

**2001/2002 REGULAR LEE PLAN AMENDMENTS
TRANSMITTAL HEARING**



Commission Chambers, 2120 Main Street
September 4, 2002
9:30 A.M.
AGENDA

1. **Call to order; Certification of Affidavit of Publication**
2. **Proposed Community Plans**
 - A. **CPA 2001-09**

Amend the Future Land Use Element text of the Lee Plan to incorporate the recommendations of the Bayshore Steering Committee, establishing a Vision Statement, Goal and subsequent Objectives and Policies specific to the Bayshore Community.
 - B. **CPA 2001-10**

Amend the Lee Plan to incorporate the recommendations of the Captiva Island Community Planning effort, establishing a Goal and subsequent Objectives and Policies specific to the Captiva Island community.
3. **Public Comment on Consent Agenda**
4. **Consent Items to be Pulled**
5. **Lee Plan Amendments Transmittal Consent Agenda**
 - A. **CPA 2001-22**

Amend the Future Land Use Map Series, Map 12, the Water Dependent Overlay (WDO) Zones, by evaluating and updating the status of the overlay areas and the Goals, Objectives, and Policies that pertain to the WDO.
 - B. **CPA 2001-23**

Evaluate and amend the Future Land Use Map series, Map 20, the Agricultural Overlay and Goal 9, Agricultural Land Uses, and its subsequent objectives and policies.
 - C. **CPA 2001-24**

Update Table 2(b), Recommended Operational Improvements on Constrained Roads.
 - D. **CPA 2001-28**

Amend the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program.
 - E. **CPA 2001-31**

Amend Policy 80.1.7 of the Conservation and Coastal Management Element by updating the policy to reflect a new percentage for replacement values and revising

the target date when development regulations will require implementation of this policy.

F. CPA 2001-33

Amend the Build Back Policy of the Procedures and Administration Element by replacing references to the term “cost” with the term “value.”

G. CPA 2001-35

Review all elements of the Lee Plan, and replace, where applicable, references to the Lee County Regional Water Supply Authority with Lee County Utilities or the Division of Natural Resources in conjunction with the County taking over the responsibilities of the Water Supply Authority.

6. Lee Plan Amendments Transmittal Administrative Agenda

A. CPA 2001-15

Amend the Future Land Use Map series, Map 1, by updating the Conservation Lands land use categories.

B. CPA 2001-27

Amend Community Facilities and Services Element, Goal 40: Coordinated Surface Water Management and Land Use Planning on a Watershed Basis to add a new Objective and Policy regarding incorporation of green infrastructure into the surface water management systems of proposed developments, and provide definitions for green infrastructure and flow-way in the Glossary.

**CPA 2001-33
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Transmittal Document
for the
September 4th Public Hearing

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585*

August 16, 2002

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA 2001-33**

✓	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: April 15, 2002

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING AND
DIVISION OF PUBLIC SAFETY

2. REQUEST:

Amend the Build Back Policy of the Procedures and Administration Element by replacing references to the term "cost" with the term "value."

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Staff recommends that the Board of County Commissioners transmit this proposed amendment. The specific language modifications that staff recommends is provided below:

F. Build-back Policy

Structures which have been damaged by fire or other natural forces to the extent that the cost of their reconstruction or repair exceeds 50% of the replacement ~~cost~~ value of the structure may be reconstructed at (but not to exceed).....

1. Structures damaged less than 50% of their replacement ~~cost~~ value at the time of damage can be rebuilt to their original condition, subject only to current building and life safety codes.

2. Structures damaged more than 50% of their replacement cost value at the time of damage can be rebuilt to their original square footage and density, provided that they comply with.....

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The proposed amendment will clear up language differences between the Lee Plan and what is contained in the Lee County Post Disaster Ordinance No. 95-14
- The proposed change will make the terminology in the Lee Plan consistent with that used in the ordinance.
- The term used should clearly reflect the intent of the Policy.

C. BACKGROUND INFORMATION

This amendment was initiated by the Board of County Commissioners on September 25, 2001. The proposed amendment will clear up language differences between the Lee Plan and what is contained in the Lee County Post Disaster Ordinance No. 95-14 as to how the terms replacement cost versus the term replacement value should be interpreted. The proposed change will make the terminology in the Lee Plan consistent with that used in the ordinance.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Currently the Build Back Policy of the Procedures and Administration Element refers to the term replacement cost throughout the policy language. Staff proposes correcting the term by replacing "cost" with "value" which will correct the measurement used to determine a structure's damage in the provisions of the Build Back Policy through the definition of replacement value found in the Lee County Post Disaster Ordinance No. 95-14. Replacing the term will make the Lee Plan consistent with the intent of the policy. Both replacement cost and replacement value definitions, as provided in the Lee County Post Disaster Ordinance, are reproduced below:

"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.

"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.

The term used should clearly reflect the intent of the Policy. When developing the Post Disaster Ordinance, which implements the Build Back Policy, staff found they were working with a different

measure to determine if provisions of the Build Back Policy would go into effect under certain circumstances. Both of the terms "replacement cost" and "replacement value" are found in the Post Disaster Ordinance. By replacing the current term "replacement cost" with the term "replacement value," structure damage will be defined to account for variability in the market, such as labor and materials.

B. CONCLUSIONS

Making the noted changes to the Build Back Policy will allow language differences between the Lee Plan and the Lee County Post Disaster Ordinance to be clarified, reflecting the actual thought process and implementation of the policy. The correction will improve the consistency of the documents and will assist in avoiding misinterpretations of the policy itself.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners transmit this proposed amendment. This recommendation is based upon the previously discussed issues and conclusions of this report. Staff recommends that the Build Back Policy, as provided in the Procedures and Administration Element be modified as follows:

F. Build-back Policy

Structures which have been damaged by fire or other natural forces to the extent that the cost of their reconstruction or repair exceeds 50% of the replacement ~~cost~~ value of the structure may be reconstructed at (but not to exceed).....

1. Structures damaged less than 50% of their replacement ~~cost~~ value at the time of damage can be rebuilt to their original condition, subject only to current building and life safety codes.
2. Structures damaged more than 50% of their replacement ~~cost~~ value at the time of damage can be rebuilt to their original square footage and density, provided that they comply with.....

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

DATE OF PUBLIC HEARING: April 22, 2002

A. LOCAL PLANNING AGENCY REVIEW

Planning staff provided a brief presentation concerning the proposed amendment. Staff stated that this amendment will clear up differences between the Lee Plan and the contents of the post disaster ordinance. One LPA member asked staff to elaborate on the difference between value and cost. Staff responded that value accounts for market factors, such as labor and materials. One member asked what was used to define the value. Staff responded that the Land Development Code defined replacement value, which is what the Lee County Property Appraiser's office has on file multiplied by 120% in major disasters or 150% in a catastrophic disaster.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The Local Planning Agency recommends that the Board of County Commissioners transmit this proposed amendment to the Florida Department of Community Affairs.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** As advanced by staff in the staff report.

C. VOTE:

NOEL ANDRESS	<u>AYE</u>
MATT BIXLER	<u>AYE</u>
SUSAN BROOKMAN	<u>AYE</u>
RONALD INGE	<u>AYE</u>
GORDON REIGELMAN	<u>AYE</u>
ROBERT SHELDON	<u>AYE</u>
GREG STUART	<u>AYE</u>

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

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

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

DATE OF ORC REPORT: _____

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

B. STAFF RECOMMENDATION

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

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY
