020. The population of this community is anticipated to grow substantially from today to 2030. ~~from 1,500 permanent residents in 1996 to approximately 8,000 in 2020 and is expected to have fewer than 1,000 units remaining to be built in the year 2020. The Gateway/Airport community will continue to have an average seasonal resident influx for the Lee County area with an expected 2020 functional population of 10,000.~~

The second area in this community is the Southwest Florida International Airport. The airport will be greatly expanded by ~~2020~~ 2030. The expanded airport will have a second parallel runway and a new terminal building that will more than double the existing capacity of the airport. Development will be guided by the Airport Layout Plan (as established through the airport master plan process) consistent with the Southwest

Florida International Airport Proposed Development Schedule (Table 5) and all other Lee Plan provisions.

There are no changes proposed for the remaining paragraphs.

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

11. Daniels Parkway - *This Community is located between I-75 and the Six Mile Cypress Slough, south of the City of Fort Myers and north of the Alico Road industrial area. The community contains lands designated Rural, Outlying Suburban, and a small area of General Interchange. This community is considered one of the primary gateways to Lee County. This community has some rural characteristics which will remain in existence through the year ~~2020~~ 2030. Much of the existing vacant land will be developed into low density gated communities. While there is a potential to ~~redevelopment~~ redevelop the large lot home sites north of Daniels Parkway into the smaller lots allowed by the Outlying Suburban category, this development pattern is not anticipated by 2020 2030. This community will grow through 2030 from 6,000 to 7,500 permanent residents and over 10,000 total residents by 2020.*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

12. Iona/McGregor -

There are no changes proposed for the first paragraph.

The McGregor Blvd./San Carlos Blvd area will be approaching build out by ~~2020~~ 2030 and some of the older (pre 1980) developments will begin to redevelop to take advantage of a higher end market seeking a combination of quick beach access and closeness to urban services. This area will remain primarily residential with retail uses located at the major intersections.

The Summerlin Road Corridor will develop a new look by ~~2020~~ 2030 and will emerge as one of the county's primary medical service areas. This portion of the community will also continue to develop as a strong residential area with an influx of new gated communities.

There are no changes proposed for the fourth paragraph.

Residents of this community will address current planning concerns in a comprehensive review of this area and future amendments to this plan will be made to address these concerns. This area is anticipated to grow substantially from today to 2030. ~~from a current permanent population of 24,000 to 32,000 by 2020. The Iona/McGregor area is also expected to be home to an additional 14,000 seasonal residents by 2020.~~

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

13. San Carlos - *This Community is located in the southern portion of Lee County, east of Hendry Creek and, for the most part, south of Alico Road. It is north of the Estero River on the west side of US 41 then north of the new Brooks of Bonita development east of US41. The community does extend east of I-75 to include the approved developments along Corkscrew Road and all lands designated University Community. The majority of the land in this community is designated as Suburban and then Urban Community (both having a maximum standard density of 6 units per acre) with the remaining areas designated as Rural, Outlying Suburban, and Industrial Development. There are ~~four~~ three distinct areas within this community: San Carlos Park, Island Park, ~~Estero~~, and the new university area. All of these areas will be experiencing tremendous development pressures as this community ~~explodes~~ continues to grow into the next century.*

There are no changes proposed for the second paragraph.

~~The historic Estero area will struggle to maintain its historic character through the year 2020 and will feel many development pressures which will threaten this character.~~

~~Overall, this community, which has been a fast growing area of Lee County since 1980, will add more than 15,000 new permanent residents and accommodate a total functional population of nearly 50,000 people by the year 2020~~

Corrections have been made to reflect changes in the Lee Plan. The Estero Planning Community (Goal 19) was created in 2005. The vision statement is being amended to reflect Estero is not included as part of the San Carlos Planning Community. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

15. South Fort Myers - *This Community is located in the center of Lee County. South of the City of Fort Myers, east of the Caloosahatchee River, west of the Six Mile Cypress Slough, and north of Gladiolus Drive. This community primarily has the higher intensity land use categories such as Intensive Development, Central Urban, Urban Community, Industrial Development, and Suburban. This community contains one of the county's major hospitals, a baseball spring training facility, and the local community college. This community will be nearly built out by the year 2020. The South Fort Myers Community will continue to be a core area of the county providing office area for professional services in areas such as financial and medical. There will also be an increased amount of commercial activity along the US 41 corridor and light industrial uses will continue to expand along the Metro Avenue corridor north of Daniels Parkway. The amounts of commercial and industrial uses in this community are expected to double and most of the suitable land for these uses will be developed by ~~2020~~ 2030.*

The residential areas of this community will also continue to develop through the year ~~2020~~ 2030 however the popularity of the residential opportunities to the south in the San Carlos/Estero and Bonita communities will continue to dominate this segment of the

~~market. This community will grow from a 1996 permanent population of 46,000 to approximately 52,000 in 2020. In 2020, this community will still be 4,000 permanent residents from its build out population. While this community is not as heavily influenced by the seasonal population as the communities to the south, in season, South Fort Myers is expected to have a population of over 60,000 in the year 2020.~~

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

17. Lehigh Acres - This community is the Lehigh Acres development, which was platted starting in 1954. This community is located south of Township 43 South, generally north of SR 82, and east of Buckingham Road/the Buckingham Rural Community Preserve to the eastern Lee County line. This community is designated as Urban Community, Central Urban, Industrial Development and Public Facilities. The Lehigh Community will continue to grow ~~through the year 2020~~ at a rate faster than the county average growth rate. This community, however, will not be close to build out by ~~2020~~ 2030. ~~The Lehigh community will grow from a 1996 permanent population of 26,000 to over 71,000 permanent residents in the year 2020. The build out potential for the Lehigh Community is more than double the projected 2020 population.~~ Lehigh will continue to struggle with providing sufficient non-residential uses to accommodate a community of its size. New provisions for providing these uses has been implemented and will aid in this problem, however, residents will continue to commute from this community to the core communities such as Fort Myers, South Fort Myers, and Gateway/Airport for employment, shopping and other services. This community will also struggle with providing an adequate road network to reduce traffic congestion as the population grows.

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

18. Southeast Lee County - As the name implies, this Community is located in the southeast area of Lee County. South of SR 82, north of Bonita Beach Road, east of I-75 (excluding areas in the San Carlos Park/Island Park/Estero Corkscrew Road and Gateway/Southwest Florida International Airport Communities) and west of the county line. With the exception of a few Public Facilities, the entire community is designated as Density Reduction/Groundwater Resource, Conservation Lands (both upland and wetlands), and Wetlands on the Future Land Use Map. This "community" consists of mining operations, agricultural uses, and very large lot residential home sites. The one exception is the Citrus Park Community. This community ~~will not change in character by the year 2020 is not expected to change in character through the year 2030, and will continue to have a population of approximately 2000 residents.~~

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

19. North Fort Myers - This Community is located north of the Caloosahatchee River between the Alva Planning Community and the City of Cape Coral. This community includes a wide mix of Future Land Use designations from Intensive Development to Density Reduction/Groundwater Resource. The area between the two US 41 routes near the river will remain the core of this community. The old US 41 corridor will be redeveloped with new commercial uses and waterfront development taking advantage of this areas close proximity to downtown Fort Myers and its riverfront location. The US 41 corridor from Pondella Road north will continue to attract new commercial development that will serve the North Fort Myers community and other surrounding communities. Total commercial, service, and industrial uses will have doubled from the amount existing in 1996. These areas are surrounded by residential uses. ~~Most of the North Fort Myers community will develop at residential densities less than what is allowed by the Lee Plan Future Land Use Map. Furthermore, much of this community is designated for low density development of less than one unit per acre. This community will not be one of the fastest growing areas, residentially, in Lee County. This area will add fewer than 3,000 new residents by the year 2020. However, with a total permanent population of over 50,000 residents and nearly 65,000 residents in season, the North Fort Myers community will be the fourth largest community, in population, in the year 2020. As stated in the Alva community, the Bayshore area does have characteristics differing from both the Alva and North Fort Myers community. The split in the Bayshore area between Alva and North Fort Myers was done to include properties which were most closely related to those respective communities.~~

Corrections have been made to reflect changes that have taken place in the planning community. References to the year 2020, the old Lee Plan horizon have been removed. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

In addition to the Vision Statement, Element I there are several Objectives and Policies that refer to the horizon year of 2020 for the Lee Plan that will need to be changed to the new horizon year of 2030.

POLICY 1.1.1: *The Future Land Use Map contained in this element is hereby adopted as the pattern for future development and substantial redevelopment within the unincorporated portion of Lee County. Map 16 and Table 1(b) are an integral part of the Future Land Use Map series (see Policies 1.7.6 and 2.2.2). They depict the extent of development through the year ~~2020~~ 2030. No development orders or extensions to development orders will be issued or approved by Lee County which would allow the Planning Community's acreage totals for residential, commercial or industrial uses established in Table 1(b) to be exceeded (see Policy 1.7.6). The cities of Fort Myers, Cape Coral, and Sanibel are depicted on these maps only to indicate the approximate intensities of development permitted under the comprehensive plans of those cities. Residential densities are described in the following policies and summarized in Table 1(a).*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

OBJECTIVE 1.2: SOUTHWEST FLORIDA INTERNATIONAL AIRPORT AREA. *Designate on the Future Land Use Map adequate land in appropriate locations to accommodate the projected growth needs of the Southwest Florida International Airport and the business and industrial areas related to it, as well as research and development activities and other non-aviation related development that is not necessarily related to the airport, through the year ~~2020-2030~~. The Lee County Port Authority desires to establish non-aviation related uses to provide a supplementary revenue source as well as providing an opportunity for businesses that desire a location on airport property. Designate on the Airport Layout Plan suitable areas to accommodate these desired uses and provide general policy guidance as to how these uses will be developed. These categories are also considered Future Urban Areas.*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

POLICY 1.2.1: *Airport lands include the Southwest Florida International Airport's existing facility and projected growth areas through the year ~~2020~~ 2030. These areas will include airport and airport-related development as well as non-aviation land uses as proposed in the approved 2003 Airport Master Plan update and as depicted on the Airport Layout Plan sheet (Map 3F) and the Southwest Florida International Airport Proposed Development Schedule (Table 5). This mix of uses is intended to support the continued development of the Southwest Florida International Airport. Future development at the Southwest Florida International Airport will also include non-aviation related land uses such as hotels/motels, light industrial, service stations, ancillary retail/shopping, and office development. Any future airport expansion or development of aviation-related and non-aviation uses will offset environmental impacts through the Airport Mitigation Lands Overlay (Map 3M) or other appropriate mitigation acceptable to the permitting agencies and to Lee County. The physical design of the*

airport expansion will minimize any degradation of the recharge capability of land being developed. Airport expansion beyond the present boundaries will be subject to necessary amendments to the Lee Plan.

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

POLICY 1.4.1: The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre).

~~The property consisting of Sections 1, 2, and 3, Township 48 South, Range 26 East must be developed only in accordance with the following standards:~~

- ~~1. The Property may be developed only in accordance with the following conditions. Pre-development activities such as rezonings, zoning permits, certifications, special exceptions, and variances must be consistent with the following conditions, but need not implement them until application is made for a development order that would authorize physical, on-the-ground development on the Property.~~
 - ~~a) The Property, or any part of it, will only be developed as a Planned Development, as defined by Chapter XII of the Lee County Comprehensive Plan. Should development occur in a series of increments by different developers, each development must receive planned development approval. Residential development will be clustered in order to maximize opportunities to provide open spaces and natural areas. A maximum of five acres of the property will be reserved for commercial uses of the type which serve neighborhood needs. Commercial development may be aggregated on any portion of the Property. Clustering will be achieved by requiring homesites to be platted or designed in contiguous groups, adjacent to open spaces. Clustering of residential development will also be achieved by limiting the areas on the Property available for residential homesites in the following fashion.~~
 - ~~(1) Residential development. Single and/or multiple family homesite acreage may account for no more than 45% of the gross area of the Property. Homesite acreage includes the entire site for all single family houses, multi-family dwellings, and any other residential structure, including the house or building pad, the yard, and any driveway, parking areas, landscaped areas, and the like upon the homesite.~~
 - ~~(2) Open Spaces. These areas will include preserved natural areas, buffers, lakes, parks, golf courses, nature trails, retention areas, conservation areas, scenic resources, green belts, wetlands and associated areas and must account for a minimum of 40% of the Property. Golf course fairways will account for no more than fifty percent (50%) of the open space of the subject property.~~

- ~~(3) Non-residential Development. These areas will include vehicular and pedestrian ways, commercial and institutional areas, club houses and associated facilities, utility buildings, maintenance areas, tennis courts and associated non-residential uses and will be a maximum of 15% of the Property.~~
- ~~b) All naturally occurring wetlands, which have not been significantly degraded, must be designated as preserve areas and be subject to a conservation easement similar to that set forth in Section 704.06, Florida Statutes. Limited uses in preserve areas such as nature trails, bike paths, eart paths, boardwalks and the like will be allowed when permitted by appropriate State and Federal agencies. The use of wetland areas for water management, to the extent allowed by law, will not be precluded. Wetland areas being used as water management areas on the Property may be relocated if (1) all approvals are obtained form appropriate State and Federal agencies and (2) where the affected wetland functions are replaced on the Property.~~
- ~~e) Where feasible, open space areas will be designed so as to provide connections between wetlands, preserve areas, and buffers on the Property. The design of these open space areas will seek to provide areas which will be integrated with on-site and adjacent preserve properties so as to enhance habitat for small mammals and wading birds. Golf courses, when constructed and maintained in compliance with this paragraph will be considered to be functional open space to the extent set forth above.~~
- ~~d) The design of the functional open space area must incorporate the following design features:~~
- ~~(1) A surface water management system that mimies the functions of the natural system, in accordance with Objective 61.2 of the Lee Plan:~~
- ~~(2) For those areas that drain to the Imperial River Basin, a surface water management system that is consistent with the Kehl Canal/Imperial River basin study prepared for the SFWMD, and adopted by the BOCC pursuant to Policy 60.3.2 of the Lee Plan:~~
- ~~(3) Uses including, but not limited to, picnic areas, trails, benches, boardwalks, golf courses, water management systems, biking/jogging/equestrian trails vita courses, bird viewing blinds/tower and interpretative facilities will be permitted within functional open areas:~~
- ~~(4) The open space areas must be replanted with vegetation after construction. Seventy five percent of the total number of required trees used in buffers, and landscaping must be indigenous, and fifty percent of the shrubs must be indigenous:~~
- ~~(5) Plant material used for revegetation must conform to the standards for Florida Number 1, or better as given in Grades and Standards for Nursery Plants 1973, and Grades and Standards for Nursery Plants, Part II, Florida Department of Agriculture and Consumer Services Tallahassee:~~

~~(6) Australian pine, cajeput, Brazilian pepper, downy rose myrtle, Cuban laurel, melaleuca, bishopwood, castor bean, common papaya, common snakeplant, day jessamine, hunters robe, queensland umbrella tree, trailing wedelia may not be used as part of the revegetation of the property after development. Any such plants that exist on the site at the time of the issuance of a development order must be removed; and~~

~~(7) The vegetation that surrounds, or is within the open space areas should have the capacity to provide habitat for a diversity of wildlife.~~

~~e) Development must provide a buffer to protect adjacent natural areas from the impacts of development. The purpose of the buffer is to protect adjacent natural resources from the activities and impacts of development on the Property.~~

~~(1) All development must incorporate buffers, as follows, in three zones:~~

~~Zone 1 will be a minimum of 100 feet wide and will extend completely along all portions of the eastern and southern boundary of the Property. These are the areas of the Property which are adjacent to the Collier County Line. The buffer will consist of selected native upland forest plant species such as south Florida slash pine, live oak, laurel oak, and saw palmetto. Selected species will be tolerant of drought conditions, and will not require fertilizers and pesticides to promote growth and survival. Exotic plant species will be controlled by the periodic application of herbicides and mechanical removal. Wetland forest species will be used in situations where wetland functions remain on the property and where soil and moisture conditions are suitable.~~

~~Zone 1 will incorporate the existing water management reservoirs which are located along the southern boundaries of Sections 1 and 2. These reservoirs will not require additional buffering. There will be no structures erected in Zone 1, however, passive recreation such as hiking, bird watching, and nature study will be permitted. Construction of lakes in Zone 1 will be allowed. Existing berms and ditches will be allowed to remain in Zone 1.~~

~~Zone 2 will be adjacent to Zone 1 and will encompass an area that is at least 50 feet wide. This area will be free of lights and other structures such as fences, pools, and sheds. The permanent placement of generators, pumps, and other fixed motors will be prohibited. Homesites may extend into Zone 2, but no portion of the residence itself may extend into this zone. If residential lots are incorporated into this zone, those portions of yard acreage will be planted and maintained in a fashion similar to that proposed for Buffer Zone 1. Passive recreation such as hiking, jogging, biking, and walking will be allowed along designated trails and boardwalk system. Golf courses and lakes may extend into this zone, but may not incorporate lights or structures other than drainage structures and cart paths. All golf course acreage in Zone 2 will be free of lights and structures, and the use of golf carts will be permitted. If water, sewer, or electrical lines are placed in Zone 2 they must be buried.~~

~~Zone 3 will be parallel Zone 2 and will consist of residences and other infrastructure development in a 100 foot wide band. Exterior lighting in this zone may not project toward adjacent preserve land. Measures such as directional lighting, reduced height light supports, and other light abatement technology will be used.~~

~~The buffer zones will not preclude governmental entities from constructing public roadways that are currently depicted on the Lee County 2020 Traffic Circulation Plan Map through these zones, as long as other State and Federal permits are obtained.~~

~~f) The Property must be served with all necessary facilities and services at no expense to the County (including central water and sewer). Uniform Community Development Districts any special taxing districts may be utilized to achieve this standard. The Property is presently within the Lee County Privately Funded Infrastructure Overlay (PFIO). This Overlay requires that all development within these areas pay for the construction and extension of public services to all properties that seek to develop to a different land use. Should at the time when the Property begins to develop, the PFIO no longer applies to this area, all development will still be required to pay for its infrastructure costs. All development must comply with the Lee County Concurrency Management Plan. The owners of the property and their successors in interest must not withdraw from or opt out of the PFIO.~~

~~g) Development must be on central water and sewer or the extension of such and other utilities must be planned to coincide with the development of the Property. Bonita Beach Road improvements must have been extended east to the planned development, or its extension must be committed to occur in pace with the planned development.~~

~~h) The shorelines of any stormwater management lakes must be sinuous in configuration, and must be sloped or bermed. The littoral zones around the ponds must be planted with native wetland herbaceous plants, and trees or shrubs can be included within the herbaceous plants. At least four species must be planted. The minimum required number of plants will be one plant per linear foot of lake shoreline as measured at the control elevation water level. The littoral shelf should provide a feeding area for water dependent avian species.~~

~~i) The owners will employ management strategies in and around any golf course to address the potential for pesticide/chemical pollution of the groundwater and surface water receiving areas. The owners will comply with the goals of the Audubon Cooperative Sanctuary Program for Golf Courses. The management practices will include:~~

~~(1) The use of slow release fertilizers and/or carefully managed fertilizer applications which are timed to ensure maximum root uptake and minimal surface water runoff or leaching to the groundwater;~~

~~(2) The practice of integrated pest management when seeking to control various pests, such as weeds, insects, and nematodes. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified~~

~~targeted species. The regular widespread application of broad spectrum pesticides is not acceptable. The management program will minimize, to the extent possible, the use of pesticides, and will include the use of the USDA SCS Soil Pesticide Interaction Guide to select pesticides for uses that have a minimum potential for leaching or loss due to runoff depending of the site specific soil conditions. Application of pesticides within 25 feet of any CREW, or other adjacent public preserve lands, is prohibited.~~

~~(3) The coordination of the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients;~~

~~(4) The utilization of a golf course manager who is licensed by the State to use restricted pesticides and who will perform the required management functions. The golf course manager will be responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater; and~~

~~(5) The storage, mixing and loading of fertilizer and pesticides will be designed to prevent/minimize the pollution of the natural environment.~~

~~j) In order to minimize the adverse impacts that construction may have on wildlife, natural environmental values, and water quality, the developer will institute appropriate measures such as full compaction of any fill material placed around newly installed structures.~~

~~k) Any future individual development on the Property will be subject to Development of Regional Impact (DRI) review once it reaches the 80% threshold, i.e., at 800 units such development will be presumed to be a DRI. If two or more individual projects will be developed on the Property, this 80% threshold will be applicable to each, and not applied in a cumulative fashion unless subject to the aggregation criteria in Rule 9J-2, Fla. Admin. Code.~~

All of the property described in the text proposed for deletion has been annexed into The City Of Bonita Springs. Lee County has no jurisdiction and/or permitting authority over these lands.

GOAL 5: RESIDENTIAL LAND USES. *To provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the projected population of Lee County in the year ~~2020~~ 2030 in attractive and safe neighborhoods with a variety of price ranges and housing types.*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

POLICY 36.2.1: *The Official Trafficways Map is intended to represent all roadway facilities that may be needed by buildout of Lee County at some unspecified point in the future. As such, it contains numerous corridors which will not be needed by the year 2020 2030 and are therefore not shown on Transportation Map 3A.*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

Glossary

SOUTHWEST FLORIDA INTERNATIONAL AIRPORT PROPOSED DEVELOPMENT SCHEDULE (TABLE 5) - *This Table depicts the proposed development schedule for the Southwest Florida International Airport through the year 2020-2030.*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

Some of the Objectives or Policies predate the horizon year and represent dead-lines that have passed or activities that have been achieved. These policies no longer serve a valid purpose and are been marked for deletion or to be rewritten.

~~***POLICY 2.6.3:*** *Amend the county's development regulations by 1994 to provide additional flexibility for redevelopment activities within CRAs.*~~

County no longer has any active CRA's, in addition the Board of County Commissioners does not need this Policy to propose revisions to the Land Development Code to address future provisions concerning redevelopment areas.

~~***POLICY 5.1.9:*** *Consider by 1996 the provision of incentives and requirements for the reassembly, redesign, and replatting of vacant platted residential lots that are not suitable for timely, safe, and efficient development; and re-evaluate the effects of the single family residence provision and the privately funded infrastructure overlay on the county's ability to provide incentives for reassembly, redesign, and replatting*~~

Market demand is effectively providing incentives toward this goal of reassembling plats that are not suitable for residential uses. Additionally, there have been specific locations throughout Lee County, specifically Lehigh Acres that have had properties identified for commercial activities, as part of the Lee Plan. Also, recent legislation and a constitutional amendment have hindered the Counties ability to assemble properties for redevelopment.

POLICY 6.1.11: *Provide by 1995 appropriate requirements and incentives for the conversion of strip commercial development into series of discrete, concentrated commercial areas.*

Lee County has adopted revised landscape and commercial design standards into the Land Development Code. Further, staff is proposing incorporating new urbanism and smart growth through Lee Plan amendment CPA2005-00037.

~~***POLICY 9.1.5:*** *Amend the Noise Ordinance by 1995 to provide exemptions for crop dusting and other essential agricultural activities*~~

This is an outdated farming practice no longer used within Lee County.

~~***POLICY 10.2.1:*** *By 2000, the county will conduct a study to determine the appropriateness of oil exploration, drilling, or production. The study will address the issues of the compatibility of oil related activities with the environment and urban uses. This study will include recommendations regarding the appropriateness of such activities within Lee County as well as guidelines under which such activities should be regulated under the Lee County Land Development Code*~~

The draft study has been completed. The Land Development Code (Sec 34-1651) has been amended to address exploration activity and existing uses.

~~***POLICY 18.1.3:*** *By the end of 1995, Lee County will maintain and as necessary adopt appropriate regulations providing for university housing, including student dormitories and boarding houses.*~~

The Land Development Code has been amended to address student dormitories and boarding houses as it would relate to university housing.

~~***POLICY 18.1.4:*** *By the end of 1995, Lee County will maintain and as necessary adopt regulations further defining how densities for individual parcels within the University Community will be determined. The regulations will address how the total number of units will be tallied to insure that the overall average density of 2.5 units an acre will be maintained. The regulations will provide a mechanism for clustering densities within the University Community.*~~

100% of the University Community has been rezoned.

~~***POLICY 18.1.11:*** *By 1996, Lee County and the Metropolitan Planning Organization will consider amending their respective transportation planning maps and policies to reflect the roadway segments identified by the Conceptual Master Plan.*~~

The roadway network created within and around the University Community, identified through Goal 18 has been incorporated within the respective transportation planning maps utilized by Lee County and the Metropolitan Planning Organization.

POLICY 18.2.3: *The University Window Overlay includes the area within 100 feet on both sides of the right-of-way of the following roadway segments:*

Treeline Avenue

From Alico Road to Corkscrew Road

Alico Road

From I-75 to Treeline Avenue

Corkscrew Road

From I-75 to Treeline Avenue

Koreshan Boulevard

From I-75 to Treeline Avenue

With input from affected property owners, ~~by 1995~~, Lee County and the Board of Regents will develop mutually agreed upon standards for the University Window addressing landscaping, signage and architectural features visible from the designated roadway segments.

Standards have been created for the University Window Overlay. All of the property owners in the designated area, and the County have entered into an agreement that satisfies the intent of this Policy. It is not considered an on going effort to update landscaping, signage, and architectural features, as necessary.

POLICY 19.1.5: *~~By 2002,~~ The Estero Community will draft continue to work on a corridor management plan for the Estero US 41 corridor during the five year update to their community plan to advance development in a manner that promotes a safe, high quality urban environment. Plan elements will ~~include~~ address roadway and median landscape standards, residential buffering standards, access management guidelines, street lighting, sidewalks, and insuring safe and effective pedestrian crossings within the context of a comprehensive pedestrian and bikeway system.*

The Estero Community is beginning work on the 5 year update to their community plan.

POLICY 19.1.6: *~~By 2004~~ Lee County will continue to evaluate historic resources, and as necessary, ~~draft a~~ propose for their designation under Chapter 22 of the Land Development Code.*

Lee County has identified historic resources for designation under Chapter 22 of the Land Development Code and continues its efforts to identify historic resources.

POLICY 21.1.1: *By the end of ~~2004~~ 2007, the Caloosahatchee Shores community will draft and submit regulations for Lee County to review and consider for amendment or adoption as Land Development Code regulations that provide for enhanced landscaping, signage and architectural standards consistent with the Community Vision.*

Caloosahatchee Shore Planning Community is currently going through an update of their community plan.

POLICY 21.3.1: *By the end of ~~2004~~ 2007, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee County to review and consider for amendment or adoption as regulations in the Land Development Code to provide for greater buffering*

between distinctly different adjacent commercial and residential properties, modified however when a project is of mixed use nature.

Caloosahatchee Shore Planning Community is currently going through an update of their community plan.

POLICY 21.4.3: *Any existing or future regulation in the Land Development Code that is shown by the applicant of a planned development to inhibit the development of a mixed-use project will be given strong consideration for a waiver. By the end of ~~2004~~ 2007, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee County to review and consider for amendment or adoption as Land Development Code regulations that encourage mixed-use developments.*

Caloosahatchee Shore Planning Community is currently going through an update of their community plan.

OBJECTIVE 58.1: *Oversee sewer service delivery management through a joint effort between Lee County and the various private sector providers. Re-evaluate, ~~by 1999~~, as needed the effectiveness of this effort.*

Lee County is continuing to communicate and coordinate, as necessary with private sector providers. Lee County Utilities has viewed these efforts as a benefit for both the private sector and Lee County.

POLICY 58.1.1: *~~By 1995, Lee County will have continue to collected~~ data from private sanitary sewer providers, including reporting of sewage flows, holding and treatment capacity, number of customers, committed future connections, and proposed expansion plans. Thereafter, this data will be updated on a yearly basis.*

The data is being collected to update the annual Concurrency Report each year. This information is provided by the individual plant operators.

POLICY 59.1.1: *~~The County will continue to prepare and update and implement a the comprehensive county-wide surface water management master plan, with full attention to issues of regional water quality and environmental integrity. The County will complete basin plans for all of the remaining watersheds in Lee County by 2005. As each basin plan is completed, it will be scheduled for adoption by the Board of County Commissioners.~~*

The basin plans have been completed. Continuing efforts are being made to keep the plan updated.

POLICY 59.1.3: *~~By 1995~~ 2007, Lee County will update its flood plain regulations in accordance with the 1984 2006 Flood Plain Management Study Insurance Rate Map (FIRM) and other available sources.*

The adoption of the new FIRM data will require a review of all ordinances and regulatory documents to update flood zone information to be completed by August, 2007.

~~**POLICY 60.1.1:** The detailed Surface Water Management Master Plan that was initiated in 1989 to identify the existing watershed basin boundaries within Lee County, to evaluate the storm capacity and establish design criteria, and to determine costs for surface water management within each basin to meet applicable design storm standards will be completed by 2005.~~

The Surface Water Management Master Plan has been completed.

~~**OBJECTIVE 60.2: BASIN PROGRAM.** Promote water management permitting on a basin-wide basis, as opposed to the current individual-site approach used by Lee County and the South Florida Water Management District, through pilot or demonstration programs in two or more basins by 1996.~~

Both the South Florida Water Management District and Lee County use the Lee County surface water master plan as a guide for reviewing development. Lee County, Natural Resources Division is supportive of reviewing development on a basin-wide analysis level.

~~**OBJECTIVE 60.3: LEVEL-OF-SERVICE STANDARDS.** Revise by 1996 the surface water management level of service standards for basins and sub-basins identified in the Surface Water Management Master Plan. These future service standards can only be finalized upon the completion of the basin studies and will be based upon providing a defined level of flood protection, balanced with the protection of natural flow ways and associated wetland systems. Level of Service Standards have been established for basins identified in the surface water master plan and are provided in the following policies. The Level of Service Standards will be updated as necessary based on new basin studies or more accurate information~~

The Level of Service Standards are established within the Lee Plan. Any changes to these standards would be based upon new information.

~~**POLICY 60.3.5:** By 1996, complete the preliminary design of storm water management systems for each basin identified in the Surface Water Management Master Plan and develop a capital facility improvement schedule.~~

This task has been completed and projects are included in the Capital Improvement Program.

~~**POLICY 61.1.3:** In the event that the timing and volume of freshwater discharges necessary to maintain the health and productivity of estuaries and other wetlands cannot be determined or supported by existing scientific data, the county will sponsor, in collaboration with other agencies, institutions, and organizations, adequate research programs to make such data available by 1995.~~

This is an ongoing effort for both Lee County and numerous outside agencies. Collaboration in the form of shared data is ongoing.

OBJECTIVE 62.2: SOLID WASTE DISPOSAL. ~~By 1995, begin~~ Continue operation of a waste to energy resource recovery facility and continue to explore means to reduce the volume of solid waste.

This plant is currently operating and will be expanded.

OBJECTIVE 64.2: MONITORING. ~~By 1996~~ 2009, establish a system to accurately assess the information needs of the various constituencies in the community.

The Lee County Library system views an assessment system as a vital public outreach tool. It is the Library system's intent to have a satisfaction assessment system in place by 2009.

POLICY 66.1.3: ~~By 1995, Lee County will continue to maintain and regularly update a school impact fee. staff will develop, in conjunction with economic consultants and the Board of Education, an impact fee program for capital costs for schools and present it to the Board of County Commissioners for formal consideration.~~

The Board of County Commissioners has adopted a School District Impact Fee on November 27, 2001 and amended in November 2005.

POLICY 68.1.1: ~~By 1995, Lee County will provide a~~ continue mechanism to educate and train small businesses in waste minimization and the proper storage, handling and disposal of hazardous materials through increased occupational license fees.

This is a continuing effort, started in 1990, of the Pollution Prevention program. The program targets all businesses. This education process is being met through on site assessments, presentations, and educational outreach efforts.

OBJECTIVE 76.3: ~~By 1995, t~~ The county will establish a ~~continue to maintain a~~ systematic approach to surveying users of park facilities and ~~other~~ residents of Lee County as to their needs, desires, preferences, and evaluations of park and recreation facilities and programs.

Lee County Park and Recreation currently surveys park users and Lee County residents to gain feedback on new park facilities and plans to continue such efforts. A county wide user survey was completed in 2006 for both programs and facilities. Every program offered by Lee County Parks is accompanied by a user survey and is administered by the program staff. All new facilities developed by Lee County Parks are done in the public form with public input.

POLICY 76.3.2: ~~The results of user and resident surveys will become~~ are an integral part of the planning process for park and recreation facilities and programs ~~by 1996.~~

Lee County Parks and Recreation currently uses parks users and Lee County resident surveys to determine the benefit of and potential new programs and facilities. A county wide user survey was completed in 2006 for both programs and facilities. Every program offered by Lee County Parks is accompanied by a user survey and is administered by the program staff. All new facilities developed by Lee County Parks are done in the public form with public input.

POLICY 83.3.1: The county will continue to research national or regional standards for pool development and make recommendations, as needed for adoption of a local, non-regulatory standard by 1995.

Lee County, in conjunction with Florida Gulf Coast University has partnered in the creation of an aquatic center which accomplishes the intent of the policies. As these facilities are used for competition events, they meet with national and regional standards.

~~***POLICY 83.3.2:*** The county will evaluate the need, feasibility, and economic benefit of developing a 50-meter pool and related aquatic center by 1995.~~

Lee County, in conjunction with Florida Gulf Coast University has partnered in the creation of an aquatic center which accomplishes the intent of the policies. As these facilities are used for competition events, they meet with national and regional standards for 50 meter pools.

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

10. Providing ~~an annual~~ on an as needed basis a report to the County Commission on the status of wetlands and rare and unique uplands ~~by 1996.~~

There are no changes proposed for other text within this Policy.

An annual report is excessive and in fact has not been undertaken by the County. Data on wetland impacts is available through the SFWMD and DEP. Providing a status on rare and unique uplands would be a major task to undertake, clearly not feasible on an annual basis.

~~***OBJECTIVE 108.1:*** Establish baseline conditions in all estuarine systems, including pollutant and freshwater loadings by 2000, and ~~m~~ Maintain an ongoing water quality monitoring program. Maintain communication with other local, state, and federal estuarine water quality studies to ensure that the latest data and recommendations are available.~~

Baseline conditions have been established. The effort has now shifted to maintaining the water quality monitoring program.

OBJECTIVE 108.2: WATERSHED MANAGEMENT PLANS. ~~By 1996, establish procedures for reviewing~~ Review all new upland development in terms of its impacts on estuarine systems. Prepare estuarine watershed management plans which maximize stormwater retention and treatment, with priority to the Estero Bay watershed Lee County will work with the South Florida Water Management District to ensure new development will maximize stormwater retention and treatment.

Procedures have been established to review upland development. The South Florida Water Management District is going through basin Rule changes that will maximize the stormwater retention and treatment

POLICY 109.2.3: ~~By 1995, o~~ On-site shelters will be required to meet standards established by the county, including provision of adequate shelter space, elevation above Category 3 hurricane storm surge flooding levels, adequate windproofing, glass protection, emergency power where needed, water supplies, and other basic needs.

The Land Development Code has been amended and now addresses these issues.

OBJECTIVE 110.1: DEVELOPMENT REGULATIONS. ~~By 1995~~ 2007, all development regulations will be reviewed and revised to require that the vulnerability of future development in the A-Zone (as defined by the Federal Emergency Management Agency) be reduced.

The adoption of the new FIRM data will require a review of all ordinances and regulatory documents to update flood zone information to be completed by August, 2007.

POLICY 110.1.3: ~~By 1995, a~~ All new residential development 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)

The LDC has been amended and now addresses this issue.

POLICY 110.1.4: ~~By 1995, a~~ 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)

The LDC has been amended and now addresses this issue.

POLICY 110.1.5: ~~By 1995, the county will prepare and adopt a flood plain management plan. The~~ County will 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)

This has been completed and has been implemented.

OBJECTIVE 111.1: POST-DISASTER STRATEGIC PLAN. ~~By 1995, t~~ The county will formally establish maintain a post-disaster institutions and procedures to guide county actions following a natural or technological disaster. (Amended by Ordinance No. 94-30, 00-22)

The County has a post-disaster procedure. The Objective has been modified to ensure this document is maintained regularly.

OBJECTIVE 111.2: 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 disaster. ~~By 1995, +~~ The Recovery Task Force will recommend amendments as needed to the Post-Disaster Strategic Plan. (Amended by Ordinance No. 94-30, 00-22)*

The post disaster ordinance does exist. The Objective has been modified to ensure the ordinance accurately reflects the strategic plan and provides appropriate regulations that may be needed following a disaster.

POLICY 114.1.2: *The county's wetlands protection regulations will ~~be amended by 1995~~ to be consistent with the following:*

There are no changes proposed for other text within this Policy.

The Land Development Code has been amended to address this issue.

POLICY 114.1.3: *The Future Land Use Map shows the approximate boundaries of wetlands in Lee County. The map will be updated ~~by 2000,~~ as needed based on the definitions in this plan and new information. If the Future Land Use Map is incorrect due to a clear factual error, or if an exact boundary determination is desired, an administrative process is set out in Chapter XIII of this plan to establish the precise boundary of the wetland. (Amended by Ordinance No. 94-30)*

New wetland boundaries are regularly updated on the Future Land Use Map. The Policy has been amended to reflect this ongoing effort.

POLICY 121.1.5: *~~By 1996, +~~ The county will ~~establish an ongoing~~ maintain the monitoring system for estuarine water quality and its impacts on the health of recreationally and commercially important fish and shellfish. (Amended by Ordinance No. 00-22)*

The County currently has a monitoring system in place. The Policy has been amended to reflect this ongoing effort.

OBJECTIVE 124.3: MARINE SANITATION. *The county will provide for effective control of waste disposal by maintaining local marine sanitation regulations in the Land Development Code which complement the Florida Clean Vessel Act and by cooperating with the Southwest Florida Regional Harbor Board to develop regional guidelines for marine sanitation systems ~~by 2001.~~ (Amended by Ordinance No. 94-30, 98-09)*

The Land Development Code has been amended to address this issue.

POLICY 124.6.3: ~~By 1997, the county will, with recommendations from an advisory committee, affected elements of county government and other affected persons, further develop and implement a Matanzas Harbor Management Plan. The scope of this plan will include the designation of a managed mooring area; the regulation of trash and wastewater disposal; and establishment of a research facility designed to meet the needs of marine environmental sciences, marine education, marine research and study of the estuarine and intertidal environment of waters unique to Lee County, specifically, Estero Bay, Ostego Bay and Hurricane Bay. This plan will provide mechanisms and standards for the strict enforcement of health, safety and welfare regulations throughout the Estero Bay and Matanzas Harbor area, regulations for the protection of marine resources; and the initiation and operation of a marine research/educational facility that would provide public access as determined by a final master plan. 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. (Amended by Ordinance No. 00-22)~~

The plan is complete and the area now falls under the jurisdiction of the Town of Fort Myers Beach. Lee County continues to offer technical assistance toward the goal of maximizing the health of the Estero Bay, Ostego Bay, and Hurricane Bay.

OBJECTIVE 127.1: ARTIFICIAL REEF PROGRAM. ~~The county will continue its artificial reef program for increasing fisheries habitat in coordination with the Department of Environmental Protection and appropriate organizations. (Amended by Ordinance No. 00-22)~~

The deleted text does not change the intent of the Objective, it has been proposed to show Lee County's desire to work with any appropriate organization.

POLICY 127.1.1: ~~By 1994, the Board of County Commissioners will create an artificial reef and habitat enhancement advisory committee composed of representatives from the commercial fishing industry, recreational fishing clubs, scuba diving organizations, environmental and conservation groups, and government agencies with an interest in fisheries or environmental matters. (Amended by Ordinance No. 00-22)~~

This Policy has been completed. The advisory committee has been formed and has been integrated into the "Reef Plan".

OBJECTIVE 143.4: PUBLICLY OWNED SITES. *Lee County will continue to preserve and protect the historic and archaeological resources owned, acquired, or disposed of by Lee County by designating them under the Lee County Historic Preservation Ordinance if feasible. ~~By 1999, Lee County will develop a~~ continue the program to preserve and protect those historic and archaeological resources owned, acquired or disposed of by Lee County which do not qualify for designation under the Lee County Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)*

Lee County has developed a program to preserve and protect historic and archaeological resources within Lee County that do not qualify for the Lee County Historic Preservation Ordinance

POLICY 151.3.1: *~~By 1995, enter into interlocal agreements between Lee County DOT will continue open communications with and the various water and wastewater utility companies to establish a process to coordinate expected utility construction projects with programmed roadway maintenance and capital projects. (Added by Ordinance No. 94-30)~~*

Lee County Department of Transportation has an effective process in place to coordinate construction projects with the various utility providers.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Evaluation and Appraisal Report identified the need to revise the County's population projection and adjusting the Plan's planning horizon to the year 2030.
- The horizon year for the Lee Plan is being moved from 2020 to 2030.
- Subsequent data sets reference by the Lee Plan are utilizing projections to the year 2030.

C. BACKGROUND INFORMATION

There are several references to the horizon year of 2020 within the Lee Plan. The references associated to the horizon year vary from projected population counts to anticipated levels of development.

This comprehensive plan amendment is not intended to change any dates that are associated with a "sunset" or a dead-line that have not already passed.

The staff report is broken into several different sections, each section is identified with a brief descriptor explaining the purpose for the section. The first section presents the Vision Statement for Lee County, located in Element I of the Lee Plan. The changes proposed in this section pertain to the change of the horizon year from 2020 to 2030. It is not the purpose of any of the proposed text changes to alter the intent of the Vision Statements. The second section changed the horizon year for the Goals, Objectives, and Policies of the Lee Plan. The third section would have changed text from Objectives or Policies that predate the horizon year and represent dead-lines that have passed or activities that have been achieved. These policies no longer serve a valid purpose and are been marked for deletion or to be rewritten.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Staff has reviewed the Lee Plan to identify Goals, Objectives, Policies, or Standards that were sensitive to the horizon date (2020) of the Lee Plan. The changes that were done, to update the Lee Plan to the 2030 horizon date did not change the intent of any of the Goals, Objectives, or Policies, the sole purpose was to make those specific changes to accurately reference new data based on a 2030 projection year.

Additional changes have been made to remove dead-lines that have passed or Policies that refer to actions that have been accomplished.

It is not the purpose of this Lee Plan Text Amendment to change the intent of any Goals, Objectives, or Policies, however in the process of updating the Lee Plan it was necessary, in a few specific cases, to re-write sections of or the entire Objective or Policy as the actions required were completed.

B. CONCLUSIONS

The proposed text amendment is a required action to keep the Lee Plan updated with more accurate or current information.

C. STAFF RECOMMENDATION

Staff recommends the Board of County Commissioners transmit the proposed amendment to update text that references the 2020 planning horizon to the new planning horizon date of 2030. Additionally, to delete any text that is date sensitive and the time frame has passed or the intent of the text amendment has been met.

**PART III - LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

PUBLIC HEARING DATE. November 27, 2006

- A. LOCAL PLANNING AGENCY REVIEW:** Staff explained the purpose of the amendment as updating the Lee Plan to reflect the new horizon year of 2030 and to delete or re-write, as necessary any text that is date sensitive and time frame has passed or the intent of the text has been satisfied. Staff's discussion centered on a review of the staff report and recommendations.

There were no comments provided by LPA members.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit the proposal to amend the Lee Plan to change the references from 2020 to 2030 and update the Vision Statements to 2030.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	AYE
DEREK BURR	AYE
RONALD INGE	AYE
RAYMOND SCHUMANN, ESQ	AYE
CARLETON RYFFELL	ABSENT
RAE ANN WESSEL	AYE
VACANT	

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: December 13, 2006

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

BRIAN BIGELOW

TAMMARA HALL

BOB JANES

RAY JUDAH

FRANK MANN

**PART V – DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT:

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

B. STAFF RESPONSE:

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING:

D. BOARD REVIEW:

E. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

F. VOTE:

BRIAN BIGELOW

TAMMARA HALL

BOB JANES

RAY JUDAH

FRANK MANN

CPA2005-25
AMENDING THE HORIZON YEAR
BoCC SPONSORED
AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

LPA Public Hearing Document
for the
November 27, 2006 Public Hearing

Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 479-8585

November 16, 2006

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2005-25**



Text Amendment



Map Amendment

This Document Contains the Following Reviews:	
<input checked="" type="checkbox"/>	Staff Review
<input type="checkbox"/>	Local Planning Agency Review and Recommendation
<input type="checkbox"/>	Board of County Commissioners Hearing for Transmittal
<input type="checkbox"/>	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
<input type="checkbox"/>	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: November 16, 2006

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

- 2. REQUEST:** Amend the Lee Plan to change the references from 2020 to 2030 and update the Vision Statements to 2030.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners transmit the proposed amendment to update text that references the 2020 planning horizon to the new planning horizon date of 2030. Additionally, to delete any text that is date sensitive and the time frame has passed or the intent of the text has been satisfied.

From Chapter I of the Lee Plan
Element I - Vision Statement

The Lee Plan is designed to depict Lee County as it will appear in the year ~~2020~~ 2030. Given the projected increase in population (to ~~602,000~~ 979,000 permanent residents with an additional 18 % ~~and 764,171~~ seasonal residents) and the probable rate of technological change between the present date and ~~2020~~ 2030, it is impossible to describe the future face of the county with any degree of certainty or precision. However, the following list of themes will be of great importance as Lee County approaches the planning horizon:

- *The growth patterns of the county will continue to be dictated by a Future Land Use map that will not change dramatically during the time frame of this plan. With the exception of Cape Coral and Lehigh Acres, the county's urban areas will be essentially built out by ~~2020~~ 2030 (pending, in some cases, redevelopment). The county will attempt to maintain the clear distinction between urban and rural areas that characterizes this plan. Its success will depend on two things: the continuing viability of agricultural uses and the amount of publicly-owned land in outlying areas.*

There are no changes proposed for the remaining section.

The horizon year is being changed to 2030 and the projected population is being updated based on the latest Bureau of Economic and Business Research (BEBR) projections.

I. Alva –

There are no changes proposed for the first paragraph.

While the Alva community does offer some commercial opportunities, residents satisfy most of their commercial needs outside of this community in the more urbanized communities to the west and south. For the most part, these conditions are expected to remain through the life of this plan. The population of Alva is projected to continue to grow through the life of this plan. ~~from an estimated 4,260 in 1996 to 4,818 in 2020.~~ Commercially, Alva will activity is expected to continue to increase to the year 2030 ~~double its available square footage to nearly 150,000sf. In the year 2020, the~~ The Alva community will remain largely rural/agricultural in nature with over half of its total acreage being used for this purpose. The Alva Community will also strive to protect its historic resources.

There are no distinct sub-communities within the Alva Community.

The horizon year is being changed to 2030 and the old population projections are being deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

2. Gasparilla Island/Boca Grande –

There are no changes proposed for the first four paragraphs

The population is highly seasonal with peak population residency and daily visiting occurring during the months of November through May. With land vacancy of less than 15%, Gasparilla Island/Boca Grande has virtually no capacity for additional new development, while substantial population growth is expected in adjacent areas of Charlotte and Sarasota Counties. The Gasparilla Island/Boca Grande community is dedicated to preserving its historic character and scale and its unique island residential character so that the community will look substantially ~~the same in 2020 as it does today~~ through 2030, including its unique mix of vital small businesses, without fast food franchises, formula and intense retail or intense commercial tourist activities, other than the historic Gasparilla Inn.

There are no changes proposed for the remaining paragraphs.

The reference to the year 2020, the old Lee Plan horizon has been removed and a reference to the new horizon year has been added.

3. Bonita –

There are no changes proposed for the first paragraph.

Bonita Springs is one of the fastest growing communities in Lee County and is expected to nearly double in population between 1996 and 2020 2030 ~~with an expected 2020 permanent population of approximately 37,000. The Bonita Community will also remain an attractive seasonal homeowner destination and has an anticipated Seasonal Population of 61,000 in the year 2020. This community will have only 20% of its total land area remaining vacant or in agricultural use in the year 2020.~~

There are no changes proposed for the remaining paragraphs.

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

- 5. Burnt Store -** *This Community is located in the northwest corner of the mainland of unincorporated Lee County. The property east of Burnt Store Road is designated Open Lands and the land west of Burnt Store Road is designated as Rural (also known as Burnt Store Marina) with the exception of 10 acres designated as Outlying Suburban. Most of The Burnt Store Marina development was approved prior to the adoption of the 1984 Lee Plan and is "vested" for densities higher than allowed by the current plan. This development is primarily residential with a high percentage of seasonal residents. There are some commercial and marine oriented amenities within the Burnt Store Marina development primarily serving residents of that development. This area is expected to*

substantially grow through the year 2030. ~~double its dwelling units during the life of this plan from 917 in 1996 to over 2000 in 2020.~~ Today, most of the community's commercial needs are served outside of the community in Cape Coral, North Fort Myers and Fort Myers, or in Charlotte County. This development pattern is expected to remain through 2020.

The reference to the year 2020, the old Lee Plan horizon has been removed and a reference to the new horizon year has been added. Text referencing projected dwelling units has been deleted. Population projections necessary to project future dwelling units have not been completed.

6. **Cape Coral** - *The Cape Coral Community includes all the unincorporated enclaves with the exception of the few enclaves located on Pine Island Road West of Chiquita Boulevard. These enclaves may annex into the city and it may be advantageous at that time to amend the Community Map and the corresponding allocation tables to reflect such annexations. While commercial and industrial opportunities of all varieties exist in the City of Cape Coral, many of the residents still satisfy ~~these~~ their needs outside of the city. Likewise, many residents of less intense areas of the county will utilize Cape Coral's commercial and industrial opportunities for their needs. ~~Cape Coral will have a functional population of approximately 225,000 people by 2020 and will be, by far, the county's largest city.~~ Development in the Cape will be stimulated by the expansion of the airport, the construction of the new university, and the availability of reasonably-priced lots with public water and sewer. The imbalance between the city's population and its relatively small commercial and industrial sectors will continue to present a challenge in spite of the city's success in promoting the S.R. 78 corridor as an employment center.*

Text referencing the horizon year and the outdated population projections has been deleted.

