

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (941) 479-8585

Bob Janes
District One September 19, 2002

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Ray Eubank, Administrator
Florida Department of Community Affairs
Division of Community Planning
Bureau of Local Planning
2555 Shumard Oak Boulevard
Tallahassee, FL. 32399-2100

Re: Amendments to the Lee Plan
Transmittal Submission Package for the 2001/2002 Regular Amendment Cycle

Dear Mr. Eubank:

In accordance with the provisions of F.S. Chapter 163.3184 and of 9J-11.006, this submission package constitutes the transmittal of the proposed 2001/2002 Regular Amendment Cycle to the Lee Plan. The Local Planning Agency held public hearings for these plan amendments on the following dates: March 25, 2002; April 22, 2002; July 22, 2002; August 26, 2002. The Board of County Commissioners transmittal hearing for the plan amendments was held on September 4, 2002 and September 5, 2002. Per 9J-11.006(1)(a)(3), Lee County is requesting that the Department review the proposed amendments and provide an Objections, Recommendations, and Comments (ORC) Report. The proposed amendments are not applicable to an area of critical state concern. The Board of County Commissioners has stated its intent to hold an adoption hearing upon receipt of the ORC Report.

A summary of the plan amendment content and effect is attached to this letter. The name, title, address, telephone number, facsimile number, and email address of the person for the local government who is most familiar with the proposed amendments is as follows:

Mr. Paul O'Connor, AICP
Lee County Planning Division Director
P.O. Box 398
Fort Myers, Florida 33902-0398
(941)479-8585
Fax (941)479-8319
Email: occonnops@leegov.com

Included with this package, per 9J-11.006, are six copies of the adopted amendment, and supporting data and analysis. By copy of this letter and its attachments I certify that these amendments have been sent to the Regional Planning Council, the Florida Department of Transportation (FDOT),

the Department of Environmental Protection, Florida Department of State, Florida Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, Division of Forestry, and the South Florida Water Management District.

Sincerely,
DEPT. OF COMMUNITY DEVELOPMENT
Division of Planning



Paul O'Connor, AICP
Director

All documents and reports attendant to this transmittal are also being sent, by copy of this cover, to:

David Burr
Interim Director
Southwest Florida Regional Planning Council

Mike Rippe, District Director
FDOT District One

Executive Director
South Florida Water Management District

Plan Review Section
Department of Environmental Protection

Florida Department of State

Florida Fish and Wildlife Conservation Commission

The Department of Agriculture and Consumer Services, Division of Forestry

2001/2002 LEE PLAN AMENDMENT CYCLE

SUMMARY OF PLAN AMENDMENT CONTENT AND EFFECT

- CPA 2001-09** Amends the Future Land Use text by adding a new Vision Statement, Goal, Objectives and Policies specific to the Bayshore Community. The Policies generally address Land Use, Transportation, Sewer and Water, and Parks and Recreation. The intent of the amendment is, in part, to provide for slow and steady growth in the Bayshore Community and to prevent incompatible uses such as mining and intense commercial uses from developing in the community.
- CPA 2001-10** Amends the Future Land Use text by adding a new Goal, Objective and ten Policies specific to the Captiva Island Community. The policies address such things as establishing a landscaping code for Captiva, creating a document clearing house to aid residents in monitoring development requests, a requirement for owners or agents for any rezoning, variance, or special exception to hold a public informational session on Captiva and a policy for Lee County to encourage and support efforts by Captivans to develop and submit ordinances that help maintain the historical character of the land. This is a privately initiated amendment sponsored, in part, by Lee County Government.
- CPA2001-11** Amends the Future Land Use Element, Policy 1.2.2, the Airport Commerce descriptor policy, to broaden the allowable uses and to establish relationships and criteria for those uses. Providing for Commercial Retail uses in Airport Commerce allows the County to better use the airport to attract new business in order to promote economic growth and diversification. Flexibility in the planning requirements for future business and industrial lands in the Airport Commerce category is of paramount importance. Commercial functions located within business and industrial parks provide beneficial services to employees. In addition Policy 1.2.2 is being amended by removing "and other hospitality services" due to the fact that it is not a defined term. The LDC does not have this as a use group or a defined use. Also, the Lee County Land Development Code (LDC) provides that caretakers residences can be approved in association with an industrial development, therefore Policy 1.2.2 is being amended to allow caretakers residences.
- CPA2001-12** The amendment adds to Policy 1.3.8 a specific access management plan for Alico Road in the vicinity of the I-75 interchange, and adds maps of the specific access management plans to the Future Land Use Map series. The addition of specific access management plans for the four County-maintained roads that connect to the interstate allows for a recognition of already-existing conditions and previous development approvals, rather than relying on the generalized spacing standards included in Policy 1.3.8. This action is a follow-

up to PAT 99-27, which added the specific access management plan for Corkscrew Road. Future amendments are anticipated to add the specific access management plans for Luckett Road and Bonita Beach Road.

- CPA2001-15** Amends the Future Land Use Map (FLUM) series to include in the Conservation Lands category those lands acquired by Lee County, the State of Florida (TIITF), and the private conservation foundation, the Calusa Land Trust, and reclassify an FDOT maintenance yard from the Conservation Lands FLUM category to the Public Facilities FLUM category.
- CPA2001-18** Amends the Future Land Use text by replacing the existing Vision Statement with new language, and by adding new policies and amending existing policies specific to the Pine Island Community. Amends the Future Land Use Map by creating a new Coastal Rural Land Use Category. Highlights of the Plan are the creation of the Coastal Rural Land Use Category which will replace the Rural designation on Pine Island and replace an additional 157 acres of land currently in the Outlying Suburban designation. Another policy changes the way development orders will be allocated once the 910 vehicle trip calculation has been reached. Other policies address changes to the sign regulations, architectural and site design standards, riparian areas, septic drainfields and historic building designation on Pine Island.
- CPA2001-22** Amends Map 12 of the Future Land Use Map Series, 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 zones. This amendment addresses 40 WDO zones, of which 6 are proposed for amendment. The remaining zones do not present compelling reasons for amendment. As currently codified, the Lee Plan Goals, Objectives, and Policies sufficiently address WDO concerns.
- CPA2001-23** Amends the Future Land Use Map series, Map 20, The “Contiguous Agricultural Parcels Over 100 Acres” map by updating the overlay to reflect current conditions. Changes to the map include mapping lands that are currently in agricultural use and meet the other criteria outlined in Objective 9.1 (as proposed in this amendment). Objective 9.1 is being amended to clarify the criteria for selecting properties to be included on the overlay map. The existing Lee Plan language does not match the parcels that are shown on the current overlay. The adopted 1994 Overlay included parcels that were smaller than 100 acres; however, Objective 9.1 states “Place all existing active and passive agricultural uses on all parcels in excess of 100 acres...” The revised language clarifies that Ag parcels less than 100 acres in size will only be included on the overlay if they are contiguous to other Ag uses resulting in an “Ag Area” larger than 100 acres. The new language clarifies that properties must be outside of Future Land Use Categories that are anticipated to develop with urban uses during the life of the plan. Finally, language is added to require this overlay to be reviewed every 2 years.

CPA2001-24

This amendment simply updates Table 2(b), Recommended Operational Improvements on Constrained Roads, to reflect the latest thinking on operational improvements for the constrained roads. The table is also being expanded to include all of the constrained roads, whether an operational improvement is identified at this time or not, to avoid any confusion when comparing to Table 2(a) (the list of constrained roads). A note is also being added to make clear that, even if no specific operational improvement is identified in the table at this time, operational improvements may be determined to be necessary in relation to specific development requests.

CPA2001-27

Amends the Community Facilities and Services Element, Goal 40: Coordinated Surface Water Management and Land Use Planning on a Watershed Basis by adding a new Objective and Policy regarding incorporation of green infrastructure into the surface water management systems of proposed developments, and providing definitions for green infrastructure and flow-way in the Glossary. Incorporating green infrastructure and flow-ways into surface water management design will help protect the groundwater and surface water in Lee County. Also, green infrastructure furthers Lee County's efforts in achieving EPA's non-degradation water quality criteria for stormwater discharges to designated Outstanding Florida Waterways and compliance with future total maximum daily loads established for impaired water-bodies.

CPA2001-28

Amends the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program. Lee Plan Policy 70.1.1 requires a Capital Improvements Program to be prepared and adopted on an annual basis. Florida Statute 163.3177(3)(b) requires that the Capital Improvements Element of the comprehensive plan be amended annually to reflect the modifications of the adopted Capital Improvement Program (CIP). This amendment incorporates the most recently adopted CIP in the Capital Improvements Element.

CPA2001-31

Amends 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. At this time the Lee County Land Development Code addresses these issues through Sections 6-405 and 6-472. The amendment also changes modifications to buildings from 20% to 25% of its replacement value which is consistent with the Federal Emergency Management Agency's current threshold. Additionally the amendment changes the policy language from 'one or more losses of \$1,000.00 or more' to a repetitive loss as defined by the Federal Emergency Management Agency. The intent of the policy has been recorded into the county regulations.

CPA2001-32

Amends the Intergovernmental Coordination Element and the Community Facilities Element to bring the element into compliance with the provisions of F.S. Chapter 163.3177. In order to comply with the provisions of F.S. Chapter 163.3177 the Lee Plan should be amended to include a new policy in the Intergovernmental Coordination Element, under Goal 109, that refers to Goal 46: Education as the source for coordinating the comprehensive plan with the plans of the school board. Staff also recommends that a new policy, under Goal 46: Education, be adopted to address the coordination of population projection planning.

CPA2001-33

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

CPA2001-35

Amends all elements of the Lee Plan, where applicable, by replacing 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. The Lee County Regional Water Supply Authority is referenced in several instances throughout the Lee Plan with regard to their role in water resource issues. The Lee County Regional Water Supply Authority was officially dissolved as of June 30, 2001. Most of the functions of the Lee County Regional Water Supply Authority have been taken over by Lee County Utilities and Lee County Division of Natural Resources.

