



**CPA2004-12
BOCA GRANDE
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**BoCC Public Hearing Document
for the
October 12th Adoption Hearing**

*Lee County Planning Division
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August 19, 2005

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2004-00012**



Text Amendment



Map Amendment

<input checked="" type="checkbox"/>	This Document Contains the Following Reviews:
<input checked="" type="checkbox"/>	Staff Review
<input checked="" type="checkbox"/>	Local Planning Agency Review and Recommendation
<input checked="" type="checkbox"/>	Board of County Commissioners Hearing for Transmittal
<input checked="" 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: May 18, 2005

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. SPONSOR/APPLICANT:

A. SPONSOR:

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

B. APPLICANT

BOCA GRANDE COMMUNITY PLANNING ASSOCIATION, INC.
REPRESENTED BY MORRIS DEPEW

2. REQUEST:

Amend the Future Land Use Element of the Lee Plan to incorporate the recommendations of the Boca Grande Community Planning effort. Establish a new Vision Statement and a new Goal, including Objectives and Policies specific to the Boca Grande community.

B. LANGUAGE TRANSMITTED BY THE BOARD OF COUNTY COMMISSIONERS: *(To assist in the review of this amendment, numbering was not changed when policies were removed through staff review and the public hearing process. This Goal will be renumbered when codified.)*

Vision Statement

2. Boca Grande - This community includes the portions of Gasparilla Island within Lee County and the surrounding smaller islands. The smaller islands in this community have minimal if any development. The core of this community is the unincorporated town of Boca Grande. This community is unique in that it has no direct road access to the rest of Lee County. All access to Boca Grande is via Charlotte County or by boat. The Boca community is designated as Urban Community, Outer Islands, and Public Facilities; however, the Urban Community category is restricted to 3 units per acre within this community. The population of Boca Grande is expected to increase from 888 people in 1996 to 1,201 in 2020. The seasonal influx will remain high in this community with an expected seasonal population in 2020 of 2,834. Currently, less than 15% of Boca Grande is vacant. By the year 2020, this community is expected to build out. The community of Boca Grande is dedicated to preserving its historic character and the community will look largely the same in 2020 as it does today.

There are no sub-communities within the Boca Grande Community.

Gasparilla Island/Boca Grande – In 1980, the Florida Legislature found that the community of Boca Grande, comprised of Gasparilla Island and nearby islands, is part of the fragile barrier island system as defined in the Presidential Directive on barrier islands dated May 23, 1977, and is an area of particular natural beauty containing abundant plant, marine, animal and bird life. The State of Florida recognized that the conservation of the natural beauty, plant, marine, animal and bird life of the islands was in the best interest of the residents and property owners of the islands, the citizens of Lee and Charlotte Counties and the State of Florida, and consequently created the *Gasparilla Island Conservation District* by enacting the Gasparilla Island Conservation District Act of 1980 (Ch 80-473). The Act was subsequently amended in 1983 and 1986 (Ch 83-385 and Ch 86-341) and is hereafter referred to as the GICDA. The intent of the GICDA is to limit density and development to a level which will not degrade the fragile environment or overburden the limited infrastructure of the islands.

For the purposes of this comprehensive plan, the community of Boca Grande includes Gasparilla Island, Boca Grande Isles, the Gasparilla Golf Course Island, Three Sisters Island, Hoagen's Key, Loomis Island, Cole Island, and the Gasparilla Island bridge lands and causeway islands, and includes all submerged lands, tidal lands, overflow lands and tidal ponds as described in the GICDA.

To insure that the intent of the GICDA is carried out, actions proposed in sections that follow must be undertaken to promote sound environmental policy, preserve the character and history of the community, safeguard the water supply, protect the sports fishing industry and support the essentially

seasonal businesses in Boca Grande, and to ensure that residents have adequate access, law enforcement, and emergency and utility services.

The core of the Gasparilla Island/Boca Grande community is the unincorporated village of Boca Grande, designated as an Historic District. This community is unique in that it has no direct road access to or from the rest of Lee County. All access to Boca Grande by motor vehicle is via Charlotte County, or by boat, or small seaplane. The Lee County portion of Gasparilla Island/Boca Grande is designated as Urban Community, Outer Islands, Public Facilities, Conservation Lands, and Wetlands on the Future Land Use Map. Maximum density in the Urban Community category is restricted to three dwelling units per acre.

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, 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.

High priorities for Gasparilla Island/Boca Grande are the preservation and conservation of its fragile environment, including recreation and open space areas, its Historic District, the residents' quality of life and right to continued enjoyment of its natural and cultural gifts, and consistent enforcement of all current and future regulations with respect to zoning, traffic, parking, law enforcement, public utilities, the GICDA and the Historic District.

To the greatest extent possible, the community of Boca Grande, Lee County and Charlotte County should work together to jointly develop land development regulations and ordinances which are required by the policies found in this Comprehensive Plan.

GOAL: The Boca Grande Community Plan seeks to preserve and conserve the surrounding fragile environment, recreation and open space areas, the Historic District, the quality of life and the continued enjoyment of its natural and cultural gifts. The plan seeks consistent enforcement of all current and future regulations with respect to zoning, traffic, parking, law enforcement, public utilities, the Gasparilla Island Conservation District Act and the Boca Grande Historic District.

Objective 1.1 - Future Land Use: To preserve the traditional character, scale, and tranquility of the historic village and residential areas of the Boca Grande community by continuing to limit the densities and intensities of use and development to sustainable levels that will not adversely impact the natural environment, overburden the existing infrastructure, or require additions to the present infrastructure.

Lee County will continue to enforce the regulations found in the Gasparilla Island Conservation District Act, and will assist the residents of Boca Grande to further develop growth management policies and

regulations to limit densities and intensities of development on Gasparilla Island, in order to maintain the historic scale and development patterns of the community.

Policy 1.1.1: Lee County will work with the Boca Grande community to establish boating and marine facility site location standards which will help to identify appropriate locations and development regulations that are consistent with a scope and intensity that will protect the community from the potential negative impacts. Future public boat ramps and other watercraft launching facilities on Gasparilla Island will only be developed with adequate on-site parking, and should minimize impacts to traffic and pedestrian safety, the environment, neighborhoods, and consider marine safety issues.

Policy 1.1.2: In order to preserve the existing community character of Boca Grande, the Boca Grande community will work to develop standards to regulate all commercial uses on Gasparilla Island. Development standards will identify commercial design guidelines, parking and signage standards, appropriate intensity of uses and establish location standards to ensure consistency with the existing community character.

Policy 1.1.3: The Boca Grande community will work to develop regulations within two years of the adoption of this Policy, to better manage rental and tour businesses which have an impact on the neighborhoods and environment of the community. These regulations will address issues such as the number and location of operators, safety, privacy, security, liability insurance, parking facilities, property maintenance, storm water management, and compatibility.

Policy 1.1.4: Lee County will work with the Boca Grande community to establish a Document Clearing House in Boca Grande, where copies of selected documents from permit applications, variance requests, staff reports, Hearing Examiner recommendations and resolutions, Historic District Special Certificates of Appropriateness, and Administrative Variances and for any development on Gasparilla Island will be kept for public inspection. The County's failure to provide or to timely provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 1.1.5: The owner or agent for any rezoning, variance or special exception request must conduct one public informational meeting in Boca Grande where the owner or agent will provide a general overview of the project for any interested citizens. The applicant is fully responsible for providing the meeting space and providing security measures as needed.

Lee County encourages zoning staff to participate in such public informational meetings. This meeting must be conducted before the application can be found sufficient. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.

Policy 1.1.7: In order to promote water conservation and better manage this important resource, The Boca Grande community will develop standards for permit requests of new buildings to conduct a cistern feasibility study as part of the permitting process. For redevelopment projects, Lee County will seek to encourage the establishment of cisterns as a non potable water source, wherever practicable.

Policy 1.1.8: In order to maintain the traditional scale and historic patterns of development on Gasparilla Island, including areas outside the Boca Grande Historic District, The Boca Grande community will develop regulations to preserve light, space and air around new residential dwelling construction and to discourage "mega houses" or "mansionization" of Boca Grande. New development or redevelopment will recognize that traditional setbacks, particularly front and side yard setbacks, as well as strict adherence to the Coastal Construction Control Line, within existing and proposed neighborhoods on Gasparilla Island, should be maintained.

Policy 1.1.10: Lawfully existing businesses and commercial buildings in the Boca Grande commercial areas will be deemed to be vested as related to parking, setbacks, height, and land use. Any expansion or change of use to one of higher intensity will require a review of parking impacts, setbacks, height, and uses as necessary.

Policy 1.1.11: Lee County will support the Boca Grande community in their efforts to further investigate the need for modified development regulations applicable to Boca Grande, based upon the unique nature of the community, the location of Boca Grande on a barrier island at the mouth of Charlotte Harbor, the limited opportunities for supporting infrastructure, the seasonal nature of the demand upon public facilities, and the need for cross-county administration of growth management legislation. The Boca Grande community may propose development regulations that address the following:

- a. The creation of the Gasparilla Island Zoning Overlay district to address inconsistencies with current zoning districts and the comprehensive plan and GICDA, implement policies adopted in this plan, and adopt modified development regulations such as, but not limited to, parking requirements, minimum setbacks, and commercial and residential design standards.
- b. The creation of a marine park zoning district to facilitate consistent local enforcement of existing Federal, State and County regulations in waterfront areas and new regulations to better manage coastal issues such as use and rental of personal watercrafts, abandoned vessels, live aboards, sanitation, water quality, and noise.

Objective 2.1 - Transportation, Parking and Traffic Circulation: To ensure residential and commercial land use in Boca Grande that recognizes the connection between the existing transportation infrastructure and the community's desire to preserve Boca Grande's community character as a tranquil residential community, with an historic village center, and abundant open space and preservation areas. No policy in this community plan will be construed or interpreted to imply that Lee County will

implement and/or enforce new traffic regulations, traffic control, or parking regulations which are determined to be significantly substandard or may cause a defined safety or operational problem.

Lee County will recognize the inherent need to limit additional impacts to the existing transportation infrastructure of Boca Grande, the varied types and limited access to the community, the need for alternate forms of transportation within the community, the need for specialized standards for parking and commercial service areas, and the seasonal nature of infrastructure demand that exists throughout the community.

Policy 2.1.1: Lee County will continue to enforce the provisions of the Gasparilla Island Conservation District Act which limit growth, limit building height and restrict advertising throughout Boca Grande.

Policy 2.1.2: Lee County will support the provision of convenient, safe bridges providing access to Gasparilla and Cole Islands and supports the highest standard of safety for vehicles, golf carts, bicycles, and pedestrians including strict enforcement of traffic laws.

Policy 2.1.3: Lee County will assist in efforts to create a Master Plan for improvements to the bike and golf cart path along Gulf Boulevard, south of the village.

Policy 2.1.5: In order to preserve the historic characteristics of the community, Lee County will support the use of all way stop intersections or other traffic control methods, rather than traffic signals, whenever possible in the Boca Grande community.

Policy 2.1.6: Lee County will support efforts of the Boca Grande community to beautify road right-of-ways and enhance the public realm of Boca Grande by including provisions for streetscaping in Historic Downtown Villages in the Lee Scape Master Plan. In order to maintain low traffic volumes, operating speeds, and noise levels, improvements will emphasize traffic calming techniques, and the need to preserve the aesthetic values of the community. Particular emphasis will be placed in the Historic District. Enhancements may include village streetscaping such as additional street trees, trash receptacles, benches and burying utilities underground.

Policy 2.1.7: Lee County will continue to ensure viable hurricane evacuation options for the residents and stakeholders of Boca Grande.

Policy 2.1.8: Lee County will support improvement of pedestrian safety by establishing and marking crosswalks throughout the community, and by improving pedestrian circulation within the Historic District.

Objective 2.2: Lee County will consider a funding request for the Boca Grande Community Plan implementation that provides for a parking and traffic study to identify ways to create safe and efficient parking for employees, patrons and visitors, and to determine the appropriate parking standards which will address the capacity and design needs of the Boca Grande commercial district. The parking and traffic study will address the following policies.

Policy 2.2.1: As a result of regional growth and local redevelopment, Lee County will provide assistance to develop a long-range strategy to address increased parking demand. This may result in regulations, infrastructure improvements or adoption of management practices which incorporate any number of the following:

- a. Revised traffic count thresholds
- b. Maximum development intensities
- c. Revised minimum parking requirements
- d. Traffic congestion mitigation practices
- e. Vehicle and pedestrian safety programs
- f. Shared parking agreements
- g. Public/Private partnerships to fund new or expanded parking facilities.

Policy 2.2.2: Lee County will seek to maximize the efficiency and the functionality of existing parking facilities by improving trailblazing signage, re-designing existing parking facilities, and creating specific facilities for golf cart and bicycle parking. Designated parking for employees, the appropriate number of parking spaces for new and expanded uses, and enforcement of existing parking restrictions and permit requirements will also be examined.

Policy 2.2.3: Parking along the beach access streets and other public rights-of-way will be regulated to allow convenient ingress and egress to residences and permit adequate emergency vehicle access at all times. Lee County will support efforts of the Boca Grande community to analyze the appropriateness of overnight and long term parking in the public rights-of-way, the Gilchrist median, and along beach access streets.

Policy 2.2.4: Lee County will seek to direct service vehicles and delivery vehicles to designated unloading zones. Due to the traffic congestion in the Historic District, Lee County will assist in establishing time restrictions on service and delivery trucks during peak traffic periods, such as those occurring in March and April.

Policy 2.2.6: For all new development and redevelopment, Lee County will continue to support and improve design and permitting efforts through the site plan review process that adequately address truck deliveries, emergency vehicle access, and solid waste disposal.

Policy 2.2.7: Lee County will assist in a study of traffic patterns and flow in and around the Post Office, Park Avenue, East Railroad Avenue and West Railroad Avenue, seeking to develop a plan of action that will improve the functionality of the infrastructure while preserving the aesthetics of the community.

Objective 3.1 - Conservation and Coastal Management: Lee County will preserve, protect, and, where possible, enhance the physical integrity, village character, ecological values, and natural beauty of Boca Grande and Gasparilla Island, focusing upon the diverse and healthy native vegetation, the clear offshore waters, and the varied and abundant native marine and wildlife resources in a manner

compatible with the Gasparilla Island Conservation District Act, the promotion and preservation of the historic Boca Grande village as a thriving community, and preservation of Gasparilla Island's historic heritage.

Lee County will support the efforts of the Federal and State authorities, and the Boca Grande community to preserve, protect, and enhance the positive environmental qualities of Gasparilla Island. Lee County will involve local community organizations in the planning process and will enforce these community plan policies through implementation in the land development regulations.

Policy 3.1.1: Lee County will support and encourage beach renourishment and other efforts to maintain the beaches and protect Gasparilla Island from tidal events.

Policy 3.1.3: Lee County will support the State's efforts to protect and preserve mangroves both on private properties as well as within public lands and easements. Not later than December 31, 2005, Lee County will review the State regulations regarding mangrove trimming and removal and determine whether additional protections need to be enacted on Gasparilla Island to protect its fragile environment.

Policy 3.1.5: Lee County will strictly enforce its own policies related to the preservation of the beach dune system, beach dune vegetation, and beach dune wildlife, by discouraging any construction seaward of the 1979 Coastal Construction Control Line. This policy will not apply to the placement of raised walkways intended to cross over the dune system from adjoining properties, nor will it apply to bona fide beach renourishment and shoreline protection efforts. Lee County will support the State's efforts to protect the beach dune system, beach dune vegetation, and beach dune wildlife communities on Gasparilla Island.

Policy 3.1.6: The Beach renourishment efforts of Lee County will include the re-establishment of a beach dune system, beach dune vegetation, and beach dune wildlife communities, including nesting birds and turtles, to the greatest extent practicable. Lee County will monitor and enforce its policies and regulations protecting dunes, dune vegetation, and dune wildlife communities on Gasparilla Island. Any rock or hard revetment will be covered with sand and planted with salt resistant native plants.

Policy 3.1.7: Except for emergency events and public purposes, Lee County will ban vehicular traffic from all beaches on Gasparilla Island and will provide enforcement of the ban.

Policy 3.1.8: Lee County will use regulatory powers to preserve, protect, and enhance the marine habitat surrounding Gasparilla Island, including sea grass beds, manatee habitat, estuarine habitat, and near shore waters of Gasparilla Island. Nothing in this policy requires Lee County to support unreasonable policies of any other regulatory agency.

Policy 3.1.9: Lee County will review and enforce all permits for new dock construction to assure the protection of sea grass beds, manatee habitat, tarpon fishing grounds, and other environmental values intrinsic to Charlotte Harbor. Copies of dock and shoreline permits will be sent to the

Document Clearing House as established pursuant to Policy 1.1.4. Nothing in this policy requires Lee County to support unreasonable policies of any other regulatory agency.

Policy 3.1.10: Lee County will assist in the enforcement of best management practices for anchorages of Gasparilla Island. The Regional Planning Council and its advisory committees will be the source of such information.

Policy 3.1.11: Within two years of the adoption of this Policy, Lee County will establish policies and guidelines for beach clean-up during red tide and similar extraordinary tidal events.

Policy 3.1.12: Within two years of the adoption of this Policy, Lee County will establish a program to restore the plant diversity on County owned lands on Gasparilla Island through the removal of exotic vegetation and its replacement with native species. Such a program will be phased so that the general character of the community will be maintained during the maturation process. Exotic species which are killed in place will be removed as appropriate so as not to create a negative impact or create a hazard to the community.

Policy 3.1.13: Lee County will support programs that provide periodic clean-up activities in aquatic preserves, on the beaches of Gasparilla Island, and at beach access points on Gasparilla Island.

Policy 3.1.14: Lee County will work in conjunction with Charlotte County to implement a plan to stop the proliferation of iguanas and other exotic fauna on Gasparilla Island by January, 2006.

Policy 3.1.15: Lee County will provide financial and political support for research into the causes and control of red tide and other similar extraordinary tidal events.

Objective 3.2: Lee County will manage public resources and direct public efforts to preserve, protect, and enhance the natural environments on Gasparilla Island through measures to control the risk of harm attributable to human impact.

Policy 3.2.3: Lee County will support efforts to preserve, protect, and, where possible, enhance the tarpon and game fish population of Charlotte Harbor and the near shore waters of the Gulf of Mexico.

Objective 4.1 - Community Facilities and Services: Lee County will seek to ensure the continued delivery of high quality, accessible community facilities and services that meet the educational, recreational, informational, and public safety, health and welfare needs of the residents, visitors and stakeholders of Boca Grande.

Through the administration of county services, the Land Development and Administrative Codes, and the cooperative efforts of interagency and intergovernmental agreements, Lee County will continue to provide utilities and infrastructure; emergency, law enforcement and fire protection services; education, information resource and recreation services; and mosquito and animal control services, in a safe and efficient manner.

Policy 4.1.1: Lee County will seek to maintain and enhance the public/ private partnership for the operation and enhancement of the Boca Grande Community Center and other County operated facilities open to the public in the community of Boca Grande.

Policy 4.1.2: Lee County will cooperate with the Gasparilla Island Water Association (GIWA) to ensure the continued provision of potable water and sanitary sewer service to the community of Boca Grande. Lee County will continue to support the Wellhead Protection regulations adopted by the GIWA and Charlotte County to protect and preserve the sources upon which the community of Boca Grande relies for its potable water.

Policy 4.1.3: Lee County will facilitate and provide for the disposal of solid waste, including refuse, recyclables, and horticultural waste. Lee County will enter into an inter-governmental agreement with Charlotte County, if necessary, to ensure that the community of Boca Grande will have access to Charlotte County's solid waste disposal area located on Environmental Way in Charlotte County.

Policy 4.1.4: Lee County will facilitate and cooperate with the applicable mosquito control district to control the health risk that mosquitoes represent. Lee County will continue to support the utilization of safe, effective, and environmentally responsible measures for mosquito control, recognizing the need to preserve local flora and fauna, including marine life.

Policy 4.1.5: Lee County will work with the applicable mosquito control district to facilitate the dissemination of aerial spraying schedules, as well as any threat to the public health, to the community of Boca Grande, the Boca Grande Health Clinic, and the newspapers that serve the community of Boca Grande.

Policy 4.1.6: Lee County will support the operation and enhancement of a reference library facility, including the provision and improvement of adequate electronic based equipment, internet access, and software, in cooperation with local community organizations. Professionally trained library personnel will manage and operate the facility.

Policy 4.1.7: So long as local interest exists in the community of Boca Grande to maintain an Island School to serve the population of the community of Boca Grande, Lee County will support the Lee County School Board, if necessary, with an inter-local agreement, in maintaining a viable school site and educational programs. Such support may include, but is not limited to, facilitation of land use regulations, joint use of community resources, funding assistance, joint utilization of staffing, or other applicable coordination efforts.

Policy 4.1.8: Lee County will cooperate with the Boca Grande Fire Control District (BGFCD) in the provision of fire protection services to the community of Boca Grande. Such cooperation will include, but will not be limited to, recognition that the Fire Chief of the BGFCD has the authority for interpretation and enforcement of fire codes in the community of Boca Grande. All homes will be required to have the address clearly posted on the property.

Policy 4.1.9: Lee County will provide the necessary communications infrastructure as required to manage and dispatch all 911 calls affecting the community of Boca Grande, entering into agreements as necessary with the BGFCF and Charlotte County.

Policy 4.1.10: Lee County will cooperate in the establishment of inter-local agreements between and among all necessary parties to provide for: 1) the appropriate handling of hazardous materials incidents; 2) mutual aid agreements with the Englewood Fire Control District and Charlotte County Fire and EMS; 3) advanced life support emergency medical services; and 4) back-up EMS response as may be required by the community of Boca Grande.

Policy 4.1.11: Lee County will cooperate as necessary in the provision of communications, information distribution, public service meetings, educational efforts, and a local liaison for emergency situations affecting the community of Boca Grande. Lee County will maintain an up-to-date list of first-in team contacts, cooperate as necessary with applicable jurisdictions and service providers for communication of evacuation status, shelter locations, and re-entry information in the event of an emergency situation. The issuance of evacuation notices will be coordinated with Charlotte County. Lee County will work with other local, State, and Federal authorities as necessary to assist in the provision of adequate means by which the community of Boca Grande can be evacuated through the Cape Haze Peninsula in the event of an emergency situation. It is acknowledged that the appropriate Emergency Operations Center (EOC) is determined by the Boca Grande Fire Control District.

Policy 4.1.12: Lee County Emergency Medical Services will provide land or air transportation to the most appropriate facility based on the patients medical history and will maintain a liaison with the Boca Grande Health Clinic to keep the clinic fully informed of all Emergency Medical protocols and procedures for operations and any changes that may be implemented whether temporary or permanent. The Boca Grande Health Clinic will be informed relating to any public health issues or public county health problems.

Policy 4.1.13: Lee County will promote and assist as necessary in the provision of a full-time police and law enforcement presence for the community of Boca Grande. Cooperative arrangements in the form of inter-local agreements, or other mechanisms as may be applicable, between Lee and Charlotte County will be supported if necessary.

Policy 4.1.14: The Lee County Department of Transportation will continue to provide the necessary maintenance and improvements on all public rights-of-way to ensure the continued safety and efficiency of roadways, paths, and surface water management systems.

Objective 5.1 - Open Space, Recreation and Beautification: Lee County will seek to promote, protect and enhance existing and potential open space, recreational facilities, and the quality of life for the residents and stakeholders of Boca Grande. These efforts will enhance the aesthetic qualities of Boca Grande and benefit its residents while preserving the characteristics of its fragile barrier island system.

Lee County recognizes that Boca Grande represents a unique cross-jurisdictional, barrier island community with distinct physical attributes that govern the preservation of open space and recreational opportunities. Lee County will seek to enhance and protect the quality of life for residents, visitors and stakeholders through the preservation of functional open space and recreational opportunities while seeking to limit demands upon a restricted infrastructure and enhance the aesthetic qualities of Gasparilla Island.

Policy 5.1.1: Lee County will support efforts to protect and enhance the functionality of the eight-mile long pedestrian/bike/electric golf cart path on Gasparilla Island. Lee County recognizes that this eight-mile long linear park and path serves a recreational purpose, a transportation purpose, and an aesthetic purpose for the residents, visitors and stakeholders of the Island. Not later than December 31, 2005, Lee County will undertake efforts to improve the pedestrian/bike/electric golf cart path along the southerly end of the path similar to those improvements located in the northerly, GICIA owned portion of the path.

Policy 5.1.2: Lee County will coordinate public works projects, such as street resurfacing, repairs, maintenance, drainage swales and other surface water management systems, with the Boca Grande community so that they include landscaping and aesthetic options that are in keeping with the concept of promoting, preserving and enhancing the ecological and aesthetic values of Gasparilla Island.

Policy 5.1.3: Not later than December 31, 2005, Lee County will investigate the feasibility of converting Banyan Street to a one-way facility and reducing the pavement width in order to better preserve and protect the banyan trees. Lee County will assist in establishing an historic, scenic or similar type of designation, as recommended in the *Banyan Tree Assessment Report, Banyan Street-Boca Grande, Florida*, prepared by the Lee County Division of Environmental Sciences, to further provide for the protection and preservation of this unique street area.

Policy 5.1.4: Upon adoption of this Policy, Lee County will prohibit automobile parking on 5th Street from Park to Gilchrist, known as Mahogany and Veterans Park, in order to protect the unique aesthetic features of this roadway.

Policy 5.1.5: Lee County will continue to support the designation of Gasparilla Island as a bird and wildlife sanctuary, as adopted in Lee County Ordinance 83-16. Lee County will support the efforts of Charlotte County for the designation of Cole Island, Live Oak Key, Peekins Ranch Cove and Key, the fishing pier at the old 400 foot railroad bridge, and the peninsula located north of the Lee County line, (as identified in the Open Space Inventory) and all remaining land zoned Environmentally Sensitive, as well as the Charlotte County portion of Gasparilla Island, as a bird and wildlife sanctuary.

Policy 5.1.6: Lee County will support and promote the preservation of environmentally sensitive lands, and will continue to support, promote and investigate additional funding sources for the Gasparilla Island Conservation and Improvement Association Land Conservancy Stewardship

Program and other preservation programs. Element V of the Boca Grande Community Plan includes the inventory of existing community open space and sensitive lands.

Objective 5.2: Lee County will preserve and maintain the functionality of the existing recreational facilities currently available on the Island.

Policy 5.2.1: Lee County will maintain the existing recreational facilities on Gasparilla Island, including two tennis courts, a basketball court, a volleyball court, the baseball field on Wheeler Street, the various beach access locations, a community playground, the picnic areas, and fishing sites, including one on the Bayou.

Policy 5.2.2: Lee County will assist private and public efforts to acquire the approximately 9.19 acre F. P. & L./Belcher Oil owned property located at the south end of Gasparilla Island. If the Florida Power & Light property on Gasparilla Island is acquired in whole or in part with public funds, Lee County will support a community planning workshop before recommending appropriate uses for that property.

Policy 5.2.3: Lee County will support efforts in the Historic District to install and maintain additional native landscaping, especially along Park Avenue and Fourth Street, to provide greater community aesthetics, safer pedestrian movement, landscaped parking areas for automobiles and golf carts and more efficient traffic flow.

Objective 6.1 - Historic Preservation: To protect, preserve, and enhance the historic resources and heritage of the Boca Grande community.

Lee County will seek to preserve the historic resources of Boca Grande through the adoption of policies and regulations that recognize the unique community characteristics, a tranquil residential community, with an historic village center, and abundant open space and preservation areas, and that also recognize the local sensitivity of the community's architecture, history and legacy as an old railroad town.

Policy 6.1.1: Lee County will establish a Boca Grande Historic Preservation Board with the powers and duties found in Lee County Land Development Code Chapter 22, Section 22-74, which includes the ability to designate historic resources and to approve or deny applications for Special Certificates of Appropriateness. The Boca Grande Historic Preservation Board will be comprised of seven members from the categories found in the Lee County Land Development Code, Section 22-72, except that whenever possible the members will be residents of the Lee County portion of the Boca Grande community. Members will serve as described in Section 22-72 and will be appointed by the Lee County Board of County Commissioners.

Policy 6.1.2: Lee County will provide copies of applications for historic designations and of all Special Certificates of Appropriateness, as well as administrative variances, to the Document Clearing House as established pursuant to Policy 1.1.4, and will send notices to all surrounding property owners, in order that the community may be better informed and have the opportunity to participate in the process to preserve its historic resources.

Policy 6.1.3: Lee County will work with the community of Boca Grande in updating its inventory of contributing and non-contributing structures as part of its efforts to preserve the historic resources of Gasparilla Island. Lee County will assist in efforts to create a record of the historic features of the Island in order to sustain a legacy for future generations.

Policy 6.1.4: Lee County will work with the Boca Grande Historic Preservation Board and the community of Boca Grande in reviewing the design parameters applicable to the Historic District of Boca Grande to ascertain whether additions, modifications, or deletions need to be considered.

Policy 6.1.5: Lee County will investigate the designation of Banyan Street as an historic resource and assist with the implementation of additional recommendations found in the *Banyan Tree Assessment Report, Banyan Street-Boca Grande, Florida*, completed by the Lee County Division of Environmental Sciences, as recommended by the Boca Grande Historic Preservation Board.

Policy 6.1.6: Lee County will investigate additional fiscal and tax incentives to preserve the economic viability of the Historic District of Boca Grande.

Policy 6.1.7: Lee County will preserve the historic village character of the commercial sector of Boca Grande by adhering to the criteria of the *Design Guidelines Manual for the Boca Grande Historic District in Lee County, Florida*. Lee County will support efforts of the Boca Grande community to modify site and design regulation within the Boca Grande Historic District to include commercial signage and other design components or uses that are not in keeping with the historic elements of the existing community character on Gasparilla Island.

Policy 6.1.8: Lee County will work with the Boca Grande Historic Preservation Board and the community to review the build-back regulations to ascertain whether modifications need to be undertaken in order to restore historic features in the event of catastrophe. If necessary, regulations to allow designated historic resources to be reconstructed will be adopted.

Objective 7.1 - Economics: To identify and preserve the elements of the Gasparilla Island economy that contribute to the quality of life for the residents and stakeholders, including the restaurants, shops, fishing guides, art galleries, real estate companies, and existing commercial businesses which combine to make Boca Grande a unique village economy.

Lee County will work with all of the interests that make up the economy of Boca Grande to preserve and promote the economic health of the Boca Grande community while not expanding the amount of commercial property on the Island in accordance with the Gasparilla Island Conservation District Act (GICDA).

Policy 7.1.1: Lee County will support efforts by the Gasparilla Island Bridge Authority (GIBA) to secure funding for the repair and maintenance of the bridges connecting Gasparilla Island to the mainland.

Policy 7.1.2: Lee County will support efforts to preserve, maintain, and enhance the beaches of Gasparilla Island.

Policy 7.1.4: Lee County will work with the Boca Grande community to review and ensure adopted levels of service for the provision of water, sewer, roadway capacity, and parks and recreation are consistent with the Goals, Objectives and Policies adopted in the Comprehensive Plan.

Policy 7.1.5: To ensure the continued economic health of Boca Grande, Lee County will seek to maximize the efficiency and the functionality of existing parking facilities and review existing parking standards for their consistency with the historic and environmental constraints found in the community.

Policy 7.1.6: Lee County will coordinate with the Lee County School District to ensure adequate educational opportunities are available to the residents and stakeholders of Boca Grande.

Policy 7.1.7: To ensure Boca Grande's economic health, Lee County will support the preservation of historic businesses and commercial structures. Support may include historic preservation grants and development regulations which will encourage mixed use buildings. The Gasparilla Inn is an example.

C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, with the revisions proposed by staff. The proposed language submitted by the Boca Grande Community Planning Panel is shown underlined below. Staff's revisions are shown in strike-through double underline format.

If adopted, this amendment will be re-numbered when it is codified into the Lee Plan.

Vision Statement

2. Boca Grande - ~~This community includes the portions of Gasparilla Island within Lee County and the surrounding smaller islands. The smaller islands in this community have minimal if any development. The core of this community is the unincorporated town of Boca Grande. This community is unique in that it has no direct road access to the rest of Lee County. All access to Boca Grande is via Charlotte County or by boat. The Boca community is designated as Urban Community, Outer Islands, and Public Facilities; however, the Urban Community category is restricted to 3 units per acre within this community. The population of Boca Grande is expected to increase from 888 people in 1996 to 1,201 in 2020. The seasonal influx will remain high in this community with and expected seasonal population in 2020 of 2,834. Currently, less than 15% of Boca Grande is vacant. By the year 2020, this community is expected to build out. The community of Boca Grande is dedicated to preserving its historic character and the community will look largely the same in 2020 as it does today.~~

~~There are no sub-communities within the Boca Grande Community.~~

Gasparilla Island/Boca Grande – In 1980, the Florida Legislature found that the community of Boca Grande, comprised of Gasparilla Island and nearby islands, is part of the fragile barrier island system as defined in the Presidential Directive on barrier islands dated May 23, 1977, and is an area of particular natural beauty containing abundant plant, marine, animal and bird life. The State of Florida recognized that the conservation of the natural beauty, plant, marine, animal and bird life of the islands was in the best interest of the residents and property owners of the islands, the citizens of Lee and Charlotte Counties and the State of Florida, and consequently created the *Gasparilla Island Conservation District* by enacting the Gasparilla Island Conservation District Act of 1980 (Ch 80-473). The Act was subsequently amended in 1983 and 1986 (Ch 83-385 and Ch 86-341) and is hereafter referred to as the GICDA. The intent of the GICDA is to limit density and development to a level which will not degrade the fragile environment or overburden the limited infrastructure of the islands.

For the purposes of this comprehensive plan, the community of Boca Grande includes Gasparilla Island, Boca Grande Isles, the Gasparilla Golf Course Island, Three Sisters Island, Hoagen's Key, Loomis Island, Cole Island, and the Gasparilla Island bridge lands and causeway islands, and includes all submerged lands, tidal lands, overflow lands and tidal ponds as described in the GICDA.

To insure that the intent of the GICDA is carried out, actions proposed in sections that follow must be undertaken to promote sound environmental policy, preserve the character and history of the community, safeguard the water supply, protect the sports fishing industry and support the essentially seasonal businesses in Boca Grande, and to ensure that residents have adequate access, law enforcement, and emergency and utility services.

The core of the Gasparilla Island/Boca Grande community is the unincorporated village of Boca Grande, designated as an Historic District. This community is unique in that it has no direct road access to or from the rest of Lee County. All access to Boca Grande by motor vehicle is via Charlotte County, or by boat, or small seaplane. The Lee County portion of Gasparilla Island/Boca Grande is designated as Urban Community, Outer Islands, Public Facilities, Conservation Lands, and Wetlands on the Future Land Use Map. Maximum density in the Urban Community category is restricted to three dwelling units per acre.

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, 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.

High priorities for Gasparilla Island/Boca Grande are the preservation and conservation of its fragile environment, including recreation and open space areas, its Historic District, the residents' quality of life and right to continued enjoyment of its natural and cultural gifts, and consistent enforcement of all current and future regulations with respect to zoning, traffic, parking, law enforcement, public utilities, the GICDA and the Historic District.

To the greatest extent possible, the community of Boca Grande, Lee County and Charlotte County should work together to jointly develop land development regulations and ordinances which are required by the policies found in this Comprehensive Plan. Different implementing ordinances and regulations should be avoided.

GOAL: The Boca Grande Community Plan seeks to preserve and conserve the surrounding fragile environment, recreation and open space areas, the Historic District, the quality of life and the continued enjoyment of its natural and cultural gifts. The plan seeks consistent enforcement of all current and future regulations with respect to zoning, traffic, parking, law enforcement, public utilities, the Gasparilla Island Conservation District Act and the Boca Grande Historic District.

Element I - Future Land Use

Goal + Objective 1.1 - Future Land Use: To preserve the traditional character, scale, and tranquility of the historic village and residential areas of the Boca Grande community by continuing to limit the densities and intensities of use and development to sustainable levels that will not adversely impact the natural environment, overburden the existing infrastructure, or require additions to the present infrastructure.

Objective 1.1: Lee County will continue to enforce the regulations found in the Gasparilla Island Conservation District Act, and will assist the residents of Boca Grande to further develop growth management policies and regulations to limit densities and intensities of development on Gasparilla Island, in order to maintain the historic scale and development patterns of the community.

Policy 1.1.1: Lee County will work with the Boca Grande community to establish boating and marine facility site location standards which will help to identify appropriate locations and development regulations that are consistent with a scope and intensity that will protect the community from the potential negative impacts. Future public boat ramps and other watercraft launching facilities on Gasparilla Island will only be developed with adequate on-site parking, and should minimize impacts to traffic and pedestrian safety, the environment, neighborhoods, and consider marine safety issues.

Policy 1.1.2: In order to preserve the existing community character of Boca Grande, the Boca Grande community will work to develop standards to regulate fast food and retail franchises, and formula restaurants all commercial uses on Gasparilla Island. will be adopted within two years of the adoption of this Policy. Development standards will identify commercial design guidelines, parking and signage standards, appropriate intensity of uses and establish location standards to ensure consistency with the existing community character. These standards will identify the types of restaurants and franchises which may be incompatible with the community character of Boca Grande and therefore must comply with these development standards. A compliance determination is required by the Boca Grande Historic Preservation Board. Until such regulations are adopted, fast food and retail franchises, and formula restaurants may only be approved by Special Exception and must be found to be compatible with the existing historic conditions and consistent with the Historic District design guidelines.

Policy 1.1.3: ~~Changes to the Land Development code will be adopted~~ The Boca Grande community will work to develop regulations within two years of the adoption of this Policy, to better manage rental and tour businesses which have an impact on the neighborhoods and environment of the community. These regulations will address issues such as the number and location of operators, safety, privacy, security, liability insurance, parking facilities, property maintenance, storm water management, and compatibility. ~~Until such regulations are adopted, prior to the issuance of permits or occupational licenses for any new business proposing rental of electric or motorized vehicles such as mopeds, scooters, golf carts, personal watercraft (jet-skis) or similar vehicles, and businesses which operate tour boats, busses, trolleys, carriages, or other vehicles on tours of neighborhoods on Gasparilla Island, the Boca Grande Historic Preservation Board must review the proposed operation and find it is compatible and will preserve the Historic character of Boca Grande.~~

~~Existing rental operations may continue to operate. Additional square footage to any building or an increase in the number of rental vehicles must comply with all existing regulations, including the provision that all outdoor storage must be contained on the business property and comply with existing regulations.~~

Policy 1.1.4: Lee County will work with the Boca Grande Community to establish a Document Clearing House in Boca Grande, where copies of selected documents from permit applications, variance requests, staff reports, Hearing Examiner recommendations and resolutions, Historic District Special Certificates of Appropriateness, and Administrative Variances and for any development on Gasparilla Island will be kept for public inspection. The County's failure to provide or to timely provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 1.1.5: The owner or agent for any rezoning, variance or special exception request which requires a public hearing, such as a variance, special exception, or consumption on premises; any request for an Historic District Special Certificate of Appropriateness; or any administrative variance for development on Gasparilla Island, must conduct one public informational meeting in Boca Grande where the owner or agent will provide a general overview of the project for any interested citizens. If the request is located within the Boca Grande Historic District, the informational meeting will be presented to the Boca Grande Historic Preservation Board at its appointed meeting location. For all other requests, tThe applicant is fully responsible for providing the meeting space and providing security measures as needed.

Lee County encourages zoning staff to participate in such public informational meetings. This meeting must be conducted before the application can be found sufficient. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. Whenever possible, public hearings for proposed projects on Boca Grande should be held between the months of October through May. Public hearings which are held during the months of June through September, will require notification of the date

and time of the hearing to surrounding property owners a minimum of one month prior to the hearing date.

Policy 1.1.6: In addition to compliance review by Lee County development services staff, Lee County will require that all permit applications for development on Gasparilla Island will bear a statement, signed and notarized by the owner or authorized agent, that they are aware of and will comply with the provisions of the GICDA.

Policy 1.1.7: In order to promote water conservation and better manage this important resource, Lee County the Boca Grande community will investigate the feasibility of requiring all applicants develop standards for permit requests of new structures buildings to conduct a cistern feasibility study as part of the permitting process. For redevelopment projects, Lee County will seek to encourage the establishment of cisterns as a non potable water source, wherever practicable.

Policy 1.1.8: In order to maintain the traditional scale and historic patterns of development on Gasparilla Island, including areas outside the Boca Grande Historic District, Lee County will work with the Boca Grande community to will develop an ordinance regulations to preserve light, space and air around new residential dwelling construction and to discourage "mega houses" or "mansionization" of Boca Grande. New development or redevelopment will recognize that traditional setbacks, particularly front and side yard setbacks, as well as strict adherence to the Coastal Construction Control Line, within existing and proposed neighborhoods on Gasparilla Island, should be maintained. Lee County has determined that house designs which dwarf their neighbors are incompatible with existing historic and traditional neighborhoods and will be discouraged. These regulations will be adopted within two years of the adoption of this policy.

Until such an ordinance is adopted, no variances from existing property development regulations will be approved including setbacks, lot coverage, or height. Contributing structures in the Historic District or structures outside the Historic District which are designated as an historic resource under Chapter 22 of the Land Development Code may seek Special Certificates of Appropriateness and administrative relief from development regulations if approved by the Boca Grande Historic Preservation Board.

Policy 1.1.9: Lee County The Boca Grande community will work to develop policies for Lee County to consider that will enable parcels comprised of multiple lots of record to remain intact. Any redevelopment of other large parcels of land will be consistent with the Gasparilla Island Conservation District Act, will work to preserve open space, and will not exceed three (3) dwelling units per acre. Parcels comprised of more than one lot of record, which are under unified control may not be divided unless the resulting lots conform with the maximum density of 3 dwelling units per acre (minimum lot size of 14,520 square feet), as established in the Lee Plan, Table 1(a), Note #5.

Policy 1.1.10: Lawfully existing businesses and commercial buildings in the Boca Grande commercial areas will be deemed to be vested as related to parking, setbacks, height, and land use. Any expansion or change of use to one of higher intensity will require a review of parking impacts, setbacks, height, and uses as necessary. Any new or expanded uses in the Historic District will

require public review and a finding by the Boca Grande Historic Preservation Board that the project is consistent with the community's historic village character.

Policy 1.1.11: Lee County will support the Boca Grande community in their efforts to further investigate the need for modified development requirements regulations applicable to Boca Grande, based upon the unique nature of the community, the location of Boca Grande on a barrier island at the mouth of Charlotte Harbor, the limited opportunities for supporting infrastructure, the seasonal nature of the demand upon public facilities, and the need for cross-county administration of growth management legislation. Such support The Boca Grande Community may propose development regulations that address include the following:

- a. The creation of the Gasparilla Island Zoning Overlay district to address inconsistencies with current zoning districts and the comprehensive plan and GICDA, implement policies adopted in this plan, and adopt modified development regulations such as, but not limited to, parking requirements, minimum setbacks, and commercial and residential design standards.
- b. The creation of a marine park zoning district to facilitate consistent local enforcement of existing Federal, State and County regulations in waterfront areas and new regulations to better manage coastal issues such as use and rental of personal watercrafts, abandoned vessels, live aboards, sanitation, water quality, and noise.
- c. Completion of an impact study of parking deficiencies prior to granting any additional administrative parking variances in the historic village commercial area. Until such time as the parking study is completed, new construction will be required to meet current parking requirements for its intended use.