7. **Captiva** - *This community includes the major islands of Captiva Island, Upper Captiva Island, Cayo Casta Island, Useppa Island, Buck Key, and Cabbage Key and the surrounding smaller islands. Although Captiva itself is a seasonal resort community, in comparison to the other islands in this community it is the center of activity. Due to the nature of this community, residents must satisfy their major commercial and industrial needs outside of this community. Conversely, the commercial aspects of the Captiva Community are utilized by many residents and tourists from outside of the Community. The population of Captiva is not expected to greatly change by ~~2020~~ 2030. Furthermore, the area will look much as it does today in the absence of a major hurricane or other natural disaster.*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

8. **Fort Myers** - *The Fort Myers Community includes all land within the City of Fort Myers along with most areas included in the repealed Fort Myers Urban Reserve and the portions of Gateway which are in the process of annexing or expected to annex into the City of Fort Myers. The City of Fort Myers is annexing land in an aggressive manner, especially in the vicinity of Gateway. An urban reserve overlay for the City of Fort Myers is no longer in effect. Due to cessation of the inter-local with the City of Fort*

Myers, this planning tool was deleted from the Lee Plan in the 1992/1993 amendment cycle. The Morse Shores/Tice area is unlikely to annex into the City of Fort Myers and is not included in this community even though it was previously in the Fort Myers Urban Reserve. While the emphasis of new commercial and industrial activity in Lee County has been moving south along US 41, The community of Fort Myers remains an administrative, financial, and cultural center for the rest of Lee County. This situation is not expected to change during the life of this plan. ~~The population of the Fort Myers community will also grow from the current 57,000 permanent residents in 1996 to over 86,000 permanent residents in 2020. The seasonal influx of residents in the Fort Myers community is not as great as in other areas of the county. In 2020 the Fort Myers community will have a functional population of approximately 94,000.~~

Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

- 9. Fort Myers Beach** - *This community includes all land incorporated in the Town of Fort Myers Beach as of this date. The town of Fort Myers beach will continue to have a strong retail base for tourist needs and the daily needs of the residents. However, major consumer needs will remain to be met outside of this community. Fort Myers Beach does a boating and marina industry on the island which fosters the employment base of the community. The development of its own comprehensive plan ensures that the Town of Fort Myers Beach will look much as it does today in the absence of a major hurricane or other natural disaster. The population of this community is very influenced by seasonal factors. This community is nearly built out today and will not have a substantial increase in permanent population by the year ~~2020~~ 2030.*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

10. Gateway/Airport -

There are no changes proposed for the first paragraph.

There are three distinct areas within this community. The Gateway portion of this community is the area where residential uses will occur. Gateway will be a thriving, nearly built-out, mixed-use community in 2020. The population of this community is anticipated to grow substantially from today to 2030. ~~from 1,500 permanent residents in 1996 to approximately 8,000 in 2020 and is expected to have fewer than 1,000 units remaining to be built in the year 2020. The Gateway/Airport community will continue to have an average seasonal resident influx for the Lee County area with an expected 2020 functional population of 10,000.~~

The second area in this community is the Southwest Florida International Airport. The airport will be greatly expanded by ~~2020~~ 2030. The expanded airport will have a second parallel runway and a new terminal building that will more than double the existing capacity of the airport. Development will be guided by the Airport Layout Plan (as established through the airport master plan process) consistent with the Southwest

Florida International Airport Proposed Development Schedule (Table 5) and all other Lee Plan provisions.

There are no changes proposed for the remaining paragraphs.

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

11. Daniels Parkway - This Community is located between I-75 and the Six Mile Cypress Slough, south of the City of Fort Myers and north of the Alico Road industrial area. The community contains lands designated Rural, Outlying Suburban, and a small area of General Interchange. This community is considered one of the primary gateways to Lee County. This community has some rural characteristics which will remain in existence through the year ~~2020~~ 2030. Much of the existing vacant land will be developed into low density gated communities. While there is a potential to ~~redevelopment~~ redevelop the large lot home sites north of Daniels Parkway into the smaller lots allowed by the Outlying Suburban category, this development pattern is not anticipated by ~~2020~~ 2030. This community will grow through 2030 ~~from 6,000 to 7,500 permanent residents and over 10,000 total residents by 2020.~~

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

12. Iona/McGregor –

There are no changes proposed for the first paragraph.

The McGregor Blvd./San Carlos Blvd area will be approaching build out by ~~2020~~ 2030 and some of the older (pre 1980) developments will begin to redevelop to take advantage of a higher end market seeking a combination of quick beach access and closeness to urban services. This area will remain primarily residential with retail uses located at the major intersections.

The Summerlin Road Corridor will develop a new look by ~~2020~~ 2030 and will emerge as one of the county's primary medical service areas. This portion of the community will also continue to develop as a strong residential area with an influx of new gated communities.

There are no changes proposed for the fourth paragraph.

Residents of this community will address current planning concerns in a comprehensive review of this area and future amendments to this plan will be made to address these concerns. This area is anticipated to grow substantially from today to 2030. ~~from a current permanent population of 24,000 to 32,000 by 2020. The Iona/McGregor area is also expected to be home to an additional 14,000 seasonal residents by 2020.~~

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

13. San Carlos - This Community is located in the southern portion of Lee County, east of Hendry Creek and, for the most part, south of Alico Road. It is north of the Estero River on the west side of US 41 then north of the new Brooks of Bonita development east of US41. The community does extend east of I-75 to include the approved developments along Corkscrew Road and all lands designated University Community. The majority of the land in this community is designated as Suburban and then Urban Community (both having a maximum standard density of 6 units per acre) with the remaining areas designated as Rural, Outlying Suburban, and Industrial Development. There are ~~four~~ three distinct areas within this community: San Carlos Park, Island Park, ~~Estero~~, and the new university area. All of these areas will be experiencing tremendous development pressures as this community ~~explodes~~ continues to grow ~~into the next century~~.

There are no changes proposed for the second paragraph.

~~The historic Estero area will struggle to maintain its historic character through the year 2020 and will feel many development pressures which will threaten this character.~~

~~Overall, this community, which has been a fast growing area of Lee County since 1980, will add more than 15,000 new permanent residents and accommodate a total functional population of nearly 50,000 people by the year 2020~~

Corrections have been made to reflect changes in the Lee Plan. The Estero Planning Community (Goal 19) was created in 2005. The vision statement is being amended to reflect Estero is not included as part of the San Carlos Planning Community. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

15. South Fort Myers - This Community is located in the center of Lee County. South of the City of Fort Myers, east of the Caloosahatchee River, west of the Six Mile Cypress Slough, and north of Gladiolus Drive. This community primarily has the higher intensity land use categories such as Intensive Development, Central Urban, Urban Community, Industrial Development, and Suburban. This community contains one of the county's major hospitals, a baseball spring training facility, and the local community college. This community will be nearly built out by the year 2020. The South Fort Myers Community will continue to be a core area of the county providing office area for professional services in areas such as financial and medical. There will also be an increased amount of commercial activity along the US 41 corridor and light industrial uses will continue to expand along the Metro Avenue corridor north of Daniels Parkway. The amounts of commercial and industrial uses in this community are expected to double and most of the suitable land for these uses will be developed by ~~2020~~ 2030.

The residential areas of this community will also continue to develop through the year ~~2020~~ 2030 however the popularity of the residential opportunities to the south in the San Carlos/Estero and Bonita communities will continue to dominate this segment of the

~~market. This community will grow from a 1996 permanent population of 46,000 to approximately 52,000 in 2020. In 2020, this community will still be 4,000 permanent residents from its build out population. While this community is not as heavily influenced by the seasonal population as the communities to the south, in season, South Fort Myers is expected to have a population of over 60,000 in the year 2020.~~

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

17. Lehigh Acres - This community is the Lehigh Acres development, which was platted starting in 1954. This community is located south of Township 43 South, generally north of SR 82, and east of Buckingham Road/the Buckingham Rural Community Preserve to the eastern Lee County line. This community is designated as Urban Community, Central Urban, Industrial Development and Public Facilities. The Lehigh Community will continue to grow ~~through the year 2020~~ at a rate faster than the county average growth rate. This community, however, will not be close to build out by 2020 2030. ~~The Lehigh community will grow from a 1996 permanent population of 26,000 to over 71,000 permanent residents in the year 2020. The build out potential for the Lehigh Community is more than double the projected 2020 population.~~ Lehigh will continue to struggle with providing sufficient non-residential uses to accommodate a community of its size. New provisions for providing these uses has been implemented and will aid in this problem, however, residents will continue to commute from this community to the core communities such as Fort Myers, South Fort Myers, and Gateway/Airport for employment, shopping and other services. This community will also struggle with providing an adequate road network to reduce traffic congestion as the population grows.

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

18. Southeast Lee County - As the name implies, this Community is located in the southeast area of Lee County. South of SR 82, north of Bonita Beach Road, east of I-75 (excluding areas in the San Carlos Park/Island Park/Estero Corkscrew Road and Gateway/Southwest Florida International Airport Communities) and west of the county line. With the exception of a few Public Facilities, the entire community is designated as Density Reduction/Groundwater Resource, Conservation Lands (both upland and wetlands), and Wetlands on the Future Land Use Map. This "community" consists of mining operations, agricultural uses, and very large lot residential home sites. The one exception is the Citrus Park Community. This community ~~will not change in character by the year 2020 is not expected to change in character through the year 2030, and will continue to have a population of approximately 2000 residents.~~

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

19. North Fort Myers - This Community is located north of the Caloosahatchee River between the Alva Planning Community and the City of Cape Coral. This community includes a wide mix of Future Land Use designations from Intensive Development to Density Reduction/Groundwater Resource. The area between the two US 41 routes near the river will remain the core of this community. The old US 41 corridor will be redeveloped with new commercial uses and waterfront development taking advantage of this areas close proximity to downtown Fort Myers and its riverfront location. The US 41 corridor from Pondella Road north will continue to attract new commercial development that will serve the North Fort Myers community and other surrounding communities. Total commercial, service, and industrial uses will have doubled from the amount existing in 1996. These areas are surrounded by residential uses. ~~Most of the North Fort Myers community will develop at residential densities less than what is allowed by the Lee Plan Future Land Use Map. Furthermore, much of this community is designated for low density development of less than one unit per acre. This community will not be one of the fastest growing areas, residentially, in Lee County. This area will add fewer than 3,000 new residents by the year 2020. However, with a total permanent population of over 50,000 residents and nearly 65,000 residents in season, the North Fort Myers community will be the fourth largest community, in population, in the year 2020. As stated in the Alva community, the Bayshore area does have characteristics differing from both the Alva and North Fort Myers community. The split in the Bayshore area between Alva and North Fort Myers was done to include properties which were most closely related to those respective communities.~~

Corrections have been made to reflect changes that have taken place in the planning community. References to the year 2020, the old Lee Plan horizon have been removed. Text referencing old population projections has been deleted. Population projections for the planning community, based on the latest BEBR numbers have not been completed.

In addition to the Vision Statement, Element I there are several Objectives and Policies that refer to the horizon year of 2020 for the Lee Plan that will need to be changed to the new horizon year of 2030.

POLICY 1.1.1: *The Future Land Use Map contained in this element is hereby adopted as the pattern for future development and substantial redevelopment within the unincorporated portion of Lee County. Map 16 and Table 1(b) are an integral part of the Future Land Use Map series (see Policies 1.7.6 and 2.2.2). They depict the extent of development through the year ~~2020~~ 2030. No development orders or extensions to development orders will be issued or approved by Lee County which would allow the Planning Community's acreage totals for residential, commercial or industrial uses established in Table 1(b) to be exceeded (see Policy 1.7.6). The cities of Fort Myers, Cape Coral, and Sanibel are depicted on these maps only to indicate the approximate intensities of development permitted under the comprehensive plans of those cities. Residential densities are described in the following policies and summarized in Table 1(a).*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

OBJECTIVE 1.2: SOUTHWEST FLORIDA INTERNATIONAL AIRPORT AREA.

Designate on the Future Land Use Map adequate land in appropriate locations to accommodate the projected growth needs of the Southwest Florida International Airport and the business and industrial areas related to it, as well as research and development activities and other non-aviation related development that is not necessarily related to the airport, through the year ~~2020~~ 2030. The Lee County Port Authority desires to establish non-aviation related uses to provide a supplementary revenue source as well as providing an opportunity for businesses that desire a location on airport property. Designate on the Airport Layout Plan suitable areas to accommodate these desired uses and provide general policy guidance as to how these uses will be developed. These categories are also considered Future Urban Areas.

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

POLICY 1.2.1: *Airport lands include the Southwest Florida International Airport's existing facility and projected growth areas through the year ~~2020~~ 2030. These areas will include airport and airport-related development as well as non-aviation land uses as proposed in the approved 2003 Airport Master Plan update and as depicted on the Airport Layout Plan sheet (Map 3F) and the Southwest Florida International Airport Proposed Development Schedule (Table 5). This mix of uses is intended to support the continued development of the Southwest Florida International Airport. Future development at the Southwest Florida International Airport will also include non-aviation related land uses such as hotels/motels, light industrial, service stations, ancillary retail/shopping, and office development. Any future airport expansion or development of aviation-related and non-aviation uses will offset environmental impacts through the Airport Mitigation Lands Overlay (Map 3M) or other appropriate mitigation acceptable to the permitting agencies and to Lee County. The physical design of the*

airport expansion will minimize any degradation of the recharge capability of land being developed. Airport expansion beyond the present boundaries will be subject to necessary amendments to the Lee Plan.

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

POLICY 1.4.1: The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre).

~~The property consisting of Sections 1, 2, and 3, Township 48 South, Range 26 East must be developed only in accordance with the following standards:~~

~~1. The Property may be developed only in accordance with the following conditions. Pre-development activities such as rezonings, zoning permits, certifications, special exceptions, and variances must be consistent with the following conditions, but need not implement them until application is made for a development order that would authorize physical, on-the-ground development on the Property.~~

~~a) The Property, or any part of it, will only be developed as a Planned Development, as defined by Chapter XII of the Lee County Comprehensive Plan. Should development occur in a series of increments by different developers, each development must receive planned development approval. Residential development will be clustered in order to maximize opportunities to provide open spaces and natural areas. A maximum of five acres of the property will be reserved for commercial uses of the type which serve neighborhood needs. Commercial development may be aggregated on any portion of the Property. Clustering will be achieved by requiring homesites to be platted or designed in contiguous groups, adjacent to open spaces. Clustering of residential development will also be achieved by limiting the areas on the Property available for residential homesites in the following fashion.~~

~~(1) Residential development. Single and/or multiple family homesite acreage may account for no more than 45% of the gross area of the Property. Homesite acreage includes the entire site for all single family houses, multi family dwellings, and any other residential structure, including the house or building pad, the yard, and any driveway, parking areas, landscaped areas, and the like upon the homesite.~~

~~(2) Open Spaces. These areas will include preserved natural areas, buffers, lakes, parks, golf courses, nature trails, retention areas, conservation areas, scenic resources, green belts, wetlands and associated areas and must account for a minimum of 40% of the Property. Golf course fairways will account for no more than fifty percent (50%) of the open space of the subject property.~~

- ~~(3) Non-residential Development. These areas will include vehicular and pedestrian ways, commercial and institutional areas, club houses and associated facilities, utility buildings, maintenance areas, tennis courts and associated non-residential uses and will be a maximum of 15% of the Property.~~
- ~~b) All naturally occurring wetlands, which have not been significantly degraded, must be designated as preserve areas and be subject to a conservation easement similar to that set forth in Section 704.06, Florida Statutes. Limited uses in preserve areas such as nature trails, bike paths, cart paths, boardwalks and the like will be allowed when permitted by appropriate State and Federal agencies. The use of wetland areas for water management, to the extent allowed by law, will not be precluded. Wetland areas being used as water management areas on the Property may be relocated if (1) all approvals are obtained from appropriate State and Federal agencies and (2) where the affected wetland functions are replaced on the Property.~~
- ~~e) Where feasible, open space areas will be designed so as to provide connections between wetlands, preserve areas, and buffers on the Property. The design of these open space areas will seek to provide areas which will be integrated with on-site and adjacent preserve properties so as to enhance habitat for small mammals and wading birds. Golf courses, when constructed and maintained in compliance with this paragraph will be considered to be functional open space to the extent set forth above.~~
- ~~d) The design of the functional open space area must incorporate the following design features:~~
- ~~(1) A surface water management system that mimics the functions of the natural system, in accordance with Objective 61.2 of the Lee Plan:~~
 - ~~(2) For those areas that drain to the Imperial River Basin, a surface water management system that is consistent with the Kehl Canal/Imperial River basin study prepared for the SFWMD, and adopted by the BOCC pursuant to Policy 60.3.2 of the Lee Plan:~~
 - ~~(3) Uses including, but not limited to, picnic areas, trails, benches, boardwalks, golf courses, water management systems, biking/jogging/equestrian trails, vista courses, bird-viewing blinds/tower and interpretative facilities will be permitted within functional open areas:~~
 - ~~(4) The open space areas must be replanted with vegetation after construction. Seventy five percent of the total number of required trees used in buffers, and landscaping must be indigenous, and fifty percent of the shrubs must be indigenous:~~
 - ~~(5) Plant material used for revegetation must conform to the standards for Florida Number 1, or better as given in Grades and Standards for Nursery Plants 1973, and Grades and Standards for Nursery Plants, Part II, Florida Department of Agriculture and Consumer Services Tallahassee:~~

- ~~(6) Australian pine, cajeput, Brazilian pepper, downy rose myrtle, Cuban laurel, melaleuca, bishopwood, castor bean, common papaya, common snakeplant, day jessamine, hunters robe, queensland umbrella tree, trailing wedelia may not be used as part of the revegetation of the property after development. Any such plants that exist on the site at the time of the issuance of a development order must be removed; and~~
- ~~(7) The vegetation that surrounds, or is within the open space areas should have the capacity to provide habitat for a diversity of wildlife.~~
- ~~e) Development must provide a buffer to protect adjacent natural areas from the impacts of development. The purpose of the buffer is to protect adjacent natural resources from the activities and impacts of development on the Property.~~
- ~~(1) All development must incorporate buffers, as follows, in three zones:~~

~~Zone 1 will be a minimum of 100 feet wide and will extend completely along all portions of the eastern and southern boundary of the Property. These are the areas of the Property which are adjacent to the Collier County Line. The buffer will consist of selected native upland forest plant species such as south Florida slash pine, live oak, laurel oak, and saw palmetto. Selected species will be tolerant of drought conditions, and will not require fertilizers and pesticides to promote growth and survival. Exotic plant species will be controlled by the periodic application of herbicides and mechanical removal. Wetland forest species will be used in situations where wetland functions remain on the property and where soil and moisture conditions are suitable.~~

~~Zone 1 will incorporate the existing water management reservoirs which are located along the southern boundaries of Sections 1 and 2. These reservoirs will not require additional buffering. There will be no structures erected in Zone 1, however, passive recreation such as hiking, bird watching, and nature study will be permitted. Construction of lakes in Zone 1 will be allowed. Existing berms and ditches will be allowed to remain in Zone 1.~~

~~Zone 2 will be adjacent to Zone 1 and will encompass an area that is at least 50 feet wide. This area will be free of lights and other structures such as fences, pools, and sheds. The permanent placement of generators, pumps, and other fixed motors will be prohibited. Homesites may extend into Zone 2, but no portion of the residence itself may extend into this zone. If residential lots are incorporated into this zone, those portions of yard acreage will be planted and maintained in a fashion similar to that proposed for Buffer Zone 1. Passive recreation such as hiking, jogging, biking, and walking will be allowed along designated trails and boardwalk system. Golf courses and lakes may extend into this zone, but may not incorporate lights or structures other than drainage structures and cart paths. All golf course acreage in Zone 2 will be free of lights and structures, and the use of golf carts will be permitted. If water, sewer, or electrical lines are placed in Zone 2 they must be buried.~~

~~Zone 3 will be parallel Zone 2 and will consist of residences and other infrastructure development in a 100-foot wide band. Exterior lighting in this zone may not project toward adjacent preserve land. Measures such as directional lighting, reduced height light supports, and other light abatement technology will be used.~~

~~The buffer zones will not preclude governmental entities from constructing public roadways that are currently depicted on the Lee County 2020 Traffic Circulation Plan Map through these zones, as long as other State and Federal permits are obtained.~~

- ~~f) The Property must be served with all necessary facilities and services at no expense to the County (including central water and sewer). Uniform Community Development Districts any special taxing districts may be utilized to achieve this standard. The Property is presently within the Lee County Privately Funded Infrastructure Overlay (PFIO). This Overlay requires that all development within these areas pay for the construction and extension of public services to all properties that seek to develop to a different land use. Should at the time when the Property begins to develop, the PFIO no longer applies to this area, all development will still be required to pay for its infrastructure costs. All development must comply with the Lee County Concurrencey Management Plan. The owners of the property and their successors in interest must not withdraw from or opt out of the PFIO.~~
- ~~g) Development must be on central water and sewer or the extension of such and other utilities must be planned to coincide with the development of the Property. Bonita Beach Road improvements must have been extended east to the planned development, or its extension must be committed to occur in pace with the planned development.~~
- ~~h) The shorelines of any stormwater management lakes must be sinuous in configuration, and must be sloped or bermed. The littoral zones around the ponds must be planted with native wetland herbaceous plants, and trees or shrubs can be included within the herbaceous plants. At least four species must be planted. The minimum required number of plants will be one plant per linear foot of lake shoreline as measured at the control elevation water level. The littoral shelf should provide a feeding area for water dependent avian species.~~
- ~~i) The owners will employ management strategies in and around any golf course to address the potential for pesticide/chemical pollution of the groundwater and surface water receiving areas. The owners will comply with the goals of the Audubon Cooperative Sanctuary Program for Golf Courses. The management practices will include:
 - ~~(1) The use of slow release fertilizers and/or carefully managed fertilizer applications which are timed to ensure maximum root uptake and minimal surface water runoff or leaching to the groundwater;~~
 - ~~(2) The practice of integrated pest management when seeking to control various pests, such as weeds, insects, and nematodes. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified~~~~

~~targeted species. The regular widespread application of broad-spectrum pesticides is not acceptable. The management program will minimize, to the extent possible, the use of pesticides, and will include the use of the USDA SCS Soil Pesticide Interaction Guide to select pesticides for uses that have a minimum potential for leaching or loss due to runoff depending of the site specific soil conditions. Application of pesticides within 25 feet of any CREW, or other adjacent public preserve lands, is prohibited.~~

~~(3) The coordination of the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients;~~

~~(4) The utilization of a golf course manager who is licensed by the State to use restricted pesticides and who will perform the required management functions. The golf course manager will be responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater; and~~

~~(5) The storage, mixing and loading of fertilizer and pesticides will be designed to prevent/minimize the pollution of the natural environment.~~

~~j) In order to minimize the adverse impacts that construction may have on wildlife, natural environmental values, and water quality, the developer will institute appropriate measures such as full compaction of any fill material placed around newly installed structures.~~

~~k) Any future individual development on the Property will be subject to Development of Regional Impact (DRI) review once it reaches the 80% threshold, i.e., at 800 units such development will be presumed to be a DRI. If two or more individual projects will be developed on the Property, this 80% threshold will be applicable to each, and not applied in a cumulative fashion unless subject to the aggregation criteria in Rule 9J-2, Fla. Admin. Code.~~

All of the property described in the text proposed for deletion has been annexed into The City Of Bonita Springs. Lee County has no jurisdiction and/or permitting authority over these lands.

GOAL 5: RESIDENTIAL LAND USES. To provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the projected population of Lee County in the year ~~2020~~ 2030 in attractive and safe neighborhoods with a variety of price ranges and housing types.

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

POLICY 36.2.1: *The Official Trafficways Map is intended to represent all roadway facilities that may be needed by buildout of Lee County at some unspecified point in the future. As such, it contains numerous corridors which will not be needed by the year ~~2020~~ 2030 and are therefore not shown on Transportation Map 3A.*

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

Glossary

SOUTHWEST FLORIDA INTERNATIONAL AIRPORT PROPOSED DEVELOPMENT SCHEDULE (TABLE 5) - This Table depicts the proposed development schedule for the Southwest Florida International Airport through the year ~~2020~~ 2030.

The reference to the year 2020, the old Lee Plan horizon year has been removed and a reference to the new horizon year has been added.

Some of the Objectives or Policies predate the horizon year and represent dead-lines that have passed or activities that have been achieved. These policies no longer serve a valid purpose and are been marked for deletion or to be rewritten.

~~**POLICY 2.6.3:** *Amend the county's development regulations by 1994 to provide additional flexibility for redevelopment activities within CRAs.*~~

County no longer has any active CRA's, in addition the Board of County Commissioners does not need this Policy to propose revisions to the Land Development Code to address future provisions concerning redevelopment areas.

~~**POLICY 5.1.9:** *Consider by 1996 the provision of incentives and requirements for the reassembly, redesign, and replatting of vacant platted residential lots that are not suitable for timely, safe, and efficient development; and re-evaluate the effects of the single family residence provision and the privately funded infrastructure overlay on the county's ability to provide incentives for reassembly, redesign, and replatting*~~

Market demand is effectively providing incentives toward this goal of reassembling plats that are not suitable for residential uses. Additionally, there have been specific locations throughout Lee County, specifically Lehigh Acres that have had properties identified for commercial activities, as part of the Lee Plan. Also, recent legislation and a constitutional amendment have hindered the Counties ability to assemble properties for redevelopment.

POLICY 6.1.11: *Provide by 1995 appropriate requirements and incentives for the conversion of strip commercial development into series of discrete, concentrated commercial areas.*

Lee County has adopted revised landscape and commercial design standards into the Land Development Code. Further, staff is proposing incorporating new urbanism and smart growth through Lee Plan amendment CPA2005-00037.

~~**POLICY 9.1.5:** *Amend the Noise Ordinance by 1995 to provide exemptions for crop dusting and other essential agricultural activities*~~

This is an outdated farming practice no longer used within Lee County.

~~**POLICY 10.2.1:** *By 2000, the county will conduct a study to determine the appropriateness of oil exploration, drilling, or production. The study will address the issues of the compatibility of oil related activities with the environment and urban uses. This study will include recommendations regarding the appropriateness of such activities within Lee County as well as guidelines under which such activities should be regulated under the Lee County Land Development Code*~~

The draft study has been completed. The Land Development Code (Sec 34-1651) has been amended to address exploration activity and existing uses.

~~**POLICY 18.1.3:** *By the end of 1995, Lee County will maintain and as necessary adopt appropriate regulations providing for university housing, including student dormitories and boarding houses.*~~

The Land Development Code has been amended to address student dormitories and boarding houses as it would relate to university housing.

~~**POLICY 18.1.4:** *By the end of 1995, Lee County will maintain and as necessary adopt regulations further defining how densities for individual parcels within the University Community will be determined. The regulations will address how the total number of units will be tallied to insure that the overall average density of 2.5 units an acre will be maintained. The regulations will provide a mechanism for clustering densities within the University Community.*~~

100% of the University Community has been rezoned.

~~**POLICY 18.1.11:** *By 1996, Lee County and the Metropolitan Planning Organization will consider amending their respective transportation planning maps and policies to reflect the roadway segments identified by the Conceptual Master Plan.*~~

The roadway network created within and around the University Community, identified through Goal 18 has been incorporated within the respective transportation planning maps utilized by Lee County and the Metropolitan Planning Organization.

POLICY 18.2.3: *The University Window Overlay includes the area within 100 feet on both sides of the right-of-way of the following roadway segments:*

<i>Treeline Avenue</i>	<i>From Alico Road to Corkscrew Road</i>
<i>Alico Road</i>	<i>From I-75 to Treeline Avenue</i>
<i>Corkscrew Road</i>	<i>From I-75 to Treeline Avenue</i>
<i>Koreshan Boulevard</i>	<i>From I-75 to Treeline Avenue</i>

With input from affected property owners, ~~by 1995,~~ Lee County and the Board of Regents will develop mutually agreed upon standards for the University Window addressing landscaping, signage and architectural features visible from the designated roadway segments.

Standards have been created for the University Window Overlay. All of the property owners in the designated area, and the County have entered into an agreement that satisfies the intent of this Policy. It is not considered an on going effort to update landscaping, signage, and architectural features, as necessary.

POLICY 19.1.5: ~~*By 2002, t*~~ *The Estero Community will ~~draft~~ continue to work on a corridor management plan for the Estero US 41 corridor during the five year update to their community plan to advance development in a manner that promotes a safe, high quality urban environment. Plan elements will ~~include~~ address roadway and median landscape standards, residential buffering standards, access management guidelines, street lighting, sidewalks, and insuring safe and effective pedestrian crossings within the context of a comprehensive pedestrian and bikeway system.*

The Estero Community is beginning work on the 5 year update to their community plan.

POLICY 19.1.6: ~~*By 2004*~~ *Lee County will continue to evaluate historic resources, and as necessary, draft a proposals for their designation under Chapter 22 of the Land Development Code.*

Lee County has identified historic resources for designation under Chapter 22 of the Land Development Code and continues its efforts to identify historic resources.

POLICY 21.1.1: ~~*By the end of 2004*~~ *2007, the Caloosahatchee Shores community will draft and submit regulations for Lee County to review and consider for amendment or adoption as Land Development Code regulations that provide for enhanced landscaping, signage and architectural standards consistent with the Community Vision.*

Caloosahatchee Shore Planning Community is currently going through an update of their community plan.

POLICY 21.3.1: ~~*By the end of 2004*~~ *2007, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee County to review and consider for amendment or adoption as regulations in the Land Development Code to provide for greater buffering*

between distinctly different adjacent commercial and residential properties, modified however when a project is of mixed use nature.

Caloosahatchee Shore Planning Community is currently going through an update of their community plan.

POLICY 21.4.3: *Any existing or future regulation in the Land Development Code that is shown by the applicant of a planned development to inhibit the development of a mixed-use project will be given strong consideration for a waiver. By the end of ~~2004~~ 2007, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee County to review and consider for amendment or adoption as Land Development Code regulations that encourage mixed-use developments.*

Caloosahatchee Shore Planning Community is currently going through an update of their community plan.

OBJECTIVE 58.1: *Oversee sewer service delivery management through a joint effort between Lee County and the various private sector providers. Re-evaluate, ~~by 1999~~, as needed the effectiveness of this effort.*

Lee County is continuing to communicate and coordinate, as necessary with private sector providers. Lee County Utilities has viewed these efforts as a benefit for both the private sector and Lee County.

POLICY 58.1.1: *~~By 1995, Lee County will have~~ continue to collected data from private sanitary sewer providers, including reporting of sewage flows, holding and treatment capacity, number of customers, committed future connections, and proposed expansion plans. Thereafter, this data will be updated on a yearly basis.*

The data is being collected to update the annual Concurrence Report each year. This information is provided by the individual plant operators.

POLICY 59.1.1: *The County will ~~continue to prepare and~~ update and implement a the comprehensive county-wide surface water management master plan, with full attention to issues of regional water quality and environmental integrity. ~~The County will complete basin plans for all of the remaining watersheds in Lee County by 2005. As each basin plan is completed, it will be scheduled for adoption by the Board of County Commissioners.~~*

The basin plans have been completed. Continuing efforts are being made to keep the plan updated.

POLICY 59.1.3: *~~By 1995~~ 2007, Lee County will update its flood plain regulations in accordance with the ~~1984~~ 2006 Flood Plain Management Study Insurance Rate Map (FIRM) and other available sources.*

The adoption of the new FIRM data will require a review of all ordinances and regulatory documents to update flood zone information to be completed by August, 2007.

~~**POLICY 60.1.1:** The detailed Surface Water Management Master Plan that was initiated in 1989 to identify the existing watershed basin boundaries within Lee County, to evaluate the storm capacity and establish design criteria, and to determine costs for surface water management within each basin to meet applicable design storm standards will be completed by 2005.~~

The Surface Water Management Master Plan has been completed.

OBJECTIVE 60.2: BASIN PROGRAM. Promote water management permitting on a basin-wide basis, as opposed to the current individual-site approach used by Lee County and the South Florida Water Management District, ~~through pilot or demonstration programs in two or more basins by 1996.~~

Both the South Florida Water Management District and Lee County use the Lee County surface water master plan as a guide for reviewing development. Lee County, Natural Resources Division is supportive of reviewing development on a basin-wide analysis level.

OBJECTIVE 60.3: LEVEL-OF-SERVICE STANDARDS. ~~Revise by 1996 the surface water management level of service standards for basins and sub-basins identified in the Surface Water Management Master Plan. These future service standards can only be finalized upon the completion of the basin studies and will be based upon providing a defined level of flood protection, balanced with the protection of natural flow ways and associated wetland systems. Level of Service Standards have been established for basins identified in the surface water master plan and are provided in the following policies. The Level of Service Standards will be updated as necessary based on new basin studies or more accurate information~~

The Level of Service Standards are established within the Lee Plan. Any changes to these standards would be based upon new information.

~~**POLICY 60.3.5:** By 1996, complete the preliminary design of storm water management systems for each basin identified in the Surface Water Management Master Plan and develop a capital facility improvement schedule.~~

This task has been completed and projects are included in the Capital Improvement Program.

POLICY 61.1.3: In the event that the timing and volume of freshwater discharges necessary to maintain the health and productivity of estuaries and other wetlands cannot be determined or supported by existing scientific data, the county will sponsor, in collaboration with other agencies, institutions, and organizations, adequate research programs to make such data available ~~by 1995.~~

This is an ongoing effort for both Lee County and numerous outside agencies. Collaboration in the form of shared data is ongoing.

OBJECTIVE 62.2: SOLID WASTE DISPOSAL. ~~By 1995, begin~~ Continue operation of a waste to energy resource recovery facility and continue to explore means to reduce the volume of solid waste.

This plant is currently operating and will be expanded.

OBJECTIVE 64.2: MONITORING. ~~By 1996~~ 2009, establish a system to accurately assess the information needs of the various constituencies in the community.

The Lee County Library system views an assessment system as a vital public outreach tool. It is the Library system's intent to have a satisfaction assessment system in place by 2009.

POLICY 66.1.3: ~~By 1995, Lee County will continue to maintain and regularly update a school impact fee. staff will develop, in conjunction with economic consultants and the Board of Education, an impact fee program for capital costs for schools and present it to the Board of County Commissioners for formal consideration.~~

The Board of County Commissioners has adopted a School District Impact Fee on November 27, 2001 and amended in November 2005.

POLICY 68.1.1: ~~By 1995, Lee County will provide a~~ continue mechanism to educate and train small businesses in waste minimization and the proper storage, handling and disposal of hazardous materials through increased occupational license fees.

This is a continuing effort, started in 1990, of the Pollution Prevention program. The program targets all businesses. This education process is being met through on site assessments, presentations, and educational outreach efforts.

OBJECTIVE 76.3: ~~By 1995, t~~ The county will establish a ~~continue to maintain a~~ systematic approach to surveying users of park facilities and ~~other~~ residents of Lee County as to their needs, desires, preferences, and evaluations of park and recreation facilities and programs.

Lee County Park and Recreation currently surveys park users and Lee County residents to gain feedback on new park facilities and plans to continue such efforts. A county wide user survey was completed in 2006 for both programs and facilities. Every program offered by Lee County Parks is accompanied by a user survey and is administered by the program staff. All new facilities developed by Lee County Parks are done in the public form with public input.

POLICY 76.3.2: ~~The results of user and resident surveys will become~~ are an integral part of the planning process for park and recreation facilities and programs ~~by 1996.~~

Lee County Parks and Recreation currently uses parks users and Lee County resident surveys to determine the benefit of and potential new programs and facilities. A county wide user survey was completed in 2006 for both programs and facilities. Every program offered by Lee County Parks is accompanied by a user survey and is administered by the program staff. All new facilities developed by Lee County Parks are done in the public form with public input.

POLICY 83.3.1: *The county will continue to research national or regional standards for pool development and make recommendations, as needed for adoption of a local, non-regulatory standard by 1995.*

Lee County, in conjunction with Florida Gulf Coast University has partnered in the creation of an aquatic center which accomplishes the intent of the policies. As these facilities are used for competition events, they meet with national and regional standards.

~~**POLICY 83.3.2:** *The county will evaluate the need, feasibility, and economic benefit of developing a 50-meter pool and related aquatic center by 1995.*~~

Lee County, in conjunction with Florida Gulf Coast University has partnered in the creation of an aquatic center which accomplishes the intent of the policies. As these facilities are used for competition events, they meet with national and regional standards for 50 meter pools.

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

10. Providing ~~an annual~~ on an as needed basis a report to the County Commission on the status of wetlands and rare and unique uplands ~~by 1996.~~

There are no changes proposed for other text within this Policy.

An annual report is excessive and in fact has not been undertaken by the County. Data on wetland impacts is available through the SFWMD and DEP. Providing a status on rare and unique uplands would be a major task to undertake, clearly not feasible on an annual basis.

~~**OBJECTIVE 108.1:** *Establish baseline conditions in all estuarine systems, including pollutant and freshwater loadings by 2000, and m Maintain an ongoing water quality monitoring program. Maintain communication with other local, state, and federal estuarine water quality studies to ensure that the latest data and recommendations are available.*~~

Baseline conditions have been established. The effort has now shifted to maintaining the water quality monitoring program.

~~**OBJECTIVE 108.2: WATERSHED MANAGEMENT PLANS.** *By 1996, establish procedures for reviewing Review all new upland development in terms of its impacts on estuarine systems. Prepare estuarine watershed management plans which maximize stormwater retention and treatment, with priority to the Estero Bay watershed Lee County will work with the South Florida Water Management District to ensure new development will maximize stormwater retention and treatment.*~~

Procedures have been established to review upland development. The South Florida Water Management District is going through basin Rule changes that will maximize the stormwater retention and treatment

POLICY 109.2.3: ~~By 1995, o~~ *On-site shelters will be required to meet standards established by the county, including provision of adequate shelter space, elevation above Category 3 hurricane storm surge flooding levels, adequate windproofing, glass protection, emergency power where needed, water supplies, and other basic needs.*

The Land Development Code has been amended and now addresses these issues.

OBJECTIVE 110.1: DEVELOPMENT REGULATIONS. ~~By 1995~~ 2007, *all development regulations will be reviewed and revised to require that the vulnerability of future development in the A-Zone (as defined by the Federal Emergency Management Agency) be reduced.*

The adoption of the new FIRM data will require a review of all ordinances and regulatory documents to update flood zone information to be completed by August, 2007.

POLICY 110.1.3: ~~By 1995, a~~ *All new residential development 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)*

The LDC has been amended and now addresses this issue.

POLICY 110.1.4: ~~By 1995, a~~ *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)*

The LDC has been amended and now addresses this issue.

POLICY 110.1.5: ~~By 1995, the county will prepare and adopt a flood plain management plan. The County will 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)~~

This has been completed and has been implemented.

OBJECTIVE 111.1: POST-DISASTER STRATEGIC PLAN. ~~By 1995, t~~ *The county will formally establish maintain a post-disaster institutions and procedures to guide county actions following a natural or technological disaster. (Amended by Ordinance No. 94-30, 00-22)*

The County has a post-disaster procedure. The Objective has been modified to ensure this document is maintained regularly.

OBJECTIVE 111.2: 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 disaster. ~~By 1995, t~~ The Recovery Task Force will recommend amendments as needed to the Post-Disaster Strategic Plan. (Amended by Ordinance No. 94-30, 00-22)*

The post disaster ordinance does exist. The Objective has been modified to ensure the ordinance accurately reflects the strategic plan and provides appropriate regulations that may be needed following a disaster.

POLICY 114.1.2: *The county's wetlands protection regulations will ~~be amended by 1995~~ to be consistent with the following:*

There are no changes proposed for other text within this Policy.

The Land Development Code has been amended to address this issue.

POLICY 114.1.3: *The Future Land Use Map shows the approximate boundaries of wetlands in Lee County. The map will be updated ~~by 2000,~~ as needed based on the definitions in this plan and new information. If the Future Land Use Map is incorrect due to a clear factual error, or if an exact boundary determination is desired, an administrative process is set out in Chapter XIII of this plan to establish the precise boundary of the wetland. (Amended by Ordinance No. 94-30)*

New wetland boundaries are regularly updated on the Future Land Use Map. The Policy has been amended to reflect this ongoing effort.

POLICY 121.1.5: *~~By 1996, t~~ The county will establish an ongoing maintain the monitoring system for estuarine water quality and its impacts on the health of recreationally and commercially important fish and shellfish. (Amended by Ordinance No. 00-22)*

The County currently has a monitoring system in place. The Policy has been amended to reflect this ongoing effort.

OBJECTIVE 124.3: MARINE SANITATION. *The county will provide for effective control of waste disposal by maintaining local marine sanitation regulations in the Land Development Code which complement the Florida Clean Vessel Act and by cooperating with the Southwest Florida Regional Harbor Board to develop regional guidelines for marine sanitation systems ~~by 2001.~~ (Amended by Ordinance No. 94-30, 98-09)*

The Land Development Code has been amended to address this issue.

POLICY 124.6.3: ~~By 1997, the county will, with recommendations from an advisory committee, affected elements of county government and other affected persons, further develop and implement a Matanzas Harbor Management Plan. The scope of this plan will include the designation of a managed mooring area; the regulation of trash and wastewater disposal; and establishment of a research facility designed to meet the needs of marine environmental sciences, marine education, marine research and study of the estuarine and intertidal environment of waters unique to Lee County, specifically, Estero Bay, Ostego Bay and Hurricane Bay. This plan will provide mechanisms and standards for the strict enforcement of health, safety and welfare regulations throughout the Estero Bay and Matanzas Harbor area, regulations for the protection of marine resources; and the initiation and operation of a marine research/educational facility that would provide public access as determined by a final master plan. 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. (Amended by Ordinance No. 00-22)~~

The plan is complete and the area now falls under the jurisdiction of the Town of Fort Myers Beach. Lee County continues to offer technical assistance toward the goal of maximizing the health of the Estero Bay, Ostego Bay, and Hurricane Bay.

OBJECTIVE 127.1: ARTIFICIAL REEF PROGRAM. ~~The county will continue its artificial reef program for increasing fisheries habitat in coordination with the Department of Environmental Protection and appropriate organizations. (Amended by Ordinance No. 00-22)~~

The deleted text does not change the intent of the Objective, it has been proposed to show Lee County's desire to work with any appropriate organization.

POLICY 127.1.1: ~~By 1994, the Board of County Commissioners will create an artificial reef and habitat enhancement advisory committee composed of representatives from the commercial fishing industry, recreational fishing clubs, scuba diving organizations, environmental and conservation groups, and government agencies with an interest in fisheries or environmental matters. (Amended by Ordinance No. 00-22)~~

This Policy has been completed. The advisory committee has been formed and has been integrated into the "Reef Plan".

OBJECTIVE 143.4: PUBLICLY OWNED SITES. *Lee County will continue to preserve and protect the historic and archaeological resources owned, acquired, or disposed of by Lee County by designating them under the Lee County Historic Preservation Ordinance if feasible. ~~By 1999, Lee County will develop a~~ continue the program to preserve and protect those historic and archaeological resources owned, acquired or disposed of by Lee County which do not qualify for designation under the Lee County Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)*

Lee County has developed a program to preserve and protect historic and archaeological resources within Lee County that do not qualify for the Lee County Historic Preservation Ordinance

POLICY 151.3.1: *~~By 1995, enter into interlocal agreements between Lee County DOT will continue open communications with and the various water and wastewater utility companies to establish a process to coordinate expected utility construction projects with programmed roadway maintenance and capital projects. (Added by Ordinance No. 94-30)~~*

Lee County Department of Transportation has an effective process in place to coordinate construction projects with the various utility providers.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Evaluation and Appraisal Report identified the need to revise the County's population projection and adjusting the Plan's planning horizon to the year 2030.
- The horizon year for the Lee Plan is being moved from 2020 to 2030.
- Subsequent data sets reference by the Lee Plan are utilizing projections to the year 2030.

C. BACKGROUND INFORMATION

There are several references to the horizon year of 2020 within the Lee Plan. The references associated to the horizon year vary from projected population counts to anticipated levels of development.

This comprehensive plan amendment is not intended to change any dates that are associated with a "sunset" or a dead-line that have not already passed.

The staff report is broken into several different sections, each section is identified with a brief descriptor explaining the purpose for the section. The first section presents the Vision Statement for Lee County, located in Element I of the Lee Plan. The changes proposed in this section pertain to the change of the horizon year from 2020 to 2030. It is not the purpose of any of the proposed text changes to alter the intent of the Vision Statements. The second section changed the horizon year for the Goals, Objectives, and Policies of the Lee Plan. The third section would have changed text from Objectives or Policies that predate the horizon year and represent dead-lines that have passed or activities that have been achieved. These policies no longer serve a valid purpose and are been marked for deletion or to be rewritten.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Staff has reviewed the Lee Plan to identify Goals, Objectives, Policies, or Standards that were sensitive to the horizon date (2020) of the Lee Plan. The changes that were done, to update the Lee Plan to the 2030 horizon date did not change the intent of any of the Goals, Objectives, or Policies, the sole purpose was to make those specific changes to accurately reference new data based on a 2030 projection year.

Additional changes have been made to remove dead-lines that have passed or Policies that refer to actions that have been accomplished.

It is not the purpose of this Lee Plan Text Amendment to change the intent of any Goals, Objectives, or Policies, however in the process of updating the Lee Plan it was necessary, in a few specific cases, to re-write sections of or the entire Objective or Policy as the actions required were completed.

B. CONCLUSIONS

The proposed text amendment is a required action to keep the Lee Plan updated with more accurate or current information.

C. STAFF RECOMMENDATION

Staff recommends the Board of County Commissioners transmit the proposed amendment to update text that references the 2020 planning horizon to the new planning horizon date of 2030. Additionally, to delete any text that is date sensitive and the time frame has passed or the intent of the text amendment has been met.

**PART III - LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

PUBLIC HEARING DATE. November 27, 2006

A. LOCAL PLANNING AGENCY REVIEW

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

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS

DEREK BURR

RONALD INGE

RAYMOND SCHUMANN, ESQ

CARLETON RYFFELL

RAE ANN WESSEL

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING:

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

BRIAN BIGELOW

TAMMARA HALL

BOB JANES

RAY JUDAH

FRANK MANN

**PART V – DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT:

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

B. STAFF RESPONSE:

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING:

D. BOARD REVIEW:

E. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

F. VOTE:

BRIAN BIGELOW

TAMMARA HALL

BOB JANES

RAY JUDAH

FRANK MANN

Gaither, Wayne

From: Boutelle, Stephen J.
Sent: Thursday, November 09, 2006 3:32 PM
To: Gaither, Wayne
Subject: RE: changes to Lee Plan

How would this be instead?

Steve Boutelle
 Lee County - Natural Resources Division

Ph: 239-479-8128
 FX: 239-479-8108
www.lee-county.com

From: Gaither, Wayne
Sent: Thursday, November 09, 2006 3:14 PM
To: Boutelle, Stephen J.
Subject: changes to Lee Plan

POLICY 124.6.3: By 1997, the county will, with recommendations from an advisory committee, affected elements of county government and other affected persons, further develop and implement a Matanzas Harbor Management Plan. The scope of this plan will include the designation of a managed mooring area; the regulation of trash and wastewater disposal; and establishment of a research facility designed to meet the needs of marine environmental sciences, marine education, marine research and study of the estuarine and intertidal environment of waters unique to Lee County, specifically, Estero Bay, Ostego Bay and Hurricane Bay. This plan will provide mechanisms and standards for the strict enforcement of health, safety and welfare regulations throughout the Estero Bay and Matanzas Harbor area, regulations for the protection of marine resources; and the initiation and operation of a marine research/educational facility that would provide public access as determined by a final master plan. (Amended by Ordinance No. 00-22)

Will be changed to

Policy 124.6.3: Lee County will continue to offer support to governmental entities in the effort to manage Matanzas Harbor ~~meet the needs of marine environmental sciences, marine education, and marine research in the study of~~ to protect marine resources and maximize the health, safety and welfare of the estuarine and intertidal environment of waters unique to Lee County, ~~specifically~~ particularly Estero Bay, Ostego Bay, and Hurricane Bay.

Let me know what you think about the text, please feel free to add any language you feel is necessary.

H. Wayne Gaither

11/9/2006

Estero Community
CPA 2005-2025

POLICY 19.1.5: By 2002, ~~t~~The Estero Community will ~~draft~~ continue to work on a corridor managment plan for the Estero US 41 corridor during the five-year update to their community plan to advance development in a manner that promotes a safe, high quality urban environment. Plan elements will ~~include~~ address roadway and median landscape standards, residential buffering standards, access management guidelines, street lighting, sidewalks, and insuring safe and effective pedestrian crossings within the context of a comprehensive pedestrian and bikeway system.

LEE PLAN OBJECTIVES AND POLICIES WITH PAST DATES:

POLICY 2.6.3
OBJECTIVE 2.9
POLICY 5.1.9
POLICY 6.1.11
POLICY 9.1.5
POLICY 9.1.7
POLICY 14.1.3
POLICY 18.1.11
POLICY 18.1.3
POLICY 18.1.4
POLICY 18.2.3
POLICY 19.1.1
POLICY 19.2.3
POLICY 19.3.2
POLICY 19.4.1
POLICY 21.1.1
POLICY 21.3.1
POLICY 21.4.3
OBJECTIVE 58.1
POLICY 58.1.1
POLICY 59.1.3
OBJECTIVE 60.2
POLICY 60.2.3
OBJECTIVE 60.3
POLICY 60.3.5
POLICY 61.1.3
OBJECTIVE 62.2
OBJECTIVE 64.2
POLICY 66.1.3
POLICY 68.1.1
OBJECTIVE 69.1
OBJECTIVE 70.1
OBJECTIVE 76.3
POLICY 76.3.2
OBJECTIVE 83.1
POLICY 83.3.1
POLICY 83.3.2
OBJECTIVE 84.1
POLICY 95.1.4 2.a.
POLICY 95.1.4 2.b.
OBJECTIVE 104.1
POLICY 107.1.1 10.
OBJECTIVE 107.7

POLICY 107.7.2
POLICY 107.10.4
OBJECTIVE 108.2
OBJECTIVE 109.1
POLICY 109.1.2
POLICY 109.2.2
POLICY 109.2.3
POLICY 109.2.5
OBJECTIVE 110.1
POLICY 110.1.3
POLICY 110.1.4
POLICY 110.105
OBJECTIVE 111.1
OBJECTIVE 111.2
POLICY 114.1.2
POLICY 114.1.4
POLICY 121.1.5
POLICY 124.6.3
POLICY 127.1.1
OBJECTIVE 128.3
POLCY 135.4.11
OBJECTIVE 143.4
POLICY 151.3.1
OBJECTIVE 158.7
POLICY 1.7.1
POLICY 10.2.1
POLICY 14.6.3
POLICY 19.1.5
POLICY 19.1.6
OBJECTIVE 46.1
POLICY 59.1.1
POLICY 60.1.1
POLICY 104.1.3
POLICY 107.10.4
OBJECTIVE 108.1
POLICY 114.1.3
OBJECTIVE 124.3

LEE COUNTY ORDINANCE NO. _____
(Lee Plan Horizon 2030)
(CPA2005-25)

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 CPA2005-25 (PERTAINING TO CHANGING THE LEE PLAN HORIZON YEAR TO 2030) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; 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 public hearings on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on October 23, 2006 and November 27, 2006; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on December 13, 2006. At that hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2005-25, which updates the planning horizon year from 2020 to 2030, to the Florida Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the December 13, 2006 meeting, the Board announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC report on March 2, 2007; and,

WHEREAS, at a public hearing on April 11, 2007, the Board moved to adopt 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 the 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 "2005/2006 Regular Comprehensive Plan Amendment Cycle CPA2005-25 Lee Plan Horizon Update Ordinance."**

SECTION TWO: ADOPTION OF LEE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, as revised by the Board on April 11, 2007, known as CPA2005-25. CPA2005-25 amends the Lee Plan to change references to the planning horizon from the year 2020 to the year 2030 and to update the Vision Statements to the year 2030.

The corresponding Staff Reports and Analysis, along with all attachments for this amendment are adopted as "Support Documentation" for the Lee Plan.

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: 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 FIVE: 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 SIX: 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 or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. 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. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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

Robert P. Janes

Brian Bigelow

Ray Judah

Tammy Hall

Frank Mann

DONE AND ADOPTED this 11th day of April 2007.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: _____
Deputy Clerk

BY: _____
Robert P. Janes, Chair

DATE: _____

Approved as to form by:

Donna Marie Collins
County Attorney's Office

LEE COUNTY, FLORIDA
ORDINANCE NUMBER 95-14

AN ORDINANCE REPEALING AND REPLACING LEE COUNTY ORDINANCE NO 90-61 TO BETTER MANAGE RECOVERY, RECONSTRUCTION AND MITIGATION ACTIVITIES FOLLOWING A MAJOR OR CATASTROPHIC DISASTER WITHIN THE UNINCORPORATED AREAS OF LEE COUNTY, FLORIDA; PROVIDING FOR THE PURPOSE AND INTENT OF THE ORDINANCE; PROVIDING FOR JURISDICTION, PROVIDING DEFINITIONS; PROVIDING FOR THE CREATION, COMPOSITION, DUTIES AND RESPONSIBILITIES, DURATION, AND CHAIR OF A DISASTER ADVISORY COUNCIL, PROVIDING FOR THE CREATION, DURATION, DUTIES AND RESPONSIBILITIES OF A POST-DISASTER RECOVERY TASK FORCE AND CERTAIN MEMBERS THEREOF; PROVIDING FOR THE COMPOSITION AND DUTIES OF AN EMERGENCY REVIEW BOARD, PROVIDING PRIORITIES FOR POST-DISASTER REDEVELOPMENT, PROVIDING PRIORITIES FOR ESSENTIAL SERVICES AND FACILITIES RESTORATION, PROVIDING DEBRIS CLEARANCE, REMOVAL AND DISPOSAL STRATEGIES, PROVIDING FOR DETERMINATION OF DAMAGE, PROVIDING FOR IMPLEMENTATION OF A BUILDBACK POLICY, PROVIDING -- FOR A DECLARATION OF AN INITIAL BUILDING MORATORIUM AND ESTABLISHING RELATED MORATORIA PERTAINING TO BUILDING PERMIT INSPECTIONS, DEVELOPMENT ORDERS AND SITE PLANS PROVIDING PROVISIONS FOR MORATORIA; PROVIDING FOR EMERGENCY REPAIRS, PROVIDING FOR AN EMERGENCY PERMITTING SYSTEM, PROVIDING POLICIES FOR ECONOMIC REDEVELOPMENT, PROVIDING GUIDELINES FOR ACQUIRING DAMAGED PROPERTY; PROVIDING FOR AUTHORITY; PROVIDING PENALTIES; PROVIDING CONFLICT AND SEVERABILITY PROVISIONS, AND PROVIDING FOR AN EFFECTIVE DATE..

WHEREAS Southwest Florida and the Lee County area are vulnerable to a variety of hazards which may result in major or catastrophic disasters causing substantial injury or harm to the population and substantial damage to or loss of property, and

WHEREAS safeguarding the life and property of its citizens is an innate responsibility of the Lee County Board of County Commissioners, and

WHEREAS Chapter 252, Florida Statutes, confers upon the Board of County Commissioners of Lee County the authority to declare a state of local emergency and take all actions necessary to ensure the safety and well being of its residents, visitors and their property during disasters caused by these hazards, and

WHEREAS, Section 163 3177(6)(g), Florida Statutes, requires a comprehensive planning element for coastal management, and

WHEREAS, Section 163 3178(2)(h), Florida Statutes, affords discretion to the Board of County Commissioners to apply mitigation and redevelopment policies to designated high-hazard coastal areas; and

WHEREAS, Section 163 3178(8), Florida Statutes, requires that Lee County identify and prioritize coastal properties for acquisition according to criteria which include, amongst others, recognition of hazard mitigation, and

WHEREAS, the 1995 Florida Land Plan, the State Land Development Plan, proposes goals, objectives and policies in Priority Issue VI - Emergency Management - to reduce vulnerability and exposure of the public and public facilities to natural and technological disasters; and

WHEREAS, the Strategic Regional Policy Plan of the Southwest Florida Regional Planning Council proposes goals and policies, which would require local governments to have effective risk reduction and recovery components in their emergency management program; and

WHEREAS, the Board of County Commissioners of Lee County, Florida adopted the Lee Plan promulgated by Lee County Ordinance Number 89-02 on January 31, 1989, which became effective March 1, 1989, and

WHEREAS, the Lee Plan Goal 81. Post-Disaster Redevelopment, requires Lee County 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; and

WHEREAS, the Lee Plan Objective 81.1 Post-Disaster Strategic Plan requires that the County establish and maintain post-disaster institutions and procedures to guide county actions following a natural or technological disaster, and

WHEREAS, the Lee Plan Policy 81.1.1, as amended, requires that the Post-Disaster Strategic Plan establish and 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 the Lee County Comprehensive Plan, and

WHEREAS, the Lee Plan ~~Objective~~ 812 Post-Disaster Ordinance, requires that the County adopt an ordinance to implement (where necessary) regulations that may be needed following a natural or technological disaster; and

WHEREAS, the Lee Plan Policy 81.2 1 requires that the Post-Disaster Ordinance will 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 facilities, debris removal, stabilization or removal of structures in danger of collapsing; and minimal repairs to make dwellings habitable); and

WHEREAS, the Lee Plan Policy 81 2.3 requires that the Post-Disaster Ordinance implement the county buildback policy, and

WHEREAS, the Post-Disaster Redevelopment Plan-Chapter 3 of the Lee County Post-Disaster Strategic Plan-is intended to guide redevelopment activities within unincorporated Lee County in the event of a major or catastrophic disaster; and

WHEREAS, experience in post-disaster situations has shown that provisions addressing rehabilitation of historic resources must be included in post-disaster recovery efforts in order to preserve their historic character, and

WHEREAS, Section 125 01 (t), Florida Statutes, provides the authority for the Board of County Commissioners of Lee County, Florida to adopt ordinances necessary for the exercise of its powers and prescribe fines and penalties; and

~~WHEREAS, it is the intent of Lee County to take reasonable action to guide~~
redevelopment during the response and recovery period following a major or catastrophic disaster, such as tropical storms and hurricanes

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

SECTION ONE PURPOSE AND INTENT OF ORDINANCE

Lee County Ordinance No 90-61 is hereby repealed and replaced with the text that follows

The provisions of this Ordinance may be cited as the "Post-Disaster Recovery Ordinance"

It is the intent of the County to establish, prior to a storm event or emergency constituting a major or catastrophic disaster, organizations that will oversee the recovery and reconstruction process and also serve to advise the Board of County Commissioners on recovery and reconstruction issues. These organizations will also identify

opportunities to mitigate future damages through the management of recovery and reconstruction. It is further the intent of the County to allow rebuilding and reconstruction in an orderly manner by controlling the issuance of building permits, development orders and site plans in order to manage the location, timing, and sequence of reconstruction and repair. Although usual preservation procedures cannot be followed in the aftermath of a disaster, generally accepted standards for historic preservation will be followed in the post-disaster response. To further this intent, the County will make every effort to develop its capacity to identify and coordinate various post-disaster recovery and reconstruction resources while at the same time ensuring maximum local control over the recovery and reconstruction process.

Following a major or catastrophic disaster, sufficient time must be provided to conduct damage assessment, classify and categorize individual structure damage, evaluate the effectiveness and enforcement of the existing building code.

SECTION TWO JURISDICTION

This Ordinance applies to all areas within Lee County, Florida under the jurisdiction of the Lee County Board of County Commissioners. Every Incorporated city within Lee County is encouraged to adopt provisions of this Ordinance, either through ordinance revisions or interlocal agreements.

SECTION THREE DEFINITIONS

The following terms and definitions apply for the purposes of this Ordinance.

- A. "Building Value" means the latest total assessment of all improvements on a parcel of land recorded on the Lee County Property Appraiser's file before the structure was damaged.
- B. "Catastrophic Disaster" means a disaster that will require massive state and federal assistance including immediate military involvement.
- C. "Chief Building Official" means the Director of the Division of Codes and Building Services or his/her designee, who is hereby designated by the Board of County Commissioners of Lee County, Florida to implement, administer and enforce the building permit moratoria provisions of this Ordinance.
- D. ~~"Current regulatory standards for new construction"~~ means the following:
 - 1. federal requirements for elevation above the 100-year flood level,
 - 2. building code requirements for floodproofing;

- 3 repair work meets current building and -life safety codes,
- E. "Damage Assessment" means a systematic procedure for evaluating damage to ~~public and private property, based on, current replacement cost.~~ The assessment may be used to determine if the damaged area can qualify for federal or state disaster assistance.
- F. "Destroyed Structure" means a structure that is a total loss or damaged to such an extent that repairs are not technically or economically feasible. The indicator for this category is if the cost to repair exceeds fifty percent (50%) of the replacement value at the time of damage or destruction.
- G. "Disaster Advisory Council" means a group of officials designated by this Ordinance for the effectuation of its purposes.
- H. "Emergency Review Board" means a committee of three members from the Post-Disaster Recovery Task Force established for the purposes of this Ordinance.
- I. "Historic resource" means any prehistoric or historic district, site, building, structure, object or other ~~early personal property~~ ^{AAA} of historical, architectural or archaeological value. Historic resources may include but are not limited to monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government or culture of the county, the state or the United States.
- J. "Local Damage Assessment Team" means a group of individuals designated by the local jurisdiction to perform damage assessment according to State and Federal requirements.
- K. "Major Damage Structure" means a structure that can be made habitable with extensive repairs. Damage may include foundation, roof structure, and major structural components. The indicator for this category is if the cost to repair is greater than twenty percent (20%) and up to and including fifty percent (50%) of the replacement value at the time of damage.
- L. "Major Disaster" means a disaster that will likely exceed local capabilities and require a broad range of state and federal assistance.
- M. "Minor Damage Structure" means a structure that can be made habitable in a short period of time with minimal repairs. Damages may include doors, windows, floors, roofs, central air conditioners, and other minor structural damage. The indicator for this category is if the cost to repair is twenty percent (20%) or less than the replacement value at the time of damage.

- N. "Minor Disaster" means a disaster that is likely to be within the response capabilities of local government and to result in only a minimal need for state or federal assistance
- O. "Post-Disaster Recovery Task Force" means a group of officials designated by and for the purposes of this Ordinance.
- P. "Replacement Cost" means the actual cost to repair, reconstruct, rebuild or replace a damaged structure. It will not include the following parts of a structure or items not considered a permanent part of the structure: building plans, surveys, permits, sidewalks, pools, screens, sheds, gazebos, fences, furniture and carpeting. For purposes of this Ordinance, the replacement cost will be compared to the structure's replacement value to determine the percent of the structure damaged.
- Q. "Replacement Value" of a structure means the market building value contained in the Lee County Property Appraiser's File multiplied by one of the following factors:
1. 120% in a major disaster, or
 2. 150% in a catastrophic disaster
- The structure's owner may opt to establish replacement value by hiring a state certified property appraiser rather than use the formula stated in this definition.
- R. "Structure" means that building or accessory building which is built or constructed.

SECTION FOUR. DISASTER ADVISORY COUNCIL, RECOVERY TASK FORCE AND EMERGENCY REVIEW BOARD

- A. A Disaster Advisory Council is hereby established to replace the existing Recovery Task Force. The Council's functions will primarily be pre-disaster planning and post-disaster recommendations. It will consist of the same members currently serving on the "Recovery Task Force" with some additions at the Disaster Advisory Council's discretion, and as set forth below.
- B. The Disaster Advisory Council will meet on a continuing and regularly scheduled basis to discuss its specific roles and responsibilities in accordance with this Ordinance, and relative issues associated with recovery from a major or catastrophic disaster. The Council's duties and responsibilities include, but are not limited to:
1. overseeing the recovery and reconstruction process,
 2. advising the Board of County Commissioners on relevant recovery and reconstruction issues,

3. identifying opportunities to mitigate future loss of life and property damage through the management of recovery and reconstruction,
 4. maintaining a post-disaster redevelopment plan for the County, including recommending changes regarding the Lee County Post-Disaster Strategic Plan, the Lee County Comprehensive Plan and the Post-Disaster Ordinance to the Board of County Commissioners,
 5. developing procedures to carry out the County's buildback policy, as defined by the Lee Plan and the Post-Disaster Redevelopment Plan,
 6. maintaining established policies for redeveloping high hazard land areas that have sustained repeated damage from flooding or hurricanes,
 7. defining principles and establishing criteria for prioritizing acquisition of property damaged as the result of a major or catastrophic disaster,
 8. establishing special committees and subcommittees within the Disaster Advisory Council to deal with specific issues arising during the disaster recovery process,
 9. implementing a management system that allows for rebuilding and reconstruction to be conducted in an orderly and timely manner through control of the issuance of building permits, development orders and site plans considering the location, timing, and sequence of reconstruction and repair;
-
10. developing procedures that promote the mitigation of future disaster damage through activities carried out during recovery and reconstruction,
 11. setting priorities to guide community redevelopment following a major or catastrophic disaster, including, but not limited to
 - a. priorities in restoring essential community services (electrical power, communications, water, and waste water service),
 - b. predetermined strategies for clearing, removing and disposing of disaster-caused debris, and
 12. establishing an education program to advise the public of the County's Post-Disaster Redevelopment Plan
 13. developing and recommending procedures to document actual uses, densities and intensities, and compliance with regulations in effect at the time of construction, through such means as photographs, diagrams, plans,

affidavits, permits, appraisals, tax records, etc

- 14 if considered necessary, recommending changes in approved land uses in land areas with sustained, repeated damage from flooding or hurricanes in accordance with the criteria set forth in Section Ten of this Ordinance
15. making recommendations for participation in federal and state post-disaster hazard mitigation planning
- 16 evaluating damaged public facilities and formulating alternative mitigation options (e.g., repair, replace, modify or relocate).
17. making recommendations for revision of the County's redevelopment plan in conjunction with federal, state, and local emergency officials
- 18 recommending any changes in the Comprehensive Plan, development standards, zoning regulations, setback, density, open space, buffering and elevation requirements, building codes, or any other ordinances necessary or advisable to prevent a recurrence of damage.
- 19 developing procedures to address the rehabilitation of historic resources in a manner that preserves their historic integrity

C. Composition of Disaster Advisory Council. The Disaster Advisory Council will consist of the following officials and such other officials as may be approved annually by the Board of County Commissioners:

- 1 County Manager
- 2 County Public Information Officer
- 3 County Attorney
4. County Administrative Services Director
3. County Public Safety Director
- 6 County Parks and Recreation Director
- 7 County Community Development Director
- 8 County Transportation Director
9. County Transit Director

10. County Human Services Director
11. County Public Works Director
12. County Budget Services Director
13. County Finance Director
14. County Visitor & Convention Bureau Director
15. County Port Authority Director
16. County Equal Opportunity Director
17. County Health Department
18. County Medical Examiner
19. County Economic Development Director
20. County Utilities Director
21. County Solid Waste Director
22. Local Planning Agency Member
23. Representatives of the Community such as representatives from Chamber of Commerce, hospital, religious community, private water or wastewater utilities and power companies, and any Lee County contract operations and maintenance providers
24. Representative from the Lee County Fire Chiefs Association
25. City of Cape Coral Liaison
26. City of Fort Myers Liaison
27. City of Sanibel Liaison
28. County Sheriff Liaison
29. County School District Liaison
30. SW Florida Regional Planning Council Liaison

31. Member of the Lee County Historic Preservation Board

32 Other representatives as appointed by the Board of County Commissioners

The officials set forth above may be represented by a designee chosen to serve in their place providing the appointment is made in writing to the Disaster Advisory Council chair

D Chair of the Disaster Advisory Council The County Manager (or designee) will serve as the Chair of the Disaster Advisory Committee County Public Safety and Emergency Management personnel will serve as staff for the Disaster Advisory Council.

E Post-Disaster Recovery Task Force A Post-Disaster Recovery Task Force is established that will be comprised of the following nine officials.

- 1 County Manager,
2. Public Safety Director,
- 3 Community Development Director,
4. Chief Building Official,
5. Public Works Director,
- 6 Disaster Recovery Coordinator (County Budget Services Director or designee),
- 7 Economic Recovery Coordinator, (County Economic Development Director or designee),
- 8 Hazard Mitigation Coordinator (County Planning Director or designee), and
- 9 Tourism Recovery Coordinator (County Visitor and Convention Bureau Director or designee),

Additionally, all Disaster Advisory Council members will be ex-officio members of the Post-Disaster Recovery Task Force

F. Activation of Post-Disaster Recovery Task Force For post-disaster responsibilities, the post-disaster recovery task force will be activated and mobilized by a disaster declaration made either by the Board of County Commissioners under the procedures set forth in Lee County Ordinance 87-1 or the Office of the Governor of the State of Florida

G. Duration of Post-Disaster Recovery Task Force. In the event of a disaster declaration, the Post-Disaster Recovery Task Force will activate and mobilize for a minimum period of sixty (60) days. Unless the Board of County Commissioners extend its tenure, the Post-Disaster Recovery Task Force's post-disaster function, will de-activate after 60 days

H. Repealing or Extending of Post-Disaster Recovery Task Force. The Board of County Commissioners may, by resolution, extend or repeal the activation of the Post-Disaster Recovery Task Force

I. Responsibilities of the Post-Disaster Recovery Task Force. The Post-Disaster Recovery Task Force will be responsible for advising the Disaster Advisory Council or the Board of County Commissioners on a wide range of post-disaster recovery, reconstruction; and mitigation issues. The Post-Disaster Recovery Task Force will have the following responsibilities.

1 To receive and review damage reports and other analyses of post-disaster circumstances and to compare these circumstances with mitigation opportunities identified prior to the disaster in order to identify areas for post-disaster change and innovation. Where needed, the Post Disaster Recovery Task Force may review alternative mechanisms for achieving these changes and recommend the coordination of internal and external resources for achieving these ends

2 In addition to the responsibilities above, the Post-Disaster Recovery Task Force may

- a. Inmate recommendations for the enactment, repeal or extension of emergency ordinances and resolutions
- b. Review the nature of damages, identify and evaluate alternate program objectives for repairs and reconstruction, and formulate recommendations to guide community recovery, and assist local municipalities with their programs
- c. Formulate special committees and sub-committees as conditions may warrant
- d. Recommend and implement an economic recovery program focusing on rapid recovery of the tourism industry, utilizing funds set aside for recession periods as per Lee County Resolution 90-07-27
- e. Recommend rezoning changes in areas of damage, when deemed appropriate.

- f. Set a calendar of milestones for recovery tasks.
- g. Recommend repealing or extending any moratorium
- h. Recommend land areas and land use types that will receive priority in recovery operations
- i. As conditions may warrant, appoint an Historic Rehabilitation Coordinator responsible for evaluating the extent and type of historic rehabilitation activities needed based upon assessments of damage; assisting the Chief Building Official and staff in related historic resource rehabilitation activities, providing information on historic resource rehabilitation and redevelopment in historic districts to interested parties to coordinate and maximize such efforts; and fulfill other duties assigned by the Disaster Advisory Council or the Board of County Commissioners
- j. Recommend changes to procedures to document actual uses, densities and Intensities, and compliance with regulations in effect at the time of construction, through such means as photographs, diagrams, plans, affidavits, permits, appraisals, tax records, etc
- k. Evaluate hazards and the effectiveness of mitigation policies and recommend appropriate amendments, if considered advisable
- ~~l. If considered necessary, recommend changes in approved land uses in land areas which sustained repeated damage from flooding or hurricanes in accordance with the criteria set forth in Section Ten of this Ordinance~~
- m. Initiate recommendations for acquisition of damaged property.
- n. Make recommendations for participation in federal and state post-disaster hazard mitigation planning
- o. Recommend hazard mitigation projects or programs for consideration of post-disaster state or federal funding.
- p. Evaluate damaged public facilities and formulate alternative mitigation options (i.e., repair, replace, modify or relocate).
- q. Make recommendations for revision of the County's redevelopment plan in conjunction with federal, state, and local emergency officials
- r. Review emergency actions and recommend amendments to Lee

- County's 1) Post-Disaster Ordinance, 2) Post-Disaster Strategic Plan, 3) Comprehensive Emergency Management Plan, 4) Emergency Operations Center's Standard Operating Procedures, and
- - 5) ~~Lee County Administrative Codes.~~

- 3 The Post-Disaster Recovery Task Force may recommend any changes in the Comprehensive Plan, Land Development Code, or any other ordinances which it deems necessary or advisable to prevent recurring damage or mitigate hazards.
4. The Post-Disaster Recovery Task Force may also recommend that the Disaster Advisory Council or the Board of County Commissioners consider objectives-such as the following.
 - a enhancing local recreational and open space opportunity
 - b enhancing public access to esruanne, nvenne and gulf beaches.
 - c. enhancing and restoring local naiurai ecosystems
 - d reducing traffic congestron, noise, and other transportation-related problems.
 - e enhancing iong-term economic vitality of the local commercial and industrial base.
 - f enhancing and rehabilitating historic resources.

J Function and Duties of Certain Post-Disaster Recovery Task Force Members.

1 Disaster Recovery Coordinator.

- a Purpose To coordinate disaster assistance available from the federal government and state agencies to Lee County following a major or catastrophic disaster.
- b. Duties Will consist of, but not be limited to, the following
 - (1) Determine the types of assistance available to the County and the types of assistance most needed.
 - (2) Assist in the local coordination of federal and state disaster recovery efforts

- (3) Provide local assistance to facilitate federal and state disaster assistance programs.
- (4) Act as facilitator in securing federal or state disaster assistance
- (5) Inform the community of types of disaster assistance available.
- (6) Fulfill other duties as directed by the Disaster Advisory Council or the Board of County Commissioners

2. Economic Recovery Coordinator

a. Purpose. To coordinate economic recovery with the business community following a major or catastrophic disaster.

b. Duties. Will consist of, but not be limited to, the following:

- (1) Determine the potential or actual impacts to the local economy and determine short and long term strategies to be considered by the Post-Disaster Recovery Task Force
- (2) Assist in the local coordination of federal and state economic recovery efforts
- (3) Disseminate accurate information to and from the business community.
- (4) Inform the business community of types of disaster assistance available
- (5) Fulfill other duties as directed by the Disaster Advisory Council or the Board of County Commissioners

3. Hazard Mitigation Coordinator

a. Purpose. To coordinate hazard mitigation assistance available from the federal Government and state agencies to Lee County following a major or catastrophic disaster.

b. Duties. Will consist of, but not be limited to, the following.

- (1) Determine the types of hazard mitigation assistance or funding available to the County and the types of assistance most

needed.

- (2) Assist in the local coordination of federal and state hazard mitigation efforts.
- (3) Provide local assistance to facilitate federal and state hazard mitigation assistance programs
- (4) Act as facilitator in securing federal or state hazard mitigation funding for hazard mitigation projects to local entities
- (5) Fulfill other duties as directed by the Disaster Advisory Council or the Board of County Commissioners

4 Tourism Recovery Coordinator.

- a. Purpose To coordinate tourism recovery with the visitor and convention community following a major or catastrophic disaster.
- b. Duties. Will consist of, but not be limited to, the following:
 - (1) Determine the potential and actual impacts to the local tourism industry and its economy and determine short and long term strategies for expedient recovery.
 - (2) Acquire and disseminate accurate information from and to the tourism industry and to and from the local, state, national and international media
 - (3) Inform the tourism industry of types of disaster assistance available.
 - (4) Fulfill all other duties as directed by the Disaster Advisory Council or the Board of County Commissioners

K Quorum meetings of the Post-Disaster Recovery Task Force or Disaster Advisory Council those members present will constitute a quorum.

L Emergency Review Board

- 1 An Emergency Review Board is established in major or catastrophic disasters to review disputes arising from the implementation of the county's buildback policy. The Emergency Review Board will consist of three representatives from the Post-Disaster Recovery Task Force appointed by

the Director of Community Development Decisions rendered by the Emergency Review Board may be appealed to the Lee County Hearing Examiner through the administrative appeals process

- 2 The Emergency Review Board may refer and make recommendations to the appropriate County department for any requests for modifications that are beyond those authorized in this Ordinance.

SECTION FIVE POST-DISASTER REDEVELOPMENT PRIORITIES

The following priority sequence will govern community rebuilding and redevelopment efforts

- A Reestablishing services that meet the physical and safety needs of the community to include water, food, ice, medical care; emergency access, continuity of governmental operations; emergency communications; security of residents and possessions from harm, health, and temporary housing
- B. Reestablishing Infrastructure necessary for community reconstruction (i.e., electrical distribution systems; potable water and sanitary sewer service; restoring medical and health care, rebuilding damaged transportation facilities; and housing facilities).
- C. Restoring the community's economic base, as defined by the Lee Plan or accepted econometric principles and practices
- ~~D. Improving the community's ability to withstand the effects of future major or catastrophic disasters.~~

SECTION SIX ESSENTIAL SERVICE AND FACILITY RESTORATION PRIORITIES

- A The following priorities will govern power and communication service restoration once damaged electrical transmission systems, substations and distribution systems are restored:
 1. Priority # 1 - Emergency response and recovery facilities having no emergency power or telephone service (community emergency operations or command centers, response/ recovery centers), medical facilities having ~~no emergency power, repairing emergency~~ communication centers and facilities, and designated facilities providing emergency food, water and ice
 2. Priority # 2 - Water treatment and pumping facilities, special care centers, nursing home facilities having no emergency power, law enforcement and fire stations having no emergency power, the Southwest Florida International Airport, Page Field, staging areas and distribution centers requiring

emergency power, and county/state detention centers (the jail, stockade).