**CPA 2001-22
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*

September 4, 2002

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA 2001-22**

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: July 2, 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

2. REQUEST:

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. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Planning staff recommends that the Board of County Commissioners transmit the proposed plan amendment.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Lee County economic prosperity, in part, has historically been dependent on sufficient access to water and water dependent activities such as commercial fishing, freight, and recreational uses.

- The proposed amendment clarifies the exact location, extent, and current status of the WDO zones.
- The proposed amendment will help conserve limited waterfront areas for those uses that require such space.
- Lee Plan Map 12, the WDO zones map, does not reflect the current conditions in many WDO zones or past changes in their boundaries.
- Staff has acquired improved mapping software since the last maps of the WDO zones were created.
- Some of the WDO zones have undergone significant development since their creation.
- The proposed amendment will further Lee Plan Objective 8.1, 98.1, 98.2, and 98.4 by identifying possible water dependent uses within the WDO zones.
- The WDO zones on San Carlos Island are addressed by Map 2, not Map 12.
- Existing Lee Plan Goals, Objectives, and Policies sufficiently address WDO zones.

C. BACKGROUND INFORMATION

Marinas, boat-docking facilities, and other water-access sites are a limited commodity in Lee County. Public access to water resources is essential to the County's economic prosperity. Marinas, docks, fish-houses, fishing piers and other types of uses actually require location on the water. Likewise, Lee County's fishing industry depends heavily on sufficient access to water. It is important to identify and preserve these sites in order to prevent the displacement of water-dependent uses by other land uses such as residential or non-water-dependent commercial and industrial uses.

The Water Dependent Overlays were adopted by ordinance 89-02 in 1989 as part of the 1989 Lee Plan. The overlays were intended to protect marine-oriented land uses from incompatible or preemptive land uses. In 1991, Lee Plan Amendment PAM89-04 added the Rialto Harbor WDO zone and PAM90-20 amended the FPL power plant WDO zone. In 1992 PAM91-16 added the Weeks Fish Camp to the WDO zones. In 1993, PAM92-19 amended the WDO zone in the Burnt Store Marina. In 2001, CPA2000-02 deleted the Boca Grande Pass Marina WDO zone from page 1 of map 12. Since their adoption, varying levels of development have occurred within the WDO zones. Much of this development is residential in nature or otherwise non-water dependent. In addition, the cartographic software employed by the County has significantly improved. The older maps currently used in the Lee Plan would be improved through remapping with the newer software.

The Lee Plan Glossary defines Water Dependent Uses as land uses for which water access is essential and which could not exist without water access. Several Lee Plan Objectives and policies address WDO zones. The WDO zones were added to the Future Land Use element of the Lee Plan in Policy 1.7.5 as a specific type of Special Treatment Area. Goal 8 gives some protection to water-dependent uses by mandating the rezoning of specific uses to marine zoning districts. In the Conservation and Coastal Management element, Goal 98 seeks to preserve the marine-oriented nature of the shoreline. The goal addresses protection of water-dependent commercial and industrial land uses. Objectives 98.1 and 98.2 contain policies outlining the location of WDO zones and reiterating the mandate to rezone these areas to marine zoning districts

These are the Goals, Objectives, and Policies that concern the WDO zones:

GOAL 1: FUTURE LAND USE MAP *To maintain and enforce a Future Land Use Map showing the proposed distribution, location, and extent of future land uses by type, density, and intensity in order to protect natural and man-made resources, provide essential services in a cost-effective manner, and discourage Urban Sprawl.*

OBJECTIVE 1.7: SPECIAL TREATMENT AREAS. *Designate on the Future Land Use Map, as overlays, special treatment areas that contain special restrictions or allowances in addition to all of the requirements of their underlying categories.*

POLICY 1.7.5: *The Water-Dependent Overlay Zone designates shoreline areas where priority will be granted to water-dependent land uses. Specific requirements are detailed for such zones on San Carlos Island under Goal 12, in the Greater Pine Island Area under Goal 14, and for other areas in Lee County in the Conservation and Coastal Management Element.*

GOAL 8: MARINE-ORIENTED LAND USES. *To designate prime locations for marine-oriented land uses and protect them from incompatible or pre-emptive land uses.*

OBJECTIVE 8.1: *Existing marinas, fish houses, and port facilities indicated on the Future Land Use Map as having water-dependent overlay zones will be reclassified by the County to commercial and industrial marine zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing.*

GOAL 98: SHORELINE MANAGEMENT. *To encourage the maintenance and development of water-dependent shoreline uses and to avoid their displacement by non-water-dependent uses.*

OBJECTIVE 98.1: COMMERCIAL WATER-DEPENDENT USES. *The County will continue to monitor and implement its program to enhance and protect commercial water-dependent uses.*

POLICY 98.1.1: *Commercial and government-operated multi-slip docking facilities indicated on the Future Land Use Map as having Water-Dependent overlay zones will be reclassified by the county to Marina zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing.*

POLICY 98.1.2: *The Future Land Use Map will designate water-dependent overlay zones over existing commercial fishing, port and docking sites and commercial marinas to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing.*

OBJECTIVE 98.2: INDUSTRIAL WATER-DEPENDENT USES. *The County will continue to monitor and implement its program to enhance and protect industrial water dependent uses.*

POLICY 98.2.1: Industrial water-dependent facilities indicated on the Future Land Use Map as having water-dependent overlay zones will be reclassified by the County to industrial marine zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing.

POLICY 98.2.2: The County will maintain an inventory of all industrial water-dependent facilities, including name, location, and STRAP number of the facility. This inventory will be updated as needed.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The majority of the WDO zones are defined as being 150 feet landward of the shoreline within the parcel or parcels designated on Map 12 or to include the entire parcel, if it is less than 150 feet in depth. However, some of the WDO zones are uniquely defined and their definitions are listed alongside the map of the relevant parcels. Therefore, Map 12 designates entire parcels whenever possible even though the WDO may only be a part of the parcel. In some cases, development within a single parcel includes both water-dependent and non-water-dependent uses. In such cases, the WDO zone may follow other boundaries such as zoning district lines. Many of the designated parcels contain vacant or undeveloped land. In these cases, the vacant land is left in the WDO zone in order to encourage future development to be in the form of water-dependent uses.

The WDO zones on San Carlos Island are not addressed by the proposed amendment. This amendment is concerned with Lee Plan Map 12. The San Carlos Island WDO zones are addressed on Lee Plan Map 2 which is not a part of the proposed amendment.

The proposed amendment is not intended to address local marina issues on Pine Island. Staff believes that this amendment is of a technical mapping nature. Other, ongoing issues concerning the Pine Island marinas are beyond the scope of this amendment at this time.

In evaluating each WDO zone, staff used two main criteria. First, whether the site contains water-dependent uses. Second, what portions (if any) of the site have been altered to non-water-dependent uses and how significant the change is. These were determined using aerial photography, site visits and data from the Lee County Property Appraiser. Third, was whether the change in the WDO zone was compelling enough to warrant a change in Map 12. Based on these criteria staff recommends the following changes:

Map 12, Page 2

Amend the Four Winds Marina WDO to follow the CM zoning district boundary. The commercial portion of the site was rezoned to CM in 1991, leaving the rest of the site in the C-2 zoning district. The non-commercial portion of the site is developed with condominiums, an allowable use in C-2 zoning. It is inappropriate to maintain the WDO on residential development.

Amend the Harbor Hideaway WDO to include parcel 30-43-22-07-0000B.0010. This vacant parcel is zoned CM, abuts the WDO, and is used by Harbor Hideaway for boat and boat trailer storage.

Boat storage is an ancillary use for the site. These factors make inclusion in the WDO appropriate. Additionally, the WDO would help to preserve a vacant, waterfront parcel for water dependent uses.

Map 12, Page 8

Amend the Hideaway Yacht and Racquet Club WDO. The parcel that originally defined the Hideaway Yacht and Racquet Club WDO has been subdivided and developed with residential uses. Portions of the original parcel remain as common elements such as road rights of way and the marina. The WDO zone should be restricted to those areas that are zoned CM to reflect these uses. In addition, the name of the WDO should be amended to "Water's Edge At Peppertree Point." This is the name of the Residential Planned Development that was created in the WDO and is the publicly used name for the Marina.

Amend the Deep Lagoon Marina WDO to follow current parcel lines. The parcels in the Deep Lagoon Marina WDO have been combined since its creation. Now, the WDO is part of a single-parcel marina CPD. Further, the marina was approved by resolution Z-99-13 to put water dependent uses in the majority of the new, combined parcel.

Map 12, Page 9

Amend the Burnt Store Marina WDO to follow the CM zoning district within the WDO parcel(s) as originally proposed by Lee Plan Amendment PAM92-19. A large portion of the water front is now developed with residential uses. The remaining undeveloped portions of the WDO parcel will also be developed with residential uses. This change in the WDO zone was originally created by Lee Plan amendment PAM92-19 but subsequent mapping did not reflect the change.

Map 12, Page 10

Amend the Getaway Marina WDO to include the three parcels to the north of the existing WDO parcel. The three parcels to the north of the WDO parcel are part of the marina, providing parking on the land portions and docking slips along the waterline. The parcels are listed as vacant commercial by the Property Appraiser. As they are now, these parcels could be converted to non-water dependent uses without a public hearing. By including them in the WDO zone, there is a much greater chance of preserving them for water-dependent uses. The parcels to the south of Getaway Marina are a mix of water-dependent and non-water-dependent uses. As such it would be inappropriate to include the parcels to the south of the marina in the WDO zone.

Coastal Issues

The proposed amendment would help preserve the limited water access points within Lee County. It will also preserve the amount of land available to water-dependent land uses such as fishing piers, marinas, boat docks, fish houses, and others.