Element H - Transportation, Parking and Traffic Circulation

Goal 2 Objective 2.1 - Transportation, Parking and Traffic Circulation: To ensure residential and commercial land use in Boca Grande that recognizes the connection between the existing transportation infrastructure and the community's desire to preserve Boca Grande's community character as a tranquil residential community, with an historic village center, and abundant open space and preservation areas. No policy in this community plan will be construed or interpreted to imply that Lee County will implement and/or enforce traffic regulations, traffic control, or parking regulations which are determined to be significantly substandard or may cause a defined safety or operational problem.

Objective 2.1: Lee County will recognize the inherent need to limit additional impacts to the existing transportation infrastructure of Boca Grande, the varied types and limited access to the community, the need for alternate forms of transportation within the community, the need for specialized standards for parking and commercial service areas, and the seasonal nature of infrastructure demand that exists throughout the community.

Policy 2.1.1: Lee County will continue to enforce the provisions of the Gasparilla Island Conservation District Act which limit growth, limit building height and restrict advertising throughout Boca Grande.

Policy 2.1.2: Lee County will support the provision of convenient, safe bridges providing access to Gasparilla and Cole Islands and supports ~~through support of the autonomy of the Gasparilla Island Bridge Authority (GIBA), support for the highest standard of safety for vehicles, golf carts, bicycles, and pedestrians including, and support of strict enforcement of traffic laws.~~

Policy 2.1.3: Lee County will assist in efforts to improve the bike and golf cart path along Gulf Boulevard, south of the village. A feasibility study will be conducted to see if improvements such as widening of the path and landscaping can improve safety, shared use opportunities, and capacity. Lee County should consider funding the feasibility study and improvements from a portion of the 5% hold back from impact fees and by using county bike/pedestrian funds.

Policy 2.1.4: To assure bicycles and golf cart safety, Lee County will enforce bicycle safety regulations specified in Section 316.2065, Florida Statutes, and golf cart regulations specified in Section 316.212 F.S. and Section 316.1995.

Policy 2.1.5: In order to preserve the historic characteristics of the community, Lee County will support the use of all way stop intersections or other traffic control methods, rather than traffic signals, whenever possible in the Boca Grande community.

Policy 2.1.6: Lee County will support efforts of the Boca Grande community to beautify road right-of-ways and enhance the public realm of Boca Grande by including provisions for streetscaping in Historic Downtown Villages in the Lee Scape Master Plan. In order to maintain low traffic volumes, operating speeds, and noise levels, improvements will emphasize traffic calming techniques, and the need to preserve the aesthetic values of the community. Particular emphasis will be placed in the Historic District. Enhancements may include village streetscaping such as additional street trees, trash receptacles, benches and burying utilities underground.

Policy 2.1.7: Lee County will continue to ensure viable hurricane evacuation options for the residents and stakeholders of Boca Grande.

Policy 2.1.8: Lee County will support improvement of pedestrian safety by establishing and marking crosswalks throughout the community; and by improving pedestrian circulation within the Historic District, and consistently enforcing all regulations on the bike paths, which includes minimum age requirements for operation of golf carts.

Objective 2.2: Lee County will ~~support~~consider a funding request for the Boca Grande Community Plan implementation that provides for a parking and traffic study to identify ways to create safe and efficient parking for employees, patrons and visitors, and to determine the appropriate parking standards which will address the capacity and design needs of the Boca Grande commercial district. The parking and traffic study will address the following policies.

Policy 2.2.1: As a result of regional growth and local redevelopment, Lee County will provide assistance to develop a long-range strategy to address increased parking demand. This may result

in regulations, infrastructure improvements or adoption of management practices which incorporate any number of the following:

- a. Revised traffic count thresholds
- b. Maximum development intensities
- c. Revised minimum parking requirements
- d. Traffic congestion mitigation practices
- e. Vehicle and pedestrian safety programs
- f. Shared parking agreements
- g. Public/Private partnerships to fund new or expanded parking facilities.

Policy 2.2.2: Lee County will seek to maximize the efficiency and the functionality of existing parking facilities by improving trailblazing signage, re-designing existing parking facilities, and creating specific facilities for golf cart and bicycle parking. Designated parking for employees, the appropriate number of parking spaces for new and expanded uses, and enforcement of existing parking restrictions and permit requirements will also be examined.

Policy 2.2.3: Parking along the beach access streets and other public rights-of-way will be regulated to allow convenient ingress and egress to residences and permit adequate emergency vehicle access at all times. Lee County will support efforts of the Boca Grande community to analyze the appropriateness of overnight and long term parking in the public rights-of-way, the Gilchrist median, and along beach access streets.

Policy 2.2.4: Lee County will seek to direct service vehicles and delivery vehicles to designated unloading zones. Due to the traffic congestion in the Historic District, Lee County will assist in establishing time restrictions on service and delivery trucks during peak traffic periods, such as those occurring in March and April.

Policy 2.2.5: Lee County will encourage alternative transportation by supporting golf cart and bicycle use and improving design for golf cart and bicycle parking throughout the Boca Grande community.

Policy 2.2.6: For all new development and redevelopment, Lee County will continue to support and improve design and permitting efforts through the site plan review process that adequately address truck deliveries, emergency vehicle access, and solid waste disposal.

Policy 2.2.7: Lee County will assist in a study of traffic patterns and flow in and around the Post Office, Park Avenue, East Railroad Avenue and West Railroad Avenue, seeking to develop a plan of action that will improve the functionality of the infrastructure while preserving the aesthetics of the community.

Policy 2.2.8: To preserve the capacity of the existing roadways and parking facilities, Lee County will adopt regulations within two years of the adoption of this Policy, that address the appropriateness of high impact uses such as fast food restaurants, convenience food stores, and other franchise retail stores and restaurants.

Element III - Conservation and Coastal Management

Goal 3 Objective 3.1 - Conservation and Coastal Management: Lee County will preserve, protect, and, where possible, enhance the physical integrity, village character, ecological values, and natural beauty of Boca Grande and Gasparilla Island, focusing upon the diverse and healthy native vegetation, the clear offshore waters, and the varied and abundant native marine and wildlife resources in a manner compatible with the Gasparilla Island Conservation District Act, the promotion and preservation of the historic Boca Grande village as a thriving community, and preservation of Gasparilla Island's historic heritage.

Objective 3.1: Lee County will support the efforts of the Federal and State authorities, and the Boca Grande community to preserve, protect, and enhance the positive environmental qualities of Gasparilla Island. Lee County will involve local community organizations in the planning process and will enforce these community plan policies through implementation in the land development regulations.

Policy 3.1.1: Lee County will support and encourage beach renourishment and other efforts to maintain the beaches and protect Gasparilla Island from tidal events.

Policy 3.1.2: Lee County will assist the Boca Grande community in evaluating and promoting the creation of a community wide Municipal Services Benefit Unit, or a Florida Erosion Control District, for assistance in funding beach renourishment projects.

Policy 3.1.3: Lee County will support the State's efforts to protect and preserve mangroves both on private properties as well as within public lands and easements. Not later than December 31, 2005, Lee County will review the State regulations regarding mangrove trimming and removal and determine whether additional protections need to be enacted on Gasparilla Island to protect its fragile environment.

Policy 3.1.4: Since future use of the 9.19 acres of land owned by Florida Power & Light at the south end of Gasparilla Island as passive open space will best serve the goal of enhancing the beauty and environmental integrity of the Island, Lee County will assist private and public efforts to acquire the land for that purpose through financial, administrative and political measures.

Policy 3.1.5: Lee County will strictly enforce its own policies related to the preservation of the beach dune system, beach dune vegetation, and beach dune wildlife, by discouraging any construction seaward of the 1979 Coastal Construction Control Line. This policy will not apply to the placement of raised walkways intended to cross over the dune system from adjoining properties, nor will it apply to bona fide beach renourishment and shoreline protection efforts. Lee County will support the State's efforts to protect the beach dune system, beach dune vegetation, and beach dune wildlife communities on Gasparilla Island.

Policy 3.1.6: The Beach renourishment efforts of Lee County will include the re-establishment of a beach dune system, beach dune vegetation, and beach dune wildlife communities, including nesting birds and turtles, to the greatest extent practicable. Lee County will monitor and enforce its policies and regulations protecting dunes, dune vegetation, and dune wildlife communities on

Gasparilla Island. Any rock or hard revetment will be covered with sand and planted with salt resistant native plants.

Policy 3.1.7: Except for emergency events and public purposes, Lee County will ban vehicular traffic from all beaches on Gasparilla Island and will provide enforcement of the ban.

Policy 3.1.8: Lee County will use regulatory powers to preserve, protect, and enhance the marine habitat surrounding Gasparilla Island, including sea grass beds, manatee habitat, estuarine habitat, and near shore waters of Gasparilla Island.

Policy 3.1.9: Lee County will review and enforce all permits for new dock construction to assure the protection of sea grass beds, manatee habitat, tarpon fishing grounds, and other environmental values intrinsic to Charlotte Harbor. Copies of dock and shoreline permits will be sent to the Document Clearing House as established pursuant to Policy 1.1.4.

Policy 3.1.10: Lee County will assist in the enforcement of sound best management standards and policies for vessel moorings practices for anchorages of Gasparilla Island. The Regional Planning Council and its advisory committees will be the source of such information. in anchorages and bayous of Gasparilla Island.

Policy 3.1.11: Within two years of the adoption of this Policy, Lee County will establish policies and guidelines for beach clean-up during red tide and similar extraordinary tidal events.

Policy 3.1.12: Within two years of the adoption of this Policy, Lee County will establish a program to restore the plant diversity on County owned lands on Gasparilla Island through the removal of exotic vegetation and its replacement with native species. Such a program will be phased so that the general character of the community will be maintained during the maturation process. Exotic species which are killed in place will be removed as appropriate so as not to create a negative impact or create a hazard to the community.

Policy 3.1.13: Lee County will support programs that provide periodic clean-up activities in aquatic preserves, on the beaches of Gasparilla Island, and at beach access points on Gasparilla Island.

Policy 3.1.14: Lee County will work in conjunction with Charlotte County to implement a plan to stop the proliferation of iguanas and other exotic fauna on Gasparilla Island.

Policy 3.1.15: Lee County will provide financial and political support for research into the causes and control of red tide and other similar extraordinary tidal events. through the support of efforts such as Solutions to Avoid Red Tide, Inc. (S.T.A.R.T.) and other efforts to address and remedy the problems associated with these occurrences.

Objective 3.2: Lee County will manage public resources and direct public efforts to preserve, protect, and enhance the natural environments on Gasparilla Island through measures to control the risk of harm attributable to human impact.

Policy 3.2.1: Lee County will strictly enforce all regulations limiting noise, consumption of alcoholic beverages, littering, signage, and any nuisance activities on all public lands, rights of way, beaches, beach accesses, and public easements.

Policy 3.2.2: Lee County will publicize and enforce the existing 500' buffer zone around Gasparilla Island as designated in Lee County Ordinance 02-14. Lee County will limit the speed of watercraft in this zone where appropriate for the protection of swimmers. Vessel restrictions imposed by County, State or Federal regulations will be appropriately marked and enforced.

Policy 3.2.3: Lee County will support efforts to preserve, protect, and, where possible, enhance the tarpon and game fish population of Charlotte Harbor and the near shore waters of the Gulf of Mexico.

Element IV - Community Facilities and Services

Goal 4 Objective 4.1 - Community Facilities and Services: Lee County will seek to ensure the continued delivery of high quality, accessible community facilities and services that meet the educational, recreational, informational, and public safety, health and welfare needs of the residents, visitors and stakeholders of Boca Grande.

Objective 4.1: Through the administration of county services, the Land Development and Administrative Codes, and the cooperative efforts of interagency and intergovernmental agreements, Lee County will continue to provide utilities and infrastructure; emergency, law enforcement and fire protection services; education, information resource and recreation services; and mosquito and animal control services, in a safe and efficient manner.

Policy 4.1.1: Lee County will seek to maintain and enhance the public/ private partnership for the operation and enhancement of the Boca Grande Community Center and other County operated facilities open to the public in the community of Boca Grande.

Policy 4.1.2: Lee County will cooperate with the Gasparilla Island Water Association (GIWA) to ensure the continued provision of potable water and sanitary sewer service to the community of Boca Grande. Lee County will continue to support the Wellhead Protection regulations adopted by the GIWA and Charlotte County to protect and preserve the sources upon which the community of Boca Grande relies for its potable water.

Policy 4.1.3: Lee County will facilitate and provide for the disposal of solid waste, including refuse, recyclables, and horticultural waste. Lee County will enter into an inter-governmental agreement with Charlotte County, if necessary, to ensure that the community of Boca Grande will have access to Charlotte County's solid waste disposal area located on Environmental Way in Charlotte County.

Policy 4.1.4: Lee County will facilitate and cooperate with the applicable mosquito control district to ensure that adequate measures are undertaken to control the health risk that mosquitoes represent. Lee County will continue to support the utilization of safe, effective, and environmentally

responsible measures for mosquito control, recognizing the need to preserve local flora and fauna, including marine life.

Policy 4.1.5: Lee County will work with the applicable mosquito control district to facilitate the dissemination of aerial spraying schedules, as well as any threat to the public health, to the community of Boca Grande, the Boca Grande Health Clinic, and the newspapers that serve the community of Boca Grande.

Policy 4.1.6: Lee County will support the operation and enhancement of a reference library facility, including the provision and improvement of adequate electronic based equipment, internet access, and software, in cooperation with local community organizations. Professionally trained library personnel will manage and operate the facility. Lee County will seek an inter-governmental agreement with Charlotte County as may be required to provide cross-jurisdictional support of library and information resource services for residents of the community of Boca Grande.

Policy 4.1.7: So long as local interest exists in the community of Boca Grande to maintain an Island School to serve the population of the community of Boca Grande, Lee County will support the Lee County School Board, if necessary, with an inter-local agreement, in maintaining a viable school site and educational programs. Such support may include, but is not limited to, facilitation of land use regulations, joint use of community resources, funding assistance, joint utilization of staffing, or other applicable coordination efforts.

Policy 4.1.8: Lee County will cooperate with the Boca Grande Fire Control District (BGFCD) in the provision of fire protection services to the community of Boca Grande. Such cooperation will include, but will not be limited to, recognition that the Fire Chief of the BGFCD has the authority for interpretation and enforcement of fire codes in the community of Boca Grande. All homes will be required to have the address clearly posted on the property.

Policy 4.1.9: Lee County will provide the necessary communications infrastructure as required to manage and dispatch all 911 calls affecting the community of Boca Grande, entering into agreements as necessary with the BGFCD and Charlotte County.

Policy 4.1.10: Lee County will cooperate in the establishment of inter-local agreements between and among all necessary parties to provide for: 1) the appropriate handling of hazardous materials incidents; 2) mutual aid agreements with the Englewood Fire Control District and Charlotte County Fire and EMS; 3) advanced life support emergency medical services; and 4) back-up EMS response as may be required by the community of Boca Grande.

Policy 4.1.11: Lee County will cooperate as necessary in the provision of communications, information distribution, public service meetings, educational efforts, and a local liaison for emergency situations affecting the community of Boca Grande. Lee County will maintain an up-to-date list of first-in team contacts, cooperate as necessary with applicable jurisdictions and service providers for communication of evacuation status, shelter locations, and re-entry information in the event of an emergency situation. The issuance of evacuation notices will be coordinated with Charlotte County. Lee County will work with other local, State, and Federal authorities as necessary to assist in the provision of adequate means by which the community of Boca Grande can

be evacuated through the Cape Haze Peninsula in the event of an emergency situation. It is acknowledged that the appropriate Emergency Operations Center (EOC) is determined by the Boca Grande Fire Control District.

Policy 4.1.12: Lee County Emergency Medical Services will provide land or air transportation to the most appropriate facility based on the patients medical history and will maintain a liaison with the Boca Grande Health Clinic to keep the clinic fully informed of all Emergency Medical protocols and procedures for operations and any changes that may be implemented whether temporary or permanent. The Boca Grande Health Clinic will be informed relating to any public health issues or public county health problems.

Policy 4.1.13: Lee County will promote and assist as necessary in the provision of a full-time police and law enforcement presence for the community of Boca Grande. Cooperative arrangements in the form of inter-local agreements, or other mechanisms as may be applicable, between Lee and Charlotte County will be supported if necessary.

Policy 4.1.14: The Lee County Department of Transportation will continue to provide the necessary maintenance and improvements on all public rights-of-way to ensure the continued safety and efficiency of roadways, paths, and surface water management systems.

Element V - Open Space, Recreation, and Beautification

Goal 5 Objective 5.1 - Open Space, Recreation and Beautification: Lee County will seek to promote, protect and enhance existing and potential open space, recreational facilities, and the quality of life for the residents and stakeholders of Boca Grande. These efforts will enhance the aesthetic qualities of Boca Grande and benefit its residents while preserving the characteristics of its fragile barrier island system.

Objective 5.1: Lee County recognizes that Boca Grande represents a unique cross-jurisdictional, barrier island community with distinct physical attributes that govern the preservation of open space and recreational opportunities. Lee County will seek to enhance and protect the quality of life for residents, visitors and stakeholders through the preservation of functional open space and recreational opportunities while seeking to limit demands upon a restricted infrastructure and enhance the aesthetic qualities of Gasparilla Island.

Policy 5.1.1: Lee County will support efforts to protect and enhance the functionality of the eight-mile long pedestrian/bike/electric golf cart path on Gasparilla Island. Lee County recognizes that this eight-mile long linear park and path serves a recreational purpose, a transportation purpose, and an aesthetic purpose for the residents, visitors and stakeholders of the Island. Not later than December 31, 2005, Lee County will undertake efforts to improve the pedestrian/bike/electric golf cart path along the southerly end of the path similar to those improvements located in the northerly, GICIA owned portion of the path.

Policy 5.1.2: Lee County will coordinate public works projects, such as street resurfacing, repairs, maintenance, drainage swales and other surface water management systems, with the Boca Grande community so that they include landscaping and aesthetic options that are in keeping with the

concept of promoting, preserving and enhancing the ecological and aesthetic values of Gasparilla Island.

Policy 5.1.3: Not later than December 31, 2005, Lee County will investigate the feasibility of converting Banyan Street to a one-way facility and reducing the pavement width in order to better preserve and protect the banyan trees. Lee County will assist in establishing an historic, scenic or similar type of designation, as recommended in the *Banyan Tree Assessment Report, Banyan Street-Boca Grande, Florida*, prepared by the Lee County Division of Environmental Sciences, to further provide for the protection and preservation of this unique street area.

Policy 5.1.4: Upon adoption of this Policy, Lee County will prohibit automobile parking on 5th Street from Park to Gilchrist, known as Mahogany and Veterans Park, in order to protect the unique aesthetic features of this roadway.

Policy 5.1.5: Lee County will continue to support the designation of Gasparilla Island as a bird and wildlife sanctuary, as adopted in Lee County Ordinance 83-16. Lee County will support the efforts of Charlotte County for the designation of Cole Island, Live Oak Key, Peekins Ranch Cove and Key, the fishing pier at the old 400 foot railroad bridge, and the peninsula located north of the Lee County line, (as identified in the Open Space Inventory) and all remaining land zoned Environmentally Sensitive, as well as the Charlotte County portion of Gasparilla Island, as a bird and wildlife sanctuary.

Policy 5.1.6: Lee County will support and promote the preservation of environmentally sensitive lands, and will continue to support, promote and investigate additional funding sources for the Gasparilla Island Land Conservancy Stewardship Program and other preservation programs. Element V of the Boca Grande Community Plan includes the inventory of existing community open space and sensitive lands.

Objective 5.2: Lee County will preserve and maintain the functionality of the existing recreational facilities currently available on the Island.

Policy 5.2.1: Lee County will maintain the existing recreational facilities on Gasparilla Island, including two tennis courts, a basketball court, a volleyball court, the baseball field on Wheeler Street, the various beach access locations, a community playground, the picnic areas, and fishing sites, including one on the Bayou.

Policy 5.2.2: Lee County will assist private and public efforts to acquire the approximately 9.19 acre F. P. & L./Belcher Oil facility owned property located at the south end of Gasparilla Island, for the purpose of maintaining it as a passive open space and reestablishing a native habitat across the site.

Policy 5.2.3: Lee County will support efforts in the Historic District to install additional native landscaping, especially along Park Avenue and Fourth Street, to provide greater community aesthetics, safer pedestrian movement, landscaped parking areas for automobiles and golf carts and more efficient traffic flow.

Element VI - Historic Preservation

Goal 6 Objective 6.1 - Historic Preservation: To protect, preserve, and enhance the historic resources and heritage of the Boca Grande community.

Objective 6.1: Lee County will seek to preserve the historic resources of Boca Grande through the adoption of policies and regulations that recognize the unique community characteristics, a tranquil residential community, with an historic village center, and abundant open space and preservation areas, and that also recognize the local sensitivity of the community's architecture, history and legacy as an old railroad town.

Policy 6.1.1: Lee County will establish a Boca Grande Historic Preservation Board with the powers and duties found in Lee County Land Development Code Chapter 22, Section 22-74, which includes the ability to designate historic resources and to approve or deny applications for Special Certificates of Appropriateness. The Boca Grande Historic Preservation Board will be comprised of seven members from the categories found in the Lee County Land Development Code, Section 22-72, except that whenever possible the members will be residents of the Lee County portion of the Boca Grande community. Members will serve as described in Section 22-72 and will be appointed by the Lee County Board of County Commissioners.

Policy 6.1.2: Lee County will provide copies of applications for historic designations and of all Special Certificates of Appropriateness, as well as administrative variances, to the Document Clearing House as established pursuant to Policy 1.1.4, and will send notices to all surrounding property owners, in order that the community may be better informed and have the opportunity to participate in the process to preserve its historic resources.

Policy 6.1.3: Lee County will work with the community of Boca Grande in updating its inventory of contributing and non-contributing structures as part of its efforts to preserve the historic resources of Gasparilla Island. Lee County will assist in efforts to create a record of the historic features of the Island in order to sustain a legacy for future generations.

Policy 6.1.4: Lee County will work with the Boca Grande Historic Preservation Board and the community of Boca Grande in reviewing the design parameters applicable to the Historic District of Boca Grande to ascertain whether additions, modifications, or deletions need to be considered.

Policy 6.1.5: Lee County will investigate the designation of Banyan Street as an historic resource and assist with the implementation of additional recommendations found in the *Banyan Tree Assessment Report, Banyan Street-Boca Grande, Florida*, completed by the Lee County Division of Environmental Sciences, as recommended by the Boca Grande Historic Preservation Board.

Policy 6.1.6: Lee County will investigate additional fiscal and tax incentives to preserve the economic viability of the Historic District of Boca Grande.

Policy 6.1.7: Lee County will preserve the historic village character of the commercial sector of Boca Grande through site and design regulation by adhering to the criteria of the *Design Guidelines Manual for the Boca Grande Historic District in Lee County Florida*. Lee County will support

efforts of the Boca Grande community to modify site and design regulation within the Boca Grande Historic District of formula fast food restaurants and other similar franchise operations, formula to include commercial signage, and other design components or uses that are not in keeping with the historic elements of the existing community character on Gasparilla Island.

Policy 6.1.8: Lee County will work with the Boca Grande Historic Preservation Board and the community to review the build-back regulations to ascertain whether modifications need to be undertaken in order to restore historic features in the event of catastrophe. If necessary, regulations to allow designated historic resources to be reconstructed will be adopted.

Element VII - Economics

Goal 7 Objective 7.1 - Economics: To identify and preserve the elements of the Gasparilla Island economy that contribute to the quality of life for the residents and stakeholders, including the restaurants, shops, fishing guides, art galleries, real estate companies, and existing commercial businesses which combine to make Boca Grande a unique village economy.

Objective 7.1: Lee County will work with all of the interests that make up the economy of Boca Grande to preserve and promote the economic health of the Boca Grande community while not expanding the amount of commercial property on the Island in accordance with the Gasparilla Island Conservation District Act (GICDA).

Policy 7.1.1: Lee County will support efforts by the Gasparilla Island Bridge Authority (GIBA) to secure funding for the repair and maintenance of the bridges connecting Gasparilla Island to the mainland.

Policy 7.1.2: Lee County will support efforts to preserve, maintain, and enhance the beaches of Gasparilla Island, ~~exploring alternate funding mechanisms such as the Tourist Development Tax, establishment of a Municipal Service Benefit Unit or a Florida Erosion Control District, or establishment of some alternative cross-jurisdictional funding mechanism. Funded programs will include, but are not limited to, beach restoration and renourishment, erosion control, beach acquisition, beach access maintenance, support of existing beach facilities, and beach clean-up.~~

Policy 7.1.3: Lee County will support, preserve, protect, and seek to enhance the tarpon and game fishing industry as a vital element of the Boca Grande economy. Support should include appointing Boca Grande representatives of the tarpon and game fishing industry to the Tourist Development Council, identifying and securing funding to study and implement policies to ensure the continued health of the tarpon and game fish population and habitat, and assisting in clean-up operations aimed at removing debris from areas in Charlotte Harbor where tarpon and game fish congregate.

Policy 7.1.4: Lee County will work with the Boca Grande community to review and ensure adopted levels of service for the provision of water, sewer, roadway capacity, and parks and recreation are consistent with the Goals, Objectives and Policies adopted in the Comprehensive Plan.

Policy 7.1.5: To ensure the continued economic health of Boca Grande, Lee County will seek to maximize the efficiency and the functionality of existing parking facilities and review existing

parking standards for their consistency with the historic and environmental constraints found in the community.

Policy 7.1.6: Lee County will coordinate with the Lee County School District to ensure adequate educational opportunities are available to the residents and stakeholders of Boca Grande.

Policy 7.1.7: To ensure Boca Grande's economic health, Lee County will support the preservation of historic businesses and commercial structures. ~~by providing financial and regulatory incentives for existing businesses.~~ IncentivesSupport may include historic preservation grants and development regulations which will encourage mixed use buildings. The Gasparilla Inn is an example.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Boca Grande community began the community planning process in the summer of 2003 following a community meeting with staff during the Evaluation and Appraisal Report process.
- The Boca Grande Community Planning Association, Inc. was formed on December 1, 2003 for the purpose of having a legal entity to contract with Lee County and a planning consultant to develop the Boca Grande Community Plan.
- The Boca Grande community plan has received financial assistance from the Lee County Board of County Commissioners, the Charlotte County Board of County Commissioners and the Gasparilla Island Conservation and Improvement Association.
- The area covered by the Boca Grande Community Plan and this plan amendment is Gasparilla Island, Boca Grande Isles, the Gasparilla Golf Course Island, Three Sisters Island, Hoagen's Key, Loomis Island, Cole Island, and the Gasparilla Island bridge lands and causeway islands, and includes all submerged lands, tidal lands, overflow lands and tidal ponds as described in the GICDA.
- The Boca Grande Community Plan was submitted to Lee County on September 30, 2004.
- The Boca Grande Community Plan recommends establishing a new Vision Statement and a new Goal, and associated Objectives and Policies specific to the Boca Grande community.

The Boca Grande community, through recommendations contained in the Boca Grande Community Plan, has proposed a new Goal, Objectives and Policies for inclusion in the Lee Plan. Some highlights of their proposed amendment include:

- A new Vision Statement for Boca Grande that updates the existing Boca Grande Vision Statement.
- A desire of the community to create new site location standards for boating and marine facilities.
- A desire of the community to develop commercial design guidelines and parking & signage standards.

- The community would like to adopt regulations to further manage rental and tour businesses.
- The creation of a local document clearing house where the public may review copies of selected documents from permit applications, variance requests, staff reports, hearing examiner recommendations, Historic District Special Certificates of Appropriateness and Administrative Variances.
- A requirement for owners or agents for certain development proposals to hold a local public informational meeting prior a finding of sufficiency. Similar requirements are in effect in Estero, Captiva and Caloosahatchee Shores.
- The community desires to have a parking and traffic study conducted to identify ways to create safe and efficient parking for employees, patrons and visitors.
- The community desires to create regulations specific to fast food, formula retail and formula restaurants.
- The Boca Grande community desires Lee County to participate in the acquisition of the approximately 9.19 acre property owned by Florida Power and Light located at the south end of Gasparilla Island.
- The community desires Lee County to protect and enhance the eight-mile long pedestrian/bike/electric golf cart path on Gasparilla Island.
- The community desires to establish a Boca Grande Historic Preservation Board to review applications for Special Certificates of Appropriateness within the Boca Grande Historic District.

D. BACKGROUND INFORMATION

The idea for a community plan on Boca Grande came out of a meeting staff had with the Boca Grande community on April 15, 2003 during the Evaluation and Appraisal Report public participation process. The EAR meeting followed a presentation by the GICIA regarding rapid population growth and development in the surrounding area. Staff mentioned how other community planning efforts had addressed local issues, and this endeavor began.

After that meeting, staff was contacted by members of the Boca Grande community who inquired about the community planning process. Staff met with three Boca Grande residents on May 14, 2003 at the Boca Grande Community Center to discuss the community planning process and the requirements of Administrative Code 13-3.

The Boca Grande community formed a non-profit corporation, the Boca Grande Community Planning Association, Inc. on December 1, 2003 for the purpose of having a legal entity to form the nine-member Boca Grande Community Planning Panel. The panel was fully formed on January, 5, 2004 and held its first meeting on January 8, 2004.

The Boca Grande Community Planning panel requested community Planning Funds from Lee County and the county executed an agreement with the Boca Grande Community Planning Association, Inc. on April 13, 2004 for \$25,000.00 of Community Planning funds. The Planning Association also received a \$25,000.00 grant from the Gasparilla Island Conservation and Improvement Association and \$20,000.00 from Charlotte County to help pay for planning activities on the Charlotte County portion of Gasparilla Island. Lee and Charlotte County entered into an interlocal agreement on December 21, 2004 to allow Lee County to administer the Charlotte County funds.

The Planning Association hired Morris-Depew Associates, Inc. to assist them with writing a community plan for Boca Grande and to help usher the resulting plan amendment through the public hearing process.

The Boca Grande Planning Panel formed eight subcommittees with approximately 50 volunteers. Some of the volunteers served on more than one subcommittee. The Subcommittees had a total of 34 meetings during the period of February 3, 2004 through May 3, 2004 and developed reports which became the basis for drafts of a Vision Statement and Goals, Objectives and Policies prepared by their consultant.

The Boca Grande Community Plan was submitted to Lee County on September 30, 2004 following several summer Planning Panel meetings in July, August and September, 2004. The Boca Grande Community Plan includes a 43 question survey which was mailed to 1,000 members of the Boca Grande Community. Responses were received from 630 residents.

The Boca Grande Planning Panel hired a website specialist and created a detailed web page that includes meeting minutes, names of panel and subcommittee members, the Boca Grande community plan and numerous other documents. The Boca Grande planning web site can be used as a quality model for other community planning efforts to use. The URL for the Boca Grande planning web page is: <http://www.bocagrandeplanning.com>.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The proposed Board sponsored amendment application was received by the County on September 30, 2004. Planning staff provided copies of the proposed amendment and requested comments from various County departments and divisions, including:

- Division of Development Services
- Division of Zoning
- Division of Planning
- Division of Environmental Sciences
- Department of Transportation
- Public Works
- Parks and Recreation
- Utilities
- Smart Growth
- Economic Development
- Natural Resources

- Parks & Recreation
- Lee County Port Authority
- Public Safety
- County Attorney

Comments were received from the Lee County Department of Transportation, Smart Growth, County Attorney, Division of Natural Resources, Parks and Recreation and the Division of Planning. Those comments are attached to this report.

Staff's initial comments were forwarded to the Boca Grande Planning Panel members and their consultant. Staff attending a meeting with the Boca Grande Planning Panel on April 5, 2005 to further explain staff's comments. After that meeting staff mailed a letter dated April 8, 2005 to the Chairman of the Boca Grande Community Planning Panel suggesting changes to the plan amendment and requesting additional information. The Boca Grande Planning Panel revised their proposed amendment in response to many of staff's comments and submitted that revised language to staff on April 20, 2005. Those changes were made to the community's proposed plan amendment language and appear underlined below as if they were part of the original submittal.

The following section of this report includes a proposed new Vision Statement, a new Goal and new Objectives and Policies. Staff's recommended changes to the applicants original and later revised language are in strike through, double underline format. Following each modification are comments and suggestions from Staff.

Vision Statement

2. ~~Boca Grande - This community includes the portions of Gasparilla Island within Lee County and the surrounding smaller islands. The smaller islands in this community have minimal if any development. The core of this community is the unincorporated town of Boca Grande. This community is unique in that it has no direct road access to the rest of Lee County. All access to Boca Grande is via Charlotte County or by boat. The Boca community is designated as Urban Community, Outer Islands, and Public Facilities; however, the Urban Community category is restricted to 3 units per acre within this community. The population of Boca Grande is expected to increase from 888 people in 1996 to 1,201 in 2020. The seasonal influx will remain high in this community with and expected seasonal population in 2020 of 2,834. Currently, less than 15% of Boca Grande is vacant. By the year 2020, this community is expected to build out. The community of Boca Grande is dedicated to preserving its historic character and the community will look largely the same in 2020 as it does today.~~

~~There are no sub-communities within the Boca Grande Community.~~

Gasparilla Island/Boca Grande – In 1980, the Florida Legislature found that the community of Boca Grande, comprised of Gasparilla Island and nearby islands, is part of the fragile barrier island system as defined in the Presidential Directive on barrier islands dated May 23, 1977, and is an area

of particular natural beauty containing abundant plant, marine, animal and bird life. The State of Florida recognized that the conservation of the natural beauty, plant, marine, animal and bird life of the islands was in the best interest of the residents and property owners of the islands, the citizens of Lee and Charlotte Counties and the State of Florida, and consequently created the Gasparilla Island Conservation District by enacting the Gasparilla Island Conservation District Act of 1980 (Ch 80-473). The Act was subsequently amended in 1983 and 1986 (Ch 83-385 and Ch 86-341) and is hereafter referred to as the GICDA. The intent of the GICDA is to limit density and development to a level which will not degrade the fragile environment or overburden the limited infrastructure of the islands.

For the purposes of this comprehensive plan, the community of Boca Grande includes Gasparilla Island, Boca Grande Isles, the Gasparilla Golf Course Island, Three Sisters Island, Hoagen's Key, Loomis Island, Cole Island, and the Gasparilla Island bridge lands and causeway islands, and includes all submerged lands, tidal lands, overflow lands and tidal ponds as described in the GICDA.

To insure that the intent of the GICDA is carried out, actions proposed in sections that follow must be undertaken to promote sound environmental policy, preserve the character and history of the community, safeguard the water supply, protect the sports fishing industry and support the essentially seasonal businesses in Boca Grande, and to ensure that residents have adequate access, law enforcement, and emergency and utility services.

The core of the Gasparilla Island/Boca Grande community is the unincorporated village of Boca Grande, designated as an Historic District. This community is unique in that it has no direct road access to or from the rest of Lee County. All access to Boca Grande by motor vehicle is via Charlotte County, or by boat, or small seaplane. The Lee County portion of Gasparilla Island/Boca Grande is designated as Urban Community, Outer Islands, Public Facilities, Conservation Lands, and Wetlands on the Future Land Use Map. Maximum density in the Urban Community category is restricted to three dwelling units per acre.

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, 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.

High priorities for Gasparilla Island/Boca Grande are the preservation and conservation of its fragile environment, including recreation and open space areas, its Historic District, the residents' quality of life and right to continued enjoyment of its natural and cultural gifts, and consistent enforcement of all current and future regulations with respect to zoning, traffic, parking, law enforcement, public utilities, the GICDA and the Historic District.

To the greatest extent possible, the community of Boca Grande, Lee County and Charlotte County should work together to jointly develop land development regulations and ordinances which are

required by the policies found in this Comprehensive Plan. Different implementing ordinances and regulations should be avoided.

The last sentence of the Vision Statement does not contribute anything to the above paragraph. Staff understands the community's desire for Lee and Charlotte Counties to coordinate with each other when adopting implementing regulations for Gasparilla Island. However, while the two County's can strive for compatible development regulations, those regulations will be distinct to each County.

Staff recommends transmitting the Vision Statement, as revised.

GOAL: The Boca Grande Community Plan seeks to preserve and conserve the surrounding fragile environment, recreation and open space areas, the Historic District, the quality of life and the continued enjoyment of its natural and cultural gifts. The plan seeks consistent enforcement of all current and future regulations with respect to zoning, traffic, parking, law enforcement, public utilities, the Gasparilla Island Conservation District Act and the Boca Grande Historic District.

Element I - Future Land Use

Goal 1 Objective 1.1 - Future Land Use: To preserve the traditional character, scale, and tranquility of the historic village and residential areas of the Boca Grande community by continuing to limit the densities and intensities of use and development to sustainable levels that will not adversely impact the natural environment, overburden the existing infrastructure, or require additions to the present infrastructure.

Objective 1.1: Lee County will continue to enforce the regulations found in the Gasparilla Island Conservation District Act, and will assist the residents of Boca Grande to further develop growth management policies and regulations to limit densities and intensities of development on Gasparilla Island, in order to maintain the historic scale and development patterns of the community.

Policy 1.1.1: Lee County will work with the Boca Grande community to establish boating and marine facility site location standards which will help to identify appropriate locations and development regulations that are consistent with a scope and intensity that will protect the community from the potential negative impacts. Future public boat ramps and other watercraft launching facilities on Gasparilla Island will only be developed with adequate on-site parking, and should minimize impacts to traffic and pedestrian safety, the environment, neighborhoods, and consider marine safety issues.

Staff recommends the transmittal of Objective 1.1, as revised and of Policy 1.1.1.

Policy 1.1.2: In order to preserve the existing community character of Boca Grande, the Boca Grande community will work to develop standards to regulate fast food and retail franchises, and formula restaurants all commercial uses on Gasparilla Island. will be adopted within two years of the adoption of this Policy. Development standards will identify commercial design guidelines, parking and signage standards, appropriate intensity of uses and establish location standards to

ensure consistency with the existing community character. These standards will identify the types of restaurants and franchises which may be incompatible with the community character of Boca Grande and therefore must comply with these development standards. A compliance determination is required by the Boca Grande Historic Preservation Board. Until such regulations are adopted, fast food and retail franchises, and formula restaurants may only be approved by Special Exception and must be found to be compatible with the existing historic conditions and consistent with the Historic District design guidelines.

Policy 1.1.2 proposes developing regulations that would only apply to fast food restaurants, formula restaurants and retail franchises. Fast Food Restaurants are defined in Chapter 34 of the Land Development Code. Formula restaurants and retail franchises are not adequately defined in the Policy.

Changing the zoning regulations for fast food restaurants will require amending the Property Development Regulations Table in Chapter 34 of the Land Development Code. If changes to regulations for fast food restaurants would prevent a property owner from obtaining a use that the current regulations will allow, the County could be exposed to liability under the Bert J. Harris, Jr. Private Property Protections Act.

Staff does not recommend creating regulations that distinguish between restaurants and retail uses based on whether they are considered "formula" restaurants or "franchise" retail uses.

Staff recommends that the Boca Grande community develop regulations that apply to all commercial uses on Gasparilla Island, rather than specific types of restaurants and retail uses.

The establishment of location standards on Gasparilla Island will be difficult because the Gasparilla Island District Act does not allow for the creation of new commercial zoning districts. New location standards will have to work within the framework of the property that is currently zoned for commercial uses.

Staff recommends the transmittal of Policy 1.1.2, as revised.

Policy 1.1.3: Changes to the Land Development code will be adopted. The Boca Grande community will work to develop regulations within two years of the adoption of this Policy, to better manage rental and tour businesses which have an impact on the neighborhoods and environment of the community. These regulations will address issues such as the number and location of operators, safety, privacy, security, liability insurance, parking facilities, property maintenance, storm water management, and compatibility. Until such regulations are adopted, prior to the issuance of permits or occupational licenses for any new business proposing rental of electric or motorized vehicles such as mopeds, scooters, golf carts, personal watercraft (jet-skis) or similar vehicles, and businesses which operate tour boats, busses, trolleys, carriages, or other vehicles on tours of neighborhoods on Gasparilla Island, the Boca Grande Historic Preservation Board must review the proposed operation and find it is compatible and will preserve the Historic character of Boca Grande.

Existing rental operations may continue to operate. Additional square footage to any building or an increase in the number of rental vehicles must comply with all existing regulations, including

the provision that all outdoor storage must be contained on the business property and comply with existing regulations.

Staff does not recommend the creation of the Boca Grande Historic Preservation Board. (See staff's comments under proposed Policy 6.1.1, beginning on page 40 of this report)

It is not necessary to state in a Lee Plan policy that compliance with existing regulations is required. Compliance with existing regulations is a given.

The Boca Grande community has expressed interest in applying further controls on rental and tour business operations on Gasparilla Island. Staff recommends that the community work to create proposed regulations that would apply to rental and tour businesses. Those proposed regulations would be considered for adoption through the existing Land Development Code revision process.

Staff recommends the transmittal of Policy 1.1.3, as revised.

Policy 1.1.4: Lee County will work with the Boca Grande Community to establish a Document Clearing House in Boca Grande, where copies of selected documents from permit applications, variance requests, staff reports, Hearing Examiner recommendations and resolutions, Historic District Special Certificates of Appropriateness, and Administrative Variances and for any development on Gasparilla Island will be kept for public inspection. The County's failure to provide or to timely provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Staff recommends the transmittal of Policy 1.1.4.

Policy 1.1.5: The owner or agent for any rezoning, variance or special exception request which requires a public hearing, such as a variance, special exception, or consumption on premises; any request for an Historic District Special Certificate of Appropriateness; or any administrative variance for development on Gasparilla Island, must conduct one public informational meeting in Boca Grande where the owner or agent will provide a general overview of the project for any interested citizens. If the request is located within the Boca Grande Historic District, the informational meeting will be presented to the Boca Grande Historic Preservation Board at its appointed meeting location. For all other requests, the applicant is fully responsible for providing the meeting space and providing security measures as needed.

Lee County encourages zoning staff to participate in such public informational meetings. This meeting must be conducted before the application can be found sufficient. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. Whenever possible, public hearings for proposed projects on Boca Grande should be held between the months of October through May. Public hearings which are held during the months of June through September, will require notification of the date

and time of the hearing to surrounding property owners a minimum of one month prior to the hearing date.

Staff does not recommend requiring a public informational meeting for requests for an Historic District Special Certificate of Appropriateness, or for administrative approvals. Residents seeking a Special Certificate of Appropriateness are already subject to an additional layer of review by the Historic Preservation Board. Requiring another layer of review would not be fair to the applicant. Staff does not think it is appropriate to require applicants for administrative approvals to conduct a public informational meeting on Boca Grande. This practice would delay staff decisions and unfairly burden the applicant.

Consumption on Premises applications that require a Special Exception would require a public informational meeting.

Staff recommends the transmittal of Policy 1.1.5, as revised. It is very similar to policies that are in effect for Estero, Captiva and Caloosahatchee Shores.

Policy 1.1.6: In addition to compliance review by Lee County development services staff, Lee County will require that all permit applications for development on Gasparilla Island will bear a statement, signed and notarized by the owner or authorized agent, that they are aware of and will comply with the provisions of the GICDA.

The Gasparilla Island Conservation District Act (GICDA) has been incorporated into Chapter 34 of the Land Development Code. Development applications are reviewed by staff for compliance with all County regulations, including Chapter 34 of the LDC. The proposed Policy 1.1.6 does not assure compliance with the GICDA.

Staff does not recommend the transmittal of Policy 1.1.6.

Policy 1.1.7: In order to promote water conservation and better manage this important resource, Lee County the Boca Grande community will investigate the feasibility of requiring all applicants develop standards for permit requests of new structures buildings to conduct a cistern feasibility study as part of the permitting process. For redevelopment projects, Lee County will seek to encourage the establishment of cisterns as a non potable water source, wherever practicable.

Staff does not agree it is appropriate to require a cistern feasibility study for each new or redeveloped building in Boca Grande. Staff recommends the community conduct one study that can be used as a model for all new or redeveloped buildings on Boca Grande. Staff does not recommend the use of the word "structure", which could include telecommunication towers.

Staff recommends the transmittal of Policy 1.1.7, as revised.

Policy 1.1.8: In order to maintain the traditional scale and historic patterns of development on Gasparilla Island, including areas outside the Boca Grande Historic District, Lee County will work with the Boca Grande community to will develop an ordinance regulations to preserve light, space and air around new residential dwelling construction and to discourage "mega houses" or

"mansionization" of Boca Grande. New development or redevelopment will recognize that traditional setbacks, particularly front and side yard setbacks, as well as strict adherence to the Coastal Construction Control Line, within existing and proposed neighborhoods on Gasparilla Island, should be maintained. Lee County has determined that house designs which dwarf their neighbors are incompatible with existing historic and traditional neighborhoods and will be discouraged. These regulations will be adopted within two years of the adoption of this policy.

Until such an ordinance is adopted, no variances from existing property development regulations will be approved including setbacks, lot coverage, or height. Contributing structures in the Historic District or structures outside the Historic District which are designated as an historic resource under Chapter 22 of the Land Development Code may seek Special Certificates of Appropriateness and administrative relief from development regulations if approved by the Boca Grande Historic Preservation Board.

There is no official determination by Lee County regarding compatibility of neighboring residential building sizes. No existing regulations directly limit the overall size of residential buildings. Chapter 34 of the Land Development Code regulates lot size, road frontage, building setbacks and maximum building heights. Those regulations create an "envelope" that indirectly limit the maximum size of residential buildings.

Placing restrictions on the size of residential structures relative to the size of an individual lot was also raised by the Captiva Community Planning Panel. Staff encourages the Boca Grande and Captiva planning panels to develop proposed regulations that address the size of residential structures for consideration by the Land Development Code Advisory Committee and County Staff.

Placing a moratorium on variances from the Property Development Regulations on Boca Grande could expose the County to liability under the Bert J. Harris, Jr. Private Property Protections Act.

Staff recommends the transmittal of Policy 1.1.8, as revised.

Policy 1.1.9: Lee County The Boca Grande community will work to develop policies for Lee County to consider that will enable parcels comprised of multiple lots of record to remain intact. Any redevelopment of other large parcels of land will be consistent with the Gasparilla Island Conservation District Act, will work to preserve open space, and will not exceed three (3) dwelling units per acre. Parcels comprised of more than one lot of record, which are under unified control may not be divided unless the resulting lots conform with the maximum density of 3 dwelling units per acre (minimum lot size of 14,520 square feet), as established in the Lee Plan, Table 1(a), Note #5.

In all cases on Gasparilla Island, the maximum density must not exceed 3 dwelling units per acre. The Lee Plan does not regulate lot size on Boca Grande per se. Although lot size may be indirectly affected by the density limitations of the Plan. Lot size on Boca Grande is regulated by Chapter 34 of the Land Development Code.

The substance of this policy is already addressed in the Lee Plan.

Staff does not recommend the transmittal of Policy 1.1.9.

Policy 1.1.10: Lawfully existing businesses and commercial buildings in the Boca Grande commercial areas will be deemed to be vested as related to parking, setbacks, height, and land use. Any expansion or change of use to one of higher intensity will require a review of parking impacts, setbacks, height, and uses as necessary. Any new or expanded uses in the Historic District will require public review and a finding by the Boca Grande Historic Preservation Board that the project is consistent with the community's historic village character.

Staff does not recommend the establishment of a separate Boca Grande Historic Preservation Board.

Staff recommends transmittal of Policy 1.1.10, as revised.

Policy 1.1.11: Lee County will support the Boca Grande community in their efforts to further investigate the need for modified development requirements regulations applicable to Boca Grande, based upon the unique nature of the community, the location of Boca Grande on a barrier island at the mouth of Charlotte Harbor, the limited opportunities for supporting infrastructure, the seasonal nature of the demand upon public facilities, and the need for cross-county administration of growth management legislation. Such support The Boca Grande Community may propose development regulations that address include the following:

- a. The creation of the Gasparilla Island Zoning Overlay district to address inconsistencies with current zoning districts and the comprehensive plan and GICDA, implement policies adopted in this plan, and adopt modified development regulations such as, but not limited to, parking requirements, minimum setbacks, and commercial and residential design standards.
- b. The creation of a marine park zoning district to facilitate consistent local enforcement of existing Federal, State and County regulations in waterfront areas and new regulations to better manage coastal issues such as use and rental of personal watercrafts, abandoned vessels, live aboards, sanitation, water quality, and noise.
- c. Completion of an impact study of parking deficiencies prior to granting any additional administrative parking variances in the historic village commercial area. Until such time as the parking study is completed, new construction will be required to meet current parking requirements for its intended use.

Staff is not convinced that a new zoning overlay district or marine park zoning district are necessary on Boca Grande. However, staff does not oppose the Boca Grande community proposing regulations for staff to review.

The proposed parking study exceeds the County's core level of service. This proposed policy does not explain how the parking study will be funded, or provide specifics about the study's scope or content.

Staff recommends the transmittal of Policy 1.1.11, as revised.

Element H - Transportation, Parking and Traffic Circulation

Goal 2 Objective 2.1 - Transportation, Parking and Traffic Circulation: To ensure residential and commercial land use in Boca Grande that recognizes the connection between the existing transportation infrastructure and the community's desire to preserve Boca Grande's community character as a tranquil residential community, with an historic village center, and abundant open space and preservation areas. No policy in this community plan will be construed or interpreted to imply that Lee County will implement and/or enforce traffic regulations, traffic control, or parking regulations which are determined to be significantly substandard or may cause a defined safety or operational problem.

Objective 2.1: Lee County will recognize the inherent need to limit additional impacts to the existing transportation infrastructure of Boca Grande, the varied types and limited access to the community, the need for alternate forms of transportation within the community, the need for specialized standards for parking and commercial service areas, and the seasonal nature of infrastructure demand that exists throughout the community.

Policy 2.1.1: Lee County will continue to enforce the provisions of the Gasparilla Island Conservation District Act which limit growth, limit building height and restrict advertising throughout Boca Grande.

Staff recommends the transmittal of Objective 2.1, as revised and Policy 2.1.1.

Policy 2.1.2: Lee County will support the provision of convenient, safe bridges providing access to Gasparilla and Cole Islands and supports ~~through support of the autonomy of the Gasparilla Island Bridge Authority (GIBA), support for the highest standard of safety for vehicles, golf carts, bicycles, and pedestrians including, and support of strict enforcement of traffic laws.~~

Lee County supports safe bridge access, but there is no explanation as to how County support of the autonomy of the GIBA achieves safe bridge access. For that reason, staff recommends striking the reference to County support of the autonomy of the GIBA from this proposed policy.

Staff recommends the transmittal of Policy 2.1.2, as revised.

Policy 2.1.3: Lee County will assist in efforts to improve the bike and golf cart path along Gulf Boulevard, south of the village. ~~A feasibility study will be conducted to see if improvements such as widening of the path and landscaping can improve safety, shared use opportunities, and capacity. Lee County should consider funding the feasibility study and improvements from a portion of the 5% hold back from impact fees and by using county bike/pedestrian funds.~~

The County's Bike and Pedestrian Advisory Committee has included improvements to the Gulf Boulevard bike path on its list of recommended projects using the County's bike/ped funds. Funding a feasibility study for a specific bike path extends beyond the County's core level of service.

Staff recommends the transmittal of Policy 2.1.3, as revised.

~~Policy 2.1.4: To assure bicycles and golf cart safety, Lee County will enforce bicycle safety regulations specified in Section 316.2065, Florida Statutes, and golf cart regulations specified in Section 316.212 F.S. and Section 316.1995.~~

Policy 2.1.4 references existing Florida laws. It is the responsibility of the Lee County Sheriff to enforce State laws. This policy does not change that responsibility.

Staff does not recommend the transmittal of Policy 2.1.4.

Policy 2.1.5: In order to preserve the historic characteristics of the community, Lee County will support the use of all way stop intersections or other traffic control methods, rather than traffic signals, whenever possible in the Boca Grande community.

Staff recommends the transmittal of Policy 2.1.5.

Policy 2.1.6: Lee County will support efforts of the Boca Grande community to beautify road right-of-ways and enhance the public realm of Boca Grande by including provisions for streetscaping in Historic Downtown Villages in the Lee Scape Master Plan. In order to maintain low traffic volumes, operating speeds, and noise levels, improvements will emphasize traffic calming techniques, and the need to preserve the aesthetic values of the community. Particular emphasis will be placed in the Historic District. Enhancements may include village streetscaping such as additional street trees, trash receptacles, benches and burying utilities underground.

Policy 2.1.6 appears to require the County to exceed its core level of service for roadway landscaping in Boca Grande. Staff recommends including the words "of the Boca Grande community" to clarify that the county will not be responsible for funding those improvements above its core level of service. The Boca Grande community could create an MSTBU for that purpose.

Staff recommends the transmittal of Policy 2.1.6, as revised.

Policy 2.1.7: Lee County will continue to ensure viable hurricane evacuation options for the residents and stakeholders of Boca Grande.

Staff recommends the transmittal of Policy 2.1.7.

Policy 2.1.8: Lee County will support improvement of pedestrian safety by establishing and marking crosswalks throughout the community; and by improving pedestrian circulation within the Historic District; and consistently enforcing all regulations on the bike paths, which includes minimum age requirements for operation of golf carts.

Policies that would be enforced by local law enforcement agencies do not belong in the Lee Plan.

Staff recommends the transmittal of Policy 2.1.8, as revised.

Objective 2.2: Lee County will ~~support~~consider a funding request for the Boca Grande Community Plan implementation that provides for a parking and traffic study to identify ways to create safe and

efficient parking for employees, patrons and visitors, and to determine the appropriate parking standards which will address the capacity and design needs of the Boca Grande commercial district. The parking and traffic study will address the following policies.

Because there is no detailed information on what the funding request would entail, staff recommends replacing the word "support" with "consider".

When a detailed funding request for implementing a traffic study comes forward, the BoCC can consider that request. Parking studies and building parking lots are generally beyond the County's core level of service (Parks and Recreation have owned and operated parking facilities). This is especially true in support of a business district. This objective and related policies raise the question of what the County's level of involvement should be in this regard.

Staff recommends the transmittal of Objective 2.2.

Policy 2.2.1: As a result of regional growth and local redevelopment, Lee County will provide assistance to develop a long-range strategy to address increased parking demand. This may result in regulations, infrastructure improvements or adoption of management practices which incorporate any number of the following:

- a. Revised traffic count thresholds
- b. Maximum development intensities
- c. Revised minimum parking requirements
- d. Traffic congestion mitigation practices
- e. Vehicle and pedestrian safety programs
- f. Shared parking agreements
- g. Public/Private partnerships to fund new or expanded parking facilities.

Policy 2.2.2: Lee County will seek to maximize the efficiency and the functionality of existing parking facilities by improving trailblazing signage, re-designing existing parking facilities, and creating specific facilities for golf cart and bicycle parking. Designated parking for employees, the appropriate number of parking spaces for new and expanded uses, and enforcement of existing parking restrictions and permit requirements will also be examined.

Policy 2.2.3: Parking along the beach access streets and other public rights-of-way will be regulated to allow convenient ingress and egress to residences and permit adequate emergency vehicle access at all times. Lee County will support efforts of the Boca Grande community to analyze the appropriateness of overnight and long term parking in the public rights-of-way, the Gilchrist median, and along beach access streets.

Policy 2.2.4: Lee County will seek to direct service vehicles and delivery vehicles to designated unloading zones. Due to the traffic congestion in the Historic District, Lee County will assist in establishing time restrictions on service and delivery trucks during peak traffic periods, such as those occurring in March and April.

Staff recommends the transmittal of policies 2.2.1, 2.2.2, 2.2.3 and 2.2.4.

~~Policy 2.2.5: Lee County will encourage alternative transportation by supporting golf cart and bicycle use and improving design for golf cart and bicycle parking throughout the Boca Grande community.~~

Bicycle and parking requirements already exist in the Land Development Code. State Law provides some restrictions on the use of golf carts. It is not clear what type of additional support is envisioned for golf cart and bicycle use.

Staff does not recommend the transmittal of Policy 2.2.5.

~~Policy 2.2.6: For all new development and redevelopment, Lee County will continue to support and improve design and permitting efforts through the site plan review process that adequately address truck deliveries, emergency vehicle access, and solid waste disposal.~~

~~Policy 2.2.7: Lee County will assist in a study of traffic patterns and flow in and around the Post Office, Park Avenue, East Railroad Avenue and West Railroad Avenue, seeking to develop a plan of action that will improve the functionality of the infrastructure while preserving the aesthetics of the community.~~

Staff recommends the transmittal of Policies 2.2.6 and 2.2.7.

~~Policy 2.2.8: To preserve the capacity of the existing roadways and parking facilities, Lee County will adopt regulations within two years of the adoption of this Policy, that address the appropriateness of high impact uses such as fast food restaurants, convenience food stores, and other franchise retail stores and restaurants.~~

Policy 2.2.8 appears to be requiring the County to consider the appropriateness of fast food restaurants, convenience food stores and franchise retail stores and restaurants in Boca Grande.

From a traffic concurrency standpoint, the County considers traffic impacts of all proposed uses on their own merits. The County evaluates traffic concurrency issues during Development Order review and bases decisions on the traffic generated by a particular land use, not on whether the use is a "formula" or "franchise" business.

Staff does not recommend the transmittal of Policy 2.2.8.

Element III - Conservation and Coastal Management

~~Goal 3 Objective 3.1 - Conservation and Coastal Management: Lee County will preserve, protect, and, where possible, enhance the physical integrity, village character, ecological values, and natural beauty of Boca Grande and Gasparilla Island, focusing upon the diverse and healthy native vegetation, the clear offshore waters, and the varied and abundant native marine and wildlife resources in a manner compatible with the Gasparilla Island Conservation District Act, the promotion and preservation of the historic Boca Grande village as a thriving community, and preservation of Gasparilla Island's historic heritage.~~

Objective 3.1: Lee County will support the efforts of the Federal and State authorities, and the Boca Grande community to preserve, protect, and enhance the positive environmental qualities of Gasparilla Island. Lee County will involve local community organizations in the planning process and will enforce these community plan policies through implementation in the land development regulations.

Policy 3.1.1: Lee County will support and encourage beach renourishment and other efforts to maintain the beaches and protect Gasparilla Island from tidal events.

Staff recommends the transmittal of Objective 3.1, as revised and Policy 3.1.1.

Policy 3.1.2: Lee County will assist the Boca Grande community in evaluating and promoting the creation of a community wide Municipal Services Benefit Unit, or a Florida Erosion Control District, for assistance in funding beach renourishment projects.

Policy 3.1.2 is inconsistent with the current policy on how costs are allocated for beach renourishment projects. The project is fully funded. If an MSTBU was established, an assessment of the unit would simply reduce the amount of funds being contributed from other existing sources, the majority of which are grants.

Staff does not recommend transmitting Policy 3.1.2.

Policy 3.1.3: Lee County will support the State's efforts to protect and preserve mangroves both on private properties as well as within public lands and easements. Not later than December 31, 2005, Lee County will review the State regulations regarding mangrove trimming and removal and determine whether additional protections need to be enacted on Gasparilla Island to protect its fragile environment.

Staff recommends the transmittal of Policy 3.1.3.

Policy 3.1.4: Since future use of the 9.19 acres of land owned by Florida Power & Light at the south end of Gasparilla Island as passive open space will best serve the goal of enhancing the beauty and environmental integrity of the Island, Lee County will assist private and public efforts to acquire the land for that purpose through financial, administrative and political measures.

Uses other than passive open space may better serve the residents of Lee County. If the Florida Power & Light facility on Boca Grande is acquired in whole or in part with public funds, staff will evaluate the merits of any use of that property and will recommend the use that best serves the public, including the residents of Boca Grande.

Policy 3.1.4 is similar to Policy 5.2.2., in that both policies state that Lee County will assist in with efforts to acquire the FPL site.

Staff recommends the transmittal of Policy 5.2.2, as revised by staff. Staff does not recommend the transmittal of Policy 3.1.4.

Policy 3.1.5: Lee County will strictly enforce its own policies related to the preservation of the beach dune system, beach dune vegetation, and beach dune wildlife, by discouraging any construction seaward of the 1979 Coastal Construction Control Line. This policy will not apply to the placement of raised walkways intended to cross over the dune system from adjoining properties, nor will it apply to bona fide beach renourishment and shoreline protection efforts. Lee County will support the State's efforts to protect the beach dune system, beach dune vegetation, and beach dune wildlife communities on Gasparilla Island.

Policy 3.1.6: The Beach renourishment efforts of Lee County will include the re-establishment of a beach dune system, beach dune vegetation, and beach dune wildlife communities, including nesting birds and turtles, to the greatest extent practicable. Lee County will monitor and enforce its policies and regulations protecting dunes, dune vegetation, and dune wildlife communities on Gasparilla Island. Any rock or hard revetment will be covered with sand and planted with salt resistant native plants.

Policy 3.1.7: Except for emergency events and public purposes, Lee County will ban vehicular traffic from all beaches on Gasparilla Island and will provide enforcement of the ban.

Policy 3.1.8: Lee County will use regulatory powers to preserve, protect, and enhance the marine habitat surrounding Gasparilla Island, including sea grass beds, manatee habitat, estuarine habitat, and near shore waters of Gasparilla Island.

Policy 3.1.9: Lee County will review and enforce all permits for new dock construction to assure the protection of sea grass beds, manatee habitat, tarpon fishing grounds, and other environmental values intrinsic to Charlotte Harbor. Copies of dock and shoreline permits will be sent to the Document Clearing House as established pursuant to Policy 1.1.4.

Staff recommends the transmittal of Policies 3.1.5, 3.1.6, 3.1.7, 3.1.8 and 3.1.9.

Policy 3.1.10: Lee County will assist in the enforcement of sound best management standards and policies for vessel moorings practices for anchorages of Gasparilla Island. The Regional Planning Council and its advisory committees will be the source of such information. ~~in anchorages and bayous of Gasparilla Island.~~

Staff recommends the transmittal Policy 3.1.10, as revised.

Policy 3.1.11: Within two years of the adoption of this Policy, Lee County will establish policies and guidelines for beach clean-up during red tide and similar extraordinary tidal events.

Policy 3.1.12: Within two years of the adoption of this Policy, Lee County will establish a program to restore the plant diversity on County owned lands on Gasparilla Island through the removal of exotic vegetation and its replacement with native species. Such a program will be phased so that the general character of the community will be maintained during the maturation process. Exotic species which are killed in place will be removed as appropriate so as not to create a negative impact or create a hazard to the community.

Policy 3.1.13: Lee County will support programs that provide periodic clean-up activities in aquatic preserves, on the beaches of Gasparilla Island, and at beach access points on Gasparilla Island.

Policy 3.1.14: Lee County will work in conjunction with Charlotte County to implement a plan to stop the proliferation of iguanas and other exotic fauna on Gasparilla Island.

Staff recommends the transmittal of Policies 3.1.11, 3.1.12, 3.1.13 and 3.1.14.

Policy 3.1.15: Lee County will provide financial and political support for research into the causes and control of red tide and other similar extraordinary tidal events, through the support of efforts such as Solutions to Avoid Red Tide, Inc. (S.T.A.R.T.) and other efforts to address and remedy the problems associated with these occurrences.

Staff believes it is not appropriate to name a specific corporate entity in the comprehensive plan. Lee County has provided support for this kind of research.

Staff recommends the transmittal of Policy 3.1.15, as revised.

Objective 3.2: Lee County will manage public resources and direct public efforts to preserve, protect, and enhance the natural environments on Gasparilla Island through measures to control the risk of harm attributable to human impact.

Staff recommends the transmittal of Objective 3.2.

Policy 3.2.1: Lee County will strictly enforce all regulations limiting noise, consumption of alcoholic beverages, littering, signage, and any nuisance activities on all public lands, rights of way, beaches, beach accesses, and public easements.

Policies that would be enforced by local law enforcement agencies do not belong in the Lee Plan. Lee County does not control the policies of the Lee County Sheriff's office, only the budget.

Staff does not recommend the transmittal of Policy 3.2.1.

Policy 3.2.2: Lee County will publicize and enforce the existing 500' buffer zone around Gasparilla Island as designated in Lee County Ordinance 02-14. Lee County will limit the speed of watercraft in this zone where appropriate for the protection of swimmers. Vessel restrictions imposed by County, State or Federal regulations will be appropriately marked and enforced.

Lee County Ordinance 02-14 maybe inconsistent with Florida Administrative Code 68D-23. The idea of publicizing and increasing enforcement of boating regulations is appropriate, however that effort would be the responsibility of the Lee County Sheriff as the primary enforcement agency.

Recognizing that Lee County Ordinance 02-14 will change over time, staff recommends stating that vessel restrictions imposed by County, State or Federal regulations will be appropriately marked and enforced.

Staff recommends transmitting Policy 3.2.2 for, as revised.

~~Policy 3.2.3: Lee County will support efforts to preserve, protect, and, where possible, enhance the tarpon and game fish population of Charlotte Harbor and the near shore waters of the Gulf of Mexico.~~

It is not clear what type of support is envisioned. In addition, this type of fishery activity is beyond the scope of County services.

Staff does not recommend the transmittal of Policy 3.2.3 for review.

Element IV - Community Facilities and Services

Goal 4 Objective 4.1 - Community Facilities and Services: Lee County will seek to ensure the continued delivery of high quality, accessible community facilities and services that meet the educational, recreational, informational, and public safety, health and welfare needs of the residents, visitors and stakeholders of Boca Grande.

Objective 4.1: Through the administration of county services, the Land Development and Administrative Codes, and the cooperative efforts of interagency and intergovernmental agreements, Lee County will continue to provide utilities and infrastructure; emergency, law enforcement and fire protection services; education, information resource and recreation services; and mosquito and animal control services, in a safe and efficient manner.

Policy 4.1.1: Lee County will seek to maintain and enhance the public/ private partnership for the operation and enhancement of the Boca Grande Community Center and other County operated facilities open to the public in the community of Boca Grande.

Policy 4.1.2: Lee County will cooperate with the Gasparilla Island Water Association (GIWA) to ensure the continued provision of potable water and sanitary sewer service to the community of Boca Grande. Lee County will continue to support the Wellhead Protection regulations adopted by the GIWA and Charlotte County to protect and preserve the sources upon which the community of Boca Grande relies for its potable water.

Policy 4.1.3: Lee County will facilitate and provide for the disposal of solid waste, including refuse, recyclables, and horticultural waste. Lee County will enter into an inter-governmental agreement with Charlotte County, if necessary, to ensure that the community of Boca Grande will have access to Charlotte County's solid waste disposal area located on Environmental Way in Charlotte County.

Staff recommends the transmittal of Objective 4.1, as revised and Policies 4.1.1, 4.1.2 and 4.1.3.

Policy 4.1.4: Lee County will facilitate and cooperate with the applicable mosquito control district to ensure that adequate measures are undertaken to control the health risk that mosquitoes represent. Lee County will continue to support the utilization of safe, effective, and environmentally

responsible measures for mosquito control, recognizing the need to preserve local flora and fauna, including marine life.

Staff does not recommend "ensuring" any outcomes that are the responsibility of an independent authority.

Staff recommends the transmittal of Policy 4.1.4, as revised.

Policy 4.1.5: Lee County will work with the applicable mosquito control district to facilitate the dissemination of aerial spraying schedules, as well as any threat to the public health, to the community of Boca Grande, the Boca Grande Health Clinic, and the newspapers that serve the community of Boca Grande.

Staff recommends the transmittal of Policy 4.1.5.

Policy 4.1.6: Lee County will support the operation and enhancement of a reference library facility, including the provision and improvement of adequate electronic based equipment, internet access, and software, in cooperation with local community organizations. Professionally trained library personnel will manage and operate the facility. Lee County will seek an inter-governmental agreement with Charlotte County as may be required to provide cross-jurisdictional support of library and information resource services for residents of the community of Boca Grande.

Lee County has already agreed to a Memorandum of Understanding with Charlotte County in December, 2004, for the creation of a Library Reciprocal Borrowing Program.

It is not clear to what type of cross-jurisdictional support is envisioned and recommends the transmittal of Policy 4.1.6, as revised.

Policy 4.1.7: So long as local interest exists in the community of Boca Grande to maintain an Island School to serve the population of the community of Boca Grande, Lee County will support the Lee County School Board, if necessary, with an inter-local agreement, in maintaining a viable school site and educational programs. Such support may include, but is not limited to, facilitation of land use regulations, joint use of community resources, funding assistance, joint utilization of staffing, or other applicable coordination efforts.

Policy 4.1.8: Lee County will cooperate with the Boca Grande Fire Control District (BGFCF) in the provision of fire protection services to the community of Boca Grande. Such cooperation will include, but will not be limited to, recognition that the Fire Chief of the BGFCF has the authority for interpretation and enforcement of fire codes in the community of Boca Grande. All homes will be required to have the address clearly posted on the property.

Policy 4.1.9: Lee County will provide the necessary communications infrastructure as required to manage and dispatch all 911 calls affecting the community of Boca Grande, entering into agreements as necessary with the BGFCF and Charlotte County.

Policy 4.1.10: Lee County will cooperate in the establishment of inter-local agreements between and among all necessary parties to provide for: 1) the appropriate handling of hazardous materials incidents; 2) mutual aid agreements with the Englewood Fire Control District and Charlotte County Fire and EMS; 3) advanced life support emergency medical services; and 4) back-up EMS response as may be required by the community of Boca Grande.

Policy 4.1.11: Lee County will cooperate as necessary in the provision of communications, information distribution, public service meetings, educational efforts, and a local liaison for emergency situations affecting the community of Boca Grande. Lee County will maintain an up-to-date list of first-in team contacts, cooperate as necessary with applicable jurisdictions and service providers for communication of evacuation status, shelter locations, and re-entry information in the event of an emergency situation. The issuance of evacuation notices will be coordinated with Charlotte County. Lee County will work with other local, State, and Federal authorities as necessary to assist in the provision of adequate means by which the community of Boca Grande can be evacuated through the Cape Haze Peninsula in the event of an emergency situation. It is acknowledged that the appropriate Emergency Operations Center (EOC) is determined by the Boca Grande Fire Control District.

Policy 4.1.12: Lee County Emergency Medical Services will provide land or air transportation to the most appropriate facility based on the patients medical history and will maintain a liaison with the Boca Grande Health Clinic to keep the clinic fully informed of all Emergency Medical protocols and procedures for operations and any changes that may be implemented whether temporary or permanent. The Boca Grande Health Clinic will be informed relating to any public health issues or public county health problems.

Policy 4.1.13: Lee County will promote and assist as necessary in the provision of a full-time police and law enforcement presence for the community of Boca Grande. Cooperative arrangements in the form of inter-local agreements, or other mechanisms as may be applicable, between Lee and Charlotte County will be supported if necessary.

Policy 4.1.14: The Lee County Department of Transportation will continue to provide the necessary maintenance and improvements on all public rights-of-way to ensure the continued safety and efficiency of roadways, paths, and surface water management systems.

Staff recommends the transmittal of Policies 4.1.7, 4.1.8, 4.1.9, 4.1.10, 4.1.11, 4.1.12, 4.1.13 and 4.1.14.

Element V - Open Space, Recreation, and Beautification

Goal 5 Objective 5.1 - Open Space, Recreation and Beautification: Lee County will seek to promote, protect and enhance existing and potential open space, recreational facilities, and the quality of life for the residents and stakeholders of Boca Grande. These efforts will enhance the aesthetic qualities of Boca Grande and benefit its residents while preserving the characteristics of its fragile barrier island system.

Objective 5.1: Lee County recognizes that Boca Grande represents a unique cross-jurisdictional, barrier island community with distinct physical attributes that govern the preservation of open space and

recreational opportunities. Lee County will seek to enhance and protect the quality of life for residents, visitors and stakeholders through the preservation of functional open space and recreational opportunities while seeking to limit demands upon a restricted infrastructure and enhance the aesthetic qualities of Gasparilla Island.

Policy 5.1.1: Lee County will support efforts to protect and enhance the functionality of the eight-mile long pedestrian/bike/electric golf cart path on Gasparilla Island. Lee County recognizes that this eight-mile long linear park and path serves a recreational purpose, a transportation purpose, and an aesthetic purpose for the residents, visitors and stakeholders of the Island. Not later than December 31, 2005, Lee County will undertake efforts to improve the pedestrian/bike/electric golf cart path along the southerly end of the path similar to those improvements located in the northerly, GICIA owned portion of the path.

Policy 5.1.2: Lee County will coordinate public works projects, such as street resurfacing, repairs, maintenance, drainage swales and other surface water management systems, with the Boca Grande community so that they include landscaping and aesthetic options that are in keeping with the concept of promoting, preserving and enhancing the ecological and aesthetic values of Gasparilla Island.

Policy 5.1.3: Not later than December 31, 2005, Lee County will investigate the feasibility of converting Banyan Street to a one-way facility and reducing the pavement width in order to better preserve and protect the banyan trees. Lee County will assist in establishing an historic, scenic or similar type of designation, as recommended in the *Banyan Tree Assessment Report, Banyan Street-Boca Grande, Florida*, prepared by the Lee County Division of Environmental Sciences, to further provide for the protection and preservation of this unique street area.

Policy 5.1.4: Upon adoption of this Policy, Lee County will prohibit automobile parking on 5th Street from Park to Gilchrist, known as Mahogany and Veterans Park, in order to protect the unique aesthetic features of this roadway.

Policy 5.1.5: Lee County will continue to support the designation of Gasparilla Island as a bird and wildlife sanctuary, as adopted in Lee County Ordinance 83-16. Lee County will support the efforts of Charlotte County for the designation of Cole Island, Live Oak Key, Peekins Ranch Cove and Key, the fishing pier at the old 400 foot railroad bridge, and the peninsula located north of the Lee County line, (as identified in the Open Space Inventory) and all remaining land zoned Environmentally Sensitive, as well as the Charlotte County portion of Gasparilla Island, as a bird and wildlife sanctuary.

Policy 5.1.6: Lee County will support and promote the preservation of environmentally sensitive lands, and will continue to support, promote and investigate additional funding sources for the Gasparilla Island Land Conservancy Stewardship Program and other preservation programs. Element V of the Boca Grande Community Plan includes the inventory of existing community open space and sensitive lands.

Staff recommends transmittal of Objective 5.1, as revised and Policies 5.1.1, 5.1.2, 5.1.3, 5.1.4, 5.1.5 and 5.1.6.

Objective 5.2: Lee County will preserve and maintain the functionality of the existing recreational facilities currently available on the Island.

Policy 5.2.1: Lee County will maintain the existing recreational facilities on Gasparilla Island, including two tennis courts, a basketball court, a volleyball court, the baseball field on Wheeler Street, the various beach access locations, a community playground, the picnic areas, and fishing sites, including one on the Bayou.

Staff recommends the transmittal of Objective 5.2 and Policy 5.2.1.

Policy 5.2.2: Lee County will assist private and public efforts to acquire the approximately 9.19 acre F. P. & L./Belcher Oil facility owned property located at the south end of Gasparilla Island, for the purpose of maintaining it as a passive open space and reestablishing a native habitat across the site.

Uses other than passive open space may better serve the residents of Lee County. If the Florida Power & Light property on Boca Grande is acquired in whole or in part with public funds, staff will seek public input before recommending uses for that property. Staff envisions the process to be similar to the meetings held in Estero prior to and during the design of the Estero Park. Staff would evaluate the merits of all uses of the property and will recommend the use that best serves the public interest, including the residents of Boca Grande.

Staff recommends the transmittal of Policy 5.2.2, as revised.

Policy 5.2.3: Lee County will support efforts in the Historic District to install additional native landscaping, especially along Park Avenue and Fourth Street, to provide greater community aesthetics, safer pedestrian movement, landscaped parking areas for automobiles and golf carts and more efficient traffic flow.

Staff recommends the transmittal of Policy 5.2.3.

Element VI - Historic Preservation

Goal 6 Objective 6.1 - Historic Preservation: To protect, preserve, and enhance the historic resources and heritage of the Boca Grande community.

Objective 6.1: Lee County will seek to preserve the historic resources of Boca Grande through the adoption of policies and regulations that recognize the unique community characteristics, a tranquil residential community, with an historic village center, and abundant open space and preservation areas, and that also recognize the local sensitivity of the community's architecture, history and legacy as an old railroad town.

Staff recommends the transmittal of Objective 6.1, as revised.

Policy 6.1.1: Lee County will establish a Boca Grande Historic Preservation Board with the powers and duties found in Lee County Land Development Code Chapter 22, Section 22-74, which includes

the ability to designate historic resources and to approve or deny applications for Special Certificates of Appropriateness. The Boca Grande Historic Preservation Board will be comprised of seven members from the categories found in the Lee County Land Development Code, Section 22-72, except that whenever possible the members will be residents of the Lee County portion of the Boca Grande community. Members will serve as described in Section 22-72 and will be appointed by the Lee County Board of County Commissioners.

The Lee County Historic Preservation Board (HPB) has jurisdiction over all of unincorporated Lee County. The HPB consists of five members selected because of their expertise and two additional lay members. There are no geographical limitations on membership. The seven member HPB could theoretically be made up entirely of residents of Boca Grande. Since the inception of the HPB the Executive Director of the Gasparilla Island Conservation and Improvement Association has been a member of the HPB. To date, no other resident of Boca Grande has applied to sit on the HPB.

There are opportunities for the residents of Boca Grande to provide comments on proposed projects to the HPB. Lee County staff advertises the Historic Preservation Board agenda in a local paper and sends architectural plans to the Boca Grande Library and the Fust library for viewing by the public. In addition, staff has notified surrounding property owners by sending them copies of the agenda. Residents of Boca Grande can review the agenda and architectural plans and send their comments by mail or give them in person to the Historic Preservation Board at any of their advertised meetings.

The Historic Preservation Ordinance was adopted December 21, 1988. Since adoption, there has been only one appeal of an HPB decision. That case was for an individual designation on Upper Captiva. Staff concludes that there is no demonstrated need for the creation of a Boca Grande Historic Preservation Board at this time.

Staff does not recommend the transmittal of Policy 6.1.1. Rather, staff encourages interested residents of Boca Grande to apply to sit on the Lee County HPB when openings become available. Boca Grande residents are also encouraged to review architectural plans at their libraries and submit their comments to the HPB.

Policy 6.1.2: Lee County will provide copies of applications for historic designations and of all Special Certificates of Appropriateness, as well as administrative variances, to the Document Clearing House as established pursuant to Policy 1.1.4, and will send notices to all surrounding property owners, in order that the community may be better informed and have the opportunity to participate in the process to preserve its historic resources.

Staff recommends the transmittal of Policy 6.1.2, as revised, in lieu of the creation of a Boca Grande Historic Preservation Board.

Policy 6.1.3: Lee County will work with the community of Boca Grande in updating its inventory of contributing and non-contributing structures as part of its efforts to preserve the historic resources of Gasparilla Island. Lee County will assist in efforts to create a record of the historic features of the Island in order to sustain a legacy for future generations.

Staff recommends the transmittal of Policy 6.1.3.

Policy 6.1.4: Lee County will work with the Boca Grande Historic Preservation Board and the community of Boca Grande in reviewing the design parameters applicable to the Historic District of Boca Grande to ascertain whether additions, modifications, or deletions need to be considered.

Policy 6.1.5: Lee County will investigate the designation of Banyan Street as an historic resource and assist with the implementation of additional recommendations found in the *Banyan Tree Assessment Report, Banyan Street-Boca Grande, Florida*, completed by the Lee County Division of Environmental Sciences, as recommended by the Boca Grande Historic Preservation Board.

Staff inadvertently missed the reference to the Boca Grande Historic Preservation Board in Policies 6.1.4 and 6.1.5 prior to the LPA Public Hearing. Staff and the LPA do not recommend the creation of a Boca Grande Historic Preservation Board.

Staff recommends the transmittal of Policies 6.1.4 and 6.1.5, as revised.

Policy 6.1.6: Lee County will investigate additional fiscal and tax incentives to preserve the economic viability of the Historic District of Boca Grande.

Staff recommends the transmittal of Policy 6.1.6.

Policy 6.1.7: Lee County will preserve the historic village character of the commercial sector of Boca Grande ~~through site and design regulation~~ by adhering to the criteria of the *Design Guidelines Manual for the Boca Grande Historic District in Lee County Florida*. Lee County will support efforts of the Boca Grande community to modify site and design regulation within the Boca Grande Historic District of formula fast food restaurants and other similar franchise operations, formula to include commercial signage, and other design components or uses that are not in keeping with the historic elements of the existing community character on Gasparilla Island.

Staff recommends that if additional site and design regulations are developed for the Boca Grande Historic District they should be applied to all commercial property, not just fast food restaurants and other similar franchise operations.

Staff recommends the transmittal of Policy 6.1.7, as revised.

Policy 6.1.8: Lee County will work with the Boca Grande Historic Preservation Board and the community to review the build-back regulations to ascertain whether modifications need to be undertaken in order to restore historic features in the event of catastrophe. If necessary, regulations to allow designated historic resources to be reconstructed will be adopted.

Staff inadvertently missed the reference to the Boca Grande Historic Preservation Board in Policy 6.1.8 prior to the LPA Public Hearing. Staff and the LPA do not recommend the creation of a Boca Grande Historic Preservation Board.

Staff recommends the transmittal of Policy 6.1.8, as revised.

Element VII - Economics

Goal 7 Objective 7.1 - Economics: To identify and preserve the elements of the Gasparilla Island economy that contribute to the quality of life for the residents and stakeholders, including the restaurants, shops, fishing guides, art galleries, real estate companies, and existing commercial businesses which combine to make Boca Grande a unique village economy.

Objective 7.1: Lee County will work with all of the interests that make up the economy of Boca Grande to preserve and promote the economic health of the Boca Grande community while not expanding the amount of commercial property on the Island in accordance with the Gasparilla Island Conservation District Act (GICDA).

Policy 7.1.1: Lee County will support efforts by the Gasparilla Island Bridge Authority (GIBA) to secure funding for the repair and maintenance of the bridges connecting Gasparilla Island to the mainland.

Staff recommends transmittal of Objective 7.1, as revised and Policy 7.1.1.

Policy 7.1.2: Lee County will support efforts to preserve, maintain, and enhance the beaches of Gasparilla Island, ~~exploring alternate funding mechanisms such as the Tourist Development Tax, establishment of a Municipal Service Benefit Unit or a Florida Erosion Control District, or establishment of some alternative cross-jurisdictional funding mechanism. Funded programs will include, but are not limited to, beach restoration and renourishment, erosion control, beach acquisition, beach access maintenance, support of existing beach facilities, and beach clean-up.~~

Lee County has already secured state and bed tax funding, established an MSBU, and is seeking federal funding for the renourishment of the critically eroded beachfront of Gasparilla Island.

Staff recommends the transmittal of Policy 7.1.2, as revised.

Policy 7.1.3: Lee County will support, preserve, protect, and seek to enhance the tarpon and game fishing industry as a vital element of the Boca Grande economy. Support should include appointing Boca Grande representatives of the tarpon and game fishing industry to the Tourist Development Council, identifying and securing funding to study and implement policies to ensure the continued health of the tarpon and game fish population and habitat, and assisting in clean-up operations aimed at removing debris from areas in Charlotte Harbor where tarpon and game fish congregate.

The type of fishery activity described in Policy 7.1.3 is beyond the scope of County services.

Staff does not recommend the transmittal of Policy 7.1.3.

Policy 7.1.4: Lee County will work with the Boca Grande community to review and ensure adopted levels of service for the provision of water, sewer, roadway capacity, and parks and recreation are consistent with the Goals, Objectives and Policies adopted in the Comprehensive Plan.

Policy 7.1.5: To ensure the continued economic health of Boca Grande, Lee County will seek to maximize the efficiency and the functionality of existing parking facilities and review existing

parking standards for their consistency with the historic and environmental constraints found in the community.

Policy 7.1.6: Lee County will coordinate with the Lee County School District to ensure adequate educational opportunities are available to the residents and stakeholders of Boca Grande.

Staff recommends transmittal of Policy 7.1.4, 7.1.5 and 7.1.6.

Policy 7.1.7: To ensure Boca Grande's economic health, Lee County will support the preservation of historic businesses and commercial structures. ~~by providing financial and regulatory incentives for existing businesses.~~ IncentivesSupport may include historic preservation grants and development regulations which will encourage mixed use buildings. The Gasparilla Inn is an example.

Staff recommends that the provision of financial and regulatory incentives should be evaluated when detailed proposals are provided. It is not appropriate to obligate the provision of those incentives without the opportunity to review specific proposals.

Staff recommends the transmittal of Policy 7.1.7, as revised.

B. CONCLUSIONS

The proposed Vision Statement, Goal, Objectives and Policies are the result of nearly a two-year long planning process. They directly reflect the vision that the Boca Grande community has for its community. Staff believes that this amendment should be viewed as another step in a continuous process that addresses planning needs in the Boca Grande community. Many issues have been addressed through this amendment, but there are others, such as those policies (or portions thereof) that staff has recommended for deletion, that will require more consideration in the future.

C. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners transmit the proposed amendment with staff's recommended language as shown in **Part I, Section B.1.** of this report.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: May 23, 2005

A. LOCAL PLANNING AGENCY REVIEW

Following a staff presentation several members of the Boca Grande community spoke in support of the language recommended for transmittal by staff with the exception of Policies 2.1.3, 5.2.2 and 6.1.1. Staff told the LPA that they supported to the planning panels proposed changes to Policies 2.1.3 and 5.2.2, but that they still did not recommend transmittal of Policy 6.1.1.

Staff told the LPA that they would prefer that the Boca Grande residents review applications for Special Certificates of Appropriateness that are available at their local libraries and submit their recommendations to the Historic Preservation Board.

One member of the LPA did not support the last two sentences of Policy 1.1.5. A motion was made to recommend transmittal of the Boca Grande plan amendment as recommended by staff, with changes to Policies 2.1.3 and 5.2.2 as recommended by the Planning Panel and with changes to Policy 1.1.5 as listed below in Part B of this report. It was emphasized that the LPA did not support the creation of the Boca Grande Historic Preservation Board.

One member of the LPA stated his general support for the motion, but did not agree that the change to 1.1.5 was necessary.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Motion to transmit the Boca Grande plan amendment as written in Part I - B of this report with the changes listed below passed 7-0. Changes are shown in bold strike through, bold underline.

Policy 2.1.3: Lee County will assist in efforts to ~~improve~~ **create a Master Plan for improvements to the bike and golf cart path along Gulf Boulevard, south of the village.** ~~A feasibility study will be conducted to see if improvements such as widening of the path and landscaping can improve safety, shared use opportunities, and capacity. Lee County should consider funding the feasibility study and improvements from a portion of the 5% hold back from impact fees and by using county bike/pedestrian funds.~~

Policy 5.2.2: Lee County will assist private and public efforts to acquire the approximately 9.19 acre F. P. & L./Belcher Oil facility owned property located at the south end of Gasparilla Island. **If the Florida Power & Light property on Gasparilla Island is acquired in whole or in part with public funds, Lee County will support a community planning workshop before recommending appropriate uses for**

that property, for the purpose of maintaining it as a passive open space and reestablishing a native habitat across the site.

Policy 1.1.5: The owner or agent for any rezoning, variance or special exception request which requires a public hearing, such as a variance, special exception, or consumption on premises; any request for an Historic District Special Certificate of Appropriateness; or any administrative variance for development on Gasparilla Island, must conduct one public informational meeting in Boca Grande where the owner or agent will provide a general overview of the project for any interested citizens. If the request is located within the Boca Grande Historic District, the informational meeting will be presented to the Boca Grande Historic Preservation Board at its appointed meeting location. For all other requests, the applicant is fully responsible for providing the meeting space and providing security measures as needed.

Lee County encourages zoning staff to participate in such public informational meetings. This meeting must be conducted before the application can be found sufficient. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. Whenever possible, public hearings for proposed projects on Boca Grande should be held between the months of October through May. Public hearings which are held during the months of June through September, will require notification of the date and time of the hearing to surrounding property owners a minimum of one month prior to the hearing date.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

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

C. VOTE:

NOEL ANDRESS	AYE
MATT BIXLER	AYE
DEREK BURR	AYE
RONALD INGE	AYE
CARLETON RYFFEL	AYE
RAYMOND SCHUMANN, ESQ.	AYE
FRED SCHILFFARTH	AYE

Staff inadvertently overlooked the reference to the Boca Grande Historic Preservation Board in Policies 6.1.4, 6.1.5 and 6.1.8. Staff and the LPA do not recommend the creation of a Boca Grande Historic Preservation Board.

Staff recommends the reference to the Boca Grande Historic Preservation Board should be removed from those policies as shown below. Staff's recommended revisions appear in strike through.

Policy 6.1.4: Lee County will work with the ~~Boca Grande Historic Preservation Board~~ and the community of Boca Grande in reviewing the design parameters applicable to the Historic District of Boca Grande to ascertain whether additions, modifications, or deletions need to be considered.

Policy 6.1.5: Lee County will investigate the designation of Banyan Street as an historic resource and assist with the implementation of additional recommendations found in the *Banyan Tree Assessment Report, Banyan Street-Boca Grande, Florida*, completed by the Lee County Division of Environmental Sciences, ~~as recommended by the Boca Grande Historic Preservation Board.~~

Policy 6.1.8: Lee County will work with the ~~Boca Grande Historic Preservation Board~~ and the community to review the build-back regulations to ascertain whether modifications need to be undertaken in order to restore historic features in the event of catastrophe. If necessary, regulations to allow designated historic resources to be reconstructed will be adopted.

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

DATE OF TRANSMITTAL HEARING: June 1, 2005

A. BOARD REVIEW:

Following a presentation by staff the Board had some questions about the amendment. After some discussion, the Board opened the hearing to public comment.

Several members of the Boca Grande Community Panel spoke in support of the proposed amendment, but emphasized they did not want Policy 6.1.1 removed from the amendment as staff and the LPA had recommended. The applicants representatives summarized the panel members comments and also spoke in favor of retaining Policy 6.1.1.

A representative of Florida Power and Light spoke in favor of the amendment and stated they agreed with Policy 5.2.2, as revised at the LPA public hearing.

The Board closed the public hearing. A motion was made and seconded to transmit the amendment with the changes recommended by the LPA to policies 1.1.5, 2.1.3 and 5.2.2. The motion also included the following:

- Transmit Policy 6.1.1
- Insert a date certain for completing Policy 3.1.14
- Transmit Policy 3.2.3
- Include the word "new" in the second sentence of Objective 2.1
- Add the words "and maintain" to Policy 5.2.3
- Add Gasparilla Island Conservation and Improvement Association to Policy 5.1.6

A member of the Board recommended adding the word "reasonable" to Policies 3.1.8 and 3.1.9. After lengthy discussion a motion was made and seconded to add the following sentence to the end of Policy 3.1.8 and Policy 3.1.9: "Nothing in this policy requires Lee County to support unreasonable policies of any other regulatory agency." The vote carried 3-2.

The Board then voted 4-1 to transmit the amendment with the changes listed above.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

Motion to add the sentence "Nothing in this policy requires Lee County to support unreasonable policies of any other regulatory agency" to the end of Policy 3.1.8 and Policy 3.1.9 passed 3-2.

Motion to transmit the amendment with the changes recommended by the LPA to policies 1.1.5, 2.1.3 and 5.2.2 passed 4-1, with the above change and the following additional changes:

- **Transmit Policy 6.1.1**
- **Insert a date certain for completing Policy 3.1.14**
- **Transmit Policy 3.2.3**
- **Include the word “new” in the second sentence of Objective 2.1**
- **Add the words “and maintain” to Policy 5.2.3**
- **Add “Gasparilla Island Conservation and Improvement Association” to Policy 5.1.6**

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

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

C. VOTE:

Motion to add the sentence “Nothing in this policy requires Lee County to support unreasonable policies of any other regulatory agency” to the end of Policy 3.1.8 and Policy 3.1.9

JOHN ALBION	AYE
TAMMY HALL	AYE
BOB JANES	NAY
RAY JUDAH	NAY
DOUG ST. CERNY	AYE

Motion to transmit the amendment with the changes listed in Part IV - B. 1. of this report.

JOHN ALBION	AYE
TAMMY HALL	AYE
BOB JANES	AYE
RAY JUDAH	NAY
DOUG ST. CERNY	AYE

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

DATE OF ORC REPORT: August 19, 2005

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The Department of Community Affairs provided no objection, recommendation or comments concerning the proposed amendment.

B. STAFF RESPONSE

Adopt the proposed amendment as transmitted.

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

DATE OF ADOPTION HEARING: October 12, 2005

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

TAMMY HALL

BOB JANES

RAY JUDAH

DOUG ST. CERNY

**CPA2004-12
BOCA GRANDE
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*

June 7, 2005

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2004-00012**

☒

Text Amendment

☐

Map Amendment

<input checked="" type="checkbox"/>	This Document Contains the Following Reviews:
<input checked="" type="checkbox"/>	Staff Review
<input checked="" type="checkbox"/>	Local Planning Agency Review and Recommendation
<input checked="" 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: May 18, 2005

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. SPONSOR/APPLICANT:

A. SPONSOR:

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

B. APPLICANT

BOCA GRANDE COMMUNITY PLANNING ASSOCIATION, INC.
REPRESENTED BY MORRIS DEPEW

2. REQUEST:

Amend the Future Land Use Element of the Lee Plan to incorporate the recommendations of the Boca Grande Community Planning effort. Establish a new Vision Statement and a new Goal, including Objectives and Policies specific to the Boca Grande community.

B. LANGUAGE TRANSMITTED BY THE BOARD OF COUNTY COMMISSIONERS: *(To assist in the review of this amendment, numbering was not changed when policies were removed through staff review and the public hearing process. This Goal will be renumbered when codified.)*

Vision Statement

2. Boca Grande – This community includes the portions of Gasparilla Island within Lee County and the surrounding smaller islands. The smaller islands in this community have minimal if any development. The core of this community is the unincorporated town of Boca Grande. This community is unique in that it has no direct road access to the rest of Lee County. All access to Boca Grande is via Charlotte County or by boat. The Boca community is designated as Urban Community, Outer Islands, and Public Facilities; however, the Urban Community category is restricted to 3 units per acre within this community. The population of Boca Grande is expected to increase from 888 people in 1996 to 1,201 in 2020. The seasonal influx will remain high in this community with an expected seasonal population in 2020 of 2,834. Currently, less than 15% of Boca Grande is vacant. By the year 2020, this community is expected to build out. The community of Boca Grande is dedicated to preserving its historic character and the community will look largely the same in 2020 as it does today.

There are no sub-communities within the Boca Grande Community.

Gasparilla Island/Boca Grande – In 1980, the Florida Legislature found that the community of Boca Grande, comprised of Gasparilla Island and nearby islands, is part of the fragile barrier island system as defined in the Presidential Directive on barrier islands dated May 23, 1977, and is an area of particular natural beauty containing abundant plant, marine, animal and bird life. The State of Florida recognized that the conservation of the natural beauty, plant, marine, animal and bird life of the islands was in the best interest of the residents and property owners of the islands, the citizens of Lee and Charlotte Counties and the State of Florida, and consequently created the Gasparilla Island Conservation District by enacting the Gasparilla Island Conservation District Act of 1980 (Ch 80-473). The Act was subsequently amended in 1983 and 1986 (Ch 83-385 and Ch 86-341) and is hereafter referred to as the GICDA. The intent of the GICDA is to limit density and development to a level which will not degrade the fragile environment or overburden the limited infrastructure of the islands.

For the purposes of this comprehensive plan, the community of Boca Grande includes Gasparilla Island, Boca Grande Isles, the Gasparilla Golf Course Island, Three Sisters Island, Hoagen's Key, Loomis Island, Cole Island, and the Gasparilla Island bridge lands and causeway islands, and includes all submerged lands, tidal lands, overflow lands and tidal ponds as described in the GICDA.

To insure that the intent of the GICDA is carried out, actions proposed in sections that follow must be undertaken to promote sound environmental policy, preserve the character and history of the community, safeguard the water supply, protect the sports fishing industry and support the essentially seasonal businesses in Boca Grande, and to ensure that residents have adequate access, law enforcement, and emergency and utility services.

The core of the Gasparilla Island/Boca Grande community is the unincorporated village of Boca Grande, designated as an Historic District. This community is unique in that it has no direct road access to or from the rest of Lee County. All access to Boca Grande by motor vehicle is via Charlotte County, or by boat, or small seaplane. The Lee County portion of Gasparilla Island/Boca Grande is designated as Urban Community, Outer Islands, Public Facilities, Conservation Lands, and Wetlands on the Future Land Use Map. Maximum density in the Urban Community category is restricted to three dwelling units per acre.

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, 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.

High priorities for Gasparilla Island/Boca Grande are the preservation and conservation of its fragile environment, including recreation and open space areas, its Historic District, the residents' quality of life and right to continued enjoyment of its natural and cultural gifts, and consistent enforcement of all current and future regulations with respect to zoning, traffic, parking, law enforcement, public utilities, the GICDA and the Historic District.

To the greatest extent possible, the community of Boca Grande, Lee County and Charlotte County should work together to jointly develop land development regulations and ordinances which are required by the policies found in this Comprehensive Plan.

GOAL: The Boca Grande Community Plan seeks to preserve and conserve the surrounding fragile environment, recreation and open space areas, the Historic District, the quality of life and the continued enjoyment of its natural and cultural gifts. The plan seeks consistent enforcement of all current and future regulations with respect to zoning, traffic, parking, law enforcement, public utilities, the Gasparilla Island Conservation District Act and the Boca Grande Historic District.

Objective 1.1 - Future Land Use: To preserve the traditional character, scale, and tranquility of the historic village and residential areas of the Boca Grande community by continuing to limit the densities and intensities of use and development to sustainable levels that will not adversely impact the natural environment, overburden the existing infrastructure, or require additions to the present infrastructure.

Lee County will continue to enforce the regulations found in the Gasparilla Island Conservation District Act, and will assist the residents of Boca Grande to further develop growth management policies and regulations to limit densities and intensities of development on Gasparilla Island, in order to maintain the historic scale and development patterns of the community.

Policy 1.1.1: Lee County will work with the Boca Grande community to establish boating and marine facility site location standards which will help to identify appropriate locations and development regulations that are consistent with a scope and intensity that will protect the community from the potential negative impacts. Future public boat ramps and other watercraft launching facilities on Gasparilla Island will only be developed with adequate on-site parking, and should minimize impacts to traffic and pedestrian safety, the environment, neighborhoods, and consider marine safety issues.

Policy 1.1.2: In order to preserve the existing community character of Boca Grande, the Boca Grande community will work to develop standards to regulate all commercial uses on Gasparilla Island. Development standards will identify commercial design guidelines, parking and signage standards, appropriate intensity of uses and establish location standards to ensure consistency with the existing community character.

Policy 1.1.3: The Boca Grande community will work to develop regulations within two years of the adoption of this Policy, to better manage rental and tour businesses which have an impact on the neighborhoods and environment of the community. These regulations will address issues such as the number and location of operators, safety, privacy, security, liability insurance, parking facilities, property maintenance, storm water management, and compatibility.

Policy 1.1.4: Lee County will work with the Boca Grande community to establish a Document Clearing House in Boca Grande, where copies of selected documents from permit applications, variance requests, staff reports, Hearing Examiner recommendations and resolutions, Historic District Special Certificates of Appropriateness, and Administrative Variances and for any development on Gasparilla Island will be kept for public inspection. The County's failure to provide or to timely provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 1.1.5: The owner or agent for any rezoning, variance or special exception request must conduct one public informational meeting in Boca Grande where the owner or agent will provide a general overview of the project for any interested citizens. The applicant is fully responsible for providing the meeting space and providing security measures as needed.

Lee County encourages zoning staff to participate in such public informational meetings. This meeting must be conducted before the application can be found sufficient. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.

Policy 1.1.7: In order to promote water conservation and better manage this important resource, The Boca Grande community will develop standards for permit requests of new buildings to conduct a cistern feasibility study as part of the permitting process. For redevelopment projects, Lee

County will seek to encourage the establishment of cisterns as a non potable water source, wherever practicable.

Policy 1.1.8: In order to maintain the traditional scale and historic patterns of development on Gasparilla Island, including areas outside the Boca Grande Historic District, The Boca Grande community will develop regulations to preserve light, space and air around new residential dwelling construction and to discourage "mega houses" or "mansionization" of Boca Grande. New development or redevelopment will recognize that traditional setbacks, particularly front and side yard setbacks, as well as strict adherence to the Coastal Construction Control Line, within existing and proposed neighborhoods on Gasparilla Island, should be maintained.

Policy 1.1.10: Lawfully existing businesses and commercial buildings in the Boca Grande commercial areas will be deemed to be vested as related to parking, setbacks, height, and land use. Any expansion or change of use to one of higher intensity will require a review of parking impacts, setbacks, height, and uses as necessary.

Policy 1.1.11: Lee County will support the Boca Grande community in their efforts to further investigate the need for modified development regulations applicable to Boca Grande, based upon the unique nature of the community, the location of Boca Grande on a barrier island at the mouth of Charlotte Harbor, the limited opportunities for supporting infrastructure, the seasonal nature of the demand upon public facilities, and the need for cross-county administration of growth management legislation. The Boca Grande community may propose development regulations that address the following:

- a. The creation of the Gasparilla Island Zoning Overlay district to address inconsistencies with current zoning districts and the comprehensive plan and GICDA, implement policies adopted in this plan, and adopt modified development regulations such as, but not limited to, parking requirements, minimum setbacks, and commercial and residential design standards.
- b. The creation of a marine park zoning district to facilitate consistent local enforcement of existing Federal, State and County regulations in waterfront areas and new regulations to better manage coastal issues such as use and rental of personal watercrafts, abandoned vessels, live aboards, sanitation, water quality, and noise.

Objective 2.1 - Transportation, Parking and Traffic Circulation: To ensure residential and commercial land use in Boca Grande that recognizes the connection between the existing transportation infrastructure and the community's desire to preserve Boca Grande's community character as a tranquil residential community, with an historic village center, and abundant open space and preservation areas. No policy in this community plan will be construed or interpreted to imply that Lee County will implement and/or enforce new traffic regulations, traffic control, or parking regulations which are determined to be significantly substandard or may cause a defined safety or operational problem.

Lee County will recognize the inherent need to limit additional impacts to the existing transportation infrastructure of Boca Grande, the varied types and limited access to the community, the need for alternate forms of transportation within the community, the need for specialized standards for parking and commercial service areas, and the seasonal nature of infrastructure demand that exists throughout the community.

Policy 2.1.1: Lee County will continue to enforce the provisions of the Gasparilla Island Conservation District Act which limit growth, limit building height and restrict advertising throughout Boca Grande.

Policy 2.1.2: Lee County will support the provision of convenient, safe bridges providing access to Gasparilla and Cole Islands and supports the highest standard of safety for vehicles, golf carts, bicycles, and pedestrians including strict enforcement of traffic laws.

Policy 2.1.3: Lee County will assist in efforts to create a Master Plan for improvements to the bike and golf cart path along Gulf Boulevard, south of the village.

Policy 2.1.5: In order to preserve the historic characteristics of the community, Lee County will support the use of all way stop intersections or other traffic control methods, rather than traffic signals, whenever possible in the Boca Grande community.

Policy 2.1.6: Lee County will support efforts of the Boca Grande community to beautify road right-of-ways and enhance the public realm of Boca Grande by including provisions for streetscaping in Historic Downtown Villages in the Lee Scape Master Plan. In order to maintain low traffic volumes, operating speeds, and noise levels, improvements will emphasize traffic calming techniques, and the need to preserve the aesthetic values of the community. Particular emphasis will be placed in the Historic District. Enhancements may include village streetscaping such as additional street trees, trash receptacles, benches and burying utilities underground.

Policy 2.1.7: Lee County will continue to ensure viable hurricane evacuation options for the residents and stakeholders of Boca Grande.

Policy 2.1.8: Lee County will support improvement of pedestrian safety by establishing and marking crosswalks throughout the community, and by improving pedestrian circulation within the Historic District.

Objective 2.2: Lee County will consider a funding request for the Boca Grande Community Plan implementation that provides for a parking and traffic study to identify ways to create safe and efficient parking for employees, patrons and visitors, and to determine the appropriate parking standards which will address the capacity and design needs of the Boca Grande commercial district. The parking and traffic study will address the following policies.

Policy 2.2.1: As a result of regional growth and local redevelopment, Lee County will provide assistance to develop a long-range strategy to address increased parking demand. This may result

in regulations, infrastructure improvements or adoption of management practices which incorporate any number of the following:

- a. Revised traffic count thresholds
- b. Maximum development intensities
- c. Revised minimum parking requirements
- d. Traffic congestion mitigation practices
- e. Vehicle and pedestrian safety programs
- f. Shared parking agreements
- g. Public/Private partnerships to fund new or expanded parking facilities.

Policy 2.2.2: Lee County will seek to maximize the efficiency and the functionality of existing parking facilities by improving trailblazing signage, re-designing existing parking facilities, and creating specific facilities for golf cart and bicycle parking. Designated parking for employees, the appropriate number of parking spaces for new and expanded uses, and enforcement of existing parking restrictions and permit requirements will also be examined.

Policy 2.2.3: Parking along the beach access streets and other public rights-of-way will be regulated to allow convenient ingress and egress to residences and permit adequate emergency vehicle access at all times. Lee County will support efforts of the Boca Grande community to analyze the appropriateness of overnight and long term parking in the public rights-of-way, the Gilchrist median, and along beach access streets.

Policy 2.2.4: Lee County will seek to direct service vehicles and delivery vehicles to designated unloading zones. Due to the traffic congestion in the Historic District, Lee County will assist in establishing time restrictions on service and delivery trucks during peak traffic periods, such as those occurring in March and April.

Policy 2.2.6: For all new development and redevelopment, Lee County will continue to support and improve design and permitting efforts through the site plan review process that adequately address truck deliveries, emergency vehicle access, and solid waste disposal.

Policy 2.2.7: Lee County will assist in a study of traffic patterns and flow in and around the Post Office, Park Avenue, East Railroad Avenue and West Railroad Avenue, seeking to develop a plan of action that will improve the functionality of the infrastructure while preserving the aesthetics of the community.

Objective 3.1 - Conservation and Coastal Management: Lee County will preserve, protect, and, where possible, enhance the physical integrity, village character, ecological values, and natural beauty of Boca Grande and Gasparilla Island, focusing upon the diverse and healthy native vegetation, the clear offshore waters, and the varied and abundant native marine and wildlife resources in a manner compatible with the Gasparilla Island Conservation District Act, the promotion and preservation of the historic Boca Grande village as a thriving community, and preservation of Gasparilla Island's historic heritage.

Lee County will support the efforts of the Federal and State authorities, and the Boca Grande community to preserve, protect, and enhance the positive environmental qualities of Gasparilla Island. Lee County will involve local community organizations in the planning process and will enforce these community plan policies through implementation in the land development regulations.

Policy 3.1.1: Lee County will support and encourage beach renourishment and other efforts to maintain the beaches and protect Gasparilla Island from tidal events.

Policy 3.1.3: Lee County will support the State's efforts to protect and preserve mangroves both on private properties as well as within public lands and easements. Not later than December 31, 2005, Lee County will review the State regulations regarding mangrove trimming and removal and determine whether additional protections need to be enacted on Gasparilla Island to protect its fragile environment.

Policy 3.1.5: Lee County will strictly enforce its own policies related to the preservation of the beach dune system, beach dune vegetation, and beach dune wildlife, by discouraging any construction seaward of the 1979 Coastal Construction Control Line. This policy will not apply to the placement of raised walkways intended to cross over the dune system from adjoining properties, nor will it apply to bona fide beach renourishment and shoreline protection efforts. Lee County will support the State's efforts to protect the beach dune system, beach dune vegetation, and beach dune wildlife communities on Gasparilla Island.

Policy 3.1.6: The Beach renourishment efforts of Lee County will include the re-establishment of a beach dune system, beach dune vegetation, and beach dune wildlife communities, including nesting birds and turtles, to the greatest extent practicable. Lee County will monitor and enforce its policies and regulations protecting dunes, dune vegetation, and dune wildlife communities on Gasparilla Island. Any rock or hard revetment will be covered with sand and planted with salt resistant native plants.

Policy 3.1.7: Except for emergency events and public purposes, Lee County will ban vehicular traffic from all beaches on Gasparilla Island and will provide enforcement of the ban.

Policy 3.1.8: Lee County will use regulatory powers to preserve, protect, and enhance the marine habitat surrounding Gasparilla Island, including sea grass beds, manatee habitat, estuarine habitat, and near shore waters of Gasparilla Island. Nothing in this policy requires Lee County to support unreasonable policies of any other regulatory agency.

Policy 3.1.9: Lee County will review and enforce all permits for new dock construction to assure the protection of sea grass beds, manatee habitat, tarpon fishing grounds, and other environmental values intrinsic to Charlotte Harbor. Copies of dock and shoreline permits will be sent to the Document Clearing House as established pursuant to Policy 1.1.4. Nothing in this policy requires Lee County to support unreasonable policies of any other regulatory agency.

Policy 3.1.10: Lee County will assist in the enforcement of best management practices for anchorages of Gasparilla Island. The Regional Planning Council and its advisory committees will be the source of such information.

Policy 3.1.11: Within two years of the adoption of this Policy, Lee County will establish policies and guidelines for beach clean-up during red tide and similar extraordinary tidal events.

Policy 3.1.12: Within two years of the adoption of this Policy, Lee County will establish a program to restore the plant diversity on County owned lands on Gasparilla Island through the removal of exotic vegetation and its replacement with native species. Such a program will be phased so that the general character of the community will be maintained during the maturation process. Exotic species which are killed in place will be removed as appropriate so as not to create a negative impact or create a hazard to the community.

Policy 3.1.13: Lee County will support programs that provide periodic clean-up activities in aquatic preserves, on the beaches of Gasparilla Island, and at beach access points on Gasparilla Island.

Policy 3.1.14: Lee County will work in conjunction with Charlotte County to implement a plan to stop the proliferation of iguanas and other exotic fauna on Gasparilla Island by January, 2006.

Policy 3.1.15: Lee County will provide financial and political support for research into the causes and control of red tide and other similar extraordinary tidal events.

Objective 3.2: Lee County will manage public resources and direct public efforts to preserve, protect, and enhance the natural environments on Gasparilla Island through measures to control the risk of harm attributable to human impact.

Policy 3.2.3: Lee County will support efforts to preserve, protect, and, where possible, enhance the tarpon and game fish population of Charlotte Harbor and the near shore waters of the Gulf of Mexico.

Objective 4.1 - Community Facilities and Services: Lee County will seek to ensure the continued delivery of high quality, accessible community facilities and services that meet the educational, recreational, informational, and public safety, health and welfare needs of the residents, visitors and stakeholders of Boca Grande.

Through the administration of county services, the Land Development and Administrative Codes, and the cooperative efforts of interagency and intergovernmental agreements, Lee County will continue to provide utilities and infrastructure; emergency, law enforcement and fire protection services; education, information resource and recreation services; and mosquito and animal control services, in a safe and efficient manner.

Policy 4.1.1: Lee County will seek to maintain and enhance the public/ private partnership for the operation and enhancement of the Boca Grande Community Center and other County operated facilities open to the public in the community of Boca Grande.

Policy 4.1.2: Lee County will cooperate with the Gasparilla Island Water Association (GIWA) to ensure the continued provision of potable water and sanitary sewer service to the community of Boca Grande. Lee County will continue to support the Wellhead Protection regulations adopted by the GIWA and Charlotte County to protect and preserve the sources upon which the community of Boca Grande relies for its potable water.

Policy 4.1.3: Lee County will facilitate and provide for the disposal of solid waste, including refuse, recyclables, and horticultural waste. Lee County will enter into an inter-governmental agreement with Charlotte County, if necessary, to ensure that the community of Boca Grande will have access to Charlotte County's solid waste disposal area located on Environmental Way in Charlotte County.

Policy 4.1.4: Lee County will facilitate and cooperate with the applicable mosquito control district to control the health risk that mosquitoes represent. Lee County will continue to support the utilization of safe, effective, and environmentally responsible measures for mosquito control, recognizing the need to preserve local flora and fauna, including marine life.

Policy 4.1.5: Lee County will work with the applicable mosquito control district to facilitate the dissemination of aerial spraying schedules, as well as any threat to the public health, to the community of Boca Grande, the Boca Grande Health Clinic, and the newspapers that serve the community of Boca Grande.

Policy 4.1.6: Lee County will support the operation and enhancement of a reference library facility, including the provision and improvement of adequate electronic based equipment, internet access, and software, in cooperation with local community organizations. Professionally trained library personnel will manage and operate the facility.

Policy 4.1.7: So long as local interest exists in the community of Boca Grande to maintain an Island School to serve the population of the community of Boca Grande, Lee County will support the Lee County School Board, if necessary, with an inter-local agreement, in maintaining a viable school site and educational programs. Such support may include, but is not limited to, facilitation of land use regulations, joint use of community resources, funding assistance, joint utilization of staffing, or other applicable coordination efforts.

Policy 4.1.8: Lee County will cooperate with the Boca Grande Fire Control District (BGFCD) in the provision of fire protection services to the community of Boca Grande. Such cooperation will include, but will not be limited to, recognition that the Fire Chief of the BGFCD has the authority for interpretation and enforcement of fire codes in the community of Boca Grande. All homes will be required to have the address clearly posted on the property.

Policy 4.1.9: Lee County will provide the necessary communications infrastructure as required to manage and dispatch all 911 calls affecting the community of Boca Grande, entering into agreements as necessary with the BGFCF and Charlotte County.

Policy 4.1.10: Lee County will cooperate in the establishment of inter-local agreements between and among all necessary parties to provide for: 1) the appropriate handling of hazardous materials incidents; 2) mutual aid agreements with the Englewood Fire Control District and Charlotte County Fire and EMS; 3) advanced life support emergency medical services; and 4) back-up EMS response as may be required by the community of Boca Grande.

Policy 4.1.11: Lee County will cooperate as necessary in the provision of communications, information distribution, public service meetings, educational efforts, and a local liaison for emergency situations affecting the community of Boca Grande. Lee County will maintain an up-to-date list of first-in team contacts, cooperate as necessary with applicable jurisdictions and service providers for communication of evacuation status, shelter locations, and re-entry information in the event of an emergency situation. The issuance of evacuation notices will be coordinated with Charlotte County. Lee County will work with other local, State, and Federal authorities as necessary to assist in the provision of adequate means by which the community of Boca Grande can be evacuated through the Cape Haze Peninsula in the event of an emergency situation. It is acknowledged that the appropriate Emergency Operations Center (EOC) is determined by the Boca Grande Fire Control District.

Policy 4.1.12: Lee County Emergency Medical Services will provide land or air transportation to the most appropriate facility based on the patients medical history and will maintain a liaison with the Boca Grande Health Clinic to keep the clinic fully informed of all Emergency Medical protocols and procedures for operations and any changes that may be implemented whether temporary or permanent. The Boca Grande Health Clinic will be informed relating to any public health issues or public county health problems.

Policy 4.1.13: Lee County will promote and assist as necessary in the provision of a full-time police and law enforcement presence for the community of Boca Grande. Cooperative arrangements in the form of inter-local agreements, or other mechanisms as may be applicable, between Lee and Charlotte County will be supported if necessary.

Policy 4.1.14: The Lee County Department of Transportation will continue to provide the necessary maintenance and improvements on all public rights-of-way to ensure the continued safety and efficiency of roadways, paths, and surface water management systems.

Objective 5.1 - Open Space, Recreation and Beautification: Lee County will seek to promote, protect and enhance existing and potential open space, recreational facilities, and the quality of life for the residents and stakeholders of Boca Grande. These efforts will enhance the aesthetic qualities of Boca Grande and benefit its residents while preserving the characteristics of its fragile barrier island system.

Lee County recognizes that Boca Grande represents a unique cross-jurisdictional, barrier island community with distinct physical attributes that govern the preservation of open space and recreational opportunities. Lee County will seek to enhance and protect the quality of life for residents, visitors and stakeholders through the preservation of functional open space and recreational opportunities while seeking to limit demands upon a restricted infrastructure and enhance the aesthetic qualities of Gasparilla Island.

Policy 5.1.1: Lee County will support efforts to protect and enhance the functionality of the eight-mile long pedestrian/bike/electric golf cart path on Gasparilla Island. Lee County recognizes that this eight-mile long linear park and path serves a recreational purpose, a transportation purpose, and an aesthetic purpose for the residents, visitors and stakeholders of the Island. Not later than December 31, 2005, Lee County will undertake efforts to improve the pedestrian/bike/electric golf cart path along the southerly end of the path similar to those improvements located in the northerly, GICIA owned portion of the path.

Policy 5.1.2: Lee County will coordinate public works projects, such as street resurfacing, repairs, maintenance, drainage swales and other surface water management systems, with the Boca Grande community so that they include landscaping and aesthetic options that are in keeping with the concept of promoting, preserving and enhancing the ecological and aesthetic values of Gasparilla Island.

Policy 5.1.3: Not later than December 31, 2005, Lee County will investigate the feasibility of converting Banyan Street to a one-way facility and reducing the pavement width in order to better preserve and protect the banyan trees. Lee County will assist in establishing an historic, scenic or similar type of designation, as recommended in the *Banyan Tree Assessment Report, Banyan Street-Boca Grande, Florida*, prepared by the Lee County Division of Environmental Sciences, to further provide for the protection and preservation of this unique street area.

Policy 5.1.4: Upon adoption of this Policy, Lee County will prohibit automobile parking on 5th Street from Park to Gilchrist, known as Mahogany and Veterans Park, in order to protect the unique aesthetic features of this roadway.

Policy 5.1.5: Lee County will continue to support the designation of Gasparilla Island as a bird and wildlife sanctuary, as adopted in Lee County Ordinance 83-16. Lee County will support the efforts of Charlotte County for the designation of Cole Island, Live Oak Key, Peekins Ranch Cove and Key, the fishing pier at the old 400 foot railroad bridge, and the peninsula located north of the Lee County line, (as identified in the Open Space Inventory) and all remaining land zoned Environmentally Sensitive, as well as the Charlotte County portion of Gasparilla Island, as a bird and wildlife sanctuary.

Policy 5.1.6: Lee County will support and promote the preservation of environmentally sensitive lands, and will continue to support, promote and investigate additional funding sources for the Gasparilla Island Conservation and Improvement Association Land Conservancy Stewardship

Program and other preservation programs. Element V of the Boca Grande Community Plan includes the inventory of existing community open space and sensitive lands.

Objective 5.2: Lee County will preserve and maintain the functionality of the existing recreational facilities currently available on the Island.

Policy 5.2.1: Lee County will maintain the existing recreational facilities on Gasparilla Island, including two tennis courts, a basketball court, a volleyball court, the baseball field on Wheeler Street, the various beach access locations, a community playground, the picnic areas, and fishing sites, including one on the Bayou.

Policy 5.2.2: Lee County will assist private and public efforts to acquire the approximately 9.19 acre F. P. & L./Belcher Oil owned property located at the south end of Gasparilla Island. If the Florida Power & Light property on Gasparilla Island is acquired in whole or in part with public funds, Lee County will support a community planning workshop before recommending appropriate uses for that property.

Policy 5.2.3: Lee County will support efforts in the Historic District to install and maintain additional native landscaping, especially along Park Avenue and Fourth Street, to provide greater community aesthetics, safer pedestrian movement, landscaped parking areas for automobiles and golf carts and more efficient traffic flow.

Objective 6.1 - Historic Preservation: To protect, preserve, and enhance the historic resources and heritage of the Boca Grande community.

Lee County will seek to preserve the historic resources of Boca Grande through the adoption of policies and regulations that recognize the unique community characteristics, a tranquil residential community, with an historic village center, and abundant open space and preservation areas, and that also recognize the local sensitivity of the community's architecture, history and legacy as an old railroad town.

Policy 6.1.1: Lee County will establish a Boca Grande Historic Preservation Board with the powers and duties found in Lee County Land Development Code Chapter 22, Section 22-74, which includes the ability to designate historic resources and to approve or deny applications for Special Certificates of Appropriateness. The Boca Grande Historic Preservation Board will be comprised of seven members from the categories found in the Lee County Land Development Code, Section 22-72, except that whenever possible the members will be residents of the Lee County portion of the Boca Grande community. Members will serve as described in Section 22-72 and will be appointed by the Lee County Board of County Commissioners.

Policy 6.1.2: Lee County will provide copies of applications for historic designations and of all Special Certificates of Appropriateness, as well as administrative variances, to the Document Clearing House as established pursuant to Policy 1.1.4, and will send notices to all surrounding property owners, in order that the community may be better informed and have the opportunity to participate in the process to preserve its historic resources.

Policy 6.1.3: Lee County will work with the community of Boca Grande in updating its inventory of contributing and non-contributing structures as part of its efforts to preserve the historic resources of Gasparilla Island. Lee County will assist in efforts to create a record of the historic features of the Island in order to sustain a legacy for future generations.

Policy 6.1.4: Lee County will work with the Boca Grande Historic Preservation Board and the community of Boca Grande in reviewing the design parameters applicable to the Historic District of Boca Grande to ascertain whether additions, modifications, or deletions need to be considered.

Policy 6.1.5: Lee County will investigate the designation of Banyan Street as an historic resource and assist with the implementation of additional recommendations found in the *Banyan Tree Assessment Report, Banyan Street-Boca Grande, Florida*, completed by the Lee County Division of Environmental Sciences, as recommended by the Boca Grande Historic Preservation Board.

Policy 6.1.6: Lee County will investigate additional fiscal and tax incentives to preserve the economic viability of the Historic District of Boca Grande.

Policy 6.1.7: Lee County will preserve the historic village character of the commercial sector of Boca Grande by adhering to the criteria of the *Design Guidelines Manual for the Boca Grande Historic District in Lee County, Florida*. Lee County will support efforts of the Boca Grande community to modify site and design regulation within the Boca Grande Historic District to include commercial signage and other design components or uses that are not in keeping with the historic elements of the existing community character on Gasparilla Island.

Policy 6.1.8: Lee County will work with the Boca Grande Historic Preservation Board and the community to review the build-back regulations to ascertain whether modifications need to be undertaken in order to restore historic features in the event of catastrophe. If necessary, regulations to allow designated historic resources to be reconstructed will be adopted.

Objective 7.1 - Economics: To identify and preserve the elements of the Gasparilla Island economy that contribute to the quality of life for the residents and stakeholders, including the restaurants, shops, fishing guides, art galleries, real estate companies, and existing commercial businesses which combine to make Boca Grande a unique village economy.

Lee County will work with all of the interests that make up the economy of Boca Grande to preserve and promote the economic health of the Boca Grande community while not expanding the amount of commercial property on the Island in accordance with the Gasparilla Island Conservation District Act (GICDA).

Policy 7.1.1: Lee County will support efforts by the Gasparilla Island Bridge Authority (GIBA) to secure funding for the repair and maintenance of the bridges connecting Gasparilla Island to the mainland.

Policy 7.1.2: Lee County will support efforts to preserve, maintain, and enhance the beaches of Gasparilla Island.

Policy 7.1.4: Lee County will work with the Boca Grande community to review and ensure adopted levels of service for the provision of water, sewer, roadway capacity, and parks and recreation are consistent with the Goals, Objectives and Policies adopted in the Comprehensive Plan.

Policy 7.1.5: To ensure the continued economic health of Boca Grande, Lee County will seek to maximize the efficiency and the functionality of existing parking facilities and review existing parking standards for their consistency with the historic and environmental constraints found in the community.

Policy 7.1.6: Lee County will coordinate with the Lee County School District to ensure adequate educational opportunities are available to the residents and stakeholders of Boca Grande.

Policy 7.1.7: To ensure Boca Grande's economic health, Lee County will support the preservation of historic businesses and commercial structures. Support may include historic preservation grants and development regulations which will encourage mixed use buildings. The Gasparilla Inn is an example.

C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, with the revisions proposed by staff. The proposed language submitted by the Boca Grande Community Planning Panel is shown underlined below. Staff's revisions are shown in strike-through double underline format.

If adopted, this amendment will be re-numbered when it is codified into the Lee Plan.

Vision Statement

2. Boca Grande - This community includes the portions of Gasparilla Island within Lee County and the surrounding smaller islands. The smaller islands in this community have minimal if any development. The core of this community is the unincorporated town of Boca Grande. This community is unique in that it has no direct road access to the rest of Lee County. All access to Boca Grande is via Charlotte County or by boat. The Boca community is designated as Urban Community, Outer Islands, and Public Facilities; however, the Urban Community category is restricted to 3 units per acre within this community. The population of Boca Grande is expected to increase from 888 people in 1996 to 1,201 in 2020. The seasonal influx will remain high in this community with an expected seasonal population in 2020 of 2,834. Currently, less than 15% of Boca Grande is vacant. By the year 2020, this community is expected to build out. The community of Boca Grande is dedicated to preserving its historic character and the community will look largely the same in 2020 as it does today.

~~There are no sub-communities within the Boca Grande Community:~~

Gasparilla Island/Boca Grande – In 1980, the Florida Legislature found that the community of Boca Grande, comprised of Gasparilla Island and nearby islands, is part of the fragile barrier island system as defined in the Presidential Directive on barrier islands dated May 23, 1977, and is an area of particular natural beauty containing abundant plant, marine, animal and bird life. The State of Florida recognized that the conservation of the natural beauty, plant, marine, animal and bird life of the islands was in the best interest of the residents and property owners of the islands, the citizens of Lee and Charlotte Counties and the State of Florida, and consequently created the *Gasparilla Island Conservation District* by enacting the Gasparilla Island Conservation District Act of 1980 (Ch 80-473). The Act was subsequently amended in 1983 and 1986 (Ch 83-385 and Ch 86-341) and is hereafter referred to as the GICDA. The intent of the GICDA is to limit density and development to a level which will not degrade the fragile environment or overburden the limited infrastructure of the islands.

For the purposes of this comprehensive plan, the community of Boca Grande includes Gasparilla Island, Boca Grande Isles, the Gasparilla Golf Course Island, Three Sisters Island, Hoagen's Key, Loomis Island, Cole Island, and the Gasparilla Island bridge lands and causeway islands, and includes all submerged lands, tidal lands, overflow lands and tidal ponds as described in the GICDA.

To insure that the intent of the GICDA is carried out, actions proposed in sections that follow must be undertaken to promote sound environmental policy, preserve the character and history of the community, safeguard the water supply, protect the sports fishing industry and support the essentially seasonal businesses in Boca Grande, and to ensure that residents have adequate access, law enforcement, and emergency and utility services.

The core of the Gasparilla Island/Boca Grande community is the unincorporated village of Boca Grande, designated as an Historic District. This community is unique in that it has no direct road access to or from the rest of Lee County. All access to Boca Grande by motor vehicle is via Charlotte County, or by boat, or small seaplane. The Lee County portion of Gasparilla Island/Boca Grande is designated as Urban Community, Outer Islands, Public Facilities, Conservation Lands, and Wetlands on the Future Land Use Map. Maximum density in the Urban Community category is restricted to three dwelling units per acre.

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, 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.

High priorities for Gasparilla Island/Boca Grande are the preservation and conservation of its fragile environment, including recreation and open space areas, its Historic District, the residents' quality of life and right to continued enjoyment of its natural and cultural gifts, and consistent enforcement of all current and future regulations with respect to zoning, traffic, parking, law enforcement, public utilities, the GICDA and the Historic District.

To the greatest extent possible, the community of Boca Grande, Lee County and Charlotte County should work together to jointly develop land development regulations and ordinances which are required by the policies found in this Comprehensive Plan. Different implementing ordinances and regulations should be avoided.

GOAL: The Boca Grande Community Plan seeks to preserve and conserve the surrounding fragile environment, recreation and open space areas, the Historic District, the quality of life and the continued enjoyment of its natural and cultural gifts. The plan seeks consistent enforcement of all current and future regulations with respect to zoning, traffic, parking, law enforcement, public utilities, the Gasparilla Island Conservation District Act and the Boca Grande Historic District.

Element I - Future Land Use

~~Goal~~**Objective 1.1 - Future Land Use:** To preserve the traditional character, scale, and tranquility of the historic village and residential areas of the Boca Grande community by continuing to limit the densities and intensities of use and development to sustainable levels that will not adversely impact the natural environment, overburden the existing infrastructure, or require additions to the present infrastructure.

Objective 1.1: Lee County will continue to enforce the regulations found in the Gasparilla Island Conservation District Act, and will assist the residents of Boca Grande to further develop growth management policies and regulations to limit densities and intensities of development on Gasparilla Island, in order to maintain the historic scale and development patterns of the community.

Policy 1.1.1: Lee County will work with the Boca Grande community to establish boating and marine facility site location standards which will help to identify appropriate locations and development regulations that are consistent with a scope and intensity that will protect the community from the potential negative impacts. Future public boat ramps and other watercraft launching facilities on Gasparilla Island will only be developed with adequate on-site parking, and should minimize impacts to traffic and pedestrian safety, the environment, neighborhoods, and consider marine safety issues.

Policy 1.1.2: In order to preserve the existing community character of Boca Grande, the Boca Grande community will work to develop standards to regulate fast food and retail franchises, and formula restaurants-all commercial uses on Gasparilla Island. ~~will be adopted within two years of the adoption of this Policy.~~ Development standards will identify commercial design guidelines, parking and signage standards, appropriate intensity of uses and establish location standards to ensure consistency with the existing community character. ~~These standards will identify the types of restaurants and franchises which may be incompatible with the community character of Boca Grande and therefore must comply with these development standards. A compliance determination is required by the Boca Grande Historic Preservation Board. Until such regulations are adopted, fast food and retail franchises, and formula restaurants may only be approved by Special Exception and must be found to be compatible with the existing historic conditions and consistent with the Historic District design guidelines.~~

Policy 1.1.3: ~~Changes to the Land Development code will be adopted~~ The Boca Grande community will work to develop regulations within two years of the adoption of this Policy, to better manage rental and tour businesses which have an impact on the neighborhoods and environment of the community. These regulations will address issues such as the number and location of operators, safety, privacy, security, liability insurance, parking facilities, property maintenance, storm water management, and compatibility. ~~Until such regulations are adopted, prior to the issuance of permits or occupational licenses for any new business proposing rental of electric or motorized vehicles such as mopeds, scooters, golf carts, personal watercraft (jet-skis) or similar vehicles, and businesses which operate tour boats, busses, trolleys, carriages, or other vehicles on tours of neighborhoods on Gasparilla Island, the Boca Grande Historic Preservation Board must review the proposed operation and find it is compatible and will preserve the Historic character of Boca Grande.~~

~~Existing rental operations may continue to operate. Additional square footage to any building or an increase in the number of rental vehicles must comply with all existing regulations, including the provision that all outdoor storage must be contained on the business property and comply with existing regulations.~~

Policy 1.1.4: Lee County will work with the Boca Grande Community to establish a Document Clearing House in Boca Grande, where copies of selected documents from permit applications, variance requests, staff reports, Hearing Examiner recommendations and resolutions, Historic District Special Certificates of Appropriateness, and Administrative Variances and for any development on Gasparilla Island will be kept for public inspection. The County's failure to provide or to timely provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 1.1.5: The owner or agent for any rezoning, variance or special exception request which requires a public hearing, such as a variance, special exception, or consumption on premises; any request for an Historic District Special Certificate of Appropriateness; or any administrative variance for development on Gasparilla Island, must conduct one public informational meeting in Boca Grande where the owner or agent will provide a general overview of the project for any interested citizens. If the request is located within the Boca Grande Historic District, the informational meeting will be presented to the Boca Grande Historic Preservation Board at its appointed meeting location. For all other requests, ~~t~~The applicant is fully responsible for providing the meeting space and providing security measures as needed.

Lee County encourages zoning staff to participate in such public informational meetings. This meeting must be conducted before the application can be found sufficient. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. Whenever possible, public hearings for proposed projects on Boca Grande should be held between the months of October through May. Public hearings which are held during the months of June through September, will require notification of the date

and time of the hearing to surrounding property owners a minimum of one month prior to the hearing date.

Policy 1.1.6: In addition to compliance review by Lee County development services staff, Lee County will require that all permit applications for development on Gasparilla Island will bear a statement, signed and notarized by the owner or authorized agent, that they are aware of and will comply with the provisions of the GICDA.

Policy 1.1.7: In order to promote water conservation and better manage this important resource, Lee County the Boca Grande community will investigate the feasibility of requiring all applicants develop standards for permit requests of new structures buildings to conduct a cistern feasibility study as part of the permitting process. For redevelopment projects, Lee County will seek to encourage the establishment of cisterns as a non potable water source, wherever practicable.

Policy 1.1.8: In order to maintain the traditional scale and historic patterns of development on Gasparilla Island, including areas outside the Boca Grande Historic District, Lee County will work with the Boca Grande community to will develop an ordinance regulations to preserve light, space and air around new residential dwelling construction and to discourage "mega houses" or "mansionization" of Boca Grande. New development or redevelopment will recognize that traditional setbacks, particularly front and side yard setbacks, as well as strict adherence to the Coastal Construction Control Line, within existing and proposed neighborhoods on Gasparilla Island, should be maintained. Lee County has determined that house designs which dwarf their neighbors are incompatible with existing historic and traditional neighborhoods and will be discouraged. These regulations will be adopted within two years of the adoption of this policy.

Until such an ordinance is adopted, no variances from existing property development regulations will be approved including setbacks, lot coverage, or height. Contributing structures in the Historic District or structures outside the Historic District which are designated as an historic resource under Chapter 22 of the Land Development Code may seek Special Certificates of Appropriateness and administrative relief from development regulations if approved by the Boca Grande Historic Preservation Board.

Policy 1.1.9: Lee County The Boca Grande community will work to develop policies for Lee County to consider that will enable parcels comprised of multiple lots of record to remain intact. Any redevelopment of other large parcels of land will be consistent with the Gasparilla Island Conservation District Act, will work to preserve open space, and will not exceed three (3) dwelling units per acre. Parcels comprised of more than one lot of record, which are under unified control may not be divided unless the resulting lots conform with the maximum density of 3 dwelling units per acre (minimum lot size of 14,520 square feet), as established in the Lee Plan, Table 1(a), Note #5.

Policy 1.1.10: Lawfully existing businesses and commercial buildings in the Boca Grande commercial areas will be deemed to be vested as related to parking, setbacks, height, and land use. Any expansion or change of use to one of higher intensity will require a review of parking impacts, setbacks, height, and uses as necessary. Any new or expanded uses in the Historic District will

require public review and a finding by the Boca Grande Historic Preservation Board that the project is consistent with the community's historic village character.

Policy 1.1.11: Lee County will support the Boca Grande community in their efforts to further investigate the need for modified development requirements regulations applicable to Boca Grande, based upon the unique nature of the community, the location of Boca Grande on a barrier island at the mouth of Charlotte Harbor, the limited opportunities for supporting infrastructure, the seasonal nature of the demand upon public facilities, and the need for cross-county administration of growth management legislation. Such support The Boca Grande Community may propose development regulations that address include the following:

- a. The creation of the Gasparilla Island Zoning Overlay district to address inconsistencies with current zoning districts and the comprehensive plan and GICDA, implement policies adopted in this plan, and adopt modified development regulations such as, but not limited to, parking requirements, minimum setbacks, and commercial and residential design standards.
- b. The creation of a marine park zoning district to facilitate consistent local enforcement of existing Federal, State and County regulations in waterfront areas and new regulations to better manage coastal issues such as use and rental of personal watercrafts, abandoned vessels, live aboards, sanitation, water quality, and noise.
- c. Completion of an impact study of parking deficiencies prior to granting any additional administrative parking variances in the historic village commercial area. Until such time as the parking study is completed, new construction will be required to meet current parking requirements for its intended use.

Element H - Transportation, Parking and Traffic Circulation

Goal2Objective 2.1 - Transportation, Parking and Traffic Circulation: To ensure residential and commercial land use in Boca Grande that recognizes the connection between the existing transportation infrastructure and the community's desire to preserve Boca Grande's community character as a tranquil residential community, with an historic village center, and abundant open space and preservation areas. No policy in this community plan will be construed or interpreted to imply that Lee County will implement and/or enforce traffic regulations, traffic control, or parking regulations which are determined to be significantly substandard or may cause a defined safety or operational problem.

Objective 2.1: Lee County will recognize the inherent need to limit additional impacts to the existing transportation infrastructure of Boca Grande, the varied types and limited access to the community, the need for alternate forms of transportation within the community, the need for specialized standards for parking and commercial service areas, and the seasonal nature of infrastructure demand that exists throughout the community.

Policy 2.1.1: Lee County will continue to enforce the provisions of the Gasparilla Island Conservation District Act which limit growth, limit building height and restrict advertising throughout Boca Grande.

Policy 2.1.2: Lee County will support the provision of convenient, safe bridges providing access to Gasparilla and Cole Islands and supports ~~through support of the autonomy of the Gasparilla Island Bridge Authority (GIBA), support for the highest standard of safety for vehicles, golf carts, bicycles, and pedestrians including, and support of strict enforcement of traffic laws.~~

Policy 2.1.3: Lee County will assist in efforts to improve the bike and golf cart path along Gulf Boulevard, south of the village. ~~A feasibility study will be conducted to see if improvements such as widening of the path and landscaping can improve safety, shared use opportunities, and capacity. Lee County should consider funding the feasibility study and improvements from a portion of the 5% hold back from impact fees and by using county bike/pedestrian funds.~~

Policy 2.1.4: ~~To assure bicycles and golf cart safety, Lee County will enforce bicycle safety regulations specified in Section 316.2065, Florida Statutes, and golf cart regulations specified in Section 316.212 F.S. and Section 316.1995.~~

Policy 2.1.5: In order to preserve the historic characteristics of the community, Lee County will support the use of all way stop intersections or other traffic control methods, rather than traffic signals, whenever possible in the Boca Grande community.

Policy 2.1.6: Lee County will support efforts of the Boca Grande community to beautify road right-of-ways and enhance the public realm of Boca Grande by including provisions for streetscaping in Historic Downtown Villages in the Lee Scape Master Plan. In order to maintain low traffic volumes, operating speeds, and noise levels, improvements will emphasize traffic calming techniques, and the need to preserve the aesthetic values of the community. Particular emphasis will be placed in the Historic District. Enhancements may include village streetscaping such as additional street trees, trash receptacles, benches and burying utilities underground.

Policy 2.1.7: Lee County will continue to ensure viable hurricane evacuation options for the residents and stakeholders of Boca Grande.

Policy 2.1.8: Lee County will support improvement of pedestrian safety by establishing and marking crosswalks throughout the community; and by improving pedestrian circulation within the Historic District, and consistently enforcing all regulations on the bike paths, which includes minimum age requirements for operation of golf carts.

Objective 2.2: Lee County will ~~support~~consider a funding request for the Boca Grande Community Plan implementation that provides for a parking and traffic study to identify ways to create safe and efficient parking for employees, patrons and visitors, and to determine the appropriate parking standards which will address the capacity and design needs of the Boca Grande commercial district. The parking and traffic study will address the following policies.

Policy 2.2.1: As a result of regional growth and local redevelopment, Lee County will provide assistance to develop a long-range strategy to address increased parking demand. This may result

in regulations, infrastructure improvements or adoption of management practices which incorporate any number of the following:

- a. Revised traffic count thresholds
- b. Maximum development intensities
- c. Revised minimum parking requirements
- d. Traffic congestion mitigation practices
- e. Vehicle and pedestrian safety programs
- f. Shared parking agreements
- g. Public/Private partnerships to fund new or expanded parking facilities.

Policy 2.2.2: Lee County will seek to maximize the efficiency and the functionality of existing parking facilities by improving trailblazing signage, re-designing existing parking facilities, and creating specific facilities for golf cart and bicycle parking. Designated parking for employees, the appropriate number of parking spaces for new and expanded uses, and enforcement of existing parking restrictions and permit requirements will also be examined.

Policy 2.2.3: Parking along the beach access streets and other public rights-of-way will be regulated to allow convenient ingress and egress to residences and permit adequate emergency vehicle access at all times. Lee County will support efforts of the Boca Grande community to analyze the appropriateness of overnight and long term parking in the public rights-of-way, the Gilchrist median, and along beach access streets.

Policy 2.2.4: Lee County will seek to direct service vehicles and delivery vehicles to designated unloading zones. Due to the traffic congestion in the Historic District, Lee County will assist in establishing time restrictions on service and delivery trucks during peak traffic periods, such as those occurring in March and April.

Policy 2.2.5: Lee County will encourage alternative transportation by supporting golf cart and bicycle use and improving design for golf cart and bicycle parking throughout the Boca Grande community.

Policy 2.2.6: For all new development and redevelopment, Lee County will continue to support and improve design and permitting efforts through the site plan review process that adequately address truck deliveries, emergency vehicle access, and solid waste disposal.

Policy 2.2.7: Lee County will assist in a study of traffic patterns and flow in and around the Post Office, Park Avenue, East Railroad Avenue and West Railroad Avenue, seeking to develop a plan of action that will improve the functionality of the infrastructure while preserving the aesthetics of the community.

Policy 2.2.8: To preserve the capacity of the existing roadways and parking facilities, Lee County will adopt regulations within two years of the adoption of this Policy, that address the appropriateness of high impact uses such as fast food restaurants, convenience food stores, and other franchise retail stores and restaurants.

Element III - Conservation and Coastal Management

Goal 3 Objective 3.1 - Conservation and Coastal Management: Lee County will preserve, protect, and, where possible, enhance the physical integrity, village character, ecological values, and natural beauty of Boca Grande and Gasparilla Island, focusing upon the diverse and healthy native vegetation, the clear offshore waters, and the varied and abundant native marine and wildlife resources in a manner compatible with the Gasparilla Island Conservation District Act, the promotion and preservation of the historic Boca Grande village as a thriving community, and preservation of Gasparilla Island's historic heritage.

Objective 3.1: Lee County will support the efforts of the Federal and State authorities, and the Boca Grande community to preserve, protect, and enhance the positive environmental qualities of Gasparilla Island. Lee County will involve local community organizations in the planning process and will enforce these community plan policies through implementation in the land development regulations.

Policy 3.1.1: Lee County will support and encourage beach renourishment and other efforts to maintain the beaches and protect Gasparilla Island from tidal events.

Policy 3.1.2: Lee County will assist the Boca Grande community in evaluating and promoting the creation of a community wide Municipal Services Benefit Unit, or a Florida Erosion Control District, for assistance in funding beach renourishment projects.

Policy 3.1.3: Lee County will support the State's efforts to protect and preserve mangroves both on private properties as well as within public lands and easements. Not later than December 31, 2005, Lee County will review the State regulations regarding mangrove trimming and removal and determine whether additional protections need to be enacted on Gasparilla Island to protect its fragile environment.

Policy 3.1.4: Since future use of the 9.19 acres of land owned by Florida Power & Light at the south end of Gasparilla Island as passive open space will best serve the goal of enhancing the beauty and environmental integrity of the Island, Lee County will assist private and public efforts to acquire the land for that purpose through financial, administrative and political measures.

Policy 3.1.5: Lee County will strictly enforce its own policies related to the preservation of the beach dune system, beach dune vegetation, and beach dune wildlife, by discouraging any construction seaward of the 1979 Coastal Construction Control Line. This policy will not apply to the placement of raised walkways intended to cross over the dune system from adjoining properties, nor will it apply to bona fide beach renourishment and shoreline protection efforts. Lee County will support the State's efforts to protect the beach dune system, beach dune vegetation, and beach dune wildlife communities on Gasparilla Island.

Policy 3.1.6: The Beach renourishment efforts of Lee County will include the re-establishment of a beach dune system, beach dune vegetation, and beach dune wildlife communities, including nesting birds and turtles, to the greatest extent practicable. Lee County will monitor and enforce its policies and regulations protecting dunes, dune vegetation, and dune wildlife communities on

Gasparilla Island. Any rock or hard revetment will be covered with sand and planted with salt resistant native plants.

Policy 3.1.7: Except for emergency events and public purposes, Lee County will ban vehicular traffic from all beaches on Gasparilla Island and will provide enforcement of the ban.

Policy 3.1.8: Lee County will use regulatory powers to preserve, protect, and enhance the marine habitat surrounding Gasparilla Island, including sea grass beds, manatee habitat, estuarine habitat, and near shore waters of Gasparilla Island.

Policy 3.1.9: Lee County will review and enforce all permits for new dock construction to assure the protection of sea grass beds, manatee habitat, tarpon fishing grounds, and other environmental values intrinsic to Charlotte Harbor. Copies of dock and shoreline permits will be sent to the Document Clearing House as established pursuant to Policy 1.1.4.

Policy 3.1.10: Lee County will assist in the enforcement of ~~sound best management standards and policies for vessel moorings~~ practices for anchorages of Gasparilla Island. The Regional Planning Council and its advisory committees will be the source of such information: ~~in anchorages and bayous of Gasparilla Island.~~

Policy 3.1.11: Within two years of the adoption of this Policy, Lee County will establish policies and guidelines for beach clean-up during red tide and similar extraordinary tidal events.

Policy 3.1.12: Within two years of the adoption of this Policy, Lee County will establish a program to restore the plant diversity on County owned lands on Gasparilla Island through the removal of exotic vegetation and its replacement with native species. Such a program will be phased so that the general character of the community will be maintained during the maturation process. Exotic species which are killed in place will be removed as appropriate so as not to create a negative impact or create a hazard to the community.

Policy 3.1.13: Lee County will support programs that provide periodic clean-up activities in aquatic preserves, on the beaches of Gasparilla Island, and at beach access points on Gasparilla Island.

Policy 3.1.14: Lee County will work in conjunction with Charlotte County to implement a plan to stop the proliferation of iguanas and other exotic fauna on Gasparilla Island.

Policy 3.1.15: Lee County will provide financial and political support for research into the causes and control of red tide and other similar extraordinary tidal events. ~~through the support of efforts such as Solutions to Avoid Red Tide, Inc. (S.T.A.R.T.) and other efforts to address and remedy the problems associated with these occurrences.~~

Objective 3.2: Lee County will manage public resources and direct public efforts to preserve, protect, and enhance the natural environments on Gasparilla Island through measures to control the risk of harm attributable to human impact.

Policy 3.2.1: Lee County will strictly enforce all regulations limiting noise, consumption of alcoholic beverages, littering, signage, and any nuisance activities on all public lands, rights of way, beaches, beach accesses, and public easements.

Policy 3.2.2: Lee County will publicize and enforce the existing 500' buffer zone around Gasparilla Island as designated in Lee County Ordinance 02-14. Lee County will limit the speed of watercraft in this zone where appropriate for the protection of swimmers. Vessel restrictions imposed by County, State or Federal regulations will be appropriately marked and enforced.

Policy 3.2.3: Lee County will support efforts to preserve, protect, and, where possible, enhance the tarpon and game fish population of Charlotte Harbor and the near shore waters of the Gulf of Mexico.

Element IV - Community Facilities and Services

Goal 4 Objective 4.1 - Community Facilities and Services: Lee County will seek to ensure the continued delivery of high quality, accessible community facilities and services that meet the educational, recreational, informational, and public safety, health and welfare needs of the residents, visitors and stakeholders of Boca Grande.

Objective 4.1: Through the administration of county services, the Land Development and Administrative Codes, and the cooperative efforts of interagency and intergovernmental agreements, Lee County will continue to provide utilities and infrastructure; emergency, law enforcement and fire protection services; education, information resource and recreation services; and mosquito and animal control services, in a safe and efficient manner.

Policy 4.1.1: Lee County will seek to maintain and enhance the public/ private partnership for the operation and enhancement of the Boca Grande Community Center and other County operated facilities open to the public in the community of Boca Grande.

Policy 4.1.2: Lee County will cooperate with the Gasparilla Island Water Association (GIWA) to ensure the continued provision of potable water and sanitary sewer service to the community of Boca Grande. Lee County will continue to support the Wellhead Protection regulations adopted by the GIWA and Charlotte County to protect and preserve the sources upon which the community of Boca Grande relies for its potable water.

Policy 4.1.3: Lee County will facilitate and provide for the disposal of solid waste, including refuse, recyclables, and horticultural waste. Lee County will enter into an inter-governmental agreement with Charlotte County, if necessary, to ensure that the community of Boca Grande will have access to Charlotte County's solid waste disposal area located on Environmental Way in Charlotte County.

Policy 4.1.4: Lee County will facilitate and cooperate with the applicable mosquito control district to ensure that adequate measures are undertaken to control the health risk that mosquitoes represent. Lee County will continue to support the utilization of safe, effective, and environmentally

responsible measures for mosquito control, recognizing the need to preserve local flora and fauna, including marine life.

Policy 4.1.5: Lee County will work with the applicable mosquito control district to facilitate the dissemination of aerial spraying schedules, as well as any threat to the public health, to the community of Boca Grande, the Boca Grande Health Clinic, and the newspapers that serve the community of Boca Grande.

Policy 4.1.6: Lee County will support the operation and enhancement of a reference library facility, including the provision and improvement of adequate electronic based equipment, internet access, and software, in cooperation with local community organizations. Professionally trained library personnel will manage and operate the facility. ~~Lee County will seek an inter-governmental agreement with Charlotte County as may be required to provide cross-jurisdictional support of library and information resource services for residents of the community of Boca Grande.~~

Policy 4.1.7: So long as local interest exists in the community of Boca Grande to maintain an Island School to serve the population of the community of Boca Grande, Lee County will support the Lee County School Board, if necessary, with an inter-local agreement, in maintaining a viable school site and educational programs. Such support may include, but is not limited to, facilitation of land use regulations, joint use of community resources, funding assistance, joint utilization of staffing, or other applicable coordination efforts.

Policy 4.1.8: Lee County will cooperate with the Boca Grande Fire Control District (BGFCD) in the provision of fire protection services to the community of Boca Grande. Such cooperation will include, but will not be limited to, recognition that the Fire Chief of the BGFCD has the authority for interpretation and enforcement of fire codes in the community of Boca Grande. All homes will be required to have the address clearly posted on the property.

Policy 4.1.9: Lee County will provide the necessary communications infrastructure as required to manage and dispatch all 911 calls affecting the community of Boca Grande, entering into agreements as necessary with the BGFCD and Charlotte County.

Policy 4.1.10: Lee County will cooperate in the establishment of inter-local agreements between and among all necessary parties to provide for: 1) the appropriate handling of hazardous materials incidents; 2) mutual aid agreements with the Englewood Fire Control District and Charlotte County Fire and EMS; 3) advanced life support emergency medical services; and 4) back-up EMS response as may be required by the community of Boca Grande.

Policy 4.1.11: Lee County will cooperate as necessary in the provision of communications, information distribution, public service meetings, educational efforts, and a local liaison for emergency situations affecting the community of Boca Grande. Lee County will maintain an up-to-date list of first-in team contacts, cooperate as necessary with applicable jurisdictions and service providers for communication of evacuation status, shelter locations, and re-entry information in the event of an emergency situation. The issuance of evacuation notices will be coordinated with Charlotte County. Lee County will work with other local, State, and Federal authorities as necessary to assist in the provision of adequate means by which the community of Boca Grande can

be evacuated through the Cape Haze Peninsula in the event of an emergency situation. It is acknowledged that the appropriate Emergency Operations Center (EOC) is determined by the Boca Grande Fire Control District.

Policy 4.1.12: Lee County Emergency Medical Services will provide land or air transportation to the most appropriate facility based on the patients medical history and will maintain a liaison with the Boca Grande Health Clinic to keep the clinic fully informed of all Emergency Medical protocols and procedures for operations and any changes that may be implemented whether temporary or permanent. The Boca Grande Health Clinic will be informed relating to any public health issues or public county health problems.

Policy 4.1.13: Lee County will promote and assist as necessary in the provision of a full-time police and law enforcement presence for the community of Boca Grande. Cooperative arrangements in the form of inter-local agreements, or other mechanisms as may be applicable, between Lee and Charlotte County will be supported if necessary.

Policy 4.1.14: The Lee County Department of Transportation will continue to provide the necessary maintenance and improvements on all public rights-of-way to ensure the continued safety and efficiency of roadways, paths, and surface water management systems.

Element V - Open Space, Recreation, and Beautification

Goal5Objective 5.1 - Open Space, Recreation and Beautification: Lee County will seek to promote, protect and enhance existing and potential open space, recreational facilities, and the quality of life for the residents and stakeholders of Boca Grande. These efforts will enhance the aesthetic qualities of Boca Grande and benefit its residents while preserving the characteristics of its fragile barrier island system.

Objective 5.1: Lee County recognizes that Boca Grande represents a unique cross-jurisdictional, barrier island community with distinct physical attributes that govern the preservation of open space and recreational opportunities. Lee County will seek to enhance and protect the quality of life for residents, visitors and stakeholders through the preservation of functional open space and recreational opportunities while seeking to limit demands upon a restricted infrastructure and enhance the aesthetic qualities of Gasparilla Island.

Policy 5.1.1: Lee County will support efforts to protect and enhance the functionality of the eight-mile long pedestrian/bike/electric golf cart path on Gasparilla Island. Lee County recognizes that this eight-mile long linear park and path serves a recreational purpose, a transportation purpose, and an aesthetic purpose for the residents, visitors and stakeholders of the Island. Not later than December 31, 2005, Lee County will undertake efforts to improve the pedestrian/bike/electric golf cart path along the southerly end of the path similar to those improvements located in the northerly, GICIA owned portion of the path.

Policy 5.1.2: Lee County will coordinate public works projects, such as street resurfacing, repairs, maintenance, drainage swales and other surface water management systems, with the Boca Grande community so that they include landscaping and aesthetic options that are in keeping with the

concept of promoting, preserving and enhancing the ecological and aesthetic values of Gasparilla Island.

Policy 5.1.3: Not later than December 31, 2005, Lee County will investigate the feasibility of converting Banyan Street to a one-way facility and reducing the pavement width in order to better preserve and protect the banyan trees. Lee County will assist in establishing an historic, scenic or similar type of designation, as recommended in the *Banyan Tree Assessment Report, Banyan Street-Boca Grande, Florida*, prepared by the Lee County Division of Environmental Sciences, to further provide for the protection and preservation of this unique street area.

Policy 5.1.4: Upon adoption of this Policy, Lee County will prohibit automobile parking on 5th Street from Park to Gilchrist, known as Mahogany and Veterans Park, in order to protect the unique aesthetic features of this roadway.

Policy 5.1.5: Lee County will continue to support the designation of Gasparilla Island as a bird and wildlife sanctuary, as adopted in Lee County Ordinance 83-16. Lee County will support the efforts of Charlotte County for the designation of Cole Island, Live Oak Key, Peekins Ranch Cove and Key, the fishing pier at the old 400 foot railroad bridge, and the peninsula located north of the Lee County line, (as identified in the Open Space Inventory) and all remaining land zoned Environmentally Sensitive, as well as the Charlotte County portion of Gasparilla Island, as a bird and wildlife sanctuary.

Policy 5.1.6: Lee County will support and promote the preservation of environmentally sensitive lands, and will continue to support, promote and investigate additional funding sources for the Gasparilla Island Land Conservancy Stewardship Program and other preservation programs. Element V of the Boca Grande Community Plan includes the inventory of existing community open space and sensitive lands.

Objective 5.2: Lee County will preserve and maintain the functionality of the existing recreational facilities currently available on the Island.

Policy 5.2.1: Lee County will maintain the existing recreational facilities on Gasparilla Island, including two tennis courts, a basketball court, a volleyball court, the baseball field on Wheeler Street, the various beach access locations, a community playground, the picnic areas, and fishing sites, including one on the Bayou.

Policy 5.2.2: Lee County will assist private and public efforts to acquire the approximately 9.19 acre F. P. & L./Belcher Oil facility owned property located at the south end of Gasparilla Island. for the purpose of maintaining it as a passive open space and reestablishing a native habitat across the site.

Policy 5.2.3: Lee County will support efforts in the Historic District to install additional native landscaping, especially along Park Avenue and Fourth Street, to provide greater community aesthetics, safer pedestrian movement, landscaped parking areas for automobiles and golf carts and more efficient traffic flow.

Element VI - Historic Preservation

Goal 6 Objective 6.1 - Historic Preservation: To protect, preserve, and enhance the historic resources and heritage of the Boca Grande community.

Objective 6.1: Lee County will seek to preserve the historic resources of Boca Grande through the adoption of policies and regulations that recognize the unique community characteristics, a tranquil residential community, with an historic village center, and abundant open space and preservation areas, and that also recognize the local sensitivity of the community's architecture, history and legacy as an old railroad town.

Policy 6.1.1: Lee County will establish a Boca Grande Historic Preservation Board with the powers and duties found in Lee County Land Development Code Chapter 22, Section 22-74, which includes the ability to designate historic resources and to approve or deny applications for Special Certificates of Appropriateness. The Boca Grande Historic Preservation Board will be comprised of seven members from the categories found in the Lee County Land Development Code, Section 22-72, except that whenever possible the members will be residents of the Lee County portion of the Boca Grande community. Members will serve as described in Section 22-72 and will be appointed by the Lee County Board of County Commissioners.

Policy 6.1.2: Lee County will provide copies of applications for historic designations and of all Special Certificates of Appropriateness, as well as administrative variances, to the Document Clearing House as established pursuant to Policy 1.1.4, and will send notices to all surrounding property owners, in order that the community may be better informed and have the opportunity to participate in the process to preserve its historic resources.

Policy 6.1.3: Lee County will work with the community of Boca Grande in updating its inventory of contributing and non-contributing structures as part of its efforts to preserve the historic resources of Gasparilla Island. Lee County will assist in efforts to create a record of the historic features of the Island in order to sustain a legacy for future generations.

Policy 6.1.4: Lee County will work with the Boca Grande Historic Preservation Board and the community of Boca Grande in reviewing the design parameters applicable to the Historic District of Boca Grande to ascertain whether additions, modifications, or deletions need to be considered.

Policy 6.1.5: Lee County will investigate the designation of Banyan Street as an historic resource and assist with the implementation of additional recommendations found in the *Banyan Tree Assessment Report, Banyan Street-Boca Grande, Florida*, completed by the Lee County Division of Environmental Sciences, as recommended by the Boca Grande Historic Preservation Board.

Policy 6.1.6: Lee County will investigate additional fiscal and tax incentives to preserve the economic viability of the Historic District of Boca Grande.

Policy 6.1.7: Lee County will preserve the historic village character of the commercial sector of Boca Grande through site and design regulation by adhering to the criteria of the *Design Guidelines Manual for the Boca Grande Historic District in Lee County Florida*. Lee County will support

efforts of the Boca Grande community to modify site and design regulation within the Boca Grande Historic District of formula fast food restaurants and other similar franchise operations, formula to include commercial signage, and other design components or uses that are not in keeping with the historic elements of the existing community character on Gasparilla Island.

Policy 6.1.8: Lee County will work with the Boca Grande Historic Preservation Board and the community to review the build-back regulations to ascertain whether modifications need to be undertaken in order to restore historic features in the event of catastrophe. If necessary, regulations to allow designated historic resources to be reconstructed will be adopted.

Element VII - Economics

Goal 7 Objective 7.1 - Economics: To identify and preserve the elements of the Gasparilla Island economy that contribute to the quality of life for the residents and stakeholders, including the restaurants, shops, fishing guides, art galleries, real estate companies, and existing commercial businesses which combine to make Boca Grande a unique village economy.

Objective 7.1: Lee County will work with all of the interests that make up the economy of Boca Grande to preserve and promote the economic health of the Boca Grande community while not expanding the amount of commercial property on the Island in accordance with the Gasparilla Island Conservation District Act (GICDA).

Policy 7.1.1: Lee County will support efforts by the Gasparilla Island Bridge Authority (GIBA) to secure funding for the repair and maintenance of the bridges connecting Gasparilla Island to the mainland.

Policy 7.1.2: Lee County will support efforts to preserve, maintain, and enhance the beaches of Gasparilla Island, ~~exploring alternate funding mechanisms such as the Tourist Development Tax, establishment of a Municipal Service Benefit Unit or a Florida Erosion Control District, or establishment of some alternative cross-jurisdictional funding mechanism.~~ Funded programs will include, but are not limited to, beach restoration and renourishment, erosion control, beach acquisition, beach access maintenance, support of existing beach facilities, and beach clean-up.

Policy 7.1.3: Lee County will support, preserve, protect, and seek to enhance the tarpon and game fishing industry as a vital element of the Boca Grande economy. Support should include appointing Boca Grande representatives of the tarpon and game fishing industry to the Tourist Development Council, identifying and securing funding to study and implement policies to ensure the continued health of the tarpon and game fish population and habitat, and assisting in clean-up operations aimed at removing debris from areas in Charlotte Harbor where tarpon and game fish congregate.

Policy 7.1.4: Lee County will work with the Boca Grande community to review and ensure adopted levels of service for the provision of water, sewer, roadway capacity, and parks and recreation are consistent with the Goals, Objectives and Policies adopted in the Comprehensive Plan.

Policy 7.1.5: To ensure the continued economic health of Boca Grande, Lee County will seek to maximize the efficiency and the functionality of existing parking facilities and review existing

parking standards for their consistency with the historic and environmental constraints found in the community.

Policy 7.1.6: Lee County will coordinate with the Lee County School District to ensure adequate educational opportunities are available to the residents and stakeholders of Boca Grande.

Policy 7.1.7: To ensure Boca Grande's economic health, Lee County will support the preservation of historic businesses and commercial structures. ~~by providing financial and regulatory incentives for existing businesses.~~ IncentivesSupport may include historic preservation grants and development regulations which will encourage mixed use buildings. The Gasparilla Inn is an example.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Boca Grande community began the community planning process in the summer of 2003 following a community meeting with staff during the Evaluation and Appraisal Report process.
- The Boca Grande Community Planning Association, Inc. was formed on December 1, 2003 for the purpose of having a legal entity to contract with Lee County and a planning consultant to develop the Boca Grande Community Plan.
- The Boca Grande community plan has received financial assistance from the Lee County Board of County Commissioners, the Charlotte County Board of County Commissioners and the Gasparilla Island Conservation and Improvement Association.
- The area covered by the Boca Grande Community Plan and this plan amendment is Gasparilla Island, Boca Grande Isles, the Gasparilla Golf Course Island, Three Sisters Island, Hoagen's Key, Loomis Island, Cole Island, and the Gasparilla Island bridge lands and causeway islands, and includes all submerged lands, tidal lands, overflow lands and tidal ponds as described in the GICDA.
- The Boca Grande Community Plan was submitted to Lee County on September 30, 2004.
- The Boca Grande Community Plan recommends establishing a new Vision Statement and a new Goal, and associated Objectives and Policies specific to the Boca Grande community.

The Boca Grande community, through recommendations contained in the Boca Grande Community Plan, has proposed a new Goal, Objectives and Policies for inclusion in the Lee Plan. Some highlights of their proposed amendment include:

- A new Vision Statement for Boca Grande that updates the existing Boca Grande Vision Statement.
- A desire of the community to create new site location standards for boating and marine facilities.
- A desire of the community to develop commercial design guidelines and parking & signage standards.

- The community would like to adopt regulations to further manage rental and tour businesses.
- The creation of a local document clearing house where the public may review copies of selected documents from permit applications, variance requests, staff reports, hearing examiner recommendations, Historic District Special Certificates of Appropriateness and Administrative Variances.
- A requirement for owners or agents for certain development proposals to hold a local public informational meeting prior a finding of sufficiency. Similar requirements are in effect in Estero, Captiva and Caloosahatchee Shores.
- The community desires to have a parking and traffic study conducted to identify ways to create safe and efficient parking for employees, patrons and visitors.
- The community desires to create regulations specific to fast food, formula retail and formula restaurants.
- The Boca Grande community desires Lee County to participate in the acquisition of the approximately 9.19 acre property owned by Florida Power and Light located at the south end of Gasparilla Island.
- The community desires Lee County to protect and enhance the eight-mile long pedestrian/bike/electric golf cart path on Gasparilla Island.
- The community desires to establish a Boca Grande Historic Preservation Board to review applications for Special Certificates of Appropriateness within the Boca Grande Historic District.

D. BACKGROUND INFORMATION

The idea for a community plan on Boca Grande came out of a meeting staff had with the Boca Grande community on April 15, 2003 during the Evaluation and Appraisal Report public participation process. The EAR meeting followed a presentation by the GICIA regarding rapid population growth and development in the surrounding area. Staff mentioned how other community planning efforts had addressed local issues, and this endeavor began.

After that meeting, staff was contacted by members of the Boca Grande community who inquired about the community planning process. Staff met with three Boca Grande residents on May 14, 2003 at the Boca Grande Community Center to discuss the community planning process and the requirements of Administrative Code 13-3.

The Boca Grande community formed a non-profit corporation, the Boca Grande Community Planning Association, Inc. on December 1, 2003 for the purpose of having a legal entity to form the nine-member Boca Grande Community Planning Panel. The panel was fully formed on January, 5, 2004 and held its first meeting on January 8, 2004.

The Boca Grande Community Planning panel requested community Planning Funds from Lee County and the county executed an agreement with the Boca Grande Community Planning Association, Inc. on April 13, 2004 for \$25,000.00 of Community Planning funds. The Planning Association also received a \$25,000.00 grant from the Gasparilla Island Conservation and Improvement Association and \$20,000.00 from Charlotte County to help pay for planning activities on the Charlotte County portion of Gasparilla Island. Lee and Charlotte County entered into an interlocal agreement on December 21, 2004 to allow Lee County to administer the Charlotte County funds.

The Planning Association hired Morris-Depew Associates, Inc. to assist them with writing a community plan for Boca Grande and to help usher the resulting plan amendment through the public hearing process.

The Boca Grande Planning Panel formed eight subcommittees with approximately 50 volunteers. Some of the volunteers served on more than one subcommittee. The Subcommittees had a total of 34 meetings during the period of February 3, 2004 through May 3, 2004 and developed reports which became the basis for drafts of a Vision Statement and Goals, Objectives and Policies prepared by their consultant.

The Boca Grande Community Plan was submitted to Lee County on September 30, 2004 following several summer Planning Panel meetings in July, August and September, 2004. The Boca Grande Community Plan includes a 43 question survey which was mailed to 1,000 members of the Boca Grande Community. Responses were received from 630 residents.

The Boca Grande Planning Panel hired a website specialist and created a detailed web page that includes meeting minutes, names of panel and subcommittee members, the Boca Grande community plan and numerous other documents. The Boca Grande planning web site can be used as a quality model for other community planning efforts to use. The URL for the Boca Grande planning web page is: <http://www.bocagrandeplanning.com>.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The proposed Board sponsored amendment application was received by the County on September 30, 2004. Planning staff provided copies of the proposed amendment and requested comments from various County departments and divisions, including:

- Division of Development Services
- Division of Zoning
- Division of Planning
- Division of Environmental Sciences
- Department of Transportation
- Public Works
- Parks and Recreation
- Utilities
- Smart Growth
- Economic Development
- Natural Resources

- Parks & Recreation
- Lee County Port Authority
- Public Safety
- County Attorney

Comments were received from the Lee County Department of Transportation, Smart Growth, County Attorney, Division of Natural Resources, Parks and Recreation and the Division of Planning. Those comments are attached to this report.

Staff's initial comments were forwarded to the Boca Grande Planning Panel members and their consultant. Staff attending a meeting with the Boca Grande Planning Panel on April 5, 2005 to further explain staff's comments. After that meeting staff mailed a letter dated April 8, 2005 to the Chairman of the Boca Grande Community Planning Panel suggesting changes to the plan amendment and requesting additional information. The Boca Grande Planning Panel revised their proposed amendment in response to many of staff's comments and submitted that revised language to staff on April 20, 2005. Those changes were made to the community's proposed plan amendment language and appear underlined below as if they were part of the original submittal.

The following section of this report includes a proposed new Vision Statement, a new Goal and new Objectives and Policies. Staff's recommended changes to the applicants original and later revised language are in strike through, double underline format. Following each modification are comments and suggestions from Staff.

Vision Statement

2. ~~Boca Grande - This community includes the portions of Gasparilla Island within Lee County and the surrounding smaller islands. The smaller islands in this community have minimal if any development. The core of this community is the unincorporated town of Boca Grande. This community is unique in that it has no direct road access to the rest of Lee County. All access to Boca Grande is via Charlotte County or by boat. The Boca community is designated as Urban Community, Outer Islands, and Public Facilities; however, the Urban Community category is restricted to 3 units per acre within this community. The population of Boca Grande is expected to increase from 888 people in 1996 to 1,201 in 2020. The seasonal influx will remain high in this community with and expected seasonal population in 2020 of 2,834. Currently, less than 15% of Boca Grande is vacant. By the year 2020, this community is expected to build out. The community of Boca Grande is dedicated to preserving its historic character and the community will look largely the same in 2020 as it does today.~~

~~There are no sub-communities within the Boca Grande Community:~~

Gasparilla Island/Boca Grande – In 1980, the Florida Legislature found that the community of Boca Grande, comprised of Gasparilla Island and nearby islands, is part of the fragile barrier island system as defined in the Presidential Directive on barrier islands dated May 23, 1977, and is an area

of particular natural beauty containing abundant plant, marine, animal and bird life. The State of Florida recognized that the conservation of the natural beauty, plant, marine, animal and bird life of the islands was in the best interest of the residents and property owners of the islands, the citizens of Lee and Charlotte Counties and the State of Florida, and consequently created the *Gasparilla Island Conservation District* by enacting the Gasparilla Island Conservation District Act of 1980 (Ch 80-473). The Act was subsequently amended in 1983 and 1986 (Ch 83-385 and Ch 86-341) and is hereafter referred to as the GICDA. The intent of the GICDA is to limit density and development to a level which will not degrade the fragile environment or overburden the limited infrastructure of the islands.

For the purposes of this comprehensive plan, the community of Boca Grande includes Gasparilla Island, Boca Grande Isles, the Gasparilla Golf Course Island, Three Sisters Island, Hoagen's Key, Loomis Island, Cole Island, and the Gasparilla Island bridge lands and causeway islands, and includes all submerged lands, tidal lands, overflow lands and tidal ponds as described in the GICDA.

To insure that the intent of the GICDA is carried out, actions proposed in sections that follow must be undertaken to promote sound environmental policy, preserve the character and history of the community, safeguard the water supply, protect the sports fishing industry and support the essentially seasonal businesses in Boca Grande, and to ensure that residents have adequate access, law enforcement, and emergency and utility services.

The core of the Gasparilla Island/Boca Grande community is the unincorporated village of Boca Grande, designated as an Historic District. This community is unique in that it has no direct road access to or from the rest of Lee County. All access to Boca Grande by motor vehicle is via Charlotte County, or by boat, or small seaplane. The Lee County portion of Gasparilla Island/Boca Grande is designated as Urban Community, Outer Islands, Public Facilities, Conservation Lands, and Wetlands on the Future Land Use Map. Maximum density in the Urban Community category is restricted to three dwelling units per acre.

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, 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.

High priorities for Gasparilla Island/Boca Grande are the preservation and conservation of its fragile environment, including recreation and open space areas, its Historic District, the residents' quality of life and right to continued enjoyment of its natural and cultural gifts, and consistent enforcement of all current and future regulations with respect to zoning, traffic, parking, law enforcement, public utilities, the GICDA and the Historic District.

To the greatest extent possible, the community of Boca Grande, Lee County and Charlotte County should work together to jointly develop land development regulations and ordinances which are

required by the policies found in this Comprehensive Plan. Different implementing ordinances and regulations should be avoided.

The last sentence of the Vision Statement does not contribute anything to the above paragraph. Staff understands the community's desire for Lee and Charlotte Counties to coordinate with each other when adopting implementing regulations for Gasparilla Island. However, while the two County's can strive for compatible development regulations, those regulations will be distinct to each County.

Staff recommends transmitting the Vision Statement, as revised.

GOAL: The Boca Grande Community Plan seeks to preserve and conserve the surrounding fragile environment, recreation and open space areas, the Historic District, the quality of life and the continued enjoyment of its natural and cultural gifts. The plan seeks consistent enforcement of all current and future regulations with respect to zoning, traffic, parking, law enforcement, public utilities, the Gasparilla Island Conservation District Act and the Boca Grande Historic District.

Element I - Future Land Use

Goal 1 Objective 1.1 - Future Land Use: To preserve the traditional character, scale, and tranquility of the historic village and residential areas of the Boca Grande community by continuing to limit the densities and intensities of use and development to sustainable levels that will not adversely impact the natural environment, overburden the existing infrastructure, or require additions to the present infrastructure.

Objective 1.1: Lee County will continue to enforce the regulations found in the Gasparilla Island Conservation District Act, and will assist the residents of Boca Grande to further develop growth management policies and regulations to limit densities and intensities of development on Gasparilla Island, in order to maintain the historic scale and development patterns of the community.

Policy 1.1.1: Lee County will work with the Boca Grande community to establish boating and marine facility site location standards which will help to identify appropriate locations and development regulations that are consistent with a scope and intensity that will protect the community from the potential negative impacts. Future public boat ramps and other watercraft launching facilities on Gasparilla Island will only be developed with adequate on-site parking, and should minimize impacts to traffic and pedestrian safety, the environment, neighborhoods, and consider marine safety issues.

Staff recommends the transmittal of Objective 1.1, as revised and of Policy 1.1.1.

Policy 1.1.2: In order to preserve the existing community character of Boca Grande, the Boca Grande community will work to develop standards to regulate fast food and retail franchises, and formula restaurants all commercial uses on Gasparilla Island. ~~will be adopted within two years of the adoption of this Policy.~~ Development standards will identify commercial design guidelines, parking and signage standards, appropriate intensity of uses and establish location standards to

ensure consistency with the existing community character. These standards will identify the types of restaurants and franchises which may be incompatible with the community character of Boca Grande and therefore must comply with these development standards. A compliance determination is required by the Boca Grande Historic Preservation Board. Until such regulations are adopted, fast food and retail franchises, and formula restaurants may only be approved by Special Exception and must be found to be compatible with the existing historic conditions and consistent with the Historic District design guidelines.

Policy 1.1.2 proposes developing regulations that would only apply to fast food restaurants, formula restaurants and retail franchises. Fast Food Restaurants are defined in Chapter 34 of the Land Development Code. Formula restaurants and retail franchises are not adequately defined in the Policy.

Changing the zoning regulations for fast food restaurants will require amending the Property Development Regulations Table in Chapter 34 of the Land Development Code. If changes to regulations for fast food restaurants would prevent a property owner from obtaining a use that the current regulations will allow, the County could be exposed to liability under the Bert J. Harris, Jr. Private Property Protections Act.

Staff does not recommend creating regulations that distinguish between restaurants and retail uses based on whether they are considered "formula" restaurants or "franchise" retail uses.

Staff recommends that the Boca Grande community develop regulations that apply to all commercial uses on Gasparilla Island, rather than specific types of restaurants and retail uses.

The establishment of location standards on Gasparilla Island will be difficult because the Gasparilla Island District Act does not allow for the creation of new commercial zoning districts. New location standards will have to work within the framework of the property that is currently zoned for commercial uses.

Staff recommends the transmittal of Policy 1.1.2, as revised.

Policy 1.1.3: Changes to the Land Development code will be adopted. The Boca Grande community will work to develop regulations within two years of the adoption of this Policy, to better manage rental and tour businesses which have an impact on the neighborhoods and environment of the community. These regulations will address issues such as the number and location of operators, safety, privacy, security, liability insurance, parking facilities, property maintenance, storm water management, and compatibility. Until such regulations are adopted, prior to the issuance of permits or occupational licenses for any new business proposing rental of electric or motorized vehicles such as mopeds, scooters, golf carts, personal watercraft (jet-skis) or similar vehicles, and businesses which operate tour boats, busses, trolleys, carriages, or other vehicles on tours of neighborhoods on Gasparilla Island, the Boca Grande Historic Preservation Board must review the proposed operation and find it is compatible and will preserve the Historic character of Boca Grande.

Existing rental operations may continue to operate. Additional square footage to any building or an increase in the number of rental vehicles must comply with all existing regulations, including

the provision that all outdoor storage must be contained on the business property and comply with existing regulations.

Staff does not recommend the creation of the Boca Grande Historic Preservation Board. (See staff's comments under proposed Policy 6.1.1, beginning on page 40 of this report)

It is not necessary to state in a Lee Plan policy that compliance with existing regulations is required. Compliance with existing regulations is a given.

The Boca Grande community has expressed interest in applying further controls on rental and tour business operations on Gasparilla Island. Staff recommends that the community work to create proposed regulations that would apply to rental and tour businesses. Those proposed regulations would be considered for adoption through the existing Land Development Code revision process.

Staff recommends the transmittal of Policy 1.1.3, as revised.

Policy 1.1.4: Lee County will work with the Boca Grande Community to establish a Document Clearing House in Boca Grande, where copies of selected documents from permit applications, variance requests, staff reports, Hearing Examiner recommendations and resolutions, Historic District Special Certificates of Appropriateness, and Administrative Variances and for any development on Gasparilla Island will be kept for public inspection. The County's failure to provide or to timely provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Staff recommends the transmittal of Policy 1.1.4.

Policy 1.1.5: The owner or agent for any rezoning, variance or special exception request which requires a public hearing, such as a variance, special exception, or consumption on premises; any request for an Historic District Special Certificate of Appropriateness; or any administrative variance for development on Gasparilla Island, must conduct one public informational meeting in Boca Grande where the owner or agent will provide a general overview of the project for any interested citizens. If the request is located within the Boca Grande Historic District, the informational meeting will be presented to the Boca Grande Historic Preservation Board at its appointed meeting location. For all other requests, the applicant is fully responsible for providing the meeting space and providing security measures as needed.

Lee County encourages zoning staff to participate in such public informational meetings. This meeting must be conducted before the application can be found sufficient. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. Whenever possible, public hearings for proposed projects on Boca Grande should be held between the months of October through May. Public hearings which are held during the months of June through September, will require notification of the date

and time of the hearing to surrounding property owners a minimum of one month prior to the hearing date.

Staff does not recommend requiring a public informational meeting for requests for an Historic District Special Certificate of Appropriateness, or for administrative approvals. Residents seeking a Special Certificate of Appropriateness are already subject to an additional layer of review by the Historic Preservation Board. Requiring another layer of review would not be fair to the applicant. Staff does not think it is appropriate to require applicants for administrative approvals to conduct a public informational meeting on Boca Grande. This practice would delay staff decisions and unfairly burden the applicant.

Consumption on Premises applications that require a Special Exception would require a public informational meeting.

Staff recommends the transmittal of Policy 1.1.5, as revised. It is very similar to policies that are in effect for Estero, Captiva and Caloosahatchee Shores.

Policy 1.1.6: In addition to compliance review by Lee County development services staff, Lee County will require that all permit applications for development on Gasparilla Island will bear a statement, signed and notarized by the owner or authorized agent, that they are aware of and will comply with the provisions of the GICDA.

The Gasparilla Island Conservation District Act (GICDA) has been incorporated into Chapter 34 of the Land Development Code. Development applications are reviewed by staff for compliance with all County regulations, including Chapter 34 of the LDC. The proposed Policy 1.1.6 does not assure compliance with the GICDA.

Staff does not recommend the transmittal of Policy 1.1.6.

Policy 1.1.7: In order to promote water conservation and better manage this important resource, Lee County the Boca Grande community will investigate the feasibility of requiring all applicants develop standards for permit requests of new structures buildings to conduct a cistern feasibility study as part of the permitting process. For redevelopment projects, Lee County will seek to encourage the establishment of cisterns as a non potable water source, wherever practicable.

Staff does not agree it is appropriate to require a cistern feasibility study for each new or redeveloped building in Boca Grande. Staff recommends the community conduct one study that can be used as a model for all new or redeveloped buildings on Boca Grande. Staff does not recommend the use of the word "structure", which could include telecommunication towers.

Staff recommends the transmittal of Policy 1.1.7, as revised.

Policy 1.1.8: In order to maintain the traditional scale and historic patterns of development on Gasparilla Island, including areas outside the Boca Grande Historic District, Lee County will work with the Boca Grande community to will develop an ordinance regulations to preserve light, space and air around new residential dwelling construction and to discourage "mega houses" or

“mansionization” of Boca Grande. New development or redevelopment will recognize that traditional setbacks, particularly front and side yard setbacks, as well as strict adherence to the Coastal Construction Control Line, within existing and proposed neighborhoods on Gasparilla Island, should be maintained. Lee County has determined that house designs which dwarf their neighbors are incompatible with existing historic and traditional neighborhoods and will be discouraged. These regulations will be adopted within two years of the adoption of this policy.

Until such an ordinance is adopted, no variances from existing property development regulations will be approved including setbacks, lot coverage, or height. Contributing structures in the Historic District or structures outside the Historic District which are designated as an historic resource under Chapter 22 of the Land Development Code may seek Special Certificates of Appropriateness and administrative relief from development regulations if approved by the Boca Grande Historic Preservation Board.

There is no official determination by Lee County regarding compatibility of neighboring residential building sizes. No existing regulations directly limit the overall size of residential buildings. Chapter 34 of the Land Development Code regulates lot size, road frontage, building setbacks and maximum building heights. Those regulations create an “envelope” that indirectly limit the maximum size of residential buildings.

Placing restrictions on the size of residential structures relative to the size of an individual lot was also raised by the Captiva Community Planning Panel. Staff encourages the Boca Grande and Captiva planning panels to develop proposed regulations that address the size of residential structures for consideration by the Land Development Code Advisory Committee and County Staff.

Placing a moratorium on variances from the Property Development Regulations on Boca Grande could expose the County to liability under the Bert J. Harris, Jr. Private Property Protections Act.

Staff recommends the transmittal of Policy 1.1.8, as revised.

Policy 1.1.9: Lee County The Boca Grande community will work to develop policies for Lee County to consider that will enable parcels comprised of multiple lots of record to remain intact. Any redevelopment of other large parcels of land will be consistent with the Gasparilla Island Conservation District Act, will work to preserve open space, and will not exceed three (3) dwelling units per acre. Parcels comprised of more than one lot of record, which are under unified control may not be divided unless the resulting lots conform with the maximum density of 3 dwelling units per acre (minimum lot size of 14,520 square feet), as established in the Lee Plan, Table 1(a), Note #5.

In all cases on Gasparilla Island, the maximum density must not exceed 3 dwelling units per acre. The Lee Plan does not regulate lot size on Boca Grande per se. Although lot size may be indirectly affected by the density limitations of the Plan. Lot size on Boca Grande is regulated by Chapter 34 of the Land Development Code.

The substance of this policy is already addressed in the Lee Plan.

Staff does not recommend the transmittal of Policy 1.1.9.

Policy 1.1.10: Lawfully existing businesses and commercial buildings in the Boca Grande commercial areas will be deemed to be vested as related to parking, setbacks, height, and land use. Any expansion or change of use to one of higher intensity will require a review of parking impacts, setbacks, height, and uses as necessary. Any new or expanded uses in the Historic District will require public review and a finding by the Boca Grande Historic Preservation Board that the project is consistent with the community's historic village character.

Staff does not recommend the establishment of a separate Boca Grande Historic Preservation Board.

Staff recommends transmittal of Policy 1.1.10, as revised.

Policy 1.1.11: Lee County will support the Boca Grande community in their efforts to further investigate the need for modified development requirements regulations applicable to Boca Grande, based upon the unique nature of the community, the location of Boca Grande on a barrier island at the mouth of Charlotte Harbor, the limited opportunities for supporting infrastructure, the seasonal nature of the demand upon public facilities, and the need for cross-county administration of growth management legislation. Such support The Boca Grande Community may propose development regulations that address include the following:

- a. The creation of the Gasparilla Island Zoning Overlay district to address inconsistencies with current zoning districts and the comprehensive plan and GICDA, implement policies adopted in this plan, and adopt modified development regulations such as, but not limited to, parking requirements, minimum setbacks, and commercial and residential design standards.
- b. The creation of a marine park zoning district to facilitate consistent local enforcement of existing Federal, State and County regulations in waterfront areas and new regulations to better manage coastal issues such as use and rental of personal watercrafts, abandoned vessels, live aboards, sanitation, water quality, and noise.
- c. Completion of an impact study of parking deficiencies prior to granting any additional administrative parking variances in the historic village commercial area. Until such time as the parking study is completed, new construction will be required to meet current parking requirements for its intended use.

Staff is not convinced that a new zoning overlay district or marine park zoning district are necessary on Boca Grande. However, staff does not oppose the Boca Grande community proposing regulations for staff to review.

The proposed parking study exceeds the County's core level of service. This proposed policy does not explain how the parking study will be funded, or provide specifics about the study's scope or content.

Staff recommends the transmittal of Policy 1.1.11, as revised.

Element II - Transportation, Parking and Traffic Circulation

Goal 2 Objective 2.1 - Transportation, Parking and Traffic Circulation: To ensure residential and commercial land use in Boca Grande that recognizes the connection between the existing transportation infrastructure and the community's desire to preserve Boca Grande's community character as a tranquil residential community, with an historic village center, and abundant open space and preservation areas. No policy in this community plan will be construed or interpreted to imply that Lee County will implement and/or enforce traffic regulations, traffic control, or parking regulations which are determined to be significantly substandard or may cause a defined safety or operational problem.

Objective 2.1: Lee County will recognize the inherent need to limit additional impacts to the existing transportation infrastructure of Boca Grande, the varied types and limited access to the community, the need for alternate forms of transportation within the community, the need for specialized standards for parking and commercial service areas, and the seasonal nature of infrastructure demand that exists throughout the community.

Policy 2.1.1: Lee County will continue to enforce the provisions of the Gasparilla Island Conservation District Act which limit growth, limit building height and restrict advertising throughout Boca Grande.

Staff recommends the transmittal of Objective 2.1, as revised and Policy 2.1.1.

Policy 2.1.2: Lee County will support the provision of convenient, safe bridges providing access to Gasparilla and Cole Islands and supports ~~through support of the autonomy of the Gasparilla Island Bridge Authority (GIBA), support for the highest standard of safety for vehicles, golf carts, bicycles, and pedestrians including, and support of strict enforcement of traffic laws.~~

Lee County supports safe bridge access, but there is no explanation as to how County support of the autonomy of the GIBA achieves safe bridge access. For that reason, staff recommends striking the reference to County support of the autonomy of the GIBA from this proposed policy.

Staff recommends the transmittal of Policy 2.1.2, as revised.

Policy 2.1.3: Lee County will assist in efforts to improve the bike and golf cart path along Gulf Boulevard, south of the village. ~~A feasibility study will be conducted to see if improvements such as widening of the path and landscaping can improve safety, shared use opportunities, and capacity. Lee County should consider funding the feasibility study and improvements from a portion of the 5% hold back from impact fees and by using county bike/pedestrian funds.~~

The County's Bike and Pedestrian Advisory Committee has included improvements to the Gulf Boulevard bike path on its list of recommended projects using the County's bike/ped funds. Funding a feasibility study for a specific bike path extends beyond the County's core level of service.

Staff recommends the transmittal of Policy 2.1.3, as revised.

Policy 2.1.4: To assure bicycles and golf cart safety, Lee County will enforce bicycle safety regulations specified in Section 316.2065, Florida Statutes, and golf cart regulations specified in Section 316.212 F.S. and Section 316.1995.

Policy 2.1.4 references existing Florida laws. It is the responsibility of the Lee County Sheriff to enforce State laws. This policy does not change that responsibility.

Staff does not recommend the transmittal of Policy 2.1.4.

Policy 2.1.5: In order to preserve the historic characteristics of the community, Lee County will support the use of all way stop intersections or other traffic control methods, rather than traffic signals, whenever possible in the Boca Grande community.

Staff recommends the transmittal of Policy 2.1.5.

Policy 2.1.6: Lee County will support efforts of the Boca Grande community to beautify road right-of-ways and enhance the public realm of Boca Grande by including provisions for streetscaping in Historic Downtown Villages in the Lee Scape Master Plan. In order to maintain low traffic volumes, operating speeds, and noise levels, improvements will emphasize traffic calming techniques, and the need to preserve the aesthetic values of the community. Particular emphasis will be placed in the Historic District. Enhancements may include village streetscaping such as additional street trees, trash receptacles, benches and burying utilities underground.

Policy 2.1.6 appears to require the County to exceed its core level of service for roadway landscaping in Boca Grande. Staff recommends including the words "of the Boca Grande community" to clarify that the county will not be responsible for funding those improvements above its core level of service. The Boca Grande community could create an MSTBU for that purpose.

Staff recommends the transmittal of Policy 2.1.6, as revised.

Policy 2.1.7: Lee County will continue to ensure viable hurricane evacuation options for the residents and stakeholders of Boca Grande.

Staff recommends the transmittal of Policy 2.1.7.

Policy 2.1.8: Lee County will support improvement of pedestrian safety by establishing and marking crosswalks throughout the community; and by improving pedestrian circulation within the Historic District; and consistently enforcing all regulations on the bike paths, which includes minimum age requirements for operation of golf carts.

Policies that would be enforced by local law enforcement agencies do not belong in the Lee Plan.

Staff recommends the transmittal of Policy 2.1.8, as revised.

Objective 2.2: Lee County will support consider a funding request for the Boca Grande Community Plan implementation that provides for a parking and traffic study to identify ways to create safe and

efficient parking for employees, patrons and visitors, and to determine the appropriate parking standards which will address the capacity and design needs of the Boca Grande commercial district. The parking and traffic study will address the following policies.

Because there is no detailed information on what the funding request would entail, staff recommends replacing the word “support” with “consider”.

When a detailed funding request for implementing a traffic study comes forward, the BoCC can consider that request. Parking studies and building parking lots are generally beyond the County’s core level of service (Parks and Recreation have owned and operated parking facilities). This is especially true in support of a business district. This objective and related policies raise the question of what the County’s level of involvement should be in this regard.

Staff recommends the transmittal of Objective 2.2.

Policy 2.2.1: As a result of regional growth and local redevelopment, Lee County will provide assistance to develop a long-range strategy to address increased parking demand. This may result in regulations, infrastructure improvements or adoption of management practices which incorporate any number of the following:

- a. Revised traffic count thresholds
- b. Maximum development intensities
- c. Revised minimum parking requirements
- d. Traffic congestion mitigation practices
- e. Vehicle and pedestrian safety programs
- f. Shared parking agreements
- g. Public/Private partnerships to fund new or expanded parking facilities.

Policy 2.2.2: Lee County will seek to maximize the efficiency and the functionality of existing parking facilities by improving trailblazing signage, re-designing existing parking facilities, and creating specific facilities for golf cart and bicycle parking. Designated parking for employees, the appropriate number of parking spaces for new and expanded uses, and enforcement of existing parking restrictions and permit requirements will also be examined.

Policy 2.2.3: Parking along the beach access streets and other public rights-of-way will be regulated to allow convenient ingress and egress to residences and permit adequate emergency vehicle access at all times. Lee County will support efforts of the Boca Grande community to analyze the appropriateness of overnight and long term parking in the public rights-of-way, the Gilchrist median, and along beach access streets.

Policy 2.2.4: Lee County will seek to direct service vehicles and delivery vehicles to designated unloading zones. Due to the traffic congestion in the Historic District, Lee County will assist in establishing time restrictions on service and delivery trucks during peak traffic periods, such as those occurring in March and April.

Staff recommends the transmittal of policies 2.2.1, 2.2.2, 2.2.3 and 2.2.4.

~~Policy 2.2.5: Lee County will encourage alternative transportation by supporting golf cart and bicycle use and improving design for golf cart and bicycle parking throughout the Boca Grande community.~~

Bicycle and parking requirements already exist in the Land Development Code. State Law provides some restrictions on the use of golf carts. It is not clear what type of additional support is envisioned for golf cart and bicycle use.

Staff does not recommend the transmittal of Policy 2.2.5.

~~Policy 2.2.6: For all new development and redevelopment, Lee County will continue to support and improve design and permitting efforts through the site plan review process that adequately address truck deliveries, emergency vehicle access, and solid waste disposal.~~

~~Policy 2.2.7: Lee County will assist in a study of traffic patterns and flow in and around the Post Office, Park Avenue, East Railroad Avenue and West Railroad Avenue, seeking to develop a plan of action that will improve the functionality of the infrastructure while preserving the aesthetics of the community.~~

Staff recommends the transmittal of Policies 2.2.6 and 2.2.7.

~~Policy 2.2.8: To preserve the capacity of the existing roadways and parking facilities, Lee County will adopt regulations within two years of the adoption of this Policy, that address the appropriateness of high impact uses such as fast food restaurants, convenience food stores, and other franchise retail stores and restaurants.~~

Policy 2.2.8 appears to be requiring the County to consider the appropriateness of fast food restaurants, convenience food stores and franchise retail stores and restaurants in Boca Grande.

From a traffic concurrency standpoint, the County considers traffic impacts of all proposed uses on their own merits. The County evaluates traffic concurrency issues during Development Order review and bases decisions on the traffic generated by a particular land use, not on whether the use is a "formula" or "franchise" business.

Staff does not recommend the transmittal of Policy 2.2.8.

Element III - Conservation and Coastal Management

~~Goal 3 Objective 3.1 - Conservation and Coastal Management: Lee County will preserve, protect, and, where possible, enhance the physical integrity, village character, ecological values, and natural beauty of Boca Grande and Gasparilla Island, focusing upon the diverse and healthy native vegetation, the clear offshore waters, and the varied and abundant native marine and wildlife resources in a manner compatible with the Gasparilla Island Conservation District Act, the promotion and preservation of the historic Boca Grande village as a thriving community, and preservation of Gasparilla Island's historic heritage.~~

Objective 3.1: Lee County will support the efforts of the Federal and State authorities, and the Boca Grande community to preserve, protect, and enhance the positive environmental qualities of Gasparilla Island. Lee County will involve local community organizations in the planning process and will enforce these community plan policies through implementation in the land development regulations.

Policy 3.1.1: Lee County will support and encourage beach renourishment and other efforts to maintain the beaches and protect Gasparilla Island from tidal events.

Staff recommends the transmittal of Objective 3.1, as revised and Policy 3.1.1.

Policy 3.1.2: Lee County will assist the Boca Grande community in evaluating and promoting the creation of a community wide Municipal Services Benefit Unit, or a Florida Erosion Control District, for assistance in funding beach renourishment projects.

Policy 3.1.2 is inconsistent with the current policy on how costs are allocated for beach renourishment projects. The project is fully funded. If an MSTBU was established, an assessment of the unit would simply reduce the amount of funds being contributed from other existing sources, the majority of which are grants.

Staff does not recommend transmitting Policy 3.1.2.

Policy 3.1.3: Lee County will support the State's efforts to protect and preserve mangroves both on private properties as well as within public lands and easements. Not later than December 31, 2005, Lee County will review the State regulations regarding mangrove trimming and removal and determine whether additional protections need to be enacted on Gasparilla Island to protect its fragile environment.

Staff recommends the transmittal of Policy 3.1.3.

Policy 3.1.4: Since future use of the 9.19 acres of land owned by Florida Power & Light at the south end of Gasparilla Island as passive open space will best serve the goal of enhancing the beauty and environmental integrity of the Island, Lee County will assist private and public efforts to acquire the land for that purpose through financial, administrative and political measures.

Uses other than passive open space may better serve the residents of Lee County. If the Florida Power & Light facility on Boca Grande is acquired in whole or in part with public funds, staff will evaluate the merits of any use of that property and will recommend the use that best serves the public, including the residents of Boca Grande.

Policy 3.1.4 is similar to Policy 5.2.2., in that both policies state that Lee County will assist in with efforts to acquire the FPL site.

Staff recommends the transmittal of Policy 5.2.2, as revised by staff. Staff does not recommend the transmittal of Policy 3.1.4.

Policy 3.1.5: Lee County will strictly enforce its own policies related to the preservation of the beach dune system, beach dune vegetation, and beach dune wildlife, by discouraging any construction seaward of the 1979 Coastal Construction Control Line. This policy will not apply to the placement of raised walkways intended to cross over the dune system from adjoining properties, nor will it apply to bona fide beach renourishment and shoreline protection efforts. Lee County will support the State's efforts to protect the beach dune system, beach dune vegetation, and beach dune wildlife communities on Gasparilla Island.

Policy 3.1.6: The Beach renourishment efforts of Lee County will include the re-establishment of a beach dune system, beach dune vegetation, and beach dune wildlife communities, including nesting birds and turtles, to the greatest extent practicable. Lee County will monitor and enforce its policies and regulations protecting dunes, dune vegetation, and dune wildlife communities on Gasparilla Island. Any rock or hard revetment will be covered with sand and planted with salt resistant native plants.

Policy 3.1.7: Except for emergency events and public purposes, Lee County will ban vehicular traffic from all beaches on Gasparilla Island and will provide enforcement of the ban.

Policy 3.1.8: Lee County will use regulatory powers to preserve, protect, and enhance the marine habitat surrounding Gasparilla Island, including sea grass beds, manatee habitat, estuarine habitat, and near shore waters of Gasparilla Island.

Policy 3.1.9: Lee County will review and enforce all permits for new dock construction to assure the protection of sea grass beds, manatee habitat, tarpon fishing grounds, and other environmental values intrinsic to Charlotte Harbor. Copies of dock and shoreline permits will be sent to the Document Clearing House as established pursuant to Policy 1.1.4.

Staff recommends the transmittal of Policies 3.1.5, 3.1.6, 3.1.7, 3.1.8 and 3.1.9.

Policy 3.1.10: Lee County will assist in the enforcement of ~~sound best management standards and policies for vessel moorings~~ practices for anchorages of Gasparilla Island. The Regional Planning Council and its advisory committees will be the source of such information. ~~in anchorages and bayous of Gasparilla Island.~~

Staff recommends the transmittal Policy 3.1.10, as revised.

Policy 3.1.11: Within two years of the adoption of this Policy, Lee County will establish policies and guidelines for beach clean-up during red tide and similar extraordinary tidal events.

Policy 3.1.12: Within two years of the adoption of this Policy, Lee County will establish a program to restore the plant diversity on County owned lands on Gasparilla Island through the removal of exotic vegetation and its replacement with native species. Such a program will be phased so that the general character of the community will be maintained during the maturation process. Exotic species which are killed in place will be removed as appropriate so as not to create a negative impact or create a hazard to the community.

Policy 3.1.13: Lee County will support programs that provide periodic clean-up activities in aquatic preserves, on the beaches of Gasparilla Island, and at beach access points on Gasparilla Island.

Policy 3.1.14: Lee County will work in conjunction with Charlotte County to implement a plan to stop the proliferation of iguanas and other exotic fauna on Gasparilla Island.

Staff recommends the transmittal of Policies 3.1.11, 3.1.12, 3.1.13 and 3.1.14.

Policy 3.1.15: Lee County will provide financial and political support for research into the causes and control of red tide and other similar extraordinary tidal events. through the support of efforts such as Solutions to Avoid Red Tide, Inc. (S.T.A.R.T.) and other efforts to address and remedy the problems associated with these occurrences.

Staff believes it is not appropriate to name a specific corporate entity in the comprehensive plan. Lee County has provided support for this kind of research.

Staff recommends the transmittal of Policy 3.1.15, as revised.

Objective 3.2: Lee County will manage public resources and direct public efforts to preserve, protect, and enhance the natural environments on Gasparilla Island through measures to control the risk of harm attributable to human impact.

Staff recommends the transmittal of Objective 3.2.

~~**Policy 3.2.1:** Lee County will strictly enforce all regulations limiting noise, consumption of alcoholic beverages, littering, signage, and any nuisance activities on all public lands, rights of way, beaches, beach accesses, and public easements.~~

Policies that would be enforced by local law enforcement agencies do not belong in the Lee Plan. Lee County does not control the policies of the Lee County Sheriff's office, only the budget.

Staff does not recommend the transmittal of Policy 3.2.1.

~~**Policy 3.2.2:** Lee County will publicize and enforce the existing 500' buffer zone around Gasparilla Island as designated in Lee County Ordinance 02-14. Lee County will limit the speed of watercraft in this zone where appropriate for the protection of swimmers. Vessel restrictions imposed by County, State or Federal regulations will be appropriately marked and enforced.~~

Lee County Ordinance 02-14 maybe inconsistent with Florida Administrative Code 68D-23. The idea of publicizing and increasing enforcement of boating regulations is appropriate, however that effort would be the responsibility of the Lee County Sheriff as the primary enforcement agency.

Recognizing that Lee County Ordinance 02-14 will change over time, staff recommends stating that vessel restrictions imposed by County, State or Federal regulations will be appropriately marked and enforced.

Staff recommends transmitting Policy 3.2.2 for, as revised.

Policy 3.2.3: Lee County will support efforts to preserve, protect, and, where possible, enhance the tarpon and game fish population of Charlotte Harbor and the near shore waters of the Gulf of Mexico.

It is not clear what type of support is envisioned. In addition, this type of fishery activity is beyond the scope of County services.

Staff does not recommend the transmittal of Policy 3.2.3 for review.

Element IV - Community Facilities and Services

Goal 4 Objective 4.1 - Community Facilities and Services: Lee County will seek to ensure the continued delivery of high quality, accessible community facilities and services that meet the educational, recreational, informational, and public safety, health and welfare needs of the residents, visitors and stakeholders of Boca Grande.

Objective 4.1: Through the administration of county services, the Land Development and Administrative Codes, and the cooperative efforts of interagency and intergovernmental agreements, Lee County will continue to provide utilities and infrastructure; emergency, law enforcement and fire protection services; education, information resource and recreation services; and mosquito and animal control services, in a safe and efficient manner.

Policy 4.1.1: Lee County will seek to maintain and enhance the public/ private partnership for the operation and enhancement of the Boca Grande Community Center and other County operated facilities open to the public in the community of Boca Grande.

Policy 4.1.2: Lee County will cooperate with the Gasparilla Island Water Association (GIWA) to ensure the continued provision of potable water and sanitary sewer service to the community of Boca Grande. Lee County will continue to support the Wellhead Protection regulations adopted by the GIWA and Charlotte County to protect and preserve the sources upon which the community of Boca Grande relies for its potable water.

Policy 4.1.3: Lee County will facilitate and provide for the disposal of solid waste, including refuse, recyclables, and horticultural waste. Lee County will enter into an inter-governmental agreement with Charlotte County, if necessary, to ensure that the community of Boca Grande will have access to Charlotte County's solid waste disposal area located on Environmental Way in Charlotte County.

Staff recommends the transmittal of Objective 4.1, as revised and Policies 4.1.1, 4.1.2 and 4.1.3.

Policy 4.1.4: Lee County will facilitate and cooperate with the applicable mosquito control district to ensure that adequate measures are undertaken to control the health risk that mosquitoes represent. Lee County will continue to support the utilization of safe, effective, and environmentally

responsible measures for mosquito control, recognizing the need to preserve local flora and fauna, including marine life.

Staff does not recommend “ensuring” any outcomes that are the responsibility of an independent authority.

Staff recommends the transmittal of Policy 4.1.4, as revised.

Policy 4.1.5: Lee County will work with the applicable mosquito control district to facilitate the dissemination of aerial spraying schedules, as well as any threat to the public health, to the community of Boca Grande, the Boca Grande Health Clinic, and the newspapers that serve the community of Boca Grande.

Staff recommends the transmittal of Policy 4.1.5.

Policy 4.1.6: Lee County will support the operation and enhancement of a reference library facility, including the provision and improvement of adequate electronic based equipment, internet access, and software, in cooperation with local community organizations. Professionally trained library personnel will manage and operate the facility. Lee County will seek an inter-governmental agreement with Charlotte County as may be required to provide cross-jurisdictional support of library and information resource services for residents of the community of Boca Grande.

Lee County has already agreed to a Memorandum of Understanding with Charlotte County in December, 2004, for the creation of a Library Reciprocal Borrowing Program.

It is not clear to what type of cross-jurisdictional support is envisioned and recommends the transmittal of Policy 4.1.6, as revised.

Policy 4.1.7: So long as local interest exists in the community of Boca Grande to maintain an Island School to serve the population of the community of Boca Grande, Lee County will support the Lee County School Board, if necessary, with an inter-local agreement, in maintaining a viable school site and educational programs. Such support may include, but is not limited to, facilitation of land use regulations, joint use of community resources, funding assistance, joint utilization of staffing, or other applicable coordination efforts.

Policy 4.1.8: Lee County will cooperate with the Boca Grande Fire Control District (BGFCD) in the provision of fire protection services to the community of Boca Grande. Such cooperation will include, but will not be limited to, recognition that the Fire Chief of the BGFCD has the authority for interpretation and enforcement of fire codes in the community of Boca Grande. All homes will be required to have the address clearly posted on the property.

Policy 4.1.9: Lee County will provide the necessary communications infrastructure as required to manage and dispatch all 911 calls affecting the community of Boca Grande, entering into agreements as necessary with the BGFCD and Charlotte County.

Policy 4.1.10: Lee County will cooperate in the establishment of inter-local agreements between and among all necessary parties to provide for: 1) the appropriate handling of hazardous materials incidents; 2) mutual aid agreements with the Englewood Fire Control District and Charlotte County Fire and EMS; 3) advanced life support emergency medical services; and 4) back-up EMS response as may be required by the community of Boca Grande.

Policy 4.1.11: Lee County will cooperate as necessary in the provision of communications, information distribution, public service meetings, educational efforts, and a local liaison for emergency situations affecting the community of Boca Grande. Lee County will maintain an up-to-date list of first-in team contacts, cooperate as necessary with applicable jurisdictions and service providers for communication of evacuation status, shelter locations, and re-entry information in the event of an emergency situation. The issuance of evacuation notices will be coordinated with Charlotte County. Lee County will work with other local, State, and Federal authorities as necessary to assist in the provision of adequate means by which the community of Boca Grande can be evacuated through the Cape Haze Peninsula in the event of an emergency situation. It is acknowledged that the appropriate Emergency Operations Center (EOC) is determined by the Boca Grande Fire Control District.

Policy 4.1.12: Lee County Emergency Medical Services will provide land or air transportation to the most appropriate facility based on the patients medical history and will maintain a liaison with the Boca Grande Health Clinic to keep the clinic fully informed of all Emergency Medical protocols and procedures for operations and any changes that may be implemented whether temporary or permanent. The Boca Grande Health Clinic will be informed relating to any public health issues or public county health problems.

Policy 4.1.13: Lee County will promote and assist as necessary in the provision of a full-time police and law enforcement presence for the community of Boca Grande. Cooperative arrangements in the form of inter-local agreements, or other mechanisms as may be applicable, between Lee and Charlotte County will be supported if necessary.

Policy 4.1.14: The Lee County Department of Transportation will continue to provide the necessary maintenance and improvements on all public rights-of-way to ensure the continued safety and efficiency of roadways, paths, and surface water management systems.

Staff recommends the transmittal of Policies 4.1.7, 4.1.8, 4.1.9, 4.1.10, 4.1.11, 4.1.12, 4.1.13 and 4.1.14.

Element V - Open Space, Recreation, and Beautification

Goal5Objective 5.1 - Open Space, Recreation and Beautification: Lee County will seek to promote, protect and enhance existing and potential open space, recreational facilities, and the quality of life for the residents and stakeholders of Boca Grande. These efforts will enhance the aesthetic qualities of Boca Grande and benefit its residents while preserving the characteristics of its fragile barrier island system.

Objective 5.1: Lee County recognizes that Boca Grande represents a unique cross-jurisdictional, barrier island community with distinct physical attributes that govern the preservation of open space and

recreational opportunities. Lee County will seek to enhance and protect the quality of life for residents, visitors and stakeholders through the preservation of functional open space and recreational opportunities while seeking to limit demands upon a restricted infrastructure and enhance the aesthetic qualities of Gasparilla Island.

Policy 5.1.1: Lee County will support efforts to protect and enhance the functionality of the eight-mile long pedestrian/bike/electric golf cart path on Gasparilla Island. Lee County recognizes that this eight-mile long linear park and path serves a recreational purpose, a transportation purpose, and an aesthetic purpose for the residents, visitors and stakeholders of the Island. Not later than December 31, 2005, Lee County will undertake efforts to improve the pedestrian/bike/electric golf cart path along the southerly end of the path similar to those improvements located in the northerly, GICIA owned portion of the path.

Policy 5.1.2: Lee County will coordinate public works projects, such as street resurfacing, repairs, maintenance, drainage swales and other surface water management systems, with the Boca Grande community so that they include landscaping and aesthetic options that are in keeping with the concept of promoting, preserving and enhancing the ecological and aesthetic values of Gasparilla Island.

Policy 5.1.3: Not later than December 31, 2005, Lee County will investigate the feasibility of converting Banyan Street to a one-way facility and reducing the pavement width in order to better preserve and protect the banyan trees. Lee County will assist in establishing an historic, scenic or similar type of designation, as recommended in the *Banyan Tree Assessment Report, Banyan Street-Boca Grande, Florida*, prepared by the Lee County Division of Environmental Sciences, to further provide for the protection and preservation of this unique street area.

Policy 5.1.4: Upon adoption of this Policy, Lee County will prohibit automobile parking on 5th Street from Park to Gilchrist, known as Mahogany and Veterans Park, in order to protect the unique aesthetic features of this roadway.

Policy 5.1.5: Lee County will continue to support the designation of Gasparilla Island as a bird and wildlife sanctuary, as adopted in Lee County Ordinance 83-16. Lee County will support the efforts of Charlotte County for the designation of Cole Island, Live Oak Key, Peekins Ranch Cove and Key, the fishing pier at the old 400 foot railroad bridge, and the peninsula located north of the Lee County line, (as identified in the Open Space Inventory) and all remaining land zoned Environmentally Sensitive, as well as the Charlotte County portion of Gasparilla Island, as a bird and wildlife sanctuary.

Policy 5.1.6: Lee County will support and promote the preservation of environmentally sensitive lands, and will continue to support, promote and investigate additional funding sources for the Gasparilla Island Land Conservancy Stewardship Program and other preservation programs. Element V of the Boca Grande Community Plan includes the inventory of existing community open space and sensitive lands.

Staff recommends transmittal of Objective 5.1, as revised and Policies 5.1.1, 5.1.2, 5.1.3, 5.1.4, 5.1.5 and 5.1.6.

Objective 5.2: Lee County will preserve and maintain the functionality of the existing recreational facilities currently available on the Island.

Policy 5.2.1: Lee County will maintain the existing recreational facilities on Gasparilla Island, including two tennis courts, a basketball court, a volleyball court, the baseball field on Wheeler Street, the various beach access locations, a community playground, the picnic areas, and fishing sites, including one on the Bayou.

Staff recommends the transmittal of Objective 5.2 and Policy 5.2.1.

Policy 5.2.2: Lee County will assist private and public efforts to acquire the approximately 9.19 acre F. P. & L./Belcher Oil facility owned property located at the south end of Gasparilla Island, for the purpose of maintaining it as a passive open space and reestablishing a native habitat across the site.

Uses other than passive open space may better serve the residents of Lee County. If the Florida Power & Light property on Boca Grande is acquired in whole or in part with public funds, staff will seek public input before recommending uses for that property. Staff envisions the process to be similar to the meetings held in Estero prior to and during the design of the Estero Park. Staff would evaluate the merits of all uses of the property and will recommend the use that best serves the public interest, including the residents of Boca Grande.

Staff recommends the transmittal of Policy 5.2.2, as revised.

Policy 5.2.3: Lee County will support efforts in the Historic District to install additional native landscaping, especially along Park Avenue and Fourth Street, to provide greater community aesthetics, safer pedestrian movement, landscaped parking areas for automobiles and golf carts and more efficient traffic flow.

Staff recommends the transmittal of Policy 5.2.3.

Element VI - Historic Preservation

Goal 6 Objective 6.1 - Historic Preservation: To protect, preserve, and enhance the historic resources and heritage of the Boca Grande community.

Objective 6.1: Lee County will seek to preserve the historic resources of Boca Grande through the adoption of policies and regulations that recognize the unique community characteristics, a tranquil residential community, with an historic village center, and abundant open space and preservation areas, and that also recognize the local sensitivity of the community's architecture, history and legacy as an old railroad town.

Staff recommends the transmittal of Objective 6.1, as revised.

Policy 6.1.1: Lee County will establish a Boca Grande Historic Preservation Board with the powers and duties found in Lee County Land Development Code Chapter 22, Section 22-74, which includes

the ability to designate historic resources and to approve or deny applications for Special Certificates of Appropriateness. The Boca Grande Historic Preservation Board will be comprised of seven members from the categories found in the Lee County Land Development Code, Section 22-72, except that whenever possible the members will be residents of the Lee County portion of the Boca Grande community. Members will serve as described in Section 22-72 and will be appointed by the Lee County Board of County Commissioners.

The Lee County Historic Preservation Board (HPB) has jurisdiction over all of unincorporated Lee County. The HPB consists of five members selected because of their expertise and two additional lay members. There are no geographical limitations on membership. The seven member HPB could theoretically be made up entirely of residents of Boca Grande. Since the inception of the HPB the Executive Director of the Gasparilla Island Conservation and Improvement Association has been a member of the HPB. To date, no other resident of Boca Grande has applied to sit on the HPB.

There are opportunities for the residents of Boca Grande to provide comments on proposed projects to the HPB. Lee County staff advertises the Historic Preservation Board agenda in a local paper and sends architectural plans to the Boca Grande Library and the Fust library for viewing by the public. In addition, staff has notified surrounding property owners by sending them copies of the agenda. Residents of Boca Grande can review the agenda and architectural plans and send their comments by mail or give them in person to the Historic Preservation Board at any of their advertised meetings.

The Historic Preservation Ordinance was adopted December 21, 1988. Since adoption, there has been only one appeal of an HPB decision. That case was for an individual designation on Upper Captiva. Staff concludes that there is no demonstrated need for the creation of a Boca Grande Historic Preservation Board at this time.

Staff does not recommend The transmittal of Policy 6.1.1. Rather, staff encourages interested residents of Boca Grande to apply to sit on the Lee County HPB when openings become available. Boca Grande residents are also encouraged to review architectural plans at their libraries and submit their comments to the HPB.

Policy 6.1.2: Lee County will provide copies of applications for historic designations and of all Special Certificates of Appropriateness, as well as administrative variances, to the Document Clearing House as established pursuant to Policy 1.1.4, and will send notices to all surrounding property owners, in order that the community may be better informed and have the opportunity to participate in the process to preserve its historic resources.

Staff recommends the transmittal of Policy 6.1.2, as revised, in lieu of the creation of a Boca Grande Historic Preservation Board.

Policy 6.1.3: Lee County will work with the community of Boca Grande in updating its inventory of contributing and non-contributing structures as part of its efforts to preserve the historic resources of Gasparilla Island. Lee County will assist in efforts to create a record of the historic features of the Island in order to sustain a legacy for future generations.

Staff recommends the transmittal of Policy 6.1.3.

Policy 6.1.4: Lee County will work with the Boca Grande Historic Preservation Board and the community of Boca Grande in reviewing the design parameters applicable to the Historic District of Boca Grande to ascertain whether additions, modifications, or deletions need to be considered.

Policy 6.1.5: Lee County will investigate the designation of Banyan Street as an historic resource and assist with the implementation of additional recommendations found in the *Banyan Tree Assessment Report, Banyan Street-Boca Grande, Florida*, completed by the Lee County Division of Environmental Sciences, as recommended by the Boca Grande Historic Preservation Board.

Staff inadvertently missed the reference to the Boca Grande Historic Preservation Board in Policies 6.1.4 and 6.1.5 prior to the LPA Public Hearing. Staff and the LPA do not recommend the creation of a Boca Grande Historic Preservation Board.

Staff recommends the transmittal of Policies 6.1.4 and 6.1.5, as revised.

Policy 6.1.6: Lee County will investigate additional fiscal and tax incentives to preserve the economic viability of the Historic District of Boca Grande.

Staff recommends the transmittal of Policy 6.1.6.

Policy 6.1.7: Lee County will preserve the historic village character of the commercial sector of Boca Grande ~~through site and design regulation~~ by adhering to the criteria of the *Design Guidelines Manual for the Boca Grande Historic District in Lee County Florida*. Lee County will support efforts of the Boca Grande community to modify site and design regulation within the Boca Grande Historic District of ~~formula fast food restaurants and other similar franchise operations, formula to include commercial signage, and other design components or uses that are not in keeping with the historic elements of the existing community character on Gasparilla Island.~~

Staff recommends that if additional site and design regulations are developed for the Boca Grande Historic District they should be applied to all commercial property, not just fast food restaurants and other similar franchise operations.

Staff recommends the transmittal of Policy 6.1.7, as revised.

Policy 6.1.8: Lee County will work with the Boca Grande Historic Preservation Board and the community to review the build-back regulations to ascertain whether modifications need to be undertaken in order to restore historic features in the event of catastrophe. If necessary, regulations to allow designated historic resources to be reconstructed will be adopted.

Staff inadvertently missed the reference to the Boca Grande Historic Preservation Board in Policy 6.1.8 prior to the LPA Public Hearing. Staff and the LPA do not recommend the creation of a Boca Grande Historic Preservation Board.

Staff recommends the transmittal of Policy 6.1.8, as revised.

Element VII - Economics

Goal 7 Objective 7.1 - Economics: To identify and preserve the elements of the Gasparilla Island economy that contribute to the quality of life for the residents and stakeholders, including the restaurants, shops, fishing guides, art galleries, real estate companies, and existing commercial businesses which combine to make Boca Grande a unique village economy.

Objective 7.1: Lee County will work with all of the interests that make up the economy of Boca Grande to preserve and promote the economic health of the Boca Grande community while not expanding the amount of commercial property on the Island in accordance with the Gasparilla Island Conservation District Act (GICDA).

Policy 7.1.1: Lee County will support efforts by the Gasparilla Island Bridge Authority (GIBA) to secure funding for the repair and maintenance of the bridges connecting Gasparilla Island to the mainland.

Staff recommends transmittal of Objective 7.1, as revised and Policy 7.1.1.

Policy 7.1.2: Lee County will support efforts to preserve, maintain, and enhance the beaches of Gasparilla Island, ~~exploring alternate funding mechanisms such as the Tourist Development Tax, establishment of a Municipal Service Benefit Unit or a Florida Erosion Control District, or establishment of some alternative cross-jurisdictional funding mechanism. Funded programs will include, but are not limited to, beach restoration and renourishment, erosion control, beach acquisition, beach access maintenance, support of existing beach facilities, and beach clean-up.~~

Lee County has already secured state and bed tax funding, established an MSBU, and is seeking federal funding for the renourishment of the critically eroded beachfront of Gasparilla Island.

Staff recommends the transmittal of Policy 7.1.2, as revised.

Policy 7.1.3: Lee County will support, preserve, protect, and seek to enhance the tarpon and game fishing industry as a vital element of the Boca Grande economy. Support should include appointing Boca Grande representatives of the tarpon and game fishing industry to the Tourist Development Council, identifying and securing funding to study and implement policies to ensure the continued health of the tarpon and game fish population and habitat, and assisting in clean-up operations aimed at removing debris from areas in Charlotte Harbor where tarpon and game fish congregate.

The type of fishery activity described in Policy 7.1.3 is beyond the scope of County services.

Staff does not recommend the transmittal of Policy 7.1.3.

Policy 7.1.4: Lee County will work with the Boca Grande community to review and ensure adopted levels of service for the provision of water, sewer, roadway capacity, and parks and recreation are consistent with the Goals, Objectives and Policies adopted in the Comprehensive Plan.

Policy 7.1.5: To ensure the continued economic health of Boca Grande, Lee County will seek to maximize the efficiency and the functionality of existing parking facilities and review existing

parking standards for their consistency with the historic and environmental constraints found in the community.

Policy 7.1.6: Lee County will coordinate with the Lee County School District to ensure adequate educational opportunities are available to the residents and stakeholders of Boca Grande.

Staff recommends transmittal of Policy 7.1.4, 7.1.5 and 7.1.6.

Policy 7.1.7: To ensure Boca Grande's economic health, Lee County will support the preservation of historic businesses and commercial structures. ~~by providing financial and regulatory incentives for existing businesses.~~ IncentivesSupport may include historic preservation grants and development regulations which will encourage mixed use buildings. The Gasparilla Inn is an example.

Staff recommends that the provision of financial and regulatory incentives should be evaluated when detailed proposals are provided. It is not appropriate to obligate the provision of those incentives without the opportunity to review specific proposals.

Staff recommends the transmittal of Policy 7.1.7, as revised.

B. CONCLUSIONS

The proposed Vision Statement, Goal, Objectives and Policies are the result of nearly a two-year long planning process. They directly reflect the vision that the Boca Grande community has for its community. Staff believes that this amendment should be viewed as another step in a continuous process that addresses planning needs in the Boca Grande community. Many issues have been addressed through this amendment, but there are others, such as those policies (or portions thereof) that staff has recommended for deletion, that will require more consideration in the future.

C. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners transmit the proposed amendment with staff's recommended language as shown in **Part I, Section B.1.** of this report.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: May 23, 2005

A. LOCAL PLANNING AGENCY REVIEW

Following a staff presentation several members of the Boca Grande community spoke in support of the language recommended for transmittal by staff with the exception of Policies 2.1.3, 5.2.2 and 6.1.1. Staff told the LPA that they supported to the planning panels proposed changes to Policies 2.1.3 and 5.2.2, but that they still did not recommend transmittal of Policy 6.1.1.

Staff told the LPA that they would prefer that the Boca Grande residents review applications for Special Certificates of Appropriateness that are available at their local libraries and submit their recommendations to the Historic Preservation Board.

One member of the LPA did not support the last two sentences of Policy 1.1.5. A motion was made to recommend transmittal of the Boca Grande plan amendment as recommended by staff, with changes to Policies 2.1.3 and 5.2.2 as recommended by the Planning Panel and with changes to Policy 1.1.5 as listed below in Part B of this report. It was emphasized that the LPA did not support the creation of the Boca Grande Historic Preservation Board.

One member of the LPA stated his general support for the motion, but did not agree that the change to 1.1.5 was necessary.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Motion to transmit the Boca Grande plan amendment as written in Part I - B of this report with the changes listed below passed 7-0. Changes are shown in bold strike through, bold underline.

Policy 2.1.3: ~~Lee County will assist in efforts to improve~~ **create a Master Plan for improvements to the bike and golf cart path along Gulf Boulevard, south of the village. A feasibility study will be conducted to see if improvements such as widening of the path and landscaping can improve safety, shared use opportunities, and capacity. Lee County should consider funding the feasibility study and improvements from a portion of the 5% hold back from impact fees and by using county bike/pedestrian funds.**

Policy 5.2.2: ~~Lee County will assist private and public efforts to acquire the approximately 9.19 acre F. P. & L./Belcher Oil facility owned property located at the south end of Gasparilla Island. If the Florida Power & Light property on Gasparilla Island is acquired in whole or in part with public funds, Lee County will support a community planning workshop before recommending appropriate uses for~~

that property, for the purpose of maintaining it as a passive open space and reestablishing a native habitat across the site.

Policy 1.1.5: The owner or agent for any rezoning, variance or special exception request which requires a public hearing, such as a variance, special exception, or consumption on premises; any request for an Historic District Special Certificate of Appropriateness; or any administrative variance for development on Gasparilla Island, must conduct one public informational meeting in Boca Grande where the owner or agent will provide a general overview of the project for any interested citizens. If the request is located within the Boca Grande Historic District, the informational meeting will be presented to the Boca Grande Historic Preservation Board at its appointed meeting location. For all other requests, tThe applicant is fully responsible for providing the meeting space and providing security measures as needed.

Lee County encourages zoning staff to participate in such public informational meetings. This meeting must be conducted before the application can be found sufficient. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. **Whenever possible, public hearings for proposed projects on Boca Grande should be held between the months of October through May. Public hearings which are held during the months of June through September, will require notification of the date and time of the hearing to surrounding property owners a minimum of one month prior to the hearing date.**

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

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

C. VOTE:

NOEL ANDRESS	AYE
MATT BIXLER	AYE
DEREK BURR	AYE
RONALD INGE	AYE
CARLETON RYFFEL	AYE
RAYMOND SCHUMANN, ESQ.	AYE
FRED SCHILFFARTH	AYE

Staff inadvertently overlooked the reference to the Boca Grande Historic Preservation Board in Policies 6.1.4, 6.1.5 and 6.1.8. Staff and the LPA do not recommend the creation of a Boca Grande Historic Preservation Board.

Staff recommends the reference to the Boca Grande Historic Preservation Board should be removed from those policies as shown below. Staff's recommended revisions appear in strike through.

Policy 6.1.4: ~~Lee County will work with the Boca Grande Historic Preservation Board and the community of Boca Grande in reviewing the design parameters applicable to the Historic District of Boca Grande to ascertain whether additions, modifications, or deletions need to be considered.~~

Policy 6.1.5: ~~Lee County will investigate the designation of Banyan Street as an historic resource and assist with the implementation of additional recommendations found in the *Banyan Tree Assessment Report, Banyan Street-Boca Grande, Florida*, completed by the Lee County Division of Environmental Sciences, as recommended by the Boca Grande Historic Preservation Board.~~

Policy 6.1.8: ~~Lee County will work with the Boca Grande Historic Preservation Board and the community to review the build-back regulations to ascertain whether modifications need to be undertaken in order to restore historic features in the event of catastrophe. If necessary, regulations to allow designated historic resources to be reconstructed will be adopted.~~

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

DATE OF TRANSMITTAL HEARING: June 1, 2005

A. BOARD REVIEW:

Following a presentation by staff the Board had some questions about the amendment. After some discussion, the Board opened the hearing to public comment.

Several members of the Boca Grande Community Panel spoke in support of the proposed amendment, but emphasized they did not want Policy 6.1.1 removed from the amendment as staff and the LPA had recommended. The applicants representatives summarized the panel members comments and also spoke in favor of retaining Policy 6.1.1.

A representative of Florida Power and Light spoke in favor of the amendment and stated they agreed with Policy 5.2.2, as revised at the LPA public hearing.

The Board closed the public hearing. A motion was made and seconded to transmit the amendment with the changes recommended by the LPA to policies 1.1.5, 2.1.3 and 5.2.2. The motion also included the following:

- Transmit Policy 6.1.1
- Insert a date certain for completing Policy 3.1.14
- Transmit Policy 3.2.3
- Include the word "new" in the second sentence of Objective 2.1
- Add the words "and maintain" to Policy 5.2.3
- Add Gasparilla Island Conservation and Improvement Association to Policy 5.1.6

A member of the Board recommended adding the word "reasonable" to Policies 3.1.8 and 3.1.9. After lengthy discussion a motion was made and seconded to add the following sentence to the end of Policy 3.1.8 and Policy 3.1.9: "Nothing in this policy requires Lee County to support unreasonable policies of any other regulatory agency." The vote carried 3-2.

The Board then voted 4-1 to transmit the amendment with the changes listed above.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

Motion to add the sentence "Nothing in this policy requires Lee County to support unreasonable policies of any other regulatory agency" to the end of Policy 3.1.8 and Policy 3.1.9 passed 3-2.

Motion to transmit the amendment with the changes recommended by the LPA to policies 1.1.5, 2.1.3 and 5.2.2 passed 4-1, with the above change and the following additional changes:

- **Transmit Policy 6.1.1**
- **Insert a date certain for completing Policy 3.1.14**
- **Transmit Policy 3.2.3**
- **Include the word “new” in the second sentence of Objective 2.1**
- **Add the words “and maintain” to Policy 5.2.3**
- **Add “Gasparilla Island Conservation and Improvement Association” to Policy 5.1.6**

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

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

C.VOTE:

Motion to add the sentence “Nothing in this policy requires Lee County to support unreasonable policies of any other regulatory agency” to the end of Policy 3.1.8 and Policy 3.1.9

JOHN ALBION	AYE
TAMMY HALL	AYE
BOB JANES	NAY
RAY JUDAH	NAY
DOUG ST. CERNY	AYE

Motion to transmit the amendment with the changes listed in Part IV - B. 1. of this report.

JOHN ALBION	AYE
TAMMY HALL	AYE
BOB JANES	AYE
RAY JUDAH	NAY
DOUG ST. CERNY	AYE

**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: _____

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

TAMMY HALL

BOB JANES

RAY JUDAH

DOUG ST. CERNY

**CPA2004-12
BOCA GRANDE
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**BoCC Public Hearing Document
for the
June 1, 2005 BoCC Transmittal Hearing**

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

May 23, 2005

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2004-00012**

☒

Text Amendment

☐

Map Amendment

<input checked="" type="checkbox"/>	This Document Contains the Following Reviews:
<input checked="" type="checkbox"/>	Staff Review
<input checked="" 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: May 18, 2005

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. SPONSOR/APPLICANT:

A. SPONSOR:

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

B. APPLICANT

BOCA GRANDE COMMUNITY PLANNING ASSOCIATION, INC.
REPRESENTED BY MORRIS DEPEW

2. REQUEST:

Amend the Future Land Use Element of the Lee Plan to incorporate the recommendations of the Boca Grande Community Planning effort. Establish a new Vision Statement and a new Goal, including Objectives and Policies specific to the Boca Grande community.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, with the revisions proposed by staff. The proposed language submitted by the Boca Grande Community Planning Panel is shown underlined below. Staff's revisions are shown in strike-through double underline format.

If adopted, this amendment will be re-numbered when it is codified into the Lee Plan.

Vision Statement

2. ~~Boca Grande - This community includes the portions of Gasparilla Island within Lee County and the surrounding smaller islands. The smaller islands in this community have minimal if any development. The core of this community is the unincorporated town of Boca Grande. This community is unique in that it has no direct road access to the rest of Lee County. All access to Boca Grande is via Charlotte County or by boat. The Boca community is designated as Urban Community, Outer Islands, and Public Facilities; however, the Urban Community category is restricted to 3 units per acre within this community. The population of Boca Grande is expected to increase from 888 people in 1996 to 1,201 in 2020. The seasonal influx will remain high in this community with an expected seasonal population in 2020 of 2,834. Currently, less than 15% of Boca Grande is vacant. By the year 2020, this community is expected to build out. The community of Boca Grande is dedicated to preserving its historic character and the community will look largely the same in 2020 as it does today.~~

~~There are no sub-communities within the Boca Grande Community.~~

Gasparilla Island/Boca Grande – In 1980, the Florida Legislature found that the community of Boca Grande, comprised of Gasparilla Island and nearby islands, is part of the fragile barrier island system as defined in the Presidential Directive on barrier islands dated May 23, 1977, and is an area of particular natural beauty containing abundant plant, marine, animal and bird life. The State of Florida recognized that the conservation of the natural beauty, plant, marine, animal and bird life of the islands was in the best interest of the residents and property owners of the islands, the citizens of Lee and Charlotte Counties and the State of Florida, and consequently created the *Gasparilla Island Conservation District* by enacting the Gasparilla Island Conservation District Act of 1980 (Ch 80-473). The Act was subsequently amended in 1983 and 1986 (Ch 83-385 and Ch 86-341) and is hereafter referred to as the GICDA. The intent of the GICDA is to limit density and development to a level which will not degrade the fragile environment or overburden the limited infrastructure of the islands.

For the purposes of this comprehensive plan, the community of Boca Grande includes Gasparilla Island, Boca Grande Isles, the Gasparilla Golf Course Island, Three Sisters Island, Hoagen's Key, Loomis Island, Cole Island, and the Gasparilla Island bridge lands and causeway islands, and includes all submerged lands, tidal lands, overflow lands and tidal ponds as described in the GICDA.

To insure that the intent of the GICDA is carried out, actions proposed in sections that follow must be undertaken to promote sound environmental policy, preserve the character and history of the community, safeguard the water supply, protect the sports fishing industry and support the essentially seasonal businesses in Boca Grande, and to ensure that residents have adequate access, law enforcement, and emergency and utility services.

The core of the Gasparilla Island/Boca Grande community is the unincorporated village of Boca Grande, designated as an Historic District. This community is unique in that it has no direct road access to or from the rest of Lee County. All access to Boca Grande by motor vehicle is via Charlotte County, or by boat, or small seaplane. The Lee County portion of Gasparilla Island/Boca Grande is designated as Urban Community, Outer Islands, Public Facilities, Conservation Lands, and Wetlands on the Future Land Use Map. Maximum density in the Urban Community category is restricted to three dwelling units per acre.

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, 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.

High priorities for Gasparilla Island/Boca Grande are the preservation and conservation of its fragile environment, including recreation and open space areas, its Historic District, the residents' quality of life and right to continued enjoyment of its natural and cultural gifts, and consistent enforcement of all current and future regulations with respect to zoning, traffic, parking, law enforcement, public utilities, the GICDA and the Historic District.

To the greatest extent possible, the community of Boca Grande, Lee County and Charlotte County should work together to jointly develop land development regulations and ordinances which are required by the policies found in this Comprehensive Plan. ~~Different implementing ordinances and regulations should be avoided.~~

GOAL: The Boca Grande Community Plan seeks to preserve and conserve the surrounding fragile environment, recreation and open space areas, the Historic District, the quality of life and the continued enjoyment of its natural and cultural gifts. The plan seeks consistent enforcement of all current and future regulations with respect to zoning, traffic, parking, law enforcement, public utilities, the Gasparilla Island Conservation District Act and the Boca Grande Historic District.

Element I - Future Land Use

Goal 1 Objective 1.1 - Future Land Use: To preserve the traditional character, scale, and tranquility of the historic village and residential areas of the Boca Grande community by continuing to limit the densities and intensities of use and development to sustainable levels that will not adversely impact the natural environment, overburden the existing infrastructure, or require additions to the present infrastructure.

Objective 1.1: Lee County will continue to enforce the regulations found in the Gasparilla Island Conservation District Act, and will assist the residents of Boca Grande to further develop growth

management policies and regulations to limit densities and intensities of development on Gasparilla Island, in order to maintain the historic scale and development patterns of the community.

Policy 1.1.1: Lee County will work with the Boca Grande community to establish boating and marine facility site location standards which will help to identify appropriate locations and development regulations that are consistent with a scope and intensity that will protect the community from the potential negative impacts. Future public boat ramps and other watercraft launching facilities on Gasparilla Island will only be developed with adequate on-site parking, and should minimize impacts to traffic and pedestrian safety, the environment, neighborhoods, and consider marine safety issues.

Policy 1.1.2: In order to preserve the existing community character of Boca Grande, the Boca Grande community will work to develop standards to regulate fast food and retail franchises, and formula restaurants all commercial uses on Gasparilla Island. will be adopted within two years of the adoption of this Policy. Development standards will identify commercial design guidelines, parking and signage standards, appropriate intensity of uses and establish location standards to ensure consistency with the existing community character. These standards will identify the types of restaurants and franchises which may be incompatible with the community character of Boca Grande and therefore must comply with these development standards. A compliance determination is required by the Boca Grande Historic Preservation Board. Until such regulations are adopted, fast food and retail franchises, and formula restaurants may only be approved by Special Exception and must be found to be compatible with the existing historic conditions and consistent with the Historic District design guidelines.

Policy 1.1.3: Changes to the Land Development code will be adopted The Boca Grande community will work to develop regulations within two years of the adoption of this Policy, to better manage rental and tour businesses which have an impact on the neighborhoods and environment of the community. These regulations will address issues such as the number and location of operators, safety, privacy, security, liability insurance, parking facilities, property maintenance, storm water management, and compatibility. Until such regulations are adopted, prior to the issuance of permits or occupational licenses for any new business proposing rental of electric or motorized vehicles such as mopeds, scooters, golf carts, personal watercraft (jet-skis) or similar vehicles, and businesses which operate tour boats, busses, trolleys, carriages, or other vehicles on tours of neighborhoods on Gasparilla Island, the Boca Grande Historic Preservation Board must review the proposed operation and find it is compatible and will preserve the Historic character of Boca Grande.

Existing rental operations may continue to operate. Additional square footage to any building or an increase in the number of rental vehicles must comply with all existing regulations, including the provision that all outdoor storage must be contained on the business property and comply with existing regulations.

Policy 1.1.4: Lee County will work with the Boca Grande Community to establish a Document Clearing House in Boca Grande, where copies of selected documents from permit applications, variance requests, staff reports, Hearing Examiner recommendations and resolutions, Historic District Special Certificates of Appropriateness, and Administrative Variances and for any development on Gasparilla Island will be kept for public inspection. The County's failure to

provide or to timely provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 1.1.5: The owner or agent for any rezoning, variance or special exception request which requires a public hearing, such as a variance, special exception, or consumption on premises; any request for an Historic District Special Certificate of Appropriateness; or any administrative variance for development on Gasparilla Island, must conduct one public informational meeting in Boca Grande where the owner or agent will provide a general overview of the project for any interested citizens. If the request is located within the Boca Grande Historic District, the informational meeting will be presented to the Boca Grande Historic Preservation Board at its appointed meeting location. For all other requests, tThe applicant is fully responsible for providing the meeting space and providing security measures as needed.

Lee County encourages zoning staff to participate in such public informational meetings. This meeting must be conducted before the application can be found sufficient. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. Whenever possible, public hearings for proposed projects on Boca Grande should be held between the months of October through May. Public hearings which are held during the months of June through September, will require notification of the date and time of the hearing to surrounding property owners a minimum of one month prior to the hearing date.

Policy 1.1.6: In addition to compliance review by Lee County development services staff, Lee County will require that all permit applications for development on Gasparilla Island will bear a statement, signed and notarized by the owner or authorized agent, that they are aware of and will comply with the provisions of the GICDA.

Policy 1.1.7: In order to promote water conservation and better manage this important resource, Lee County the Boca Grande community will investigate the feasibility of requiring all applicants develop standards for permit requests of new structures buildings to conduct a cistern feasibility study as part of the permitting process. For redevelopment projects, Lee County will seek to encourage the establishment of cisterns as a non potable water source, wherever practicable.

Policy 1.1.8: In order to maintain the traditional scale and historic patterns of development on Gasparilla Island, including areas outside the Boca Grande Historic District, Lee County will work with the Boca Grande community to will develop an ordinance regulations to preserve light, space and air around new residential dwelling construction and to discourage "mega houses" or "mansionization" of Boca Grande. New development or redevelopment will recognize that traditional setbacks, particularly front and side yard setbacks, as well as strict adherence to the Coastal Construction Control Line, within existing and proposed neighborhoods on Gasparilla Island, should be maintained. Lee County has determined that house designs which dwarf their neighbors are incompatible with existing historic and traditional neighborhoods and will be discouraged. These regulations will be adopted within two years of the adoption of this policy.

Until such an ordinance is adopted, no variances from existing property development regulations will be approved including setbacks, lot coverage, or height. Contributing structures in the Historic District or structures outside the Historic District which are designated as an historic resource under Chapter 22 of the Land Development Code may seek Special Certificates of Appropriateness and administrative relief from development regulations if approved by the Boca Grande Historic Preservation Board.

Policy 1.1.9: Lee County The Boca Grande community will work to develop policies for Lee County to consider that will enable parcels comprised of multiple lots of record to remain intact. Any redevelopment of other large parcels of land will be consistent with the Gasparilla Island Conservation District Act, will work to preserve open space, and will not exceed three (3) dwelling units per acre. Parcels comprised of more than one lot of record, which are under unified control may not be divided unless the resulting lots conform with the maximum density of 3 dwelling units per acre (minimum lot size of 14,520 square feet), as established in the Lee Plan, Table 1(a), Note #5.

Policy 1.1.10: Lawfully existing businesses and commercial buildings in the Boca Grande commercial areas will be deemed to be vested as related to parking, setbacks, height, and land use. Any expansion or change of use to one of higher intensity will require a review of parking impacts, setbacks, height, and uses as necessary. Any new or expanded uses in the Historic District will require public review and a finding by the Boca Grande Historic Preservation Board that the project is consistent with the community's historic village character.

Policy 1.1.11: Lee County will support the Boca Grande community in their efforts to further investigate the need for modified development requirements regulations applicable to Boca Grande, based upon the unique nature of the community, the location of Boca Grande on a barrier island at the mouth of Charlotte Harbor, the limited opportunities for supporting infrastructure, the seasonal nature of the demand upon public facilities, and the need for cross-county administration of growth management legislation. Such support The Boca Grande Community may propose development regulations that address include the following:

- a. The creation of the Gasparilla Island Zoning Overlay district to address inconsistencies with current zoning districts and the comprehensive plan and GICDA, implement policies adopted in this plan, and adopt modified development regulations such as, but not limited to, parking requirements, minimum setbacks, and commercial and residential design standards.
- b. The creation of a marine park zoning district to facilitate consistent local enforcement of existing Federal, State and County regulations in waterfront areas and new regulations to better manage coastal issues such as use and rental of personal watercrafts, abandoned vessels, live aboards, sanitation, water quality, and noise.
- c. Completion of an impact study of parking deficiencies prior to granting any additional administrative parking variances in the historic village commercial area. Until such time as the parking study is completed, new construction will be required to meet current parking requirements for its intended use.

Element H - Transportation, Parking and Traffic Circulation

Goal 2 Objective 2.1 - Transportation, Parking and Traffic Circulation: To ensure residential and commercial land use in Boca Grande that recognizes the connection between the existing transportation infrastructure and the community's desire to preserve Boca Grande's community character as a tranquil residential community, with an historic village center, and abundant open space and preservation areas. No policy in this community plan will be construed or interpreted to imply that Lee County will implement and/or enforce traffic regulations, traffic control, or parking regulations which are determined to be significantly substandard or may cause a defined safety or operational problem.

Objective 2.1: Lee County will recognize the inherent need to limit additional impacts to the existing transportation infrastructure of Boca Grande, the varied types and limited access to the community, the need for alternate forms of transportation within the community, the need for specialized standards for parking and commercial service areas, and the seasonal nature of infrastructure demand that exists throughout the community.

Policy 2.1.1: Lee County will continue to enforce the provisions of the Gasparilla Island Conservation District Act which limit growth, limit building height and restrict advertising throughout Boca Grande.

Policy 2.1.2: Lee County will support the provision of convenient, safe bridges providing access to Gasparilla and Cole Islands and supports ~~through support of the autonomy of the Gasparilla Island Bridge Authority (GIBA), support for the highest standard of safety for vehicles, golf carts, bicycles, and pedestrians including, and support of strict enforcement of traffic laws.~~

Policy 2.1.3: Lee County will assist in efforts to improve the bike and golf cart path along Gulf Boulevard, south of the village. ~~A feasibility study will be conducted to see if improvements such as widening of the path and landscaping can improve safety, shared use opportunities, and capacity. Lee County should consider funding the feasibility study and improvements from a portion of the 5% hold back from impact fees and by using county bike/pedestrian funds.~~

Policy 2.1.4: ~~To assure bicycles and golf cart safety, Lee County will enforce bicycle safety regulations specified in Section 316.2065, Florida Statutes, and golf cart regulations specified in Section 316.212 F.S. and Section 316.1995.~~

Policy 2.1.5: In order to preserve the historic characteristics of the community, Lee County will support the use of all way stop intersections or other traffic control methods, rather than traffic signals, whenever possible in the Boca Grande community.

Policy 2.1.6: Lee County will support efforts of the Boca Grande community to beautify road right-of-ways and enhance the public realm of Boca Grande by including provisions for streetscaping in Historic Downtown Villages in the Lee Scape Master Plan. In order to maintain low traffic volumes, operating speeds, and noise levels, improvements will emphasize traffic calming techniques, and the need to preserve the aesthetic values of the community. Particular emphasis will be placed in the Historic District. Enhancements may include village streetscaping such as additional street trees, trash receptacles, benches and burying utilities underground.

Policy 2.1.7: Lee County will continue to ensure viable hurricane evacuation options for the residents and stakeholders of Boca Grande.

Policy 2.1.8: Lee County will support improvement of pedestrian safety by establishing and marking crosswalks throughout the community; and by improving pedestrian circulation within the Historic District, ~~and consistently enforcing all regulations on the bike paths, which includes minimum age requirements for operation of golf carts.~~

Objective 2.2: Lee County will ~~support~~consider a funding request for the Boca Grande Community Plan implementation that provides for a parking and traffic study to identify ways to create safe and efficient parking for employees, patrons and visitors, and to determine the appropriate parking standards which will address the capacity and design needs of the Boca Grande commercial district. The parking and traffic study will address the following policies.

Policy 2.2.1: As a result of regional growth and local redevelopment, Lee County will provide assistance to develop a long-range strategy to address increased parking demand. This may result in regulations, infrastructure improvements or adoption of management practices which incorporate any number of the following:

- a. Revised traffic count thresholds
- b. Maximum development intensities
- c. Revised minimum parking requirements
- d. Traffic congestion mitigation practices
- e. Vehicle and pedestrian safety programs
- f. Shared parking agreements
- g. Public/Private partnerships to fund new or expanded parking facilities.

Policy 2.2.2: Lee County will seek to maximize the efficiency and the functionality of existing parking facilities by improving trailblazing signage, re-designing existing parking facilities, and creating specific facilities for golf cart and bicycle parking. Designated parking for employees, the appropriate number of parking spaces for new and expanded uses, and enforcement of existing parking restrictions and permit requirements will also be examined.

Policy 2.2.3: Parking along the beach access streets and other public rights-of-way will be regulated to allow convenient ingress and egress to residences and permit adequate emergency vehicle access at all times. Lee County will support efforts of the Boca Grande community to analyze the appropriateness of overnight and long term parking in the public rights-of-way, the Gilchrist median, and along beach access streets.

Policy 2.2.4: Lee County will seek to direct service vehicles and delivery vehicles to designated unloading zones. Due to the traffic congestion in the Historic District, Lee County will assist in establishing time restrictions on service and delivery trucks during peak traffic periods, such as those occurring in March and April.

Policy 2.2.5: Lee County will encourage alternative transportation by supporting golf cart and bicycle use and improving design for golf cart and bicycle parking throughout the Boca Grande community.

Policy 2.2.6: For all new development and redevelopment, Lee County will continue to support and improve design and permitting efforts through the site plan review process that adequately address truck deliveries, emergency vehicle access, and solid waste disposal.

Policy 2.2.7: Lee County will assist in a study of traffic patterns and flow in and around the Post Office, Park Avenue, East Railroad Avenue and West Railroad Avenue, seeking to develop a plan of action that will improve the functionality of the infrastructure while preserving the aesthetics of the community.

Policy 2.2.8: To preserve the capacity of the existing roadways and parking facilities, Lee County will adopt regulations within two years of the adoption of this Policy, that address the appropriateness of high impact uses such as fast food restaurants, convenience food stores, and other franchise retail stores and restaurants.

Element III - Conservation and Coastal Management

Goal 3 Objective 3.1 - Conservation and Coastal Management: Lee County will preserve, protect, and, where possible, enhance the physical integrity, village character, ecological values, and natural beauty of Boca Grande and Gasparilla Island, focusing upon the diverse and healthy native vegetation, the clear offshore waters, and the varied and abundant native marine and wildlife resources in a manner compatible with the Gasparilla Island Conservation District Act, the promotion and preservation of the historic Boca Grande village as a thriving community, and preservation of Gasparilla Island's historic heritage.

Objective 3.1: Lee County will support the efforts of the Federal and State authorities, and the Boca Grande community to preserve, protect, and enhance the positive environmental qualities of Gasparilla Island. Lee County will involve local community organizations in the planning process and will enforce these community plan policies through implementation in the land development regulations.

Policy 3.1.1: Lee County will support and encourage beach renourishment and other efforts to maintain the beaches and protect Gasparilla Island from tidal events.

Policy 3.1.2: Lee County will assist the Boca Grande community in evaluating and promoting the creation of a community wide Municipal Services Benefit Unit, or a Florida Erosion Control District, for assistance in funding beach renourishment projects.

Policy 3.1.3: Lee County will support the State's efforts to protect and preserve mangroves both on private properties as well as within public lands and easements. Not later than December 31, 2005, Lee County will review the State regulations regarding mangrove trimming and removal and determine whether additional protections need to be enacted on Gasparilla Island to protect its fragile environment.

Policy 3.1.4: Since future use of the 9.19 acres of land owned by Florida Power & Light at the south end of Gasparilla Island as passive open space will best serve the goal of enhancing the beauty and environmental integrity of the Island, Lee County will assist private and public efforts to acquire the land for that purpose through financial, administrative and political measures.

Policy 3.1.5: Lee County will strictly enforce its own policies related to the preservation of the beach dune system, beach dune vegetation, and beach dune wildlife, by discouraging any construction seaward of the 1979 Coastal Construction Control Line. This policy will not apply to the placement of raised walkways intended to cross over the dune system from adjoining properties, nor will it apply to bona fide beach renourishment and shoreline protection efforts. Lee County will support the State's efforts to protect the beach dune system, beach dune vegetation, and beach dune wildlife communities on Gasparilla Island.

Policy 3.1.6: The Beach renourishment efforts of Lee County will include the re-establishment of a beach dune system, beach dune vegetation, and beach dune wildlife communities, including nesting birds and turtles, to the greatest extent practicable. Lee County will monitor and enforce its policies and regulations protecting dunes, dune vegetation, and dune wildlife communities on Gasparilla Island. Any rock or hard revetment will be covered with sand and planted with salt resistant native plants.

Policy 3.1.7: Except for emergency events and public purposes, Lee County will ban vehicular traffic from all beaches on Gasparilla Island and will provide enforcement of the ban.

Policy 3.1.8: Lee County will use regulatory powers to preserve, protect, and enhance the marine habitat surrounding Gasparilla Island, including sea grass beds, manatee habitat, estuarine habitat, and near shore waters of Gasparilla Island.

Policy 3.1.9: Lee County will review and enforce all permits for new dock construction to assure the protection of sea grass beds, manatee habitat, tarpon fishing grounds, and other environmental values intrinsic to Charlotte Harbor. Copies of dock and shoreline permits will be sent to the Document Clearing House as established pursuant to Policy 1.1.4.

Policy 3.1.10: Lee County will assist in the enforcement of ~~sound best management standards and policies for vessel moorings~~ practices for anchorages of Gasparilla Island. The Regional Planning Council and its advisory committees will be the source of such information. ~~in anchorages and bayous of Gasparilla Island.~~

Policy 3.1.11: Within two years of the adoption of this Policy, Lee County will establish policies and guidelines for beach clean-up during red tide and similar extraordinary tidal events.

Policy 3.1.12: Within two years of the adoption of this Policy, Lee County will establish a program to restore the plant diversity on County owned lands on Gasparilla Island through the removal of exotic vegetation and its replacement with native species. Such a program will be phased so that the general character of the community will be maintained during the maturation process. Exotic species which are killed in place will be removed as appropriate so as not to create a negative impact or create a hazard to the community.

Policy 3.1.13: Lee County will support programs that provide periodic clean-up activities in aquatic preserves, on the beaches of Gasparilla Island, and at beach access points on Gasparilla Island.

Policy 3.1.14: Lee County will work in conjunction with Charlotte County to implement a plan to stop the proliferation of iguanas and other exotic fauna on Gasparilla Island.

Policy 3.1.15: Lee County will provide financial and political support for research into the causes and control of red tide and other similar extraordinary tidal events, through the support of efforts such as Solutions to Avoid Red Tide, Inc. (S.T.A.R.T.) and other efforts to address and remedy the problems associated with these occurrences.

Objective 3.2: Lee County will manage public resources and direct public efforts to preserve, protect, and enhance the natural environments on Gasparilla Island through measures to control the risk of harm attributable to human impact.

~~**Policy 3.2.1:** Lee County will strictly enforce all regulations limiting noise, consumption of alcoholic beverages, littering, signage, and any nuisance activities on all public lands, rights of way, beaches, beach accesses, and public easements.~~

~~**Policy 3.2.2:** Lee County will publicize and enforce the existing 500' buffer zone around Gasparilla Island as designated in Lee County Ordinance 02-14. Lee County will limit the speed of watercraft in this zone where appropriate for the protection of swimmers. Vessel restrictions imposed by County, State or Federal regulations will be appropriately marked and enforced.~~

~~**Policy 3.2.3:** Lee County will support efforts to preserve, protect, and, where possible, enhance the tarpon and game fish population of Charlotte Harbor and the near shore waters of the Gulf of Mexico.~~

Element IV - Community Facilities and Services

Goal 4-Objective 4.1 - Community Facilities and Services: Lee County will seek to ensure the continued delivery of high quality, accessible community facilities and services that meet the educational, recreational, informational, and public safety, health and welfare needs of the residents, visitors and stakeholders of Boca Grande.

Objective 4.1: Through the administration of county services, the Land Development and Administrative Codes, and the cooperative efforts of interagency and intergovernmental agreements, Lee County will continue to provide utilities and infrastructure; emergency, law enforcement and fire protection services; education, information resource and recreation services; and mosquito and animal control services, in a safe and efficient manner.

Policy 4.1.1: Lee County will seek to maintain and enhance the public/ private partnership for the operation and enhancement of the Boca Grande Community Center and other County operated facilities open to the public in the community of Boca Grande.

Policy 4.1.2: Lee County will cooperate with the Gasparilla Island Water Association (GIWA) to ensure the continued provision of potable water and sanitary sewer service to the community of Boca Grande. Lee County will continue to support the Wellhead Protection regulations adopted by the GIWA and Charlotte County to protect and preserve the sources upon which the community of Boca Grande relies for its potable water.

Policy 4.1.3: Lee County will facilitate and provide for the disposal of solid waste, including refuse, recyclables, and horticultural waste. Lee County will enter into an inter-governmental agreement with Charlotte County, if necessary, to ensure that the community of Boca Grande will have access to Charlotte County's solid waste disposal area located on Environmental Way in Charlotte County .

Policy 4.1.4: Lee County will facilitate and cooperate with the applicable mosquito control district to ensure that adequate measures are undertaken to control the health risk that mosquitoes represent. Lee County will continue to support the utilization of safe, effective, and environmentally responsible measures for mosquito control, recognizing the need to preserve local flora and fauna, including marine life.

Policy 4.1.5: Lee County will work with the applicable mosquito control district to facilitate the dissemination of aerial spraying schedules, as well as any threat to the public health, to the community of Boca Grande, the Boca Grande Health Clinic, and the newspapers that serve the community of Boca Grande.

Policy 4.1.6: Lee County will support the operation and enhancement of a reference library facility, including the provision and improvement of adequate electronic based equipment, internet access, and software, in cooperation with local community organizations. Professionally trained library personnel will manage and operate the facility. ~~Lee County will seek an inter-governmental agreement with Charlotte County as may be required to provide cross-jurisdictional support of library and information resource services for residents of the community of Boca Grande.~~

Policy 4.1.7: So long as local interest exists in the community of Boca Grande to maintain an Island School to serve the population of the community of Boca Grande, Lee County will support the Lee County School Board, if necessary, with an inter-local agreement, in maintaining a viable school site and educational programs. Such support may include, but is not limited to, facilitation of land use regulations, joint use of community resources, funding assistance, joint utilization of staffing, or other applicable coordination efforts.

Policy 4.1.8: Lee County will cooperate with the Boca Grande Fire Control District (BGFCD) in the provision of fire protection services to the community of Boca Grande. Such cooperation will include, but will not be limited to, recognition that the Fire Chief of the BGFCD has the authority for interpretation and enforcement of fire codes in the community of Boca Grande. All homes will be required to have the address clearly posted on the property.

Policy 4.1.9: Lee County will provide the necessary communications infrastructure as required to manage and dispatch all 911 calls affecting the community of Boca Grande, entering into agreements as necessary with the BGFCD and Charlotte County.

Policy 4.1.10: Lee County will cooperate in the establishment of inter-local agreements between and among all necessary parties to provide for: 1) the appropriate handling of hazardous materials incidents; 2) mutual aid agreements with the Englewood Fire Control District and Charlotte County Fire and EMS; 3) advanced life support emergency medical services; and 4) back-up EMS response as may be required by the community of Boca Grande.

Policy 4.1.11: Lee County will cooperate as necessary in the provision of communications, information distribution, public service meetings, educational efforts, and a local liaison for emergency situations affecting the community of Boca Grande. Lee County will maintain an up-to-date list of first-in team contacts, cooperate as necessary with applicable jurisdictions and service providers for communication of evacuation status, shelter locations, and re-entry information in the event of an emergency situation. The issuance of evacuation notices will be coordinated with Charlotte County. Lee County will work with other local, State, and Federal authorities as necessary to assist in the provision of adequate means by which the community of Boca Grande can be evacuated through the Cape Haze Peninsula in the event of an emergency situation. It is acknowledged that the appropriate Emergency Operations Center (EOC) is determined by the Boca Grande Fire Control District.

Policy 4.1.12: Lee County Emergency Medical Services will provide land or air transportation to the most appropriate facility based on the patients medical history and will maintain a liaison with the Boca Grande Health Clinic to keep the clinic fully informed of all Emergency Medical protocols and procedures for operations and any changes that may be implemented whether temporary or permanent. The Boca Grande Health Clinic will be informed relating to any public health issues or public county health problems.

Policy 4.1.13: Lee County will promote and assist as necessary in the provision of a full-time police and law enforcement presence for the community of Boca Grande. Cooperative arrangements in the form of inter-local agreements, or other mechanisms as may be applicable, between Lee and Charlotte County will be supported if necessary.

Policy 4.1.14: The Lee County Department of Transportation will continue to provide the necessary maintenance and improvements on all public rights-of-way to ensure the continued safety and efficiency of roadways, paths, and surface water management systems.

Element V - Open Space, Recreation, and Beautification

Goal5Objective 5.1 - Open Space, Recreation and Beautification: Lee County will seek to promote, protect and enhance existing and potential open space, recreational facilities, and the quality of life for the residents and stakeholders of Boca Grande. These efforts will enhance the aesthetic qualities of Boca Grande and benefit its residents while preserving the characteristics of its fragile barrier island system.

Objective 5.1: Lee County recognizes that Boca Grande represents a unique cross-jurisdictional, barrier island community with distinct physical attributes that govern the preservation of open space and recreational opportunities. Lee County will seek to enhance and protect the quality of life for residents, visitors and stakeholders through the preservation of functional open space and recreational

opportunities while seeking to limit demands upon a restricted infrastructure and enhance the aesthetic qualities of Gasparilla Island.

Policy 5.1.1: Lee County will support efforts to protect and enhance the functionality of the eight-mile long pedestrian/bike/electric golf cart path on Gasparilla Island. Lee County recognizes that this eight-mile long linear park and path serves a recreational purpose, a transportation purpose, and an aesthetic purpose for the residents, visitors and stakeholders of the Island. Not later than December 31, 2005, Lee County will undertake efforts to improve the pedestrian/bike/electric golf cart path along the southerly end of the path similar to those improvements located in the northerly, GICIA owned portion of the path.