- 3 Priority # 3 - Wastewater treatment plants and lift stations, general telephone service, solid waste facilities, medical facilities having emergency power, nursing homes having emergency power, law enforcement and fire stations having emergency power, public shelters still housing evacuees and the homeless, adult congregate living facilities, facilities serving as disaster application, not for federal disaster relief, and public and private facilities necessary for resource management and distribution activities (government facilities handling emergency purchasing, designated grocery store/restaurant outlets)
4. Priority # 4 - Community areas receiving minor damage, and other government facilities.
- 5 Priority # 5 - Community areas receiving major damage
6. Priority # 6 - Community areas receiving catastrophic damage.

B The following procedures will govern restoration of water service-

- 1 Valve off major leak areas.
2. Work with private franchises providing service to determine extent of damaged facilities and reestablish service.
- 3 Identify highly damaged areas.
- 4 Assess and provide service to meet critical customer needs (e.g., emergency response and recovery facilities, Southwest Florida International Airport, hospitals, nursing homes, emergency public shelters, kidney dialysis patient facilities, and other identified emergency response facilities).
- 5 Establish emergency water sites as necessary
- 6 Establish priorities and repair damaged facilities in the following order: treatment plants, trunk mains, distribution mains, service connections
- 7 ~~Repressurize area water systems as necessary~~
8. Establish area water potability.

C The following procedures will govern wastewater service restoration:

1. Assess damages to system (wastewater treatment plants, lift stations, electrical support systems, to include evaluating the need to take lift stations off line in flooded evacuated areas to avoid damage to property when power is restored)
2. Work with private franchises providing service to determine extent of damaged facilities and reestablish service
3. Coordinate recovery operations in determining and repairing any damages to wastewater treatment plants within Lee County.
4. Determine need and provide emergency service to emergency response and recovery facilities, Southwest Florida International Airport and Page Field, and hospitals.-
5. Repair damaged facilities in the following sequence treatment plants first, then lift stations starting with those closest to the treatment plants
6. Reestablish wastewater service to franchise areas as power and water service are restored.

SECTION SEVEN POST-DISASTER DEBRIS CLEARANCE AND DISPOSAL STRATEGIES

- A. The following policies will govern emergency debris clearance, removal and disposal strategies.
 1. Emergency access to aid search and rescue operations,
 2. Major arterial roadways linking Lee County to intercounty traffic,
 3. Major arterial roadways providing access to designated response/recovery centers, (Lee Civic Center, Lee County Sports Complex), the Southwest Florida International Airport, public/private utility companies providing water service, and entry roads to the County's designated solid waste disposal facilities
 4. Major arterial roadways providing access to roadways carrying intercounty traffic
 5. Roadways providing access to designated staging areas and distribution centers supporting disaster relief efforts,
 6. Roadways providing access to major commercial activity centers,

- 7 Minor arterial roadways coming under county maintenance responsibility,
- 8 Collector roadways under county maintenance responsibility, and
9. Other roadways under county maintenance responsibility

B. Once road clearing operations supporting search and rescue operations, clearing intercounty roadways, and providing access to designated response/recovery centers are completed, debris clearance will be guided by the following priority sequence:

1. Area medical facilities with emergency rooms, areas designated for field medical sites, areas designated for staging and distributing disaster relief aid,
2. Facilities designated as centers for emergency response operations, fire district and law enforcement stations,
- 3 Areas with minor damage,
- 4 Areas with major damage, and
5. Areas with catastrophic damage.

~~C. Debris will be separated to avoid mixing hazardous materials and hazardous waste with other types of debris~~

D Agencies or organizations contracted to clear, remove and dispose of debris will follow the following principles:

- 1 Debris collection and removal procedures from residential and commercial properties will adhere to the following collection sequence priority 1 - raw garbage, priority 2 - rubbish; priority 3 - yard waste; and priority 4 - construction/demolition debris. Debris will be separated into these four general priority classes. Instructions will be provided by contract providers to separate debris in this fashion and also provide notification of the established schedule for picking up the four general debris classes
- 2- ~~Storage areas will be operational within seven to ten days after the disaster~~ to separate debris that does not fall under the residential and commercial property programs.
3. Open pit burning, burning by incineration, mulching or chipping horticultural debris, hauling mulched or chipped debris out of the county, disposal at approved solid waste sites and debris reuse and recycling will be acceptable

methods of debris disposal, provided these methods meet all applicable rules and regulations established for such operations.

SECTION EIGHT DETERMINATION OF DAMAGE BUILDBACK POLICY. MORATORIA, EMERGENCY REPAIRS AND EMERGENCY PERMITTING SYSTEM

- A Determination of Damage. The primary task of the local damage assessment team is to identify structures damaged as a result of the disaster. The County damage assessment team will catalogue and report to the Chief Building Official those structures which have (1) been destroyed, (2) received major damage; and (3) received minor damage. The Chief Building Official will then inspect the damaged structures and place each structure in one of the damaged categories. The assessment will also serve as a basis for determining if a disaster declaration is warranted.
- B County Buildback Policy. Structures which have been damaged by fire or other natural forces to the extent that the cost of their reconstruction or repair exceeds fifty percent (50%) may be reconstructed at (but not to exceed) the legally documented actual use, density, and intensity existing at the time of destruction, thereby allowing those structures to be rebuilt or replaced to the size, style, and type of their original construction, including original square footage; provided, however, that the affected structure, as rebuilt or replaced, complies with all federal and state regulations, local building and life safety regulations, and other local regulations, which do not preclude reconstruction otherwise intended by this policy.

In accordance with this policy, this Ordinance provides

1. Structures damaged up to and including fifty percent (50%) may be rebuilt to their original conditions, with repair work subject to current building and life safety codes, except that structures damaged by flood waters in a disaster by more than twenty percent (20%) which have recorded one or more national flood insurance losses of one thousand dollars (\$1,000.00) or more since 1978, must be brought into compliance with current regulatory standards for new construction.
2. Structures damaged more than fifty percent (50%) may be rebuilt to their original square footage and density, provided they comply with
 - a federal requirements for elevation above the 100-year flood level,
 - b building code requirements for floodproofing,
 - c repair work meets current building and life safety codes,

- d. Coastal Construction Control Lines regulations (if applicable);
 - e. disability access regulations; and
 - f. any required zoning or other development regulations (other than density or intensity), unless compliance with those regulations would preclude reconstruction otherwise intended by the buildback policy as may be determined by the Emergency Review Board set forth below
- 3 To minimize the need for individual variances or compliance determinations before reconstruction or redevelopment of structures damaged more than fifty percent (50%), and in order to expedite the processing of the large number of anticipated applications for reconstruction, the development regulations affecting setbacks, parking, buffering and open space in any area declared a disaster may be modified by majority action of the Emergency Review Board as set forth below. Additionally, the listed development regulations will be evaluated for their applicability to allow reconstruction or redevelopment that will most closely comply with current regulations. These regulations will be prioritized as to their relative importance based upon, among other factors, the structures' use, location, size, and the condition of any remaining pre-existing structures. More specific guidelines will be established by administrative code
- a. for single family, two family and duplexes and their accessory structures-the Emergency Review Board is authorized to apply and modify development regulations for lot area and dimension, setbacks, lot coverage, height, handicapped access and open space.
 - b. for multiple family, commercial and industrial buildings-the Emergency Review Board is authorized to modify development regulations for lot area and dimensions, setbacks, lot coverage, height, handicapped access, buffering, open space, loading space and parking
 - c. any modifications granted will be the minimum necessary. No modifications will be granted that will totally eliminate buffering or open space, or that will allow buildings to exceed the special height limitations specified in LDC Chapter 34, Zoning, Division 30, Property Development Regulations, Subdivision II, Height
 - d. the Emergency Review Board is specifically authorized to modify street, rear side or waterbody setback requirements under the following circumstances.
 - (1) Street, rear, side, or waterbody setbacks may be modified to

permit the reconstruction of, or additions to, pre-existing structures that are nonconforming with regard to a specific setback so long as.

- (a) the reconstruction will not result in a further diminution of the setback, however, the Emergency Review Board may approve bay windows, chimneys and similar architectural features that encroach further into a setback provided the encroachment does not protrude beyond the pre-existing overhang of the building; and
 - (b) setbacks may be modified to allow the replacement of stairs or decking that will provide access into a reconstructed dwelling unit
- (2) prior to approving any modification of street or street easement setbacks a determination will be made through consultation with Lee County Department of Transportation regarding future road widening requirements
- e the Emergency Review Board is specifically authorized to modify the parking requirements under the following circumstances
 - (1) to improve ingress and egress to the site.
 - (2) to eliminate or reduce the instances where parked vehicles were required to back out onto thoroughfares to gain access to the roadway system.
 - (3) to provide on-site handicapped parking
- f. the Emergency Review Board is specifically authorized to modify buffering requirements to accommodate modifications to parking or additional proposed parking.
- g. The Emergency Review Board may also consider other modifications, conditions or variances necessary to reconstruct a pre-existing structure in a timely and expeditious manner, including requests for reconstruction not specifically set forth above
- h The Emergency Review Board may require documentation as to the actual uses, densities, and intensities in existence at the time of earlier construction through such means as photographs, diagrams, plans, affidavits, permits, etc before authorizing modifications to the requirements referenced above.

5. No provision is made to redevelop property containing damaged structures for a more intense use or at a density higher than that which existed prior to a major or catastrophic disaster. No redevelopment at a higher density or more intense use will be permitted unless appropriate Zoning, Development Review, Building Permit and other applicable land development approvals are granted

C Moratoria The following moratoria will apply for the purpose of prioritizing repair and reconstruction immediately needed for public health, safety and welfare purposes

1 Initial building moratorium.

a. Effective date of an Initial Building Moratorium An initial building moratorium will become effective when one or more of the following actions or findings occur

- (1) The Governor of the State of Florida or the President of the United States declares the County a disaster area
- (2) The Chief Building Official determines that one hundred (100) or more structures have received major damage or have been destroyed
- ~~---~~ (3) ~~Upon a finding by the Board of County Commissioners of the existence of a state or local emergency in accordance with Chapter 252 of the Florida Statutes~~
- (4) The County is unable to maintain acceptable levels of public service expected during non-emergency situations.

b. Duration. The initial building moratorium will remain in effect for up to seventy-two (72) hours. No building permits may be issued during this timeperiod. After expiration of this initial building moratorium, the following moratoria will become immediately effective unless modified by the Board.

- 2 Destroyed structure moratorium No building permit may be issued within thirty (30) days following the expiration of the initial building moratorium for the replacement of any structure which has been destroyed
- 3 Major damaged structure moratorium No building permit for repairs of a major damaged structure may be issued for at least ten (10) days following the expiration of the initial building moratorium

4. Minor damaged structure moratorium No building permits for the repair of minor damaged structures may be issued for at least four (4) days following the expiration of the initial building moratorium.
5. New development moratorium No building permit for new construction or reconstruction unrelated to rebuilding or repairing disaster damaged structures may be issued for at least thirty (30) days following the expiration of the initial building moratorium in order to allow an examination of existing building and life safety codes. The Disaster Advisory Committee or Post-Disaster Recovery Task Force will determine and advise the Board of County Commissioners whether a new development moratorium is necessary based upon the results of damage assessment and recommendations from the Chief Building Official and the Recovery Task Force.
6. Outstanding building permit inspection moratorium
 - a. With the exception of inspections for certificates of occupancy, inspections for all building permits issued prior to the disaster will be suspended for a minimum period of thirty (30) days following the expiration of the initial building moratorium, unless the Chief Building Official determines on an area wide or case-by-case basis that sufficient inspection staff will be available to inspect the structures. Suspension of inspections of building permits process means that except as allowed by the Chief Building Official no building permit inspections by the Lee County Division of Codes and Building Services will be performed during the moratorium period, and that no further building permit work is authorized beyond the point at which any inspection is otherwise required.
 - b. The County may reinspect all building permit work in place prior to the disaster to verify that the work was not damaged during the disaster. If the County determines the building permit work was damaged during the disaster or suspects damage occurred, the developer will be responsible for rework, removal, retesting, and uncovering work to facilitate inspection to ensure compliance with the building permit documents and the building code.
 - c. ~~Scheduled inspections and requests for building permit inspections~~ suspended under this section will be adjusted to reflect the thirty (30) day moratorium.
7. Outstanding development order moratorium
 - a. All applications for development orders, inspections of development

order work, and all development orders issued prior to a major or catastrophic disaster will be suspended for a minimum period of thirty (30) days following the expiration of the initial building moratorium. Suspension of outstanding development order process means that no development order work is authorized beyond the point at which a development order inspection is required and that no development order inspections will be performed by the Lee County Division of Zoning and Development Services during this moratorium except as may be authorized by the Department of Community Development Director on an area wide or case-by-case basis.

- b. The County may reinspect all development order work in place prior to the disaster to verify that the work was not damaged during the disaster. If the County determines that such work was damaged during the disaster or suspects that damage occurred, the developer will be responsible for rework, removal, retesting, and uncovering work to facilitate inspection to ensure compliance with the development order documents and Chapter 10 of the Land Development Code.
- c. All applications for development orders, inspections required for approval of development orders, and development orders that would otherwise expire, are suspended under this section and their corresponding dates will be adjusted to account for the effect of this moratorium period.

8. Moratorium on review of site plans, zoning requests and subdivision plats.

- a. Site plans, zoning requests and subdivision plats submitted to the County prior to the disaster will not be reviewed by the County staff or considered by the Board of County Commissioners for a period of thirty (30) days following the expiration of the initial building moratorium.
- b. No new site plans, zoning requests or subdivision plats will be accepted by the County for a period of thirty (30) days following the expiration of the initial building moratorium.
- c. ~~All submittal dates and review periods will be adjusted~~ to reflect the thirty (30) day moratorium.
- d. Notwithstanding these restrictions, the Director of Community Development may authorize review otherwise precluded by this moratorium, on a case-by-case basis.

9. Duration of moratoria. All moratoria other than the initial building moratorium will be in effect for the duration described above and may be repealed or extended upon resolution by the Board of County Commissioners

E. Emergency Repairs.

1. No construction or reconstruction activity may be undertaken without a building permit while a building moratorium is in effect. Emergency repairs necessary to prevent injury, loss of life, imminent collapse or additional damage to the structure or its contents will not be subject to temporary moratoria. Examples of activities considered acceptable emergency repairs include.
 - a. Temporary roof repairs with plywood or plastic sheeting to make structures habitable or to prevent continuing damage due to rain and wind to building interiors and exteriors,
 - b. Covering exterior wall openings with plywood or plastic sheeting,
 - c. Repairs to interior ceilings to make buildings habitable or to drain accumulated water,
 - d. Repairs to steps, and
 - e. Temporary shoring measures to avoid imminent building or structure collapse.
2. Emergency repairs to buildings or infrastructure that house the following organizations or activities will not be subject to temporary moratoria because of their necessity to protect the public health and safety: electrical power, potable water, wastewater, power and communications facilities, emergency stabilization of roadways; police, fire and medical facilities, essential governmental facilities, response/recovery centers and distribution centers, debris removal; and stabilization or removal of structures about to collapse.
3. Nothing in this Ordinance will be construed to exempt development from compliance with State and Federal permit regulations

F. Emergency Permitting System.

An Emergency Permitting System will be established by administrative code to assure the quality of rebuilt or reconstructed buildings or structures and to implement the provisions of the county's buildback policy. The provisions contained in the administrative code will take effect when a disaster designated as major or catastrophic has affected Lee County, or when the Board of County Commissioners

requests the Governor to declare Lee County a Disaster Area.

SECTION NINE ECONOMIC REDEVELOPMENT POLICIES

- A The following general policies will guide the use of resources employed toward rebuilding the community's economic base
- 1 Reestablish the tourist industry,
 - 2 Reestablish banking and financial institutions,
 - 3 Reopen the business community,
 - 4 Restore agriculture and Industry
- B Damaged businesses and other economic enterprises necessary for the public health and safety and for restoring the community's economic base may use temporary structures (such as modular buildings, mobile homes or similar type structures) to carry out their activities until their damaged structure is rebuilt or replaced according to applicable development and redevelopment regulations

SECTION TEN GUIDELINES FOR ACQUIRING DAMAGED PROPERTY

- AI When in the public interest, the Board of County Commissioners may enter into negotiations with a property owner or owners whose improved real property has been damaged by the disaster for the purpose of acquiring such buildings and associated land or lot for transfer by sale, lease or donation to Lee County when the following acquisition conditions are met:
- 1 the property is located in an area damaged by the disaster, and
 - 2 the property is free of encumbrances (i.e., taxes, liens and judgments) unless the extent of the encumbrances is determined to be acceptable given the property's location and value, and
 - 3 the property meets at least one of the following conditions.
 - a there are buildings or structures damaged substantially beyond repair or damaged to the extent that the cost of reconstruction or repair exceeds fifty percent (50%) of the replacement value of the building or structure at the time of the disaster.
 - b. there are buildings or structures determined to be repetitive loss

properties under Lee Plan Policy 80.17

- C. there are buildings or structures damaged by a single event that are not repairable because of building code provisions or significantly increased building costs
 - d. the property is abandoned by the owner and may create a blighted area as defined by Section 163.340 (8), Florida Statutes
- B Property acquired pursuant to Sub-section A must be dedicated for such purposes as the Board of County Commissioners may agree are consistent with
 - 1 open space uses, or
 - 2. managing the land for its dedicated purposes.

Future uses which would likely result in a threat to human life or property damage of the same type that occurred during previous disasters is prohibited.
- c. Allowable open space uses will include parks for outdoor recreational activities, nature preserves or trails, beach access, unimproved parking lots, and structures functionally related to these uses such as open-sided picnic facilities, refreshment stands, or other non-habitable structures primarily supporting the recreational activities.

SECTION ELEVEN AUTHORITY

Nothing in this Ordinance limits the authority of the Board of County Commissioners to declare, repeal or extend a state of local emergency

SECTION TWELVE PENALTIES

- A Any person, firm, company or corporation who fails to comply with this Ordinance, or the emergency measures made effective pursuant to this Ordinance, is guilty of a misdemeanor of the second degree, and upon conviction for such offense, may be punished by a fine not to exceed five-hundred dollars (\$500.00) or by imprisonment not to exceed sixty (60) days in the Lee County Jail, or both, in the discretion of the Court hearing the case. Each day of continued non-compliance or violation will constitute a separate offense
- B In addition, any construction licensee of Lee County or the State of Florida who violates any provision of this Ordinance or the emergency measures which are effective as a result of this Ordinance may be charged with a violation and the matter will be heard before the appropriate Lee County Board, in a state administrative proceeding or a court of law

- C. Nothing contained in this Section prevents the County from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any failure to comply with, or violation of, this Ordinance or the emergency measures which may be made effective according to this Ordinance. Other lawful action will include, but is not limited to, an equitable action for injunctive relief or an action at law for damages.

SECTION THIRTEEN. CONFLICT AND SUPERSEDED

- A. In the event of conflict between provisions of this Ordinance, the more restrictive provisions will control. In the event of conflict with other regulations, the provisions of this Ordinance will supersede any other land development regulations, regardless of when they were adopted, to the extent of such conflict.
- B. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion will be deemed a separate, distinct and independent provision and such holding will not affect the validity of the remaining portion.

SECTION FOURTEEN. EFFECTIVE DATE.

This Ordinance will take effect immediately upon receipt of official acknowledgment from the Office of Secretary of the State of Florida that this Ordinance has been duly filed with said office.

DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THIS 2ND DAY OF AUGUST, 1995.

THE FOREGOING ORDINANCE was offered by Commissioner John E. Manning who moved its adoption. The motion was seconded by Commissioner Ray Judah and, upon being put to a vote, the vote was as follows.

JOHN MANNING	AYE
ANDREW COY	AYE
RAY JUDAH	AYE
DOUGLAS ST CERNY	AYE
JOHN ALBION	AYE

ATTEST:
CHARLIE GREEN, CLERK

By: 

Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: 

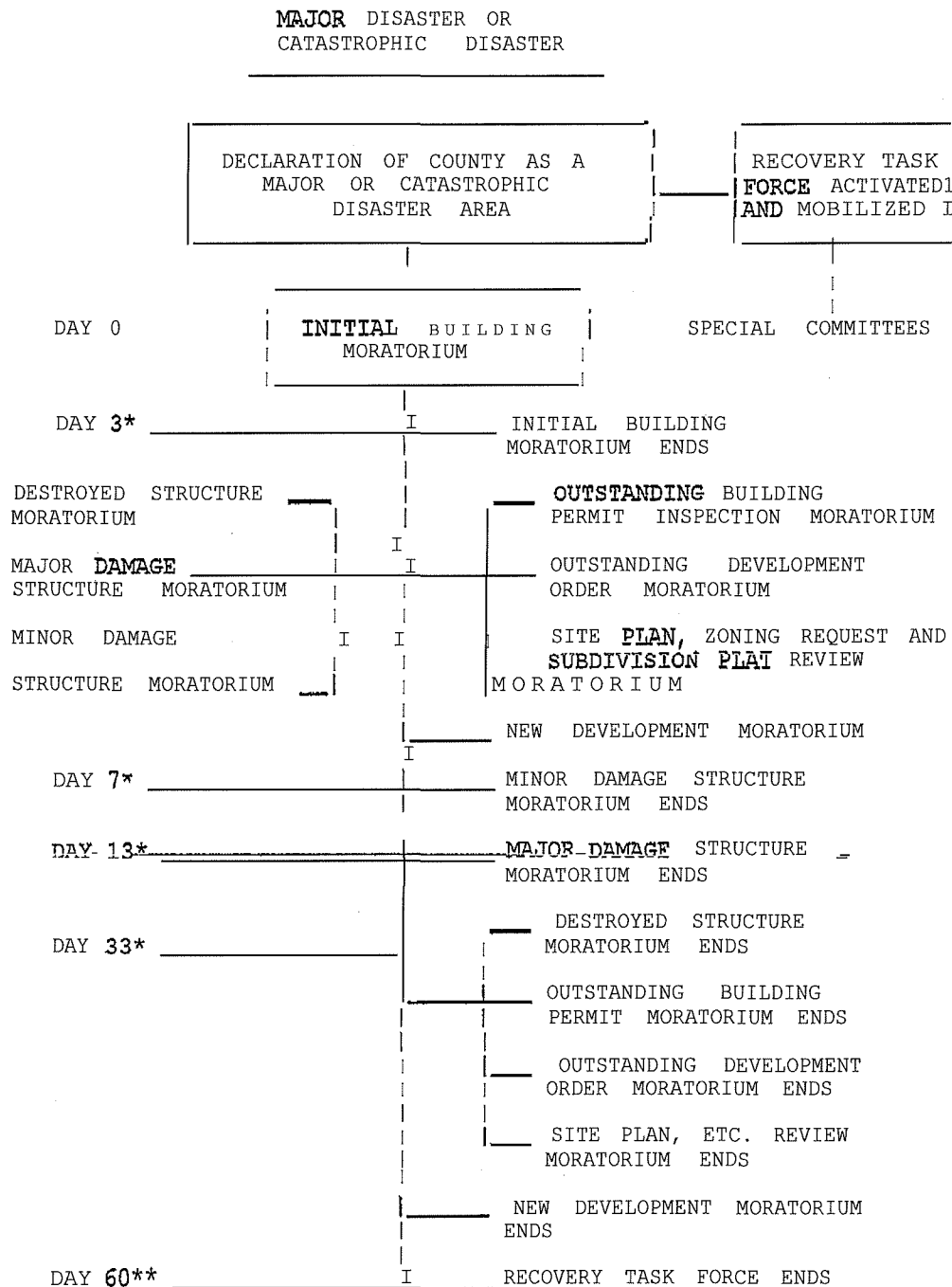
Chairman

APPROVED AS TO FORM

By: 

Office of the County Attorney

disasts3 ord



*DURATION OF MORATORIA. MAY BE REPEALED OR EXTENDED UPON RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS.

**DURATION OF RECOVERY TASK FORCE. MAY BE REPEALED OR EXTENDED UPON RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS.

20
THIS INSTRUMENT WAS PREPARED BY:
Lee County Attorney's Office
P.O. Box 398
Fort Myers, FL 33902-0398

@ 970403

4349557

136.50 R

RECORDED BY
MARY JO ROBINSON, D.C.

Univ Window Overlay

AGREEMENT

This agreement between Lee County, the Florida Gulf Coast University, Alico, Inc., Timberland, Limited and Tiburon, Limited, James R. Colosimo, Trustee, and Corkscrew Properties, Ltd. pertains to the relative responsibilities of the parties within the University Window Overlay and the adjacent road rights-of-way.