Transportation

The Lee County 2020 transportation plan, to a certain extent, already estimates the impact of future development in WDO zones on traffic in the county. However, the effect of future coastal development upon transportation issues will have to be addressed on a case by case basis. Future

developments will be required to address their impacts on the area road network during the development order process, usually through a traffic impact study.

Emergency Services

Future development in the WDO zones could increase the demand on emergency services. This increased demand would be addressed by the County prior to the issuance of a development order. Increased demand would require mitigation measures by the developer.

Hurricane Evacuation

Sections 2-481 through 2-486 of the Lee County Land Development Code address hurricane preparedness. Hurricane preparedness impacts and mitigation are determined by the number of residential and hotel/motel units in a development. WDO policies discourage residential use on waterfront property by rezoning those areas to CM and IM zoning districts. These districts restrict residences to caretaker houses and hotel/motels to special exception only. Therefore, WDO zones help reduce the hurricane evacuation impact on the County's road network.

Utilities

Increased development in the WDO zones could increase the demand upon water and sewer utilities. Lee plan Standard 11.1 requires that any commercial or industrial use that exceeds 30,000 square feet would be required to connect to a public water system. Likewise, Lee Plan Standard 11.2 requires that any development that generates over 5,000 gallons of sewage per day must connect to a sanitary sewer system. Any future development in the WDO zones that meet these criteria will be required to install the necessary infrastructure during the development order process.

Environmental Concerns

Future development within WDO zones will be required to address environmental concerns on a case by case basis. The developer will follow standard mitigation measures for any environmental impacts caused by future development as required by the Lee Plan and the Lee County Land Development Code.

Development Intensity

Suitable water access points are an increasingly rare commodity in Lee County and the WDO zones help to preserve them for those uses that cannot be placed inland. The proposed amendment does not effect the amount of waterfront development. Instead, it influences the type of waterfront development, encouraging water-dependent uses. Therefore, the proposed amendment does not affect development intensity.

Residential Density

The WDO zones are intended to limit residential uses in waterfront parcels. Lee Plan Objective 8.1 mandates reclassifying water-dependent uses to marina zoning districts. These districts do not permit residential uses beyond caretaker residences. In order to create residential development in a WDO zone, an applicant would be required to have a public meeting before the Board of County Commissioners to remove the WDO designation. Then, the property in question would have to

be rezoned to a zoning district that permitted residential uses. Therefore, the proposed amendment would help limit residential uses in waterfront parcels.

Historic Preservation

There are some historic structures known to be within WDO zones although Lee County does not have an exclusive inventory of historic properties in WDO zones. Any identified historic structures within a WDO zone will be addressed on a case by case basis. Standard historic preservation procedures per Chapter 22 of the Land Development Code and Chapter IX of the Lee Plan will be used within the WDO zones.

B. CONCLUSIONS

This amendment addresses 40 WDO zones. Of this 40, 6 are proposed for amendment. The remaining zones do not present compelling reasons for amendment. This amendment addresses Map 12 only. The WDO zones on San Carlos Island are addressed by Map 2 and therefore are beyond the scope of this amendment. Likewise, ongoing marina issues on Pine Island are beyond the scope of this amendment. The proposed amendment will clarify and update the WDO zones in Lee County. This will correct scrivener's errors as well as remove inconsistencies and outdated information from Map 12. The amendment will also help preserve increasingly rare water access and water dependent land uses within the county. As currently codified, the Lee Plan Goals, Objectives, and Policies sufficiently address WDO zones.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners transmit the proposed plan amendment.

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

DATE OF PUBLIC LPA HEARING: July 22, 2002

A. LOCAL PLANNING AGENCY REVIEW

Staff gave a brief presentation. Staff stated that the amendment was of a technical nature and did not address Lee Plan Policies. One LPA member stated that the amendment appeared to be simply "cleaning up."

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

The LPA recommend that the Board of County Commissioners transmit the proposed amendments to Map 12 of the Lee Plan Map series.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The LPA accepted the findings of fact as advanced by staff.

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> ABSENT </u>

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

DATE OF ADOPTION HEARING: September 4, 2002

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 accepted the findings of fact advanced by staff and the LPA.

C. VOTE:

JOHN ALBION

AYE

ANDREW COY

ABSENT

BOB JANES

AYE

RAY JUDAH

AYE

DOUG ST. CERNY

AYE

**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

RAY JUDAH

BOB JANES

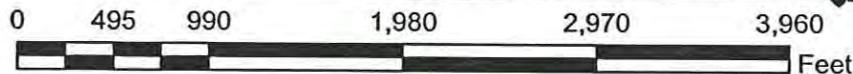
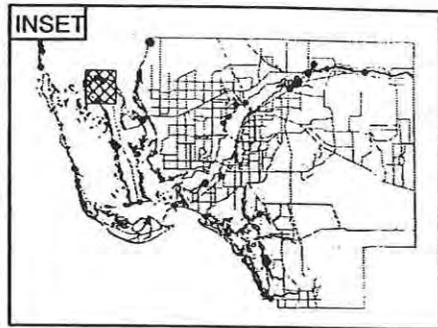
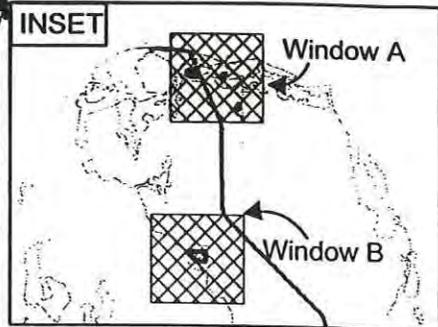
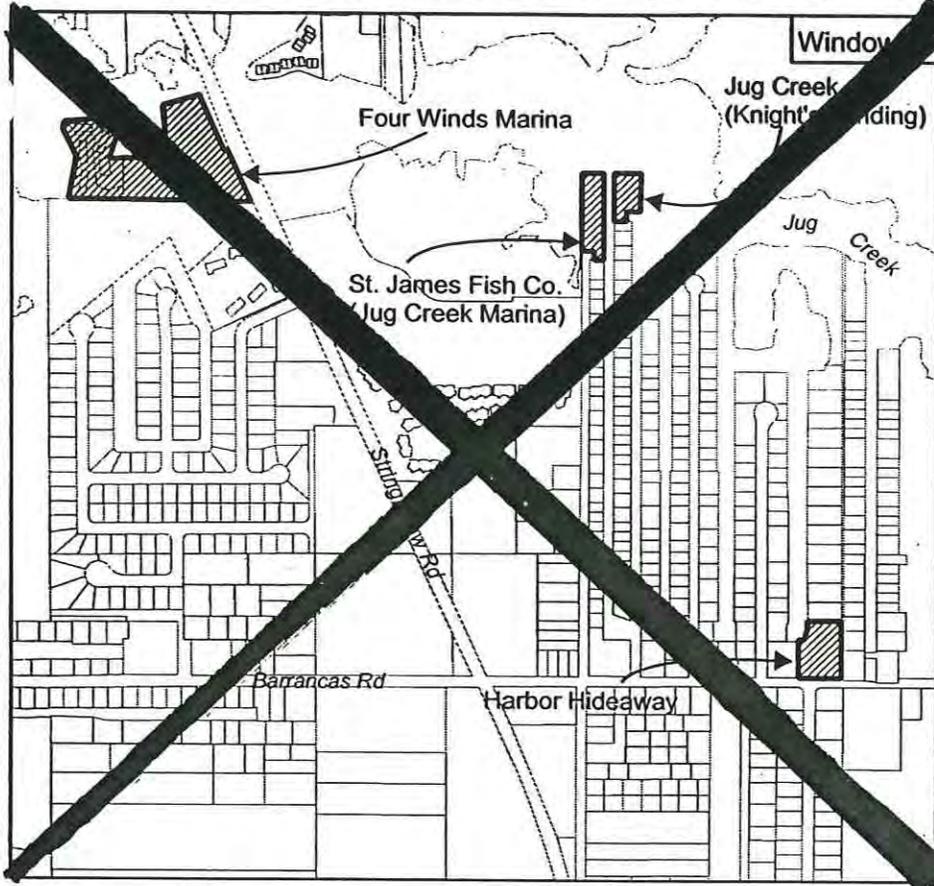
DOUG ST. CERNY

Attachment 1

Existing Map 12

(Note: maps proposed for amendment crossed out)

MAP 12 WATER-DEPENDENT OVERLAY ZONES



List of STRAPS

Four Winds Marina	
30-43-22-00-00027.0020	30-43-22-16-00003.3030
30-43-22-14-00000.1010	30-43-22-16-00003.3040
30-43-22-14-00000.1020	30-43-22-16-00003.3050
30-43-22-14-00000.1030	30-43-22-16-00003.3060
30-43-22-14-00000.1040	30-43-22-16-00004.4010
30-43-22-14-00000.1050	30-43-22-16-00004.4020
30-43-22-14-00000.1060	30-43-22-16-00004.4030
30-43-22-14-00000.2010	30-43-22-16-00004.4040
30-43-22-14-00000.2020	30-43-22-16-00004.4050
30-43-22-14-00000.2030	30-43-22-16-00004.4060
30-43-22-14-00000.2040	30-43-22-16-00005.5010
30-43-22-14-00000.2050	30-43-22-16-00005.5020
30-43-22-14-00000.2060	30-43-22-16-00005.5030
30-43-22-16-00000.00CE	30-43-22-16-00005.5040
30-43-22-16-00000.000A	30-43-22-16-00005.5050
30-43-22-16-00003.3010	30-43-22-16-00005.5060
30-43-22-16-00003.3020	