WHEREAS, the Florida Board of Regents has selected Lee County as the site for the Florida Gulf Coast University; and

WHEREAS, in response to this decision, Lee County amended the Future Land Use Element of its Comprehensive Land Use Plan to incorporate a University Community Land Use category; and

WHEREAS, the spirit and intent of Goal 18 of the Lee Plan is to create, protect and enhance the community character of the University Community; and

WHEREAS, Lee Plan Policy 18.2.3 encourages the County to participate in the development of standards within an area known as the University Window Overlay; and

WHEREAS, the University Window Overlay is defined by the Lee Plan as the area within 100 feet on both sides of the right-of-way of the following road segments: Treeline Boulevard from Alico Road to Corkscrew Road; Alico Road from I-75 to Treeline Boulevard; Corkscrew Road from I-75 to Treeline Boulevard; and future Koreshan Boulevard from I-75 to Treeline Boulevard; and

WHEREAS, the parties to this agreement recognize that the appearance of the right-of-way will directly impact the University Window Overlay and the goal of creating and then preserving the community character along the road corridors which lead to the university campus; and

WHEREAS, the parties desire to enter into this agreement to clarify their respective roles in the development of the named rights-of-ways and the University Window Overlay.

NOW, THEREFORE, parties agree as follows:

LU-1778, B.2

0R2934 P63441

I. Subject Area

A. This agreement applies to :

- (1) the right-of-way of Alico Road from I-75 east to the eastern right-of-way line of Treeline Boulevard;
- (2) the right-of-way of Treeline Boulevard from Alico Road south to Corkscrew Road;
- (3) the right-of-way of Corkscrew Road from the eastern right-of-way line of Treeline Boulevard west to I-75; and
- (4) the right-of-way of Koreshan Boulevard from I-75 east to the eastern right-of-way line of Treeline Boulevard. *(If and when constructed)*

B. This agreement also applies within the University Window Overlay area defined in Lee Plan Policy 20.2.5. as the area within 100 feet on both sides of the right-of-way of the following road segments: Treeline Boulevard from Alico Road to Corkscrew Road; Alico Road from I-75 to Treeline Boulevard; Corkscrew Road from I-75 to Treeline Boulevard; and future Koreshan Boulevard from I-75 to Treeline Boulevard.

II. Road Rights-of-Way

A. Utilities

1. Lee County will ensure that power lines within the Treeline Boulevard and Corkscrew Road right-of-way will be installed underground by reimbursing the power company for the difference in cost between installing overhead and underground power lines. Lee County will also ensure that the design of Treeline Boulevard, Corkscrew Road and Alico Road will accommodate underground telephone and cable lines.
2. The maintenance of the utility lines will be the responsibility of the utility company franchised within the affected area.

B. Street Lighting

1. Street lights will be placed within the right-of-way of the roadway segments identified in paragraph I.A. Alico, Inc., Timberland, Limited and Tiburon, Limited, James R. Colosimo, Trustee, FGCU, and Corkscrew Properties, Ltd. Have selected a street light design acceptable to all parties for use within the median and along the edge of right of way where median lighting may not be possible due to the

physical constraints of the roadway design. (See Exhibit A for a rendering of the streetlight design selected for use within the subject area.) Lee County DOT must review and approve the proposed layout of the streetlight plan for the Overlay.

2. The County will initiate an MSBU/TU as the funding mechanism to finance the installation and maintenance of the streetlights within the road rights-of-way. Through the MSBU/TU, the participating landowners will be responsible for the cost of installation, power and maintenance of the streetlight fixtures adjacent to their property. Timberland, Limited and Tiburon, Limited, James R. Colosimo, Trustee, and Corkscrew Properties, Ltd. will participate in the MSBU/TU. Alico, Inc. and FGCU may address these costs through a separate street lighting district, MSBU, Chapter 190 District, or other means acceptable to the County. The County's approval of financing methods other than MSBU/TU will not be unreasonably withheld.
3. Prior to the opening of the University, the MSBU/TU will install streetlights along Treeline Boulevard in the median adjacent to the Timberland, Limited and Tiburon, Limited property and will install streetlights in the median of Corkscrew Road. Through the MSBU/TU, James R. Colosimo, Trustee will install streetlights along the Alico Road right-of-way. Alico, Inc. will install streetlights in the median along Treeline Boulevard adjacent to their property when the adjacent property receives local development order approvals. The streetlights must be in place prior to the issuance of a certificate of completion on the property adjacent to Treeline Boulevard. Alico, Inc. will install streetlights along the Alico Road right-of-way when the adjacent property receives local development order approvals. The streetlights must be in place prior to the issuance of a certificate of completion on the property adjacent to Alico Road. Alico, Inc. and FGCU will share equally the cost of streetlight installation and maintenance along the Treeline Boulevard median between their properties. Alico, Inc. and James R. Colosimo, Trustee will share the responsibility for installing streetlights consistent with the terms of the agreement between them.
4. Timberland, Limited and Tiburon, Limited will install streetlights in the median of Koreshan Boulevard if and when it is constructed. Lee County DOT must review and approve the proposed layout of the streetlight plan prior to installation.

0R2934 pg3444

C. Landscaping within the Right of Way (Median Landscaping)

1. Florida Land Planning, Inc. in cooperation with the parties to this agreement, has designed the landscaping within the rights of way of the road segments identified in paragraph I.A.
2. Landscape material will be selected from the plant palette attached as Exhibit "B". The plant palette will identify those trees, shrubs and other plant material acceptable for use for landscape within the right-of-way. Lee County DOT must review and approve the proposed layout of all landscaping plans for Overlay medians.
3. The County will initiate an MSBU/TU as the funding mechanism to finance the installation and maintenance of the median landscaping within the road rights-of-way. Through the MSBU/TU, all committed landscaping within the medians of Alico Road, Corkscrew Road, and Treeline Boulevard must be completed by the opening date for student attendance at the University. The cost of the landscape and maintenance to the Alico Road median will be shared by Alico, Inc. and James R. Colosimo, Trustee and their successors in interest consistent with the agreement between them. The cost of the landscape and maintenance to the Corkscrew Road median will be shared by Timberland, Ltd., Tiburon, Ltd., and Corkscrew Properties, Ltd. and their successors in interest. The cost of landscape and maintenance of the Treeline Boulevard median will be shared by Alico, Inc., FGCU, James R. Colosimo, Trustee, Timberland, Ltd., and Tiburon, Ltd. based on their respective linear frontage on the roadway or consistent with a separate agreement between those parties.

Timberland, Limited and Tiburon, Limited, James R. Colosimo, Trustee, and Corkscrew Properties, Ltd. will use an MSBU/TU as the funding mechanism to finance the installation and continued maintenance of the median landscaping on any portion of the identified roadways. Alico, Inc. may elect to use other financing mechanisms acceptable to the county for this purpose. The County's approval of financing methods other than MSBU/TU will not be unreasonably withheld. FGCU will use other financing mechanisms to pay for its share of the landscaping contemplated by this agreement.

4. Alico, Inc., Timberland, Limited and Tiburon, Limited, James R. Colosimo, Trustee, Corkscrew Properties, Ltd., and FGCU will install, maintain and assume responsibility for the following committed landscaping within the Overlay area medians:

Committed Minimum Median Landscaping

- a. 3.0 Trees per 100 linear feet of road.
 - b. 30 shrubs per 100 linear feet of road.
 - c. All landscape material utilized in meeting the requirements must be listed in the plant palette.
 - d. Up to 50% of the required trees may be palms.
 - e. Canopy trees may not account for less than 50% of the required trees.
 - f. Shrubs must be installed in natural groupings.
 - g. Initial minimum landscaping specifications:
 - * Canopy Trees: 12 feet in height, 2 ½ inch caliper
 - * Palms: 12 feet in height, full heads
 - * Shrubs: 18 to 24 inches in height, 3 gallon, 30 to 36 inches o.c.
 - h. All plant materials used in meeting the requirements of this agreement must conform to the standards for Florida No. 1 or better as given in Grades and Standards for Nursery Plants, 1973 as revised, and Grades and Standards for Nursery Plants, Part II, Florida Department of Agriculture and Consumer Services, Tallahassee.
5. Irrigation systems may be installed in phases as determined by the individual project landscape architect. These systems should be installed so as to avoid wetting adjacent pavement. The responsibility to perpetually maintain the landscape material includes periodic replacement of dead material. The parties to this agreement will incorporate these responsibilities into the MSBU/TU, a Uniform Community Development District, or another legal entity acceptable to the County. The County's approval of entities other than MSBU/TUs or Uniform Community Development Districts will not be unreasonably withheld.
6. The parties responsible for landscaping roadway medians will execute the landscape maintenance and hold harmless agreement attached hereto as Exhibit "C" if the funding mechanism for installation and maintenance will be other than an MSBU/TU. FGCU may be excused from this requirement to the extent 768.28(18), F.S. prohibits indemnification.

7. The parties acknowledge that medians of the named roadways must be elevated with fill material to accomplish the contemplated landscape plan. The cost of fill material and other related construction (drainage structures and curbing) will be incorporated into the cost estimates for the MSBU/TU or other funding mechanisms utilized by the parties.

III. University Window Overlay Area

A. Land Development Code.

Other than the landscaping obligation within the medians, the Lee County Land Development Code will govern the approval of development activity within the Overlay. The County will approve all applications for development if consistent with the Land Development Code and the Lee Plan. Any conflict with private deed restrictions will be enforced by the affected property owners. Lee County will notify all parties to the agreement of development order applications within the University Window Overlay.

B. Landscaping.

The property owners may design and enhance landscaping within the Overlay provided the landscape plans developed utilize the plant species set forth in the plant palette attached as Exhibit "B".

IV. Policy 18.2.3 requires Lee County to create standards for the Overlay, and this agreement has been drafted in lieu of adopting any regulations. Nothing in this agreement precludes the County from adopting an ordinance that requires the same or similar landscaping and street lighting of all property owners within the Overlay. The County may also establish an MSBU/TU to effectuate the goals of this Agreement without the consent of all property owners in accordance with state law.

V. Agreed to by Lee County, Alico, Inc., Timberland, Limited and Tiburon, Limited, James R. Colosimo, Trustee, the Florida Gulf Coast University, and Corkscrew Properties, Ltd. with the intent to bind their successors in interest. This Agreement will be of no force or effect if the Florida Gulf Coast University fails or ceases to operate as a four year state university.

VI. This agreement may be executed in any number of counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument and be the agreement between the parties.

DATED:

Carl D. Ballouk
[Signature]

FLORIDA GULF COAST UNIVERSITY

By: [Signature]
President

OR2934 PG3447

ALICO, INC.

By: _____
Ben Hill Griffin, III

GULF COAST REALTY MANAGEMENT CORP.,
a Florida corporation, General Partner of
TIMBERLAND, LIMITED

By: _____
Fereydoon Rabii, Vice President

GULF COAST REALTY MANAGEMENT CORP.,
a Florida corporation, General Partner of
TIBURON, LIMITED

By: _____
Fereydoon Rabii, Vice President

James R. Colosimo, Trustee

CORKSCREW PROPERTIES, LTD.

By: _____
Maurice Hillmeyer

FLORIDA GULF COAST UNIVERSITY

By: _____
President

Alico, Inc., hereby joins in this agreement conditioned on Lee County forming an MSTU/BU to carry out the terms and provisions hereof, and that Exhibit C (Landscape Maintenance and Hold Harmless Agreements) is not applicable.

W. Bernard Lester
Betty L. Durham

ALICO, INC.
By: Ben Hill Griffin, III

GULF COAST REALTY MANAGEMENT CORP.,
a Florida corporation, General Partner of
TIMBERLAND, LIMITED

By: _____
Fereydoon Rabii, Vice President

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TIBURON, LIMITED

By: _____
Fereydoon Rabii, Vice President

James R. Colosimo, Trustee

CORKSCREW PROPERTIES, LTD.

By: _____
Maurice Hillmeyer

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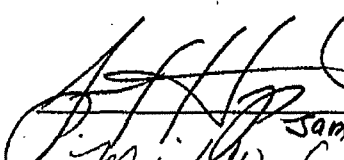
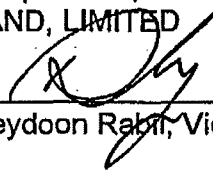
FLORIDA GULF COAST UNIVERSITY

By: _____
President

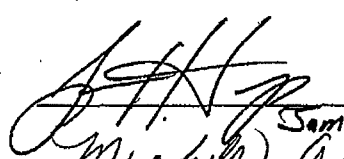
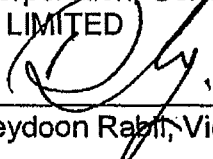
ALICO, INC.

By: _____
Ben Hill Griffin, III

GULF COAST REALTY MANAGEMENT CORP.,
a Florida corporation, General Partner of
TIMBERLAND, LIMITED

 By: 
James T. Humphrey Fereydoon Rabin, Vice President
Michelle Adams
MICHELE ADAMS

GULF COAST REALTY MANAGEMENT CORP.,
a Florida corporation, General Partner of
TIBURON, LIMITED

 By: 
James T. Humphrey Fereydoon Rabin, Vice President
Michelle Adams
MICHELE ADAMS

James R. Colosimo, Trustee

CORKSCREW PROPERTIES, LTD.

By: _____
Maurice Hillmeyer

OR2934 P63450

FLORIDA GULF COAST UNIVERSITY

By: _____
President

ALICO, INC.

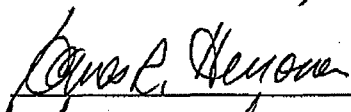
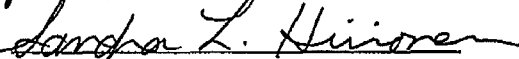
By: _____
Ben Hill Griffin, III

GULF COAST REALTY MANAGEMENT CORP.,
a Florida corporation, General Partner of
TIMBERLAND, LIMITED

By: _____
Fereydoon Rabii, Vice President

GULF COAST REALTY MANAGEMENT CORP.,
a Florida corporation, General Partner of
TIBURON, LIMITED

By: _____
Fereydoon Rabii, Vice President


James R. Colosimo, Trustee

CORKSCREW PROPERTIES, LTD.

By: _____
Maurice Hillmeyer

082934 P63451

FLORIDA GULF COAST UNIVERSITY

By: _____
President

ALICO, INC.

By: _____
Ben Hill Griffin, III

GULF COAST REALTY MANAGEMENT CORP.,
a Florida corporation, General Partner of
TIMBERLAND, LIMITED

By: _____
Fereydoon Rabii, Vice President

GULF COAST REALTY MANAGEMENT CORP.,
a Florida corporation, General Partner of
TIBURON, LIMITED

By: _____
Fereydoon Rabii, Vice President

James R. Colosimo, Trustee

CORKSCREW PROPERTIES, LTD.

By: Maurice Hillmeyer
Maurice Hillmeyer

CHARLIE GREEN, CLERK

By: 

Deputy Clerk

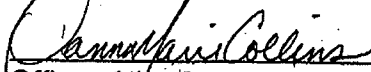
Approved by BOCC 4/9/97
Administrative Item 11d

LEE COUNTY, FLORIDA

By: 

Chairman

APPROVED AS TO FORM BY:



Office of the County Attorney

0R2934 P63452

LIST OF EXHIBITS:

- "A" Street light design for Overlay
- "B" Window Overlay Concept for Committed Landscaping
- "C" Landscape Maintenance and Hold Harmless Agreement

hapco

Aluminum Pole for
Highway Parking Lot
Residential Street
Lighting and
Traffic Control

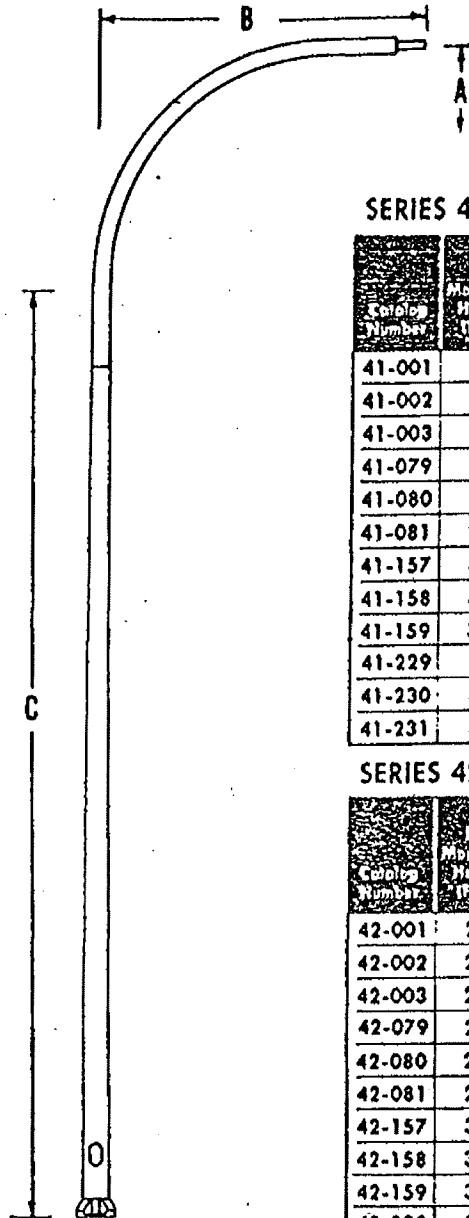
OR2934 P63453

This is The
pole, but the
Cobra head
is different -
(the light bulb
won't hang
down)

The County is
using those on
Fowler thru
Pepe Field
(signs on the
side of the road)

apco SERIES 40 POLE DAVIT-STYLE ARMS

0R2934 PB3454



SERIES 41 PLAIN BASE (Single Arm)

Catalog Number	(A) Mounting Height (Feet)	(C) Shaft Size			(D) Bracket Length (Feet)	Bolt Circle Diameter (Inches)	Luminaire Characteristics		Approximate Weight Pole & Bracket
		Top Inches	Height In.	Weight lbs.			Effective Projected Area (Square Feet)		
41-001	20	6 to 4 1/2	14	8	4	9 to 10	75	1.6	95
41-002	20	6 to 4 1/2	14	8	6	9 to 10	75	1.6	105
41-003	20	6 to 4 1/2	14	8	8	9 to 10	75	1.6	110
41-079	25	7 to 4 1/2	19	8	4	10 to 11	75	1.6	130
41-080	25	7 to 4 1/2	19	8	6	10 to 11	75	1.6	140
41-081	25	7 to 4 1/2	19	8	8	10 to 11	75	1.6	145
41-157	30	8 to 4 1/2	24	8	4	11 to 12	75	1.6	155
41-158	30	8 to 4 1/2	24	8	6	11 to 12	75	1.6	160
41-159	30	8 to 4 1/2	24	8	8	11 to 12	75	1.6	170
41-229	35	8 to 4 1/2	29	8	4	11 to 12	75	1.6	185
41-230	35	8 to 4 1/2	29	8	6	11 to 12	75	1.6	190
41-231	35	8 to 4 1/2	29	8	8	11 to 12	75	1.6	200

SERIES 42 PLAIN BASE (Twin Arm)

Catalog Number	(A) Mounting Height (Feet)	(C) Shaft Size		(D) Bracket Length (Feet)	Bolt Circle Diameter (Inches)	Luminaire Characteristics		Approximate Weight Pole & Bracket
		Toper (Inches)	Height (ft. in.)			Weight (lbs.)	Effective Projected Area (Square Feet)	
42-001	20	6 to 4 ½	14 8	4	9 to 10	75	1.6	120
42-002	20	6 to 4 ½	14 8	6	9 to 10	75	1.6	130
42-003	20	6 to 4 ½	14 8	8	9 to 10	75	1.6	140
42-079	25	7 to 4 ½	19 8	4	10 to 11	75	1.6	155
42-080	25	7 to 4 ½	19 8	6	10 to 11	75	1.6	165
42-081	25	7 to 4 ½	19 8	8	10 to 11	75	1.6	175
42-157	30	8 to 4 ½	24 8	4	11 to 12	75	1.6	175
42-158	30	8 to 4 ½	24 8	6	11 to 12	75	1.6	190
42-159	30	8 to 4 ½	24 8	8	11 to 12	75	1.6	200
42-229	35	8 to 4 ½	29 8	4	11 to 12	75	1.6	210
42-236	35	8 to 4 ½	29 8	6	11 to 12	75	1.6	240
42-237	35	8 to 4 ½	29 8	8	11 to 12	75	1.6	250

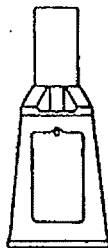
Wall Thickness: .188 inch in every shaft except where otherwise stated.

*Wall Thickness: .219 inch.

Hand hole included in above catalog numbers. Center of hand hole 18" from ground.

Luminaire Effective Projected Area based on 80 mph wind velocity. For 90 and 100 mph wind velocity, see Application Recommendations.

Slipfitter supplied with these poles is 2" pipe, 10" long.



Spec for
the pole

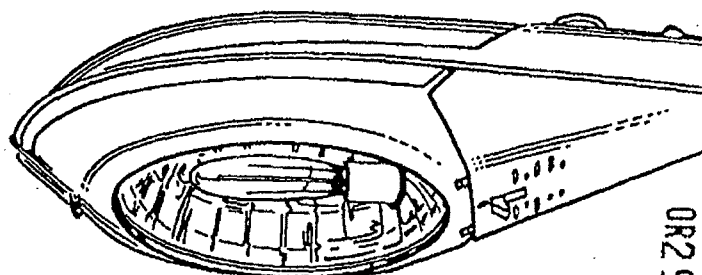
M-400A2 POWR/DOOR® LUMINAIRE WITH CUTOFF OPTICS

APPLICATIONS

For cutoff applications, parking lots and highways

SPECIFICATION FEATURES

- Powr/Module ballast assembly
- Filtered optics
- Universal four-bolt slipfitter
- Die-cast aluminum housing with electrocoat gray paint finish
- Adjustable mogul base socket (house side)
- ALGLAS® finish on reflector
- No-tool PE receptacle
- Plug-in ignitor
- True 90° cutoff—no light above 90°
- External stainless steel bail latch
- CSA Certified units available - contact factory
- Standard construction is IP55
- Twin-pack and multi-pack packaging available - See Page 6980



0R2934 P63455

System 2™ Bi-Level Controls available. See Technical section 9000 for electrical data.