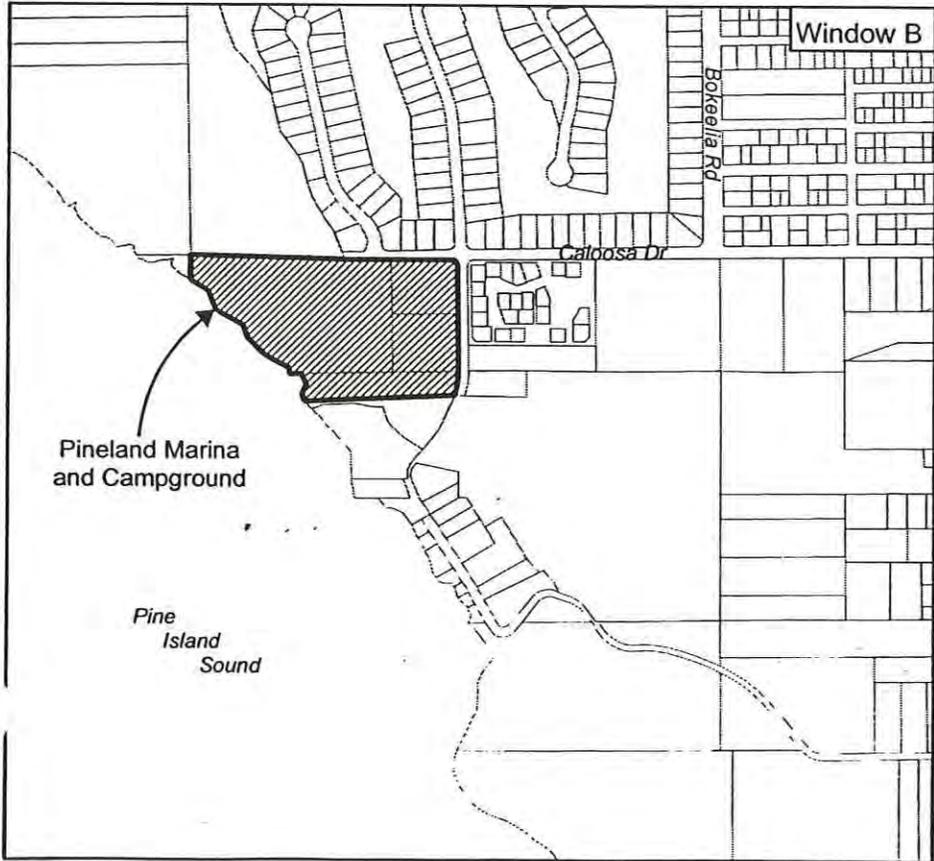
**St. James Fish Co.
(Jug Creek Marina)**
30-43-22-02-0000A.0010

**Jug Creek
(Knight's Landing)**
30-43-22-02-0000B.0010

Harbor Hideaway
30-43-22-18-00000.001A

Pineland Marina and Campground
07-44-22-00-00001.0000
07-44-22-00-00002.0000
07-44-22-00-00002.0020

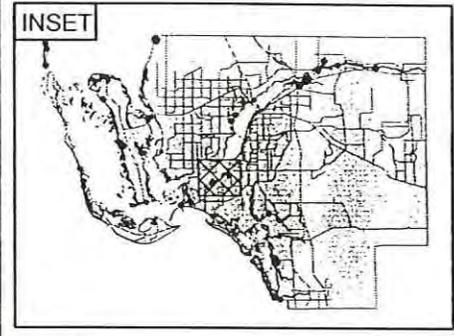
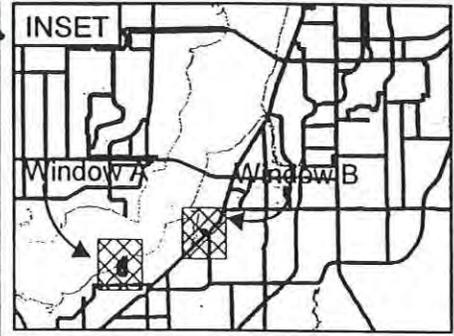
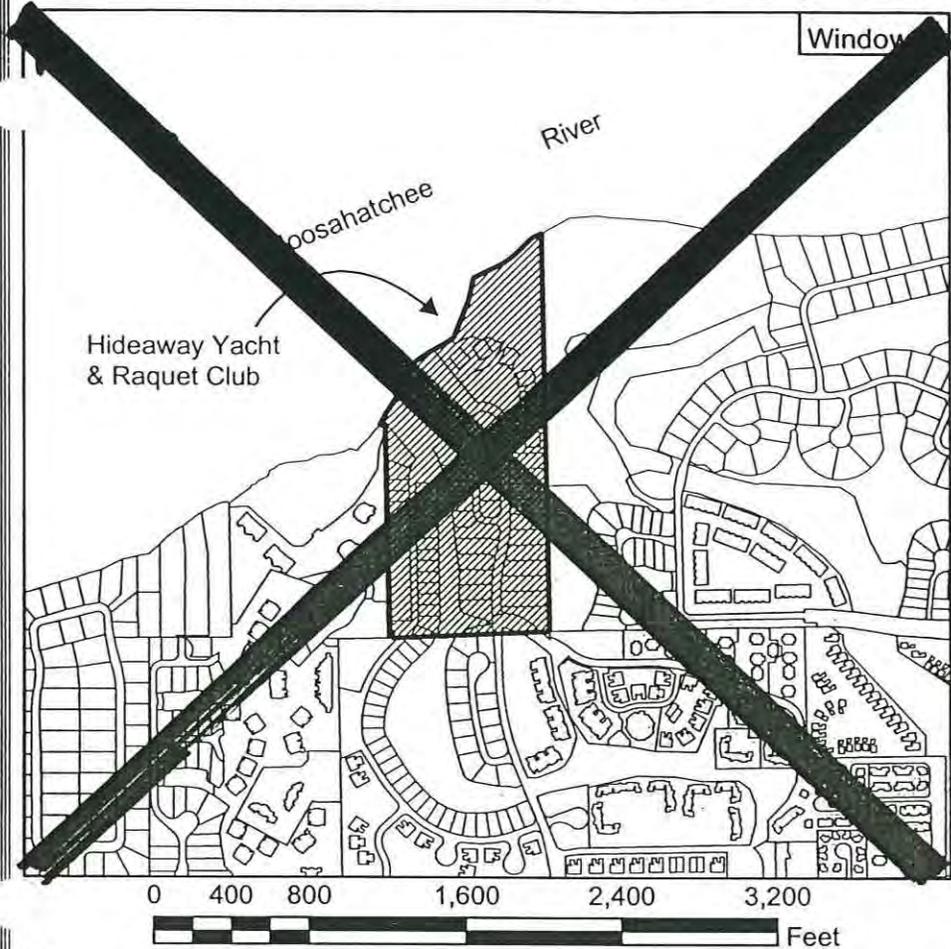
The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.



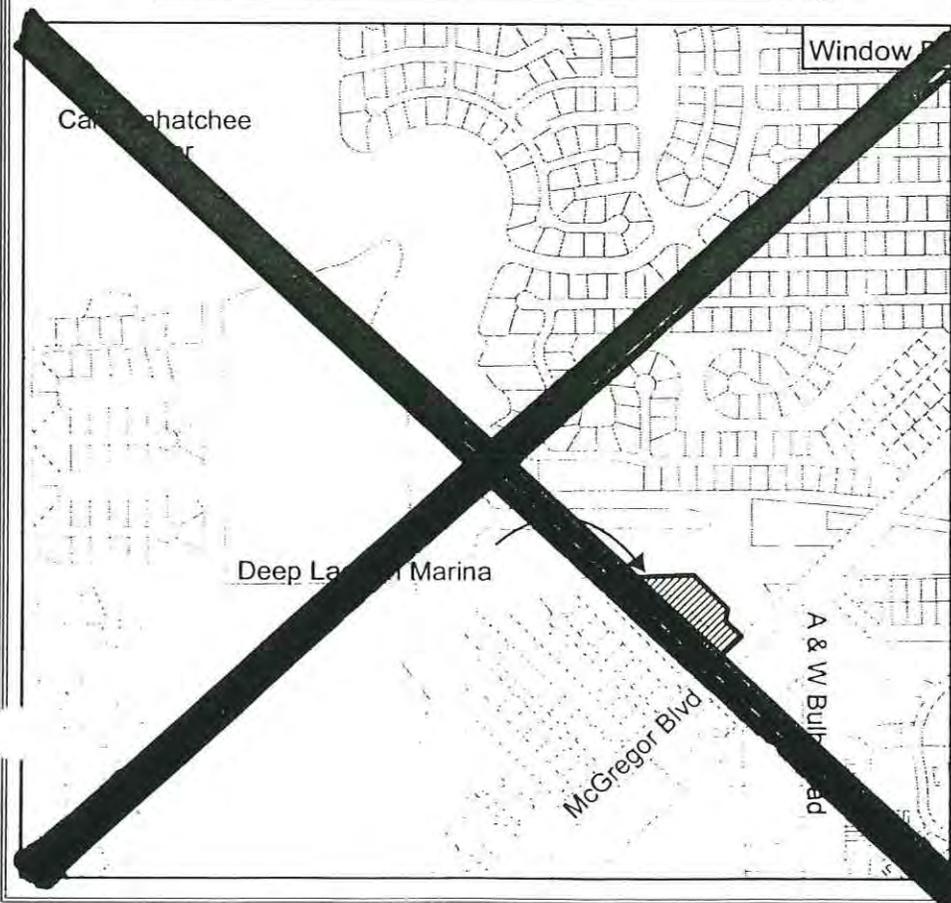
LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

Map Generated August 5, 2001

MAP 12 WATER-DEPENDENT OVERLAY ZONES



- List of STRAPS
- Deep Lagoon Marina
29-45-24-00-00011.002A
 - Hideaway Yacht & Raquet Club
25-45-23-00-00001.0000
25-45-23-11-00000.0230-0340
25-45-23-11-00000.0360-0520
25-45-23-31-00000.0280-0450
25-45-23-33-00000.000A
25-45-23-33-00000.00CE
25-45-23-33-Building A through G

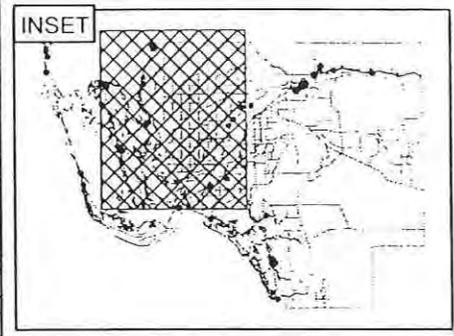
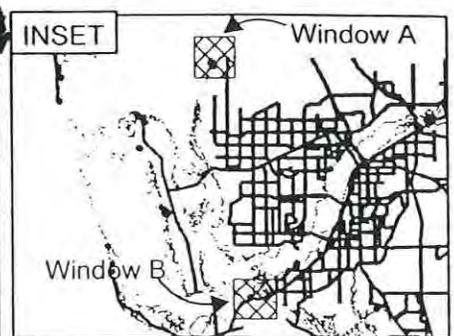
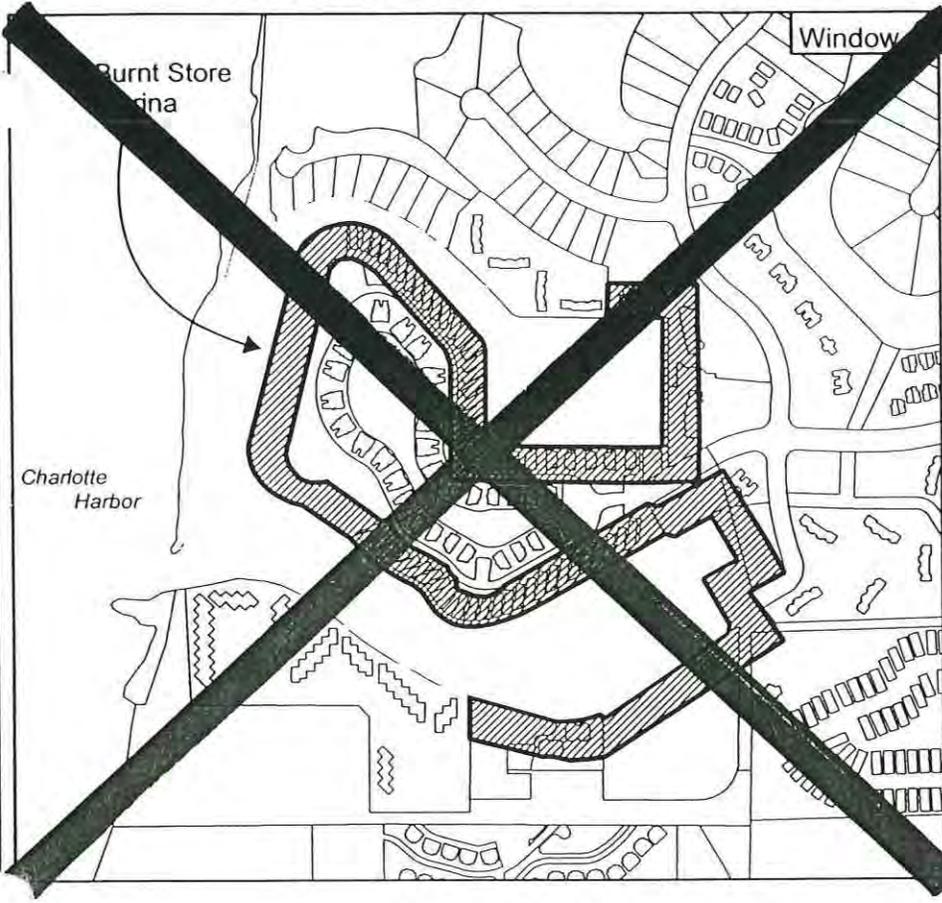


The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.



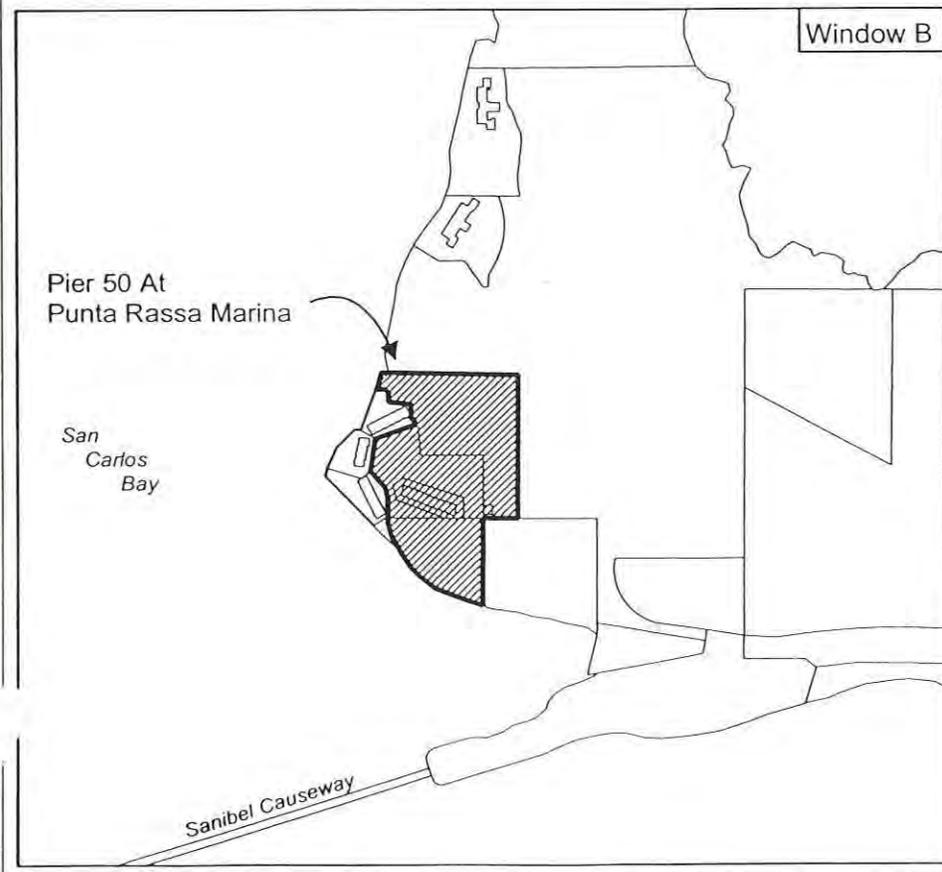
Map Generated August 5, 2001

MAP 12 WATER-DEPENDENT OVERLAY ZONES



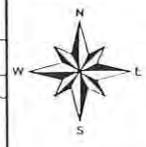
List of STRAPS

- Burnt Store Marina**
 01-43-22-01-0000C.1000
 01-43-22-02-00000.001A-C, 002A-C
 01-43-22-02-00000.003A-C, 004A-C
 01-43-22-02-00000.005A-C, 006A-C
 01-43-22-02-00000.007A-C, 008A-C
 01-43-22-04-00000.0010-0250
 01-43-22-07-00000.1110-1180, 1210-1280, 1310-1380,
 01-43-22-07-00000.000A, 00CE
 01-43-22-07-00000.2110-2180, 2210-2280, 2310-2380
 01-43-22-10-00000.1010-1060, 2010-2060, 3010-3060
 01-43-22-10-00000.4010-4060, 5010-5060, 6010-6030
 01-43-22-12-00000.000A, 00CE
 01-43-22-12-00000.1101-1108, 1201-1208, 1301-1308
 01-43-22-12-00000.1401-1408, 1501-1508, 1601-1608
 01-43-22-12-00000.1701-1708, 1801-1804, 2101-2108
 01-43-22-12-00000.2201-2208, 2301-2308, 2401-2408
 01-43-22-12-00000.2501-2508, 2601-2608, 2701-2708
 01-43-22-12-00000.2801-2804
 01-43-22-15-00000.0010-0220



- Pier 50 at Punta Rassa Marina**
 09-46-23-00-00009.0000
 09-46-23-00-00009.0010
 09-46-23-00-00009.0020
 09-46-23-00-00000.00CE
 09-46-23-01-00000.00CE
 09-46-23-01-00000.000A