ORDERING NUMBER LOGIC

M4AC 40 S 1 A 2 G MC3 1 I

PRODUCT ID. XXXX	WATTAGE XX	LIGHT SOURCE X	VOLTAGE X	BALLAST TYPE X	PE FUNCTION X	LENS TYPE X	IES DISTRI- BUTION TYPE X X X	FILTER X	OPT XXX
M4AC = M-400A2 with Cutoff Optics M4AT = 60mm Dia. Post-Top Mounting (Ballast mounted in top housing - not on Powr/Door)	15 = 150 (55V) 20 = 200 24 = 250/ 400 25 = 250 31 = 310 40 = 400 NOTE: Dual wattage connected for lower wattage	S = HPS M = MH C = Merc Standard : Lamp not included	0 = 120/208/ 240/277 Multivolt 1 = 120 2 = 208 3 = 240 4 = 277 5 = 480 7 = 120X240 8 = 240V Ballast 120V PE Recep- tacle not recon- nectable D = 347 F = 120X347 NOTE: Dual voltage connected for lower voltage	See Ballast Selection Table A = Autoreg B = System 2 Bi- Level Controls Autoreg. (See Technical Section 9000) C = Merc-Reg G = Mag-Reg with Grounded Socket Shell H = HPF Reactor or Lag K = Hot Restart NOTE: K only has ballast in top housing L = Super Low Loss Autoreg M = Mag-Reg N = NPF Reactor or Lag P = CWI with Grounded Socket Shell	1 = None 2 = PE Recep- tacle NOTE: Re- ceptacle connected same voltage as unit except as noted. Order PE Control separately.	G = Glass, Flat S = Short M = Medium C = Cutoff	See Photometric Selection Table 2 = Type II 3 = Type III 6 = Special Type III 7 = Special Type II	1 = Fiber gasket 2 = Charcoal with elastomer gasket	F = Fu (N av at w m or vc N = St fo se vi up 3 B nc m or P D m

This is the G.E.
Cob12 head

University Window Overlay
 Plant Palette for Committed Landscaping
 Plant Palette - Street Trees

BOTANICAL NAME	COMMON NAME	NATIVE	COLD SENSITIVE	DROUGHT TOLERANCE	WETLAND USE
<i>Ilex cassine</i>	daboon holly	Y	N	M	✓
<i>Pinus elliottii</i> var. <i>densa</i> (planted in groupings)	S. Florida slash pine	Y	N	H	✓
<i>Quercus laurifolia</i>	laurel oak	Y	N	H	✓
<i>Quercus virginiana</i>	live oak	Y	N	H	✓
<i>Ulmus americana</i> var. <i>floridana</i>	Florida elm	Y	N	U	

Plant Palette - Palms

BOTANICAL NAME	COMMON NAME	NATIVE	COLD SENSITIVE	DROUGHT TOLERANCE	WETLAND USE
<i>Acoelorrhapae wrightii</i>	pautotis palm	Y	N	M	
<i>Arecastrum romanzoffianum</i>	queen palm	N	N	M	
<i>Cycas revoluta</i>	sago palm	N	N	H	
<i>Phoenix roebelenii</i>	pigmy date palm	N	N	M	
<i>Roystonea</i> spp.	royal palm	Y	Y	M	
<i>Sabal palmetto</i>	sabal palm	Y	N	H	✓
<i>Washingtonia robusta</i>	Washington palm	N	N	M	

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Plant Palette - Other/Accent Trees

BOTANICAL NAME	COMMON NAME	NATIVE	COLD SENSITIVE	DROUGHT TOLERANCE	WETLAND USE
<i>Annona glabra</i>	pond apple	Y	Y	L	
<i>Acer rubrum</i>	red maple	Y	N	L	✓
<i>Bauhinia blakeana</i>	Hong Kong orchid	N	N	H	
<i>Bucida buceras</i>	black olive	N	Y	H	
<i>Bursera simaruba</i>	gumbo limbo	Y	Y	H	
<i>Clusia rosea</i>	pitch apple	Y	Y	H	
<i>Coccoloba diversifolia</i>	pigeon plum	Y	Y	H	
<i>Coccoloba uvifera</i>	seagrape	Y	Y	H	
<i>Conocarpus erectus</i>	green and silver buttonwood	Y	Y	H	
<i>Cordia sebestena</i>	gelger tree	Y	Y	H	
<i>Cornus foemina</i>	swamp dogwood	Y	N	U	✓
<i>Callistemon viminalis</i>	weeping bottlebrush	N	N	M	
<i>Fraxinus caroliniana</i>	pop ash	Y	N	U	✓
<i>Ilex cassine</i>	daboon holly	Y	N	M	✓
<i>Ilex opaca</i>	american holly	Y	N	H	
<i>Koelreuteria formosana</i>	golden rain tree	N	N	M	
<i>Lagerstroemia indica</i> 'Muskoegee Red'	crape myrtle	N	N	H	
<i>Myrica cerifera</i>	wax myrtle	Y	N	H	✓
<i>Magnolia grandiflora</i>	southern magnolia	Y	N	H	✓
<i>Persea borbonia</i>	red bay	Y	N	H	
<i>Persea palustris</i>	swampbay	Y	N	H	
<i>Pinus elliottii</i> var. <i>densa</i>	S. Florida slash pine	Y	N	H	✓
<i>Quercus laurifolia</i>	laurel oak	Y	N	H	✓
<i>Quercus virginiana</i>	live oak	Y	N	H	✓
<i>Swietenia mahogani</i>	mahogany	Y	Y	H	
<i>Taxodium distichum</i>	bald cypress	Y	N	H	✓
<i>Tabebuia heterophylla</i>	pink tab	N	N	H	

BOTANICAL NAME	COMMON NAME	NATIVE	COLD SENSITIVE	DROUGHT TOLERANCE	WETLAND USE
<i>Ulmus americana</i> var. <i>floridana</i>	Florida elm	Y	N	M	
<i>Magnolia virginiana</i>	sweet bay	Y	N	M	✓

Plant Palette - Shrubs

BOTANICAL NAME	COMMON NAME	NATIVE	COLD SENSITIVE	DROUGHT TOLERANCE	WETLAND USE
<i>Baccharis halimifolia</i>	groundsel tree	Y	N	H	
<i>Crinum amabile</i> 'Purple Leaf'	queen emma lily	N	Y	U	
<i>Conocarpus erectus</i>	silver buttonwood and green	Y	Y	H	
<i>Chrysobalanus icaco</i>	cocoplum	Y	Y	M	
<i>Callicarpa americana</i>	American beautyberry	Y	N	H	
<i>Carissa macrocarpa</i> 'Atlas'	dwarf carissa	N	N	M	
<i>Cephalanthus occidentalis</i>	buttonbush	Y	N	L	✓
<i>Cycas revoluta</i>	sago palm	N	N	U	
<i>Eugenia uniflora</i>	surinam cherry	Y	Y	H	
<i>Galphimia gracilis</i>	lbryallis	N	N	M	
<i>Ilex cassine</i>	dahoon holly	Y	N	M	✓
<i>Ilex glabra</i>	gallberry	Y	N	M	
<i>Ilex vomitoria</i> 'Schillings Dwarf'	dwarf yaupon holly	Y	N	H	
<i>Ixora coccinea</i>	ixora	N	Y	M	
<i>Leucophyllum frutescens</i>	Texas sage	N	N	H	
<i>Ligustrum japonicum</i>	ligustrum	N	N	H	
<i>Lyonia ferruginia</i>	rusty lyonia	Y	N	H	
<i>Moraea iridiodes</i>	African iris	N	Y	H	
<i>Myrica cerifera</i>	wax myrtle	Y	N	H	✓
<i>Myrsine guianensis</i>	rapanea	Y	Y	H	
<i>Raphiolepis indica</i>	indian hawthorn	N	N	H	

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BOTANICAL NAME	COMMON NAME	NATIVE	COLD SENSITIVE	DROUGHT TOLERANCE	WETLAND USE
<i>Strelitzia nicolai</i>	white bird of paradise	N	Y	U	
<i>Strelitzia regina</i>	bird of paradise	N	Y	U	
<i>Serenoa repens</i>	saw palmetto	Y	N	H	
<i>Silver saw palmetto</i>	serenoa repens var. cineria	Y	N	N	
<i>Sabal minor</i>	palmetto	Y	N	H	
<i>Tripsacum dactyloides</i>	fakahatchee grass	Y	N	M	
<i>Tripsacum floridanum</i>	dwarf fakahatchee grass	Y	N	M	
<i>Viburnum oboratum</i>	walters viburnum	Y	N	M	

Plant Palette - Ground Cover

BOTANICAL NAME	COMMON NAME	NATIVE	COLD SENSITIVE	DROUGHT TOLERANCE	WETLAND USE
<i>Aristida stricta</i>	threeawn	Y	N	H	
<i>Asimina reticulata</i>	pawpaw	Y	N	H	
<i>Coreopsis leavenworthii</i>	tickseed	Y	N	M	
<i>Crinum cellulosum</i>	swamp lily	Y	N	M	
<i>Eleocharis cellulosa</i>	spikerush	Y	N	M	✓
<i>Evolvulus glomerata</i>	blue daze	N	N	M	
<i>Iris hexagona</i>	prairie iris	Y	N	L	
<i>Ilex vomitoria</i> 'schillings dwarf'	dwarf yaupon holly	Y	N	M	
<i>Juncus effusus</i>	soft rush	Y	N	M	✓
<i>Juniperus chinensis</i> 'parsonii'	parsons juniper	N	N	H	
<i>Juniperus conferta</i> 'Compacta'	dwarf shore juniper	N	N	H	
<i>Jasminum volubile</i>	wax jasmine	N	N	M	
<i>Lantana depressa</i>	dwarf lantana	Y	N	H	
<i>Liriope muscari</i> 'Evergreen Giant'	liriope	N	N	H	

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BOTANICAL NAME	COMMON NAME	NATIVE	COLD SENSITIVE	DROUGHT TOLERANCE	WETLAND USE
<i>Lantana ovatifolia</i> var. <i>reclinata</i>	dwarf lantana	Y	N	H	
<i>Nephrolepis biserrata</i>	giant sword fern	Y	Y	L	
<i>Panicum hemitomon</i>	maidencane	Y	N	H	✓
<i>Pontederia cordata</i>	pickerel weed	Y	N	H	✓
<i>Scirpus</i> spp.	bull rush	Y	N	M	✓
<i>Spartina bakeri</i>	sand cordgrass	Y	N	H	✓
<i>Tripsacum dactyloides</i>	fakahatchee grass	Y	N	H	
<i>Tripsacum floridanum</i>	dwarf fakahatchee	Y	N	M	
<i>Zamia pumila</i>	coontie	Y	N	H	

Plant Palette - Sod

BOTANICAL NAME	COMMON NAME	NATIVE	COLD SENSITIVE	DROUGHT TOLERANCE	WETLAND USE
<i>Paspalum notatum</i>	bahia grass	N	N	H	
<i>Stenotaphrum secundatum</i>	St. Augustine grass	N	N	M	

Plant Palette - Wetlands

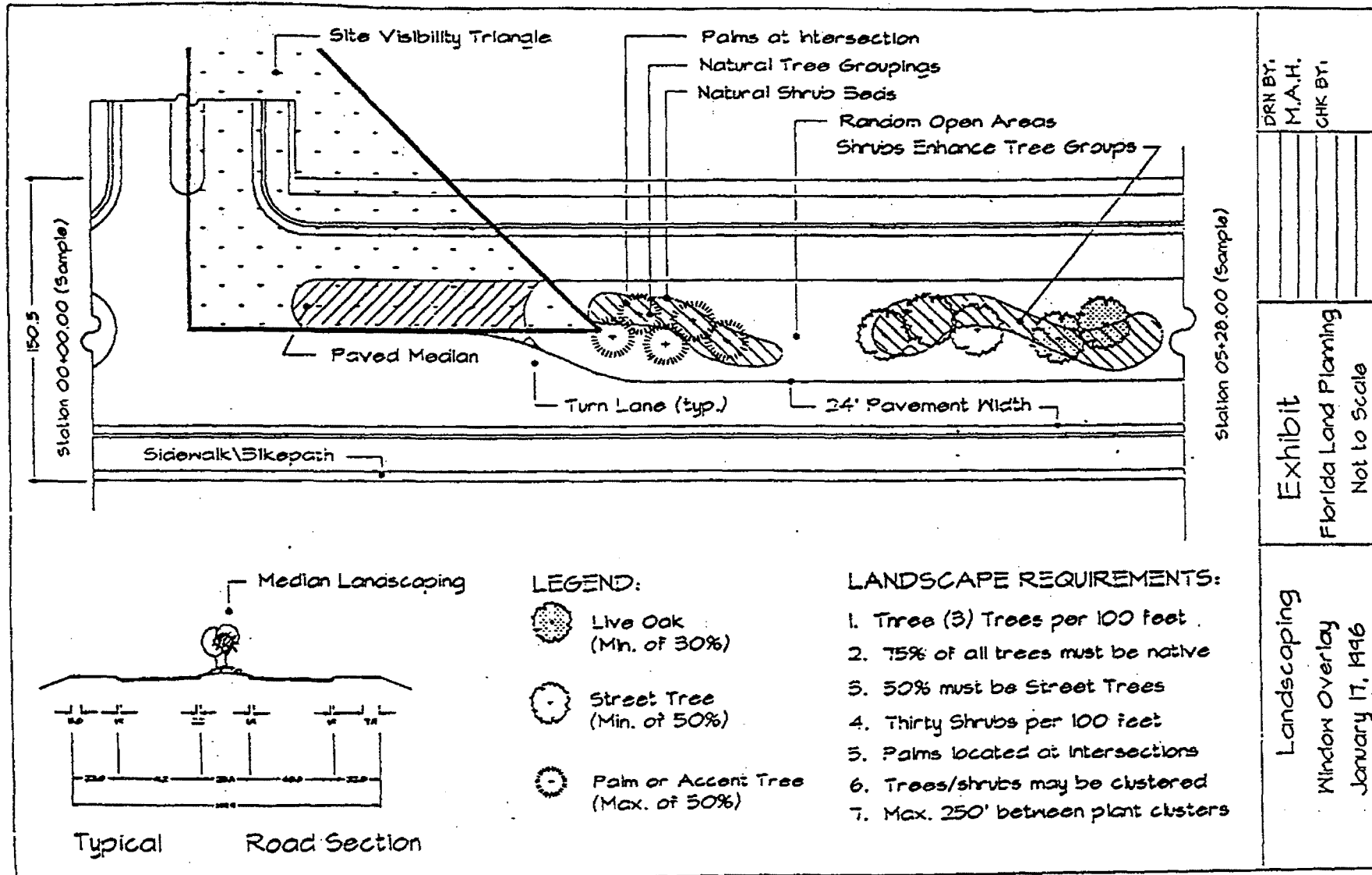
BOTANICAL NAME	COMMON NAME
<i>Bacopa caroliniana</i>	lemon bacopa
<i>Bacopa monnieri</i>	water hyssop
<i>Canna flaccida</i>	canna lily
<i>Crinum americanum</i>	swamp lily
<i>Dichromena</i> spp.	white top sedge
<i>Hymenocallis latifolia</i>	spider lily
<i>Hymenocallis palmeri</i>	alligator lily
<i>Iris</i> spp.	blue flag
<i>Ludwigia</i> spp.	ludwigia
<i>Nelumbo lutea</i>	American lotus
<i>Nuphar luteum</i>	spatterdock

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<i>Nymphaea odorata</i>	fragrant water lily
<i>Nymphoides aquatica</i>	banana lily
<i>Peltandra virginica</i>	arrow arum
<i>Sagittaria</i> spp.	arrowhead
<i>Saururus cernuus</i>	lizard's tail
<i>Thalia geniculata</i>	arrowroot
<i>Acrostichum</i> spp.	leather fern
<i>Amphicarpum muhlenbergianum</i>	blue maidencane
<i>Blechnum serrulatum</i>	swamp fern
<i>Cladium jamaicense</i>	sawgrass
<i>Cyperus</i> spp.	flat-sedge
<i>Osmunda regalis</i>	royal fern
<i>Panicum virgatum</i>	switch grass
<i>Rhynchospora</i> spp.	beak-rush
<i>Thelypteris palustris</i>	marsh fern
<i>Woodwardia</i> spp.	chain fern
<i>Hypericum</i> spp.	St. John's-wort
<i>Iva frutescens</i>	marsh elder
<i>Lyonia lucida</i>	shiny lyonia
<i>Viburnum obovatum</i>	black haw
<i>Carya aquatica</i>	water hickory
<i>Celtis laevigata</i>	hackberry
<i>Cornus foemina</i>	swamp dogwood
<i>Nyssa sylvatica</i>	tupelo, black gum
<i>Quercus nigra</i>	water oak

LEGEND:

H	Very Drought Tolerant	Y	Yes
M	Moderate Drought Tolerant	N	No
L	Low Drought Tolerant		
N	Native		
U	Undetermined		



0R2934 Pg3463

LANDSCAPE MAINTENANCE AND
HOLD HARMLESS AGREEMENT
FOR THE ALICO ROAD RIGHT OF WAY

THIS AGREEMENT entered into this _____ day of _____, 199_, by and between Lee County, a political subdivision of the State of Florida, hereinafter referred to as "County", Alico, Inc., and James R. Colosimo, Trustee.

WHEREAS, Alico, Inc. and James R. Colosimo, TR. are the owners and developers of certain property located at _____ in Section _____, Township _____, Range _____, Lee County, Florida, specifically known as _____; and

WHEREAS, County has maintenance jurisdiction over the 150 foot wide right-of-way for Alico Road between the Interstate and Treeline Boulevard; and

WHEREAS, Alico, Inc. and James R. Colosimo, Tr. have executed an agreement with the County known as the University Window Overlay Agreement; and

WHEREAS, Alico, Inc. and James R. Colosimo, Tr. desire to improve the unlandscaped appearance of the roadside within the median of Alico Road from the Interstate to Treeline Boulevard for the purpose of enhancing the appearance of the road corridors leading to the Florida Gulf Coast University and to improve the marketability of development in the surrounding area; and

WHEREAS, the parties understand that the median of Alico Road from the Interstate to Treeline Boulevard will be landscaped prior to the opening of the Florida Gulf Coast University; and

WHEREAS, the County has agreed to allow Alico, Inc. and James R. Colosimo, Tr. to improve and landscape the median of Alico Road from the Interstate to Treeline Boulevard so long as the landscaping and other improvements are maintained and replaced as necessary by Alico, Inc. and James R. Colosimo, Tr. or their successors in interest at no cost to the County.

Now Therefore, in consideration of the mutual covenants and conditions contained herein and Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The County authorizes the landscaping of the median of Alico Road , a county-maintained right-of-way between the Interstate and Treeline Boulevard, in accordance with the guidelines set forth in the University Window Overlay Agreement.

Sample

2. Alico, Inc. and James R. Colosimo, Tr. agree to pay for the installation of landscape material in the Alico Road median between the Interstate and Treeline Boulevard including but not limited to sod and plant materials in accordance with plans and specifications submitted by Alico, Inc. and James R. Colosimo, Tr. and approved by the County. Alico, Inc. and James R. Colosimo, Tr. will prevent the creation of obstructions or conditions which may become dangerous to the traveling public.

3. Alico, Inc. and James R. Colosimo, Tr. accept sole responsibility to obtain all appropriate federal, state and local permits necessary to install and maintain the right-of-way landscape project. Alico, Inc. and James R. Colosimo, Tr. also agree to give all required notices associated with work on the project, including those outlined in Lee County Administrative Code 11-11.

4. Alico, Inc. and James R. Colosimo, Tr. agree to indemnify, hold harmless and defend the County, its employees and agents, from and against all claims, losses, demands, payments, actions, judgments and liabilities, including litigation costs and attorney's fees, due to any act or omission by Alico, Inc. or James R. Colosimo, Tr., their employees, agents, or subcontractors, that arise from the placement, replacement or maintenance of landscaping contemplated by this agreement. A copy of the Certificate of Insurance naming Lee County as "also insured" is attached to this Agreement as Exhibit "A".

5. Alico, Inc., James R. Colosimo, Tr., and their successors in interest agree to maintain all landscaping, including plant materials, sod, lighting and other items incidental to the landscaping (including the replacement of dead sod or plant materials) in accordance with the project application submitted to and approved by the County and in a manner that will prevent the creation of obstructions or conditions that may become dangerous to the traveling public.

6. Alico, Inc., James R. Colosimo, Tr., and their successors in interest have the right to replant or change the landscaping material with in the Alico Road median between the Interstate and Treeline Boulevard including the species and location of plant material provided the replanted or changed material utilizes plant species identified in the plant palette attached to this Agreement as Exhibit A. Alico, Inc., James R. Colosimo, Tr., and their successors in interest exercise of this right will not diminish their responsibility to maintain the landscaping in accordance with this agreement.

7. Alico, Inc., James R. Colosimo, Tr., and their successors in interest assume the risk and responsibility for loss or injury to property or persons occasioned by the failure to properly maintain the landscaped area. Alico, Inc., James R. Colosimo, Tr., and their successors in interest agree to repair damage that may occur to any adjoining utility easement or roadway during the course of the maintenance work if the damage is attributable to the negligent acts or omissions of Alico, Inc. and James R. Colosimo, Trustee, and their successors in interest.

8. Alico, Inc., James R. Colosimo, Tr., and their successors in interest agree that if the County improves the Alico Road right-of-way between the Interstate and Treeline Boulevard including but not limited to right-of-way widening, repair and reconstruction, or public utility placement, repair, relocation and reconstruction, the parties must move or remove the landscaping and associated improvements upon 30 days' written notice at no cost to the County. Alico, Inc., James R. Colosimo, Tr., and their successors in interest will be responsible for the cost of replacing the landscaping removed as a result of the events set forth above.

9. This agreement will continue in full force and effect until the Alico Road right-of-way between the Interstate and Treeline Boulevard is closed, abandoned, vacated, discontinued or reconstructed, or written notice of the intent to terminate the agreement is delivered to Alico, Inc., James R. Colosimo, Tr., and their successors in interest. If Alico, Inc. and James R. Colosimo, Tr. and their successors in interest terminate this Agreement, the County has the option to require the terminating party to remove the landscaping improvements at no cost to the County.

10. This agreement may terminate as to one or both parties if either elects to participate in an MSBU/TU for the landscaping of the Alico right-of-way.

11. This instrument is binding upon and inures to the benefit of the parties' successors and assigns.

12. This agreement is intended to be construed in accordance with the laws of the State of Florida.

13. This agreement is the entire agreement between the parties and can not be amended or modified except by written instrument executed with the same formality.

In Witness Whereof, the parties have signed below.

Witness
Printed name:

Alico, Inc.

By: _____

Witness
Printed name:

STATE OF FLORIDA
COUNTY OF LEE

The foregoing Agreement was acknowledged before me this ____ day of _____.

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19__ by _____ on behalf of _____
(Developer) (Name of Developer Corp. or Owner of Property)

He/She is personally known to me or has produced _____ as identification.

Notary Public
Printed name:

Witness
Printed name:

James R. Colosimo, Tr.

By: _____
James R. Colosimo

Witness
Printed name:

STATE OF FLORIDA
COUNTY OF LEE

The foregoing Agreement was acknowledged before me this ____ day of _____,
19__ by _____ on behalf of _____
(Developer) (Name of Developer Corp. or Owner of Property)

He/She is personally known to me or has produced _____ as identification.

Notary Public
Printed name:

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM

Office of County Attorney

LANDSCAPE MAINTENANCE AND
HOLD HARMLESS AGREEMENT
FOR THE TREELINE BOULEVARD RIGHT OF WAY

THIS AGREEMENT entered into this _____ day of _____, 199_, by and between Lee County, a political subdivision of the State of Florida, hereinafter referred to as "County", and Alico, Inc.

WHEREAS, Alico, Inc. is the owner and developer of certain property located at _____ in Section _____, Township _____, Range _____, Lee County, Florida, specifically known as _____; and

WHEREAS, County has maintenance jurisdiction over the 150 foot wide right-of-way for Treeline Boulevard which runs from Alico Road to Corkscrew Road; and

WHEREAS, Alico, Inc. has executed an agreement with the county known as the University Window Overlay Agreement; and

WHEREAS, Alico, Inc. desires to improve the unlandscaped appearance of the roadside within the median of Treeline Boulevard from Alico Road to the southern property line of Alico, Inc.'s property for the purpose of enhancing the appearance of the road corridors leading to the Florida Gulf Coast University and to improve the marketability of development in the surrounding area; and

WHEREAS, the Treeline Boulevard median will be landscaped with a raised median in accordance with the University Window Overlay Agreement ; and

WHEREAS, the County will allow Alico, Inc. to improve and landscape the Treeline Boulevard Median so long as the landscaping and other improvements are maintained and replaced as necessary by the Alico, Inc. or its successors in interest at no cost to the County.

Now Therefore, in consideration of the mutual covenants and conditions contained herein and Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The County authorizes the landscaping of the median of Treeline Boulevard, a county-maintained right-of-way between Alico Road and Corkscrew Road in accordance with the guidelines set forth in the University Window Overlay Agreement.

Sample

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2. Alico, Inc. and its successors in interest agree to pay for the installation of fill and landscape material in the Treeline Boulevard median including but not limited to sod and plant materials in accordance with plans and specifications submitted by Alico, Inc. and approved by the County. Alico, Inc. and its successors in interest will prevent the creation of obstructions or conditions which may become dangerous to the traveling public.

3. Alico, Inc. and its successors in interest accept sole responsibility to obtain all federal, state and local permits necessary to install and maintain the right-of-way landscape project. Alico, Inc. and its successors in interest also agree to give all required notices associated with work on the project, including those outlined in Lee County Administrative Code 11-11.

4. Alico, Inc. and its successors in interest agree to assume all risk and responsibility for any loss or injury to property or persons that is attributable to the negligent acts or omissions of their own officers, employees or agents. In addition, Alico, Inc. and its successors in interest agree to indemnify, hold harmless and defend the County, its employees and agents, from and against all claims, losses, demands, payments, actions, judgments and liabilities, including litigation costs and attorney's fees, arising from the negligent acts or omissions of Alico's employees, agents, or subcontractors, arising from the placement, replacement or maintenance of landscaping contemplated by this agreement. A copy of the Certificate of Insurance naming Lee County as "also insured" is attached to this Agreement as Exhibit "A". Nothing herein will be construed as an indemnity or a waiver of sovereign immunity as provided in section 768.28, Florida Statutes, or any other law providing for limitations on claims.

5. Alico, Inc. and its successors in interest agree to maintain all landscaping, including plant materials, sod, lighting and other items incidental to the landscaping (including the replacement of dead sod or plant materials) in accordance with the project application submitted to and approved by the County and in a manner that will prevent the creation of obstructions or conditions that may become dangerous to the traveling public.

6. Alico, Inc. and its successors in interest have the right to replant or change the landscaping material with in the Treeline Boulevard median including the species and location of plant material provided the replanted or changed material utilizes plant species identified in the plant palette attached to this Agreement as exhibit B. Alico, Inc. and its successors in interest exercise of this right will not diminish their responsibility to maintain the landscaping in accordance with this agreement.

7. Alico, Inc. and its successors in interest assume the risk and responsibility for loss or injury to property or persons occasioned by its failure to properly maintain the landscaped area. Alico, Inc. and its successors in interest agree to repair damage to adjoining, utility easements, or roadways during the course of the maintenance work if the

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damage is attributable to the negligent acts or omissions of Alico, Inc. or its successors in interest

8. Alico, Inc. and its successors in interest agree that if the County improves the Treeline Boulevard right-of-way, including but not limited to right-of-way widening, repair and reconstruction, or public utility placement, repair, relocation and reconstruction, they must move or remove the landscaping and associated improvements upon 30 days' written notice at no cost to the County. Alico, Inc. and its successors in interest will be responsible for the cost of replacing the landscaping removed as a result of the events set forth above.

9. This agreement will continue in full force and effect until the Treeline Boulevard right-of-way is closed, abandoned, vacated, discontinued or reconstructed, or written notice of the intent to terminate the agreement is delivered to Alico, Inc. and its successors in interest. If Alico, Inc. and its successors in interest terminate this agreement, the County has the option to require the terminating party to remove the landscaping improvements at no cost to the County.

10. This agreement may also terminate if Alico Inc. or its successors in interest elect to participate in an MSBU/TU for the landscaping of the Treeline Boulevard right-of-way.

11. This instrument is binding upon and will enure to the benefit of the parties' successors and assigns.

12. This agreement is intended to be construed in accordance with the laws of the State of Florida.

13. This agreement is the entire agreement between the parties and can not be amended or modified except by written instrument executed with the same formality.

In Witness Whereof, the parties have signed below.

Witness
Printed name:

Alico, Inc.
By: _____

Witness
Printed name:

STATE OF FLORIDA
COUNTY OF LEE

The foregoing Agreement was acknowledged before me this ____ day of _____.

19__ by _____ on behalf of _____
(Developer) (Name of Developer Corp. or Owner
of Property)

He/She is personally known to me or has produced _____ as
identification.

Notary Public
Printed name:

ATTEST:
CHARLIE GREEN, CLERK

By: _____
Deputy Clerk

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Chairman

APPROVED AS TO FORM

Office of County Attorney

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CHARLIE GREEN LEE CTY, FL
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