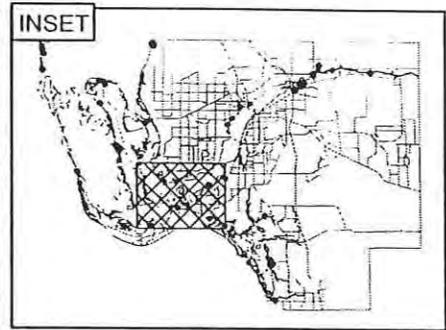
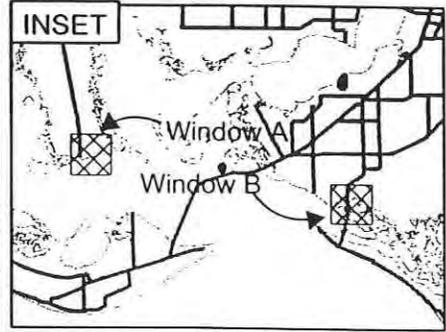
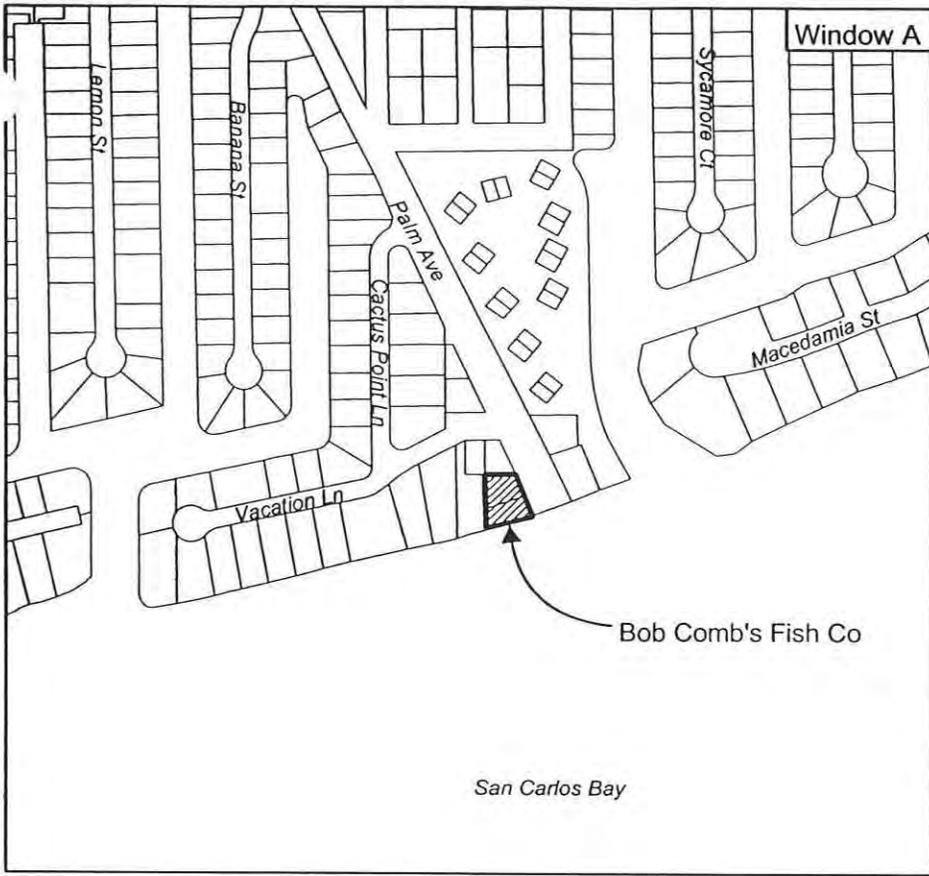
The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.



LEE COUNTY
 SOUTHWEST FLORIDA
 DIVISION OF PLANNING

Map Generated August 5, 2001

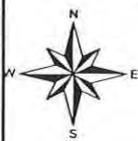
MAP 12 WATER-DEPENDENT OVERLAY ZONES



List of STRAPS
 Bob Comb's Fish Co.
 02-46-22-05-00494.0110
 Getaway Marina
 13-46-23-00-00027.0000



The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.

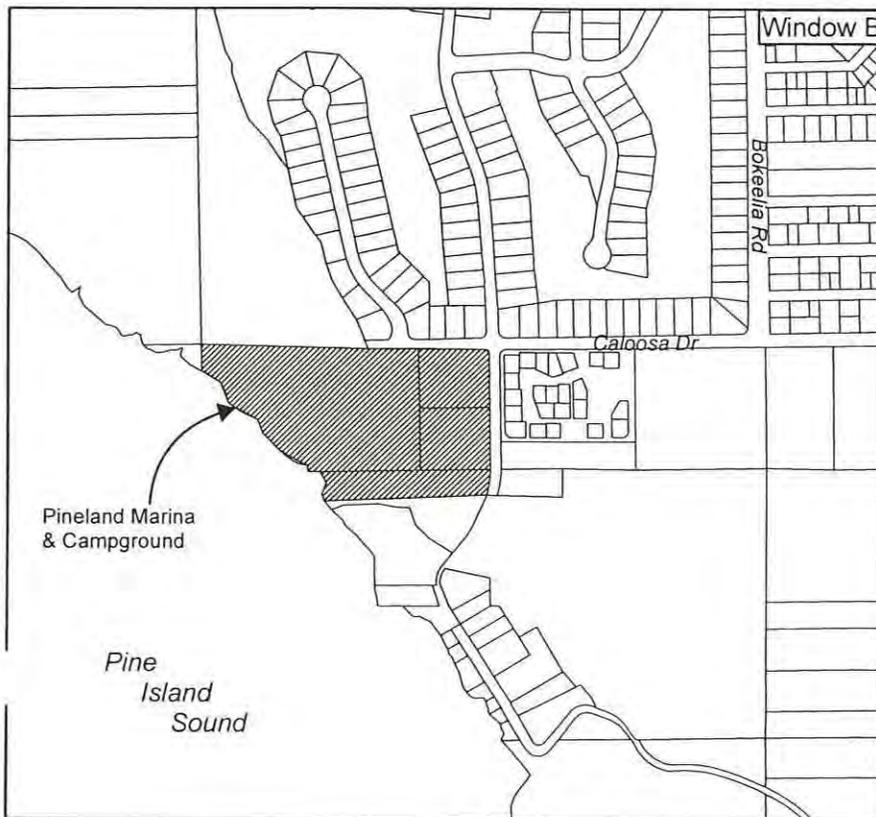
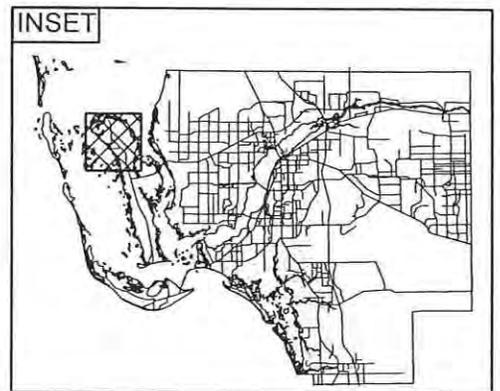
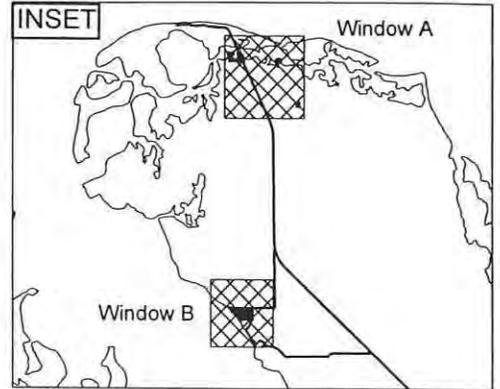
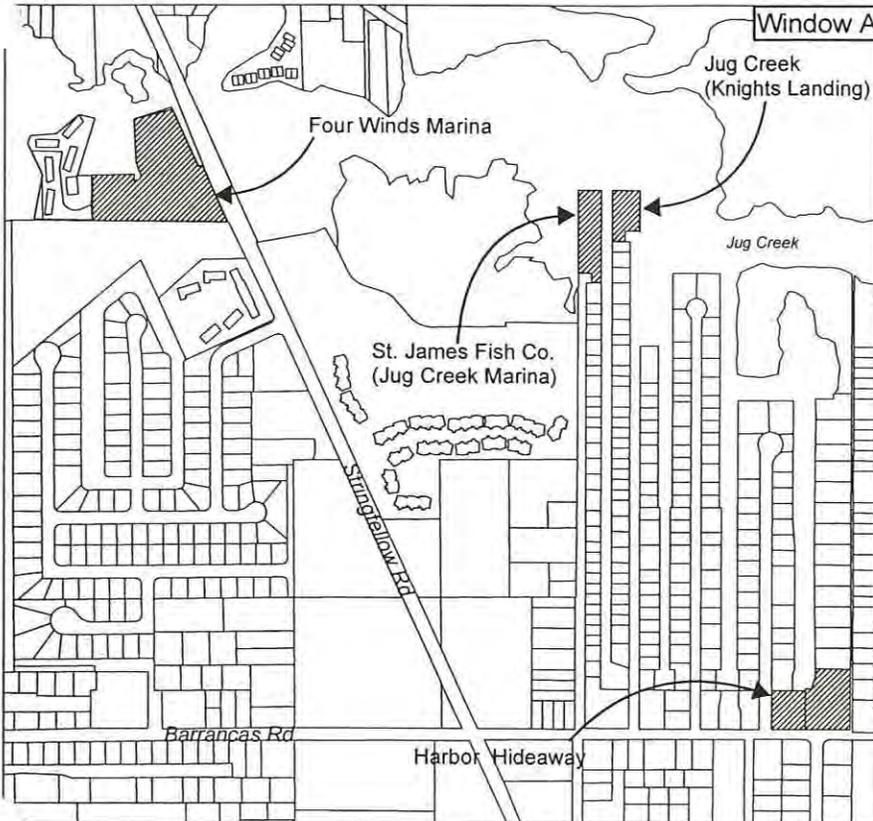


Map Generated August 5, 2001

Attachment 2
Proposed Map 12

Map 12

Water Dependent Overlay Zones



- Four Winds Marina
 30-43-22-00-00027.0020
 30-43-22-14-00000.1010 to .1060
 30-43-22-14-00000.2010 to .2060
 30-43-22-16-00000.00CE
 30-43-22-16-00000.000A
 30-43-22-16-00003.3010 to .3060
 30-43-22-16-00004.4010 to .4060
 30-43-22-16-00005.5010 to .5060

- St. James Fish Co.
 (Jug Creek Marina)
 30-43-22-02-0000A.0010

- Jug Creek
 (Knights Landing)
 30-43-22-02-0000B.0010

- Harbor Hideaway
 30-43-22-18-00000.001A

- Pineland Marina & Campground
 07-44-22-00-00001.0000
 07-44-22-00-00002.0000
 07-44-22-00-00002.0020

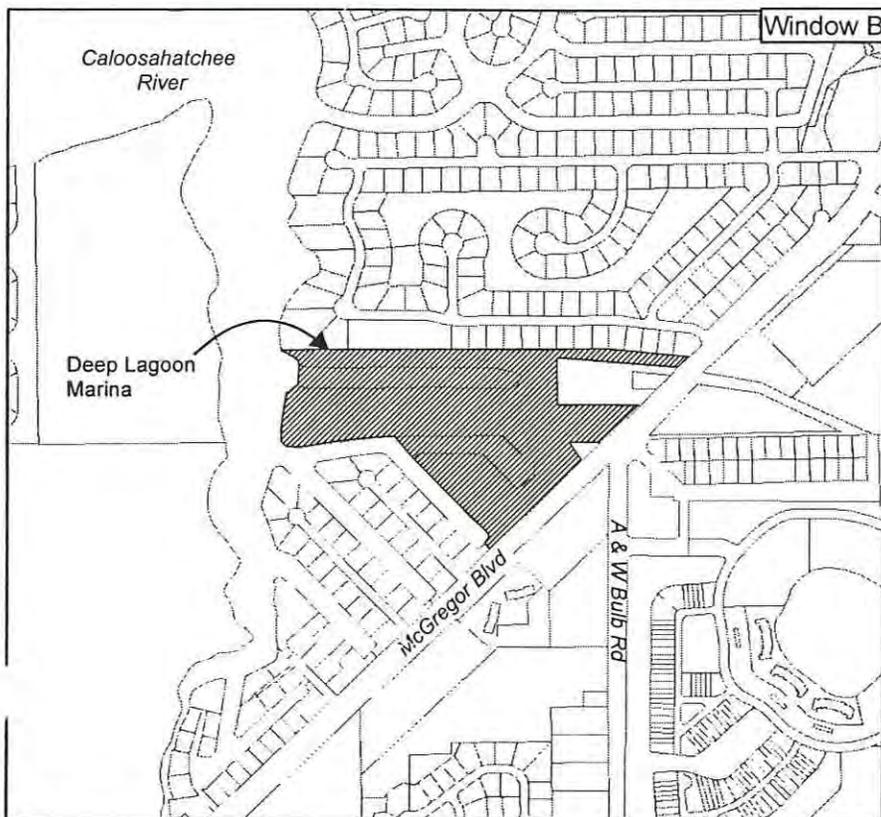
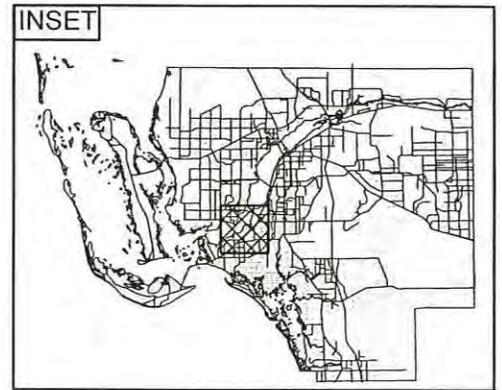
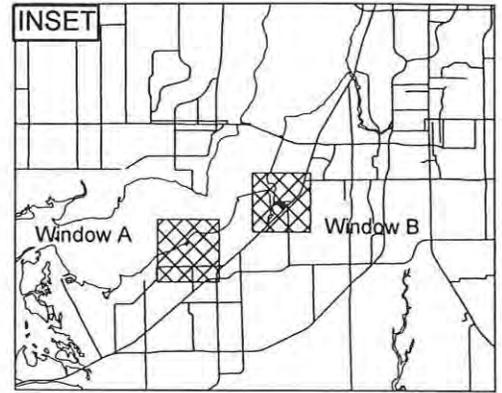
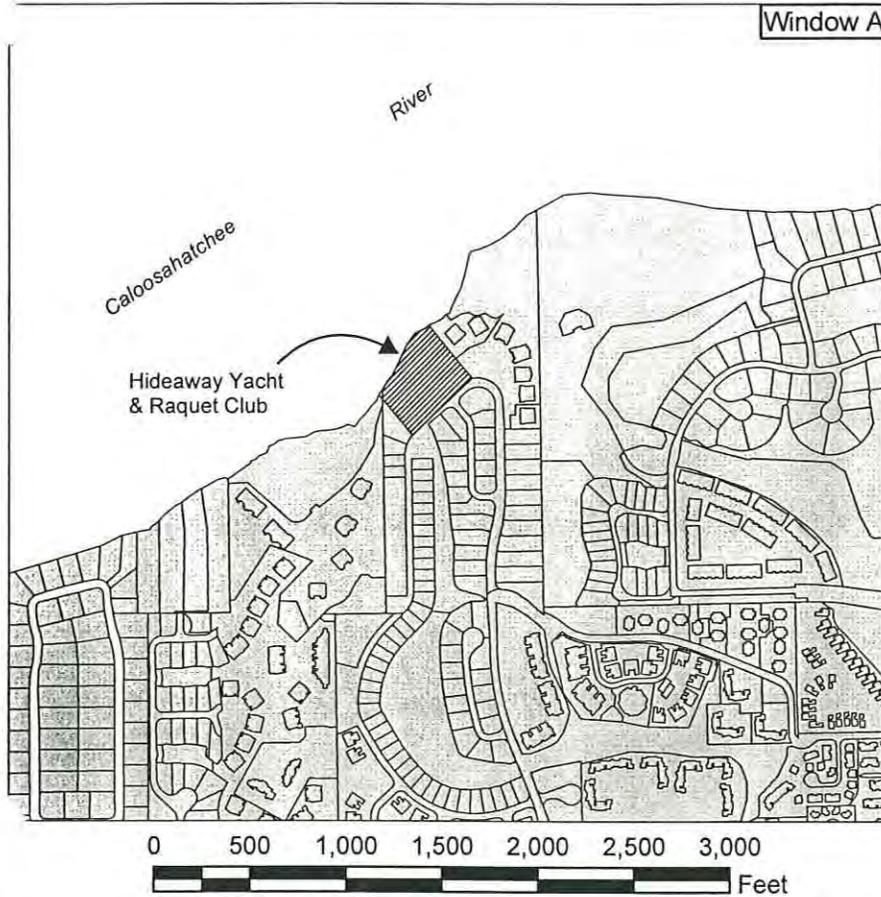
The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.



Map generated June 11, 2002

Map 12

Water Dependent Overlay Zones



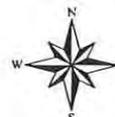
List of STRAPS

Deep Lagoon Marina
29-45-24-00-00011002A

Hideaway Yacht & Raquet Club
(Peppertree Point)
25-45-23-00-00001.0000

NOTE: The map shows only those parts of the subject parcel that are zoned for marina use.

The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.

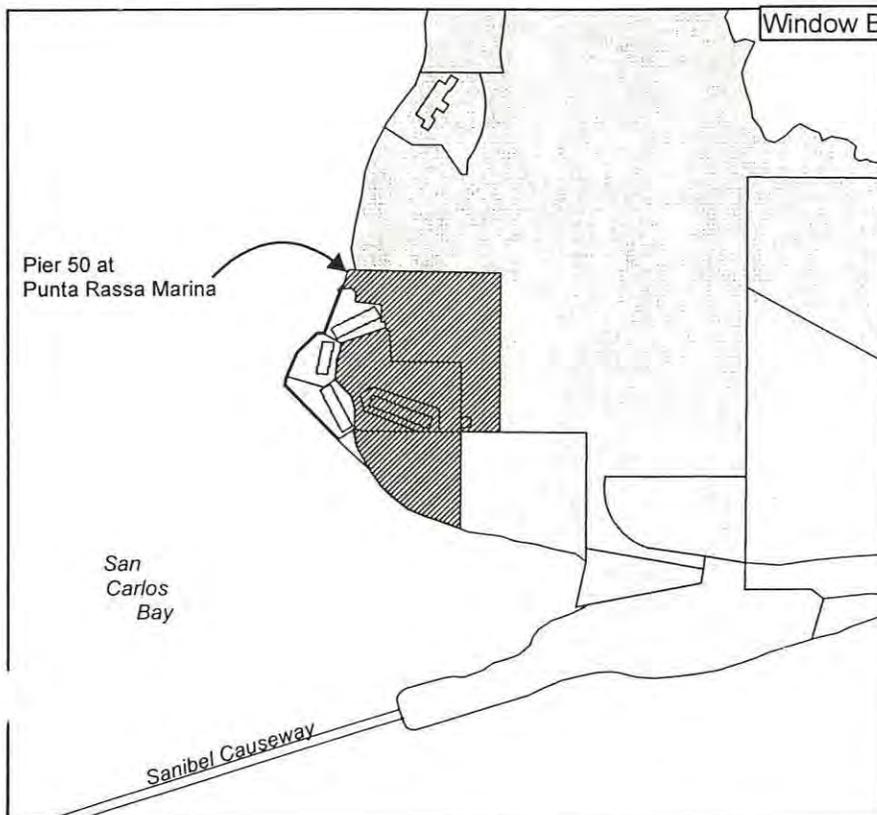
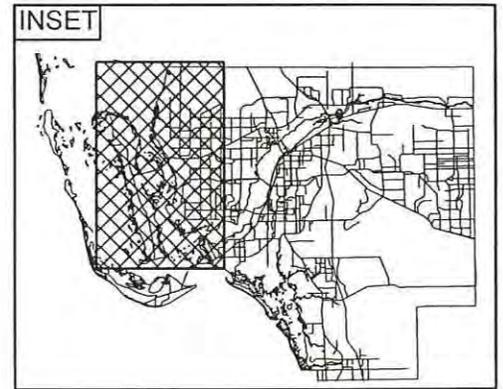
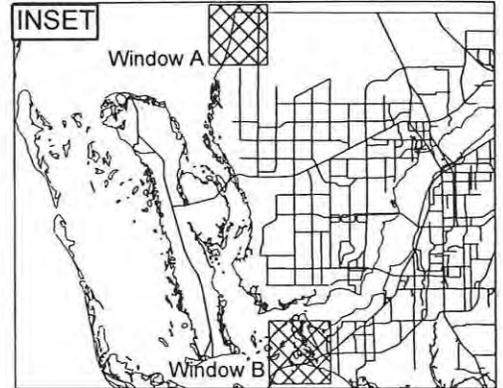
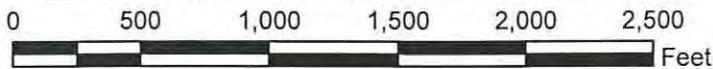
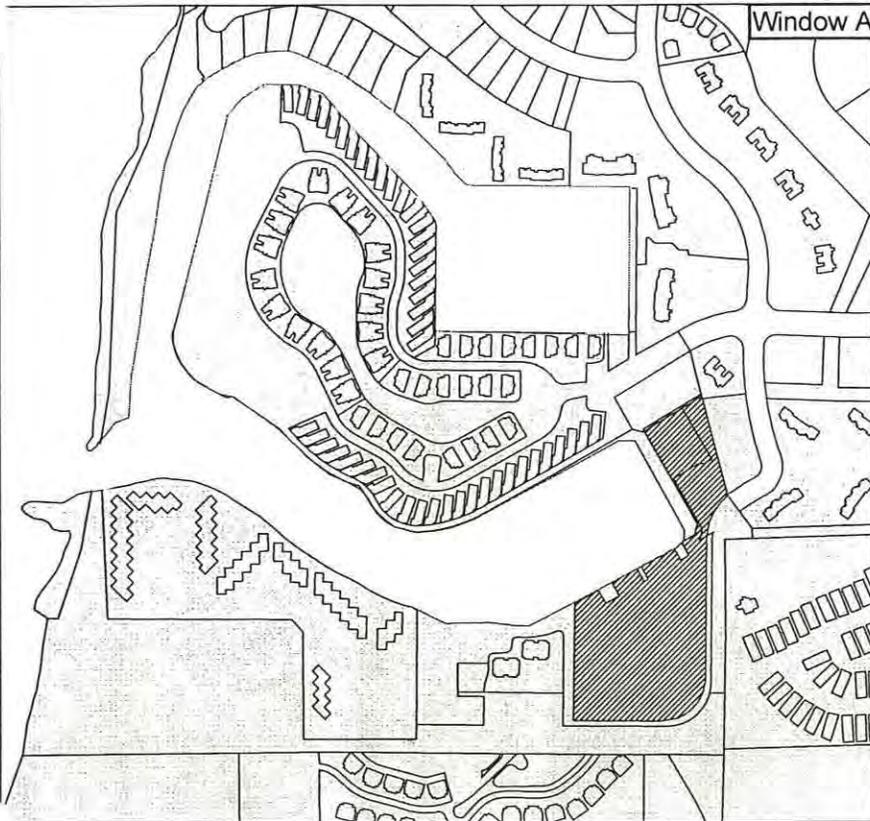


LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

Map generated June 12, 2002

Map 12

Water Dependent Overlay Zones



List of STRAPS

Burnt Store Marina
 01-43-22-000000C0010
 NOTE: The map depicts only those parts of the subject parcel that are zoned for marina uses.

Pier 50 at Punta Rassa
 09-46-23-00-00000.00CE
 09-46-23-00-00009.0000
 09-46-23-00-00009.0010
 09-46-23-00-00009.0020
 09-46-23-01-00000.00CE
 09-46-23-01-00000.000A

The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.

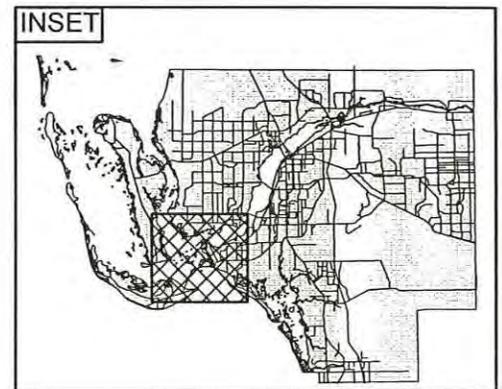
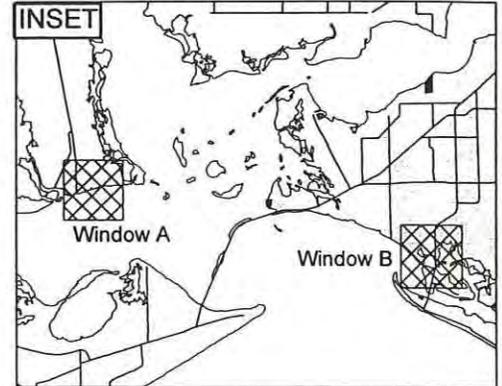
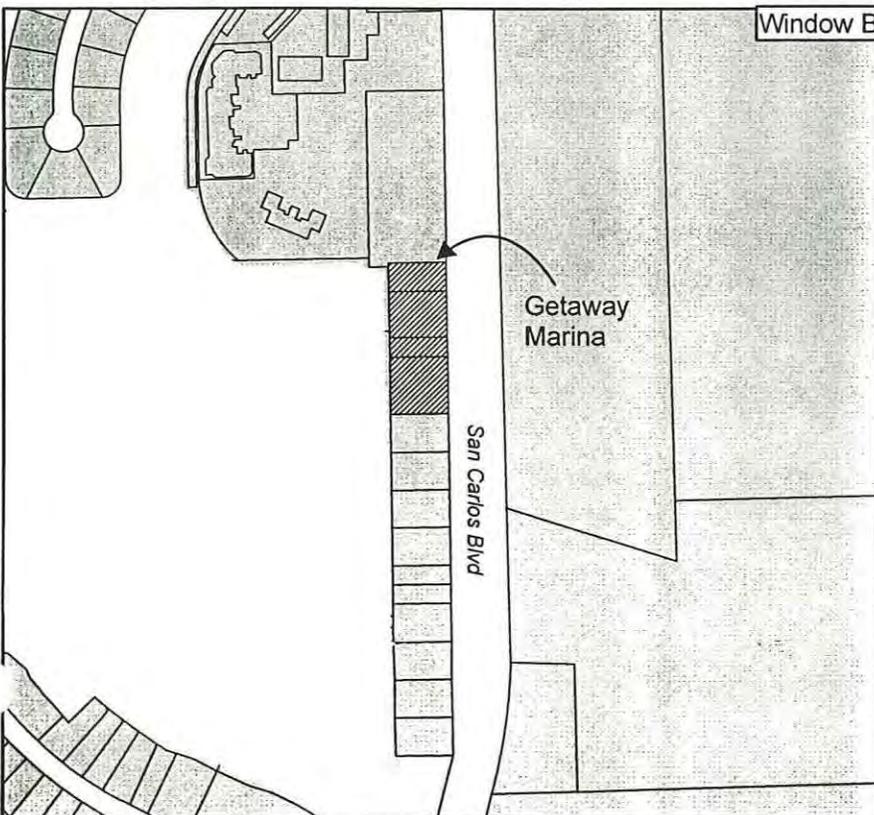
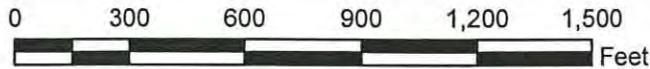
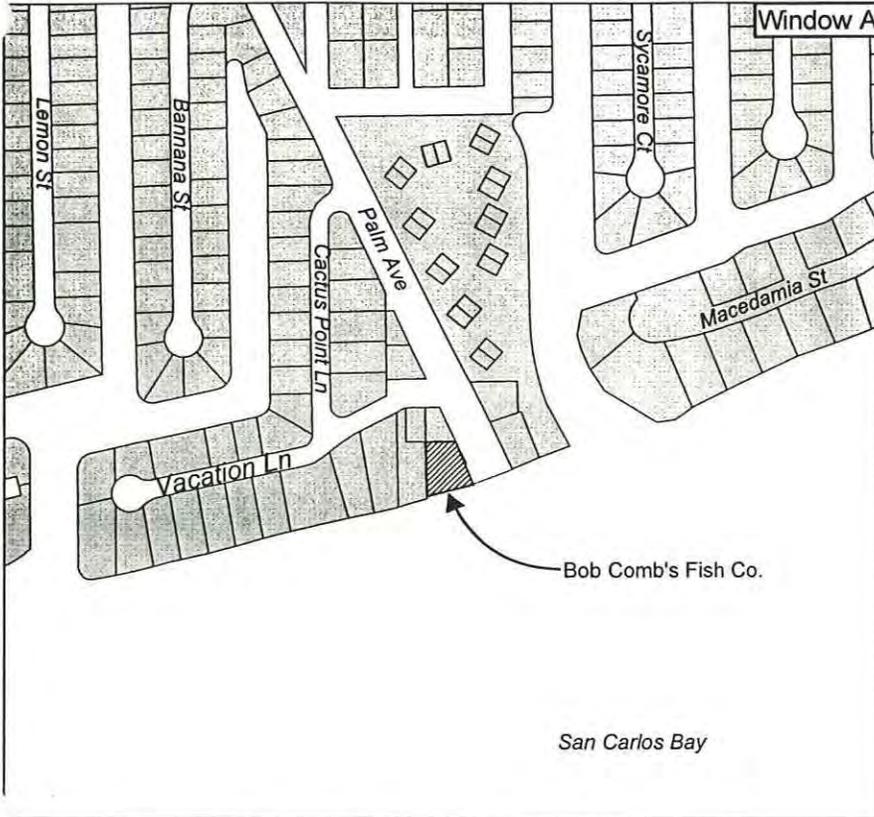


LEE COUNTY
 SOUTHWEST FLORIDA
 DIVISION OF PLANNING

Map generated June 12, 2002

Map 12

Water Dependent Overlay Zones



List of STRAPS

Bob Comb's Fish Co.
02-46-22-05-00494.0110

Getaway Marina
13-46-23-00-00007.0000
13-46-23-00-00006.0000
13-46-23-00-00006.0010
13-46-23-00-00006.0020

The Water Dependent Overlay Zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less.



Map generated June 13, 2002