Policy 5.1.2: Lee County will coordinate public works projects, such as street resurfacing, repairs, maintenance, drainage swales and other surface water management systems, with the Boca Grande community so that they include landscaping and aesthetic options that are in keeping with the concept of promoting, preserving and enhancing the ecological and aesthetic values of Gasparilla Island.

Policy 5.1.3: Not later than December 31, 2005, Lee County will investigate the feasibility of converting Banyan Street to a one-way facility and reducing the pavement width in order to better preserve and protect the banyan trees. Lee County will assist in establishing an historic, scenic or similar type of designation, as recommended in the *Banyan Tree Assessment Report, Banyan Street-Boca Grande, Florida*, prepared by the Lee County Division of Environmental Sciences, to further provide for the protection and preservation of this unique street area.

Policy 5.1.4: Upon adoption of this Policy, Lee County will prohibit automobile parking on 5th Street from Park to Gilchrist, known as Mahogany and Veterans Park, in order to protect the unique aesthetic features of this roadway.

Policy 5.1.5: Lee County will continue to support the designation of Gasparilla Island as a bird and wildlife sanctuary, as adopted in Lee County Ordinance 83-16. Lee County will support the efforts of Charlotte County for the designation of Cole Island, Live Oak Key, Peekins Ranch Cove and Key, the fishing pier at the old 400 foot railroad bridge, and the peninsula located north of the Lee County line, (as identified in the Open Space Inventory) and all remaining land zoned Environmentally Sensitive, as well as the Charlotte County portion of Gasparilla Island, as a bird and wildlife sanctuary.

Policy 5.1.6: Lee County will support and promote the preservation of environmentally sensitive lands, and will continue to support, promote and investigate additional funding sources for the Gasparilla Island Land Conservancy Stewardship Program and other preservation programs. Element V of the Boca Grande Community Plan includes the inventory of existing community open space and sensitive lands.

Objective 5.2: Lee County will preserve and maintain the functionality of the existing recreational facilities currently available on the Island.

Policy 5.2.1: Lee County will maintain the existing recreational facilities on Gasparilla Island, including two tennis courts, a basketball court, a volleyball court, the baseball field on Wheeler

Street, the various beach access locations, a community playground, the picnic areas, and fishing sites, including one on the Bayou.

Policy 5.2.2: Lee County will assist private and public efforts to acquire the approximately 9.19 acre F. P. & L./Belcher Oil facility owned property located at the south end of Gasparilla Island. for the purpose of maintaining it as a passive open space and reestablishing a native habitat across the site.

Policy 5.2.3: Lee County will support efforts in the Historic District to install additional native landscaping, especially along Park Avenue and Fourth Street, to provide greater community aesthetics, safer pedestrian movement, landscaped parking areas for automobiles and golf carts and more efficient traffic flow.

Element VI - Historic Preservation

Goal 6 Objective 6.1 - Historic Preservation: To protect, preserve, and enhance the historic resources and heritage of the Boca Grande community.

Objective 6.1: Lee County will seek to preserve the historic resources of Boca Grande through the adoption of policies and regulations that recognize the unique community characteristics, a tranquil residential community, with an historic village center, and abundant open space and preservation areas, and that also recognize the local sensitivity of the community's architecture, history and legacy as an old railroad town.

Policy 6.1.1: Lee County will establish a Boca Grande Historic Preservation Board with the powers and duties found in Lee County Land Development Code Chapter 22, Section 22-74, which includes the ability to designate historic resources and to approve or deny applications for Special Certificates of Appropriateness. The Boca Grande Historic Preservation Board will be comprised of seven members from the categories found in the Lee County Land Development Code, Section 22-72, except that whenever possible the members will be residents of the Lee County portion of the Boca Grande community. Members will serve as described in Section 22-72 and will be appointed by the Lee County Board of County Commissioners.

Policy 6.1.2: Lee County will provide copies of applications for historic designations and of all Special Certificates of Appropriateness, as well as administrative variances, to the Document Clearing House as established pursuant to Policy 1.1.4, and will send notices to all surrounding property owners, in order that the community may be better informed and have the opportunity to participate in the process to preserve its historic resources.

Policy 6.1.3: Lee County will work with the community of Boca Grande in updating its inventory of contributing and non-contributing structures as part of its efforts to preserve the historic resources of Gasparilla Island. Lee County will assist in efforts to create a record of the historic features of the Island in order to sustain a legacy for future generations.

Policy 6.1.4: Lee County will work with the Boca Grande Historic Preservation Board and the community of Boca Grande in reviewing the design parameters applicable to the Historic District of Boca Grande to ascertain whether additions, modifications, or deletions need to be considered.

Policy 6.1.5: Lee County will investigate the designation of Banyan Street as an historic resource and assist with the implementation of additional recommendations found in the *Banyan Tree Assessment Report, Banyan Street-Boca Grande, Florida*, completed by the Lee County Division of Environmental Sciences, as recommended by the Boca Grande Historic Preservation Board.

Policy 6.1.6: Lee County will investigate additional fiscal and tax incentives to preserve the economic viability of the Historic District of Boca Grande.

Policy 6.1.7: Lee County will preserve the historic village character of the commercial sector of Boca Grande through site and design regulation by adhering to the criteria of the *Design Guidelines Manual for the Boca Grande Historic District in Lee County Florida*. Lee County will support efforts of the Boca Grande community to modify site and design regulation within the Boca Grande Historic District of formula fast food restaurants and other similar franchise operations, formula to include commercial signage, and other design components or uses that are not in keeping with the historic elements of the existing community character on Gasparilla Island.

Policy 6.1.8: Lee County will work with the Boca Grande Historic Preservation Board and the community to review the build-back regulations to ascertain whether modifications need to be undertaken in order to restore historic features in the event of catastrophe. If necessary, regulations to allow designated historic resources to be reconstructed will be adopted.

Element VII - Economics

Goal 7 Objective 7.1 - Economics: To identify and preserve the elements of the Gasparilla Island economy that contribute to the quality of life for the residents and stakeholders, including the restaurants, shops, fishing guides, art galleries, real estate companies, and existing commercial businesses which combine to make Boca Grande a unique village economy.

Objective 7.1: Lee County will work with all of the interests that make up the economy of Boca Grande to preserve and promote the economic health of the Boca Grande community while not expanding the amount of commercial property on the Island in accordance with the Gasparilla Island Conservation District Act (GICDA).

Policy 7.1.1: Lee County will support efforts by the Gasparilla Island Bridge Authority (GIBA) to secure funding for the repair and maintenance of the bridges connecting Gasparilla Island to the mainland.

Policy 7.1.2: Lee County will support efforts to preserve, maintain, and enhance the beaches of Gasparilla Island, exploring alternate funding mechanisms such as the Tourist Development Tax, establishment of a Municipal Service Benefit Unit or a Florida Erosion Control District, or establishment of some alternative cross-jurisdictional funding mechanism. Funded programs will include, but are not limited to, beach restoration and renourishment, erosion control, beach acquisition, beach access maintenance, support of existing beach facilities, and beach clean-up.

Policy 7.1.3: Lee County will support, preserve, protect, and seek to enhance the tarpon and game fishing industry as a vital element of the Boca Grande economy. Support should include appointing Boca Grande representatives of the tarpon and game fishing industry to the Tourist Development

Council, identifying and securing funding to study and implement policies to ensure the continued health of the tarpon and game fish population and habitat, and assisting in clean-up operations aimed at removing debris from areas in Charlotte Harbor where tarpon and game fish congregate.

Policy 7.1.4: Lee County will work with the Boca Grande community to review and ensure adopted levels of service for the provision of water, sewer, roadway capacity, and parks and recreation are consistent with the Goals, Objectives and Policies adopted in the Comprehensive Plan.

Policy 7.1.5: To ensure the continued economic health of Boca Grande, Lee County will seek to maximize the efficiency and the functionality of existing parking facilities and review existing parking standards for their consistency with the historic and environmental constraints found in the community.

Policy 7.1.6: Lee County will coordinate with the Lee County School District to ensure adequate educational opportunities are available to the residents and stakeholders of Boca Grande.

Policy 7.1.7: To ensure Boca Grande's economic health, Lee County will support the preservation of historic businesses and commercial structures. ~~by providing financial and regulatory incentives for existing businesses.~~ IncentivesSupport may include historic preservation grants and development regulations which will encourage mixed use buildings. The Gasparilla Inn is an example.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Boca Grande community began the community planning process in the summer of 2003 following a community meeting with staff during the Evaluation and Appraisal Report process.
- The Boca Grande Community Planning Association, Inc. was formed on December 1, 2003 for the purpose of having a legal entity to contract with Lee County and a planning consultant to develop the Boca Grande Community Plan.
- The Boca Grande community plan has received financial assistance from the Lee County Board of County Commissioners, the Charlotte County Board of County Commissioners and the Gasparilla Island Conservation and Improvement Association.
- The area covered by the Boca Grande Community Plan and this plan amendment is Gasparilla Island, Boca Grande Isles, the Gasparilla Golf Course Island, Three Sisters Island, Hoagen's Key, Loomis Island, Cole Island, and the Gasparilla Island bridge lands and causeway islands, and includes all submerged lands, tidal lands, overflow lands and tidal ponds as described in the GICDA.
- The Boca Grande Community Plan was submitted to Lee County on September 30, 2004.
- The Boca Grande Community Plan recommends establishing a new Vision Statement and a new Goal and associated Objectives and Policies specific to the Boca Grande community.

The Boca Grande community, through recommendations contained in the Boca Grande Community Plan, has proposed a new Goal, Objectives and Policies for inclusion in the Lee Plan. Some highlights of their proposed amendment include:

- A new Vision Statement for Boca Grande that updates the existing Boca Grande Vision Statement.
- A desire of the community to create new site location standards for boating and marine facilities.
- A desire of the community to develop commercial design guidelines and parking & signage standards.
- The community would like to adopt regulations to further manage rental and tour businesses.
- The creation of a local document clearing house where the public may review copies of selected documents from permit applications, variance requests, staff reports, hearing examiner recommendations, Historic District Special Certificates of Appropriateness and Administrative Variances.
- A requirement for owners or agents for certain development proposals to hold a local public informational meeting prior to a finding of sufficiency. Similar requirements are in effect in Estero, Captiva and Caloosahatchee Shores.
- The community desires to have a parking and traffic study conducted to identify ways to create safe and efficient parking for employees, patrons and visitors.
- The community desires to create regulations specific to fast food, formula retail and formula restaurants.
- The Boca Grande community desires Lee County to participate in the acquisition of the approximately 9.19 acre property owned by Florida Power and Light located at the south end of Gasparilla Island.
- The community desires Lee County to protect and enhance the eight-mile long pedestrian/bike/electric golf cart path on Gasparilla Island.
- The community desires to establish a Boca Grande Historic Preservation Board to review applications for Special Certificates of Appropriateness within the Boca Grande Historic District.

C. BACKGROUND INFORMATION

The idea for a community plan on Boca Grande came out of a meeting staff had with the Boca Grande community on April 15, 2003 during the Evaluation and Appraisal Report public participation process. The EAR meeting followed a presentation by the GICIA regarding rapid population growth and development in the surrounding area. Staff mentioned how other community planning efforts had addressed local issues, and this endeavor began.

After that meeting, staff was contacted by members of the Boca Grande community who inquired about the community planning process. Staff met with three Boca Grande residents on May 14, 2003 at the Boca Grande Community Center to discuss the community planning process and the requirements of Administrative Code 13-3.

The Boca Grande community formed a non-profit corporation, the Boca Grande Community Planning Association, Inc. on December 1, 2003 for the purpose of having a legal entity to form the nine-member Boca Grande Community Planning Panel. The panel was fully formed on January, 5, 2004 and held its first meeting on January 8, 2004.

The Boca Grande Community Planning panel requested community Planning Funds from Lee County and the county executed an agreement with the Boca Grande Community Planning Association, Inc. on April 13, 2004 for \$25,000.00 of Community Planning funds. The Planning Association also received a \$25,000.00 grant from the Gasparilla Island Conservation and Improvement Association and \$20,000.00 from Charlotte County to help pay for planning activities on the Charlotte County portion of Gasparilla Island. Lee and Charlotte County's entered into an interlocal agreement on December 21, 2004 to allow Lee County to administer the Charlotte County funds.

The Planning Association hired Morris-Depew Associated, Inc. to assist them with writing a community plan for Boca Grande and to help usher the resulting plan amendment through the public hearing process.

The Boca Grande Planning Panel formed eight subcommittees with approximately 50 volunteers. Some of the volunteers served on more than one subcommittee. The Subcommittees had a total of 34 meetings during the period of February 3, 2004 through May 3, 2004 and developed reports which became the basis for drafts of a Vision Statement and Goals, Objectives and Policies prepared by their consultant.

The Boca Grande Community Plan was submitted to Lee County on September 30, 2004 following several summer Planning Panel meetings in July, August and September, 2004. The Boca Grande Community Plan includes a 43 question survey which was mailed to 1,000 members of the Boca Grande Community. Responses were received from 630 residents.

The Boca Grande Planning Panel hired a website specialist and created detailed web page that includes meeting minutes, names of panel and subcommittee members, the Boca Grande community plan and numerous other documents. The Boca Grande planning web site can be used as a quality model for other community planning efforts to use. The URL for the Boca Grande planning web page is: <http://www.bocagrandeplanning.com>.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The proposed Board sponsored amendment application was received by the County on September 30, 2004. Planning staff provided copies of the proposed amendment and requested comments from various County departments and divisions, including:

- Division of Development Services
- Division of Zoning

- Division of Planning
- Division of Environmental Sciences
- Department of Transportation
- Public Works
- Parks and Recreation
- Utilities
- Smart Growth
- Economic Development
- Natural Resources
- Parks & Recreation
- Lee County Port Authority
- Public Safety
- County Attorney

Comments were received from the Lee County Department of Transportation, Smart Growth, County Attorney, Division of Natural Resources, Parks and Recreation and the Division of Planning. Those comments are attached to this report.

Staff's initial comments were forwarded to the Boca Grande Planning Panel members and their consultant. Staff attending a meeting with the Boca Grande Planning Panel on April 5, 2005 to further explain staff's comments. After that meeting staff mailed a letter dated April 8, 2005 to the Chairman of the Boca Grande Community Planning Panel suggesting changes to the plan amendment and requesting additional information. The Boca Grande Planning Panel revised their proposed amendment in response to many of staff's comments and submitted that revised language to staff on April 20, 2005. Those changes were made to the community's proposed plan amendment language and appear underlined below as if they were part of the original submittal.

The following section of this report includes a proposed new Vision Statement, a new Goal and new Objectives and Policies. Staff's recommended changes to the applicants original and later revised language are in strike through, double underline format. Following each modification are comments and suggestions from Staff.

Vision Statement

2. ~~Boca Grande - This community includes the portions of Gasparilla Island within Lee County and the surrounding smaller islands. The smaller islands in this community have minimal if any development. The core of this community is the unincorporated town of Boca Grande. This community is unique in that it has no direct road access to the rest of Lee County. All access to Boca Grande is via Charlotte County or by boat. The Boca community is designated as Urban Community, Outer Islands, and Public Facilities; however, the Urban Community category is restricted to 3 units per acre within this community. The population of Boca Grande is expected to increase from 888 people in 1996 to 1,201 in 2020. The seasonal influx will remain high in this community with and expected seasonal population in 2020 of 2,834. Currently, less than 15% of Boca Grande is vacant. By the year 2020, this community is expected to build out. The community of Boca Grande is dedicated to preserving its historic character and the community will look largely the same in 2020 as it does today.~~

~~There are no sub-communities within the Boca Grande Community.~~

Gasparilla Island/Boca Grande – In 1980, the Florida Legislature found that the community of Boca Grande, comprised of Gasparilla Island and nearby islands, is part of the fragile barrier island system as defined in the Presidential Directive on barrier islands dated May 23, 1977, and is an area of particular natural beauty containing abundant plant, marine, animal and bird life. The State of Florida recognized that the conservation of the natural beauty, plant, marine, animal and bird life of the islands was in the best interest of the residents and property owners of the islands, the citizens of Lee and Charlotte Counties and the State of Florida, and consequently created the *Gasparilla Island Conservation District* by enacting the Gasparilla Island Conservation District Act of 1980 (Ch 80-473). The Act was subsequently amended in 1983 and 1986 (Ch 83-385 and Ch 86-341) and is hereafter referred to as the GICDA. The intent of the GICDA is to limit density and development to a level which will not degrade the fragile environment or overburden the limited infrastructure of the islands.

For the purposes of this comprehensive plan, the community of Boca Grande includes Gasparilla Island, Boca Grande Isles, the Gasparilla Golf Course Island, Three Sisters Island, Hoagen's Key, Loomis Island, Cole Island, and the Gasparilla Island bridge lands and causeway islands, and includes all submerged lands, tidal lands, overflow lands and tidal ponds as described in the GICDA.

To insure that the intent of the GICDA is carried out, actions proposed in sections that follow must be undertaken to promote sound environmental policy, preserve the character and history of the community, safeguard the water supply, protect the sports fishing industry and support the essentially seasonal businesses in Boca Grande, and to ensure that residents have adequate access, law enforcement, and emergency and utility services.

The core of the Gasparilla Island/Boca Grande community is the unincorporated village of Boca Grande, designated as an Historic District. This community is unique in that it has no direct road access to or from the rest of Lee County. All access to Boca Grande by motor vehicle is via Charlotte County, or by boat, or small seaplane. The Lee County portion of Gasparilla Island/Boca Grande is designated as Urban Community, Outer Islands, Public Facilities, Conservation Lands, and Wetlands on the Future Land Use Map. Maximum density in the Urban Community category is restricted to three dwelling units per acre.

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, 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.

High priorities for Gasparilla Island/Boca Grande are the preservation and conservation of its fragile environment, including recreation and open space areas, its Historic District, the residents' quality of life and right to continued enjoyment of its natural and cultural gifts, and consistent enforcement

of all current and future regulations with respect to zoning, traffic, parking, law enforcement, public utilities, the GICDA and the Historic District.

To the greatest extent possible, the community of Boca Grande, Lee County and Charlotte County should work together to jointly develop land development regulations and ordinances which are required by the policies found in this Comprehensive Plan. Different implementing ordinances and regulations should be avoided.

The last sentence of the Vision Statement does not contribute anything to the above paragraph. Staff understands the community's desire for Lee and Charlotte Counties to coordinate with each other when adopting implementing regulations for Gasparilla Island. However, while the two County's can strive for compatible development regulations, those regulations will be distinct to each County.

Staff recommends transmitting the Vision Statement, as revised.

GOAL: The Boca Grande Community Plan seeks to preserve and conserve the surrounding fragile environment, recreation and open space areas, the Historic District, the quality of life and the continued enjoyment of its natural and cultural gifts. The plan seeks consistent enforcement of all current and future regulations with respect to zoning, traffic, parking, law enforcement, public utilities, the Gasparilla Island Conservation District Act and the Boca Grande Historic District.

Element I - Future Land Use

Goal 1 Objective 1.1 - Future Land Use: To preserve the traditional character, scale, and tranquility of the historic village and residential areas of the Boca Grande community by continuing to limit the densities and intensities of use and development to sustainable levels that will not adversely impact the natural environment, overburden the existing infrastructure, or require additions to the present infrastructure.

Objective 1.1: Lee County will continue to enforce the regulations found in the Gasparilla Island Conservation District Act, and will assist the residents of Boca Grande to further develop growth management policies and regulations to limit densities and intensities of development on Gasparilla Island, in order to maintain the historic scale and development patterns of the community.

Policy 1.1.1: Lee County will work with the Boca Grande community to establish boating and marine facility site location standards which will help to identify appropriate locations and development regulations that are consistent with a scope and intensity that will protect the community from the potential negative impacts. Future public boat ramps and other watercraft launching facilities on Gasparilla Island will only be developed with adequate on-site parking, and should minimize impacts to traffic and pedestrian safety, the environment, neighborhoods, and consider marine safety issues.

Staff recommends the transmittal of Objective 1.1, as revised and of Policy 1.1.1.

Policy 1.1.2: In order to preserve the existing community character of Boca Grande, the Boca Grande community will work to develop standards to regulate fast food and retail franchises, and formula restaurants all commercial uses on Gasparilla Island, will be adopted within two years of the adoption of this Policy. Development standards will identify commercial design guidelines, parking and signage standards, appropriate intensity of uses and establish location standards to ensure consistency with the existing community character. These standards will identify the types of restaurants and franchises which may be incompatible with the community character of Boca Grande and therefore must comply with these development standards. A compliance determination is required by the Boca Grande Historic Preservation Board. Until such regulations are adopted, fast food and retail franchises, and formula restaurants may only be approved by Special Exception and must be found to be compatible with the existing historic conditions and consistent with the Historic District design guidelines.

Policy 1.1.2 proposes developing regulations that would only apply to fast food restaurants, formula restaurants and retail franchises. Fast Food Restaurants are defined in Chapter 34 of the Land Development Code. Formula restaurants and retail franchises are not adequately defined in the Policy.

Changing the zoning regulations for fast food restaurants will require amending the Property Development Regulations Table in Chapter 34 of the Land Development Code. If changes to regulations for fast food restaurants would prevent a property owner from obtaining a use that the current regulations will allow, the County could be exposed to liability under the Bert J. Harris, Jr. Private Property Protections Act.

Staff does not recommend creating regulations that distinguish between restaurants and retail uses based on whether they are considered "formula" restaurants or "franchise" retail uses.

Staff recommends that the Boca Grande community develop regulations that apply to all commercial uses on Gasparilla Island, rather than specific types of restaurants and retail uses.

The establishment of location standards on Gasparilla Island will be difficult because the Gasparilla Island District Act does not allow for the creation of new commercial zoning districts. New location standards will have to work within the framework of the property that is currently zoned for commercial uses.

Staff recommends the transmittal of Policy 1.1.2, as revised.

Policy 1.1.3: Changes to the Land Development code will be adopted The Boca Grande community will work to develop regulations within two years of the adoption of this Policy, to better manage rental and tour businesses which have an impact on the neighborhoods and environment of the community. These regulations will address issues such as the number and location of operators, safety, privacy, security, liability insurance, parking facilities, property maintenance, storm water management, and compatibility. Until such regulations are adopted, prior to the issuance of permits or occupational licenses for any new business proposing rental of electric or motorized vehicles such as mopeds, scooters, golf carts, personal watercraft (jet-skis) or similar vehicles, and businesses which operate tour boats, busses, trolleys, carriages, or other vehicles on tours of neighborhoods on Gasparilla Island, the Boca Grande Historic Preservation Board must review the

proposed operation and find it is compatible and will preserve the Historic character of Boca Grande.

Existing rental operations may continue to operate. Additional square footage to any building or an increase in the number of rental vehicles must comply with all existing regulations, including the provision that all outdoor storage must be contained on the business property and comply with existing regulations.

Staff does not recommend the creation of the Boca Grande Historic Preservation Board. (See staff's comments under proposed Policy 6.1.1, beginning on page 40 of this report)

It is not necessary to state in a Lee Plan policy that compliance with existing regulations is required. Compliance with existing regulations is a given.

The Boca Grande community has expressed interest in applying further controls on rental and tour business operations on Gasparilla Island. Staff recommends that the community work to create proposed regulations that would apply to rental and tour businesses. Those proposed regulations would be considered for adoption through the existing Land Development Code revision process.

Staff recommends the transmittal of Policy 1.1.3, as revised.

Policy 1.1.4: Lee County will work with the Boca Grande Community to establish a Document Clearing House in Boca Grande, where copies of selected documents from permit applications, variance requests, staff reports, Hearing Examiner recommendations and resolutions, Historic District Special Certificates of Appropriateness, and Administrative Variances and for any development on Gasparilla Island will be kept for public inspection. The County's failure to provide or to timely provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Staff recommends the transmittal of Policy 1.1.4.

Policy 1.1.5: The owner or agent for any rezoning, variance or special exception request which requires a public hearing, such as a variance, special exception, or consumption on premises; any request for an Historic District Special Certificate of Appropriateness; or any administrative variance for development on Gasparilla Island, must conduct one public informational meeting in Boca Grande where the owner or agent will provide a general overview of the project for any interested citizens. If the request is located within the Boca Grande Historic District, the informational meeting will be presented to the Boca Grande Historic Preservation Board at its appointed meeting location. For all other requests, the applicant is fully responsible for providing the meeting space and providing security measures as needed.

Lee County encourages zoning staff to participate in such public informational meetings. This meeting must be conducted before the application can be found sufficient. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will

respond to any issues that were raised. Whenever possible, public hearings for proposed projects on Boca Grande should be held between the months of October through May. Public hearings which are held during the months of June through September, will require notification of the date and time of the hearing to surrounding property owners a minimum of one month prior to the hearing date.

Staff does not recommend requiring a public informational meeting for requests for an Historic District Special Certificate of Appropriateness, or for administrative approvals. Residents seeking a Special Certificate of Appropriateness are already subject to an additional layer of review by the Historic Preservation Board. Requiring another layer of review would not be fair to the applicant. Staff does not think it is appropriate to require applicants for administrative approvals to conduct a public informational meeting on Boca Grande. This practice would delay staff decisions and unfairly burden the applicant.

Consumption on Premises applications that require a Special Exception would require a public informational meeting.

Staff recommends the transmittal of Policy 1.1.5, as revised. It is very similar to policies that are in effect for Estero, Captiva and Caloosahatchee Shores.

Policy 1.1.6: In addition to compliance review by Lee County development services staff, Lee County will require that all permit applications for development on Gasparilla Island will bear a statement, signed and notarized by the owner or authorized agent, that they are aware of and will comply with the provisions of the GICDA.

The Gasparilla Island Conservation District Act (GICDA) has been incorporated into Chapter 34 of the Land Development Code. Development applications are reviewed by staff for compliance with all County regulations, including Chapter 34 of the LDC. The proposed Policy 1.1.6 does not assure compliance with the GICDA.

Staff does not recommend the transmittal of Policy 1.1.6.

Policy 1.1.7: In order to promote water conservation and better manage this important resource, Lee County the Boca Grande community will investigate the feasibility of requiring all applicants develop standards for permit requests of new structures buildings to conduct a cistern feasibility study as part of the permitting process. For redevelopment projects, Lee County will seek to encourage the establishment of cisterns as a non potable water source, wherever practicable.

Staff does not agree it is appropriate to require a cistern feasibility study for each new or redeveloped building in Boca Grande. Staff recommends the community conduct one study that can be used as a model for all new or redeveloped buildings on Boca Grande. Staff does not recommend the use of the word "structure", which could include telecommunication towers.

Staff recommends the transmittal of Policy 1.1.7, as revised.

Policy 1.1.8: In order to maintain the traditional scale and historic patterns of development on Gasparilla Island, including areas outside the Boca Grande Historic District, Lee County will work

with the Boca Grande community to will develop an ordinance regulations to preserve light, space and air around new residential dwelling construction and to discourage "mega houses" or "mansions" of Boca Grande. New development or redevelopment will recognize that traditional setbacks, particularly front and side yard setbacks, as well as strict adherence to the Coastal Construction Control Line, within existing and proposed neighborhoods on Gasparilla Island, should be maintained. Lee County has determined that house designs which dwarf their neighbors are incompatible with existing historic and traditional neighborhoods and will be discouraged. These regulations will be adopted within two years of the adoption of this policy.

Until such an ordinance is adopted, no variances from existing property development regulations will be approved including setbacks, lot coverage, or height. Contributing structures in the Historic District or structures outside the Historic District which are designated as an historic resource under Chapter 22 of the Land Development Code may seek Special Certificates of Appropriateness and administrative relief from development regulations if approved by the Boca Grande Historic Preservation Board.

There is no official determination by Lee County regarding compatibility of neighboring residential building sizes. No existing regulations directly limit the overall size of residential buildings. Chapter 34 of the Land Development Code regulates lot size, road frontage, building setbacks and maximum building heights. Those regulations create an "envelope" that indirectly limit the maximum size of residential buildings.

Placing restrictions on the size of residential structures relative to the size of an individual lot was also raised by the Captiva Community Planning Panel. Staff encourages the Boca Grande and Captiva planning panels to develop proposed regulations that address the size of residential structures for consideration by the Land Development Code Advisory Committee and County Staff.

Placing a moratorium on variances from the Property Development Regulations on Boca Grande could expose the County to liability under the Bert J. Harris, Jr. Private Property Protections Act.

Staff recommends the transmittal of Policy 1.1.8, as revised.

Policy 1.1.9: Lee County The Boca Grande community will work to develop policies for Lee County to consider that will enable parcels comprised of multiple lots of record to remain intact. Any redevelopment of other large parcels of land will be consistent with the Gasparilla Island Conservation District Act, will work to preserve open space, and will not exceed three (3) dwelling units per acre. Parcels comprised of more than one lot of record, which are under unified control may not be divided unless the resulting lots conform with the maximum density of 3 dwelling units per acre (minimum lot size of 14,520 square feet), as established in the Lee Plan, Table 1(a), Note #5.

In all cases on Gasparilla Island, the maximum density must not exceed 3 dwelling units per acre. The Lee Plan does not regulate lot size on Boca Grande per se. Although lot size may be indirectly affected by the density limitations of the Plan. Lot size on Boca Grande is regulated by Chapter 34 of the Land Development Code.

The substance of this policy is already addressed in the Lee Plan.

Staff does not recommend the transmittal of Policy 1.1.9.

Policy 1.1.10: Lawfully existing businesses and commercial buildings in the Boca Grande commercial areas will be deemed to be vested as related to parking, setbacks, height, and land use. Any expansion or change of use to one of higher intensity will require a review of parking impacts, setbacks, height, and uses as necessary. Any new or expanded uses in the Historic District will require public review and a finding by the Boca Grande Historic Preservation Board that the project is consistent with the community's historic village character.

Staff does not recommend the establishment of a separate Boca Grande Historic Preservation Board.

Staff recommends transmittal of Policy 1.1.10, as revised.

Policy 1.1.11: Lee County will support the Boca Grande community in their efforts to further investigate the need for modified development requirements regulations applicable to Boca Grande, based upon the unique nature of the community, the location of Boca Grande on a barrier island at the mouth of Charlotte Harbor, the limited opportunities for supporting infrastructure, the seasonal nature of the demand upon public facilities, and the need for cross-county administration of growth management legislation. Such support The Boca Grande Community may propose development regulations that address include the following:

- a. The creation of the Gasparilla Island Zoning Overlay district to address inconsistencies with current zoning districts and the comprehensive plan and GICDA, implement policies adopted in this plan, and adopt modified development regulations such as, but not limited to, parking requirements, minimum setbacks, and commercial and residential design standards.
- b. The creation of a marine park zoning district to facilitate consistent local enforcement of existing Federal, State and County regulations in waterfront areas and new regulations to better manage coastal issues such as use and rental of personal watercrafts, abandoned vessels, live aboards, sanitation, water quality, and noise.
- c. Completion of an impact study of parking deficiencies prior to granting any additional administrative parking variances in the historic village commercial area. Until such time as the parking study is completed, new construction will be required to meet current parking requirements for its intended use.

Staff is not convinced that a new zoning overlay district or marine park zoning district are necessary on Boca Grande. However, staff does not oppose the Boca Grande community proposing regulations for staff to review.

The proposed parking study exceeds the County's core level of service. This proposed policy does not explain how the parking study will be funded, or provide specifics about the study's scope or content.

Staff recommends the transmittal of Policy 1.1.11, as revised.

Element H - Transportation, Parking and Traffic Circulation

Goal 2 Objective 2.1 - Transportation, Parking and Traffic Circulation: To ensure residential and commercial land use in Boca Grande that recognizes the connection between the existing transportation infrastructure and the community's desire to preserve Boca Grande's community character as a tranquil residential community, with an historic village center, and abundant open space and preservation areas. No policy in this community plan will be construed or interpreted to imply that Lee County will implement and/or enforce traffic regulations, traffic control, or parking regulations which are determined to be significantly substandard or may cause a defined safety or operational problem.

Objective 2.1: Lee County will recognize the inherent need to limit additional impacts to the existing transportation infrastructure of Boca Grande, the varied types and limited access to the community, the need for alternate forms of transportation within the community, the need for specialized standards for parking and commercial service areas, and the seasonal nature of infrastructure demand that exists throughout the community.

Policy 2.1.1: Lee County will continue to enforce the provisions of the Gasparilla Island Conservation District Act which limit growth, limit building height and restrict advertising throughout Boca Grande.

Staff recommends the transmittal of Objective 2.1, as revised and Policy 2.1.1.

Policy 2.1.2: Lee County will support the provision of convenient, safe bridges providing access to Gasparilla and Cole Islands and supports ~~through support of the autonomy of the Gasparilla Island Bridge Authority (GIBA), support for the highest standard of safety for vehicles, golf carts, bicycles, and pedestrians including, and support of strict enforcement of traffic laws.~~

Lee County supports safe bridge access, but there is no explanation as to how County support of the autonomy of the GIBA achieves safe bridge access. For that reason, staff recommends striking the reference to County support of the autonomy of the GIBA from this proposed policy.

Staff recommends the transmittal of Policy 2.1.2, as revised.

Policy 2.1.3: Lee County will assist in efforts to improve the bike and golf cart path along Gulf Boulevard, south of the village. ~~A feasibility study will be conducted to see if improvements such as widening of the path and landscaping can improve safety, shared use opportunities, and capacity. Lee County should consider funding the feasibility study and improvements from a portion of the 5% hold back from impact fees and by using county bike/pedestrian funds.~~

The County's Bike and Pedestrian Advisory Committee has included improvements to the Gulf Boulevard bike path on its list of recommended projects using the County's bike/ped funds. Funding a feasibility study for a specific bike path extends beyond the County's core level of service.

Staff recommends the transmittal of Policy 2.1.3, as revised.

Policy 2.1.4: ~~To assure bicycles and golf cart safety, Lee County will enforce bicycle safety regulations specified in Section 316.2065, Florida Statutes, and golf cart regulations specified in Section 316.212 F.S. and Section 316.1995.~~

Policy 2.1.4 references existing Florida laws. It is the responsibility of the Lee County Sheriff to enforce State laws. This policy does not change that responsibility.

Staff does not recommend the transmittal of Policy 2.1.4.

Policy 2.1.5: In order to preserve the historic characteristics of the community, Lee County will support the use of all way stop intersections or other traffic control methods, rather than traffic signals, whenever possible in the Boca Grande community.

Staff recommends the transmittal of Policy 2.1.5.

Policy 2.1.6: Lee County will support efforts of the Boca Grande community to beautify road right-of-ways and enhance the public realm of Boca Grande by including provisions for streetscaping in Historic Downtown Villages in the Lee Scape Master Plan. In order to maintain low traffic volumes, operating speeds, and noise levels, improvements will emphasize traffic calming techniques, and the need to preserve the aesthetic values of the community. Particular emphasis will be placed in the Historic District. Enhancements may include village streetscaping such as additional street trees, trash receptacles, benches and burying utilities underground.

Policy 2.1.6 appears to require the County to exceed its core level of service for roadway landscaping in Boca Grande. Staff recommends including the words "of the Boca Grande community" to clarify that the county will not be responsible for funding those improvements above its core level of service. The Boca Grande community could create an MSTBU for that purpose.

Staff recommends the transmittal of Policy 2.1.6, as revised.

Policy 2.1.7: Lee County will continue to ensure viable hurricane evacuation options for the residents and stakeholders of Boca Grande.

Staff recommends the transmittal of Policy 2.1.7.

Policy 2.1.8: Lee County will support improvement of pedestrian safety by establishing and marking crosswalks throughout the community; and by improving pedestrian circulation within the Historic District, and consistently enforcing all regulations on the bike paths, which includes minimum age requirements for operation of golf carts.

Policies that would be enforced by local law enforcement agencies do not belong in the Lee Plan.

Staff recommends the transmittal of Policy 2.1.8, as revised.

Objective 2.2: Lee County will support consider a funding request for the Boca Grande Community Plan implementation that provides for a parking and traffic study to identify ways to create safe and efficient parking for employees, patrons and visitors, and to determine the appropriate parking standards which will address the capacity and design needs of the Boca Grande commercial district. The parking and traffic study will address the following policies.

Because there is no detailed information on what the funding request would entail, staff recommends replacing the word “support” with “consider”.

When a detailed funding request for implementing a traffic study comes forward, the BoCC can consider that request. Parking studies and building parking lots are generally beyond the County’s core level of service (Parks and Recreation have owned and operated parking facilities). This is especially true in support of a business district. This objective and related policies raise the question of what the County’s level of involvement should be in this regard.

Staff recommends the transmittal of Objective 2.2.

Policy 2.2.1: As a result of regional growth and local redevelopment, Lee County will provide assistance to develop a long-range strategy to address increased parking demand. This may result in regulations, infrastructure improvements or adoption of management practices which incorporate any number of the following:

- a. Revised traffic count thresholds
- b. Maximum development intensities
- c. Revised minimum parking requirements
- d. Traffic congestion mitigation practices
- e. Vehicle and pedestrian safety programs
- f. Shared parking agreements
- g. Public/Private partnerships to fund new or expanded parking facilities.

Policy 2.2.2: Lee County will seek to maximize the efficiency and the functionality of existing parking facilities by improving trailblazing signage, re-designing existing parking facilities, and creating specific facilities for golf cart and bicycle parking. Designated parking for employees, the appropriate number of parking spaces for new and expanded uses, and enforcement of existing parking restrictions and permit requirements will also be examined.

Policy 2.2.3: Parking along the beach access streets and other public rights-of-way will be regulated to allow convenient ingress and egress to residences and permit adequate emergency vehicle access at all times. Lee County will support efforts of the Boca Grande community to analyze the appropriateness of overnight and long term parking in the public rights-of-way, the Gilchrist median, and along beach access streets.

Policy 2.2.4: Lee County will seek to direct service vehicles and delivery vehicles to designated unloading zones. Due to the traffic congestion in the Historic District, Lee County will assist in establishing time restrictions on service and delivery trucks during peak traffic periods, such as those occurring in March and April.

Staff recommends the transmittal of policies 2.2.1, 2.2.2, 2.2.3 and 2.2.4.

Policy 2.2.5: Lee County will encourage alternative transportation by supporting golf cart and bicycle use and improving design for golf cart and bicycle parking throughout the Boca Grande community.

Bicycle and parking requirements already exist in the Land Development Code. State Law provides some restrictions on the use of golf carts. It is not clear what type of additional support is envisioned for golf cart and bicycle use.

Staff does not recommend the transmittal of Policy 2.2.5.

Policy 2.2.6: For all new development and redevelopment, Lee County will continue to support and improve design and permitting efforts through the site plan review process that adequately address truck deliveries, emergency vehicle access, and solid waste disposal.

Policy 2.2.7: Lee County will assist in a study of traffic patterns and flow in and around the Post Office, Park Avenue, East Railroad Avenue and West Railroad Avenue, seeking to develop a plan of action that will improve the functionality of the infrastructure while preserving the aesthetics of the community.

Staff recommends the transmittal of Policies 2.2.6 and 2.2.7.

~~**Policy 2.2.8:** To preserve the capacity of the existing roadways and parking facilities, Lee County will adopt regulations within two years of the adoption of this Policy, that address the appropriateness of high impact uses such as fast food restaurants, convenience food stores, and other franchise retail stores and restaurants.~~

Policy 2.2.8 appears to be requiring the County to consider the appropriateness of fast food restaurants, convenience food stores and franchise retail stores and restaurants in Boca Grande.

From a traffic concurrency standpoint, the County considers traffic impacts of all proposed uses on their own merits. The County evaluates traffic concurrency issues during Development Order review and bases decisions on the traffic generated by a particular land use, not on whether the use is a "formula" or "franchise" business.

Staff does not recommend the transmittal of Policy 2.2.8.

Element III - Conservation and Coastal Management

~~**Goal3Objective 3.1 - Conservation and Coastal Management:** Lee County will preserve, protect, and, where possible, enhance the physical integrity, village character, ecological values, and natural beauty of Boca Grande and Gasparilla Island, focusing upon the diverse and healthy native vegetation, the clear offshore waters, and the varied and abundant native marine and wildlife resources in a manner compatible with the Gasparilla Island Conservation District Act, the promotion and preservation of the historic Boca Grande village as a thriving community, and preservation of Gasparilla Island's historic heritage.~~

~~**Objective 3.1:** Lee County will support the efforts of the Federal and State authorities, and the Boca Grande community to preserve, protect, and enhance the positive environmental qualities of Gasparilla Island. Lee County will involve local community organizations in the planning process and will enforce these community plan policies through implementation in the land development regulations.~~

Policy 3.1.1: Lee County will support and encourage beach renourishment and other efforts to maintain the beaches and protect Gasparilla Island from tidal events.

Staff recommends the transmittal of Objective 3.1, as revised and Policy 3.1.1.

Policy 3.1.2: Lee County will assist the Boca Grande community in evaluating and promoting the creation of a community wide Municipal Services Benefit Unit, or a Florida Erosion Control District, for assistance in funding beach renourishment projects.

Policy 3.1.2 is inconsistent with the current policy on how costs are allocated for beach renourishment projects. The project is fully funded. If an MSTBU was established, an assessment of the unit would simply reduce the amount of funds being contributed from other existing sources, the majority of which are grants.

Staff does not recommend transmitting Policy 3.1.2.

Policy 3.1.3: Lee County will support the State's efforts to protect and preserve mangroves both on private properties as well as within public lands and easements. Not later than December 31, 2005, Lee County will review the State regulations regarding mangrove trimming and removal and determine whether additional protections need to be enacted on Gasparilla Island to protect its fragile environment.

Staff recommends the transmittal of Policy 3.1.3.

~~**Policy 3.1.4:** Since future use of the 9.19 acres of land owned by Florida Power & Light at the south end of Gasparilla Island as passive open space will best serve the goal of enhancing the beauty and environmental integrity of the Island, Lee County will assist private and public efforts to acquire the land for that purpose through financial, administrative and political measures.~~

Uses other than passive open space may better serve the residents of Lee County. If the Florida Power & Light facility on Boca Grande is acquired in whole or in part with public funds, staff will evaluate the merits of any use of that property and will recommend the use that best serves the public, including the residents of Boca Grande.

Policy 3.1.4 is similar to Policy 5.2.2., in that both policies state that Lee County will assist in with efforts to acquire the FPL site.

Staff recommends the transmittal of Policy 5.2.2, as revised by staff. Staff does not recommend the transmittal of Policy 3.1.4.

Policy 3.1.5: Lee County will strictly enforce its own policies related to the preservation of the beach dune system, beach dune vegetation, and beach dune wildlife, by discouraging any construction seaward of the 1979 Coastal Construction Control Line. This policy will not apply to the placement of raised walkways intended to cross over the dune system from adjoining properties, nor will it apply to bona fide beach renourishment and shoreline protection efforts. Lee County will support the State's efforts to protect the beach dune system, beach dune vegetation, and beach dune wildlife communities on Gasparilla Island.

Policy 3.1.6: The Beach renourishment efforts of Lee County will include the re-establishment of a beach dune system, beach dune vegetation, and beach dune wildlife communities, including nesting birds and turtles, to the greatest extent practicable. Lee County will monitor and enforce its policies and regulations protecting dunes, dune vegetation, and dune wildlife communities on Gasparilla Island. Any rock or hard revetment will be covered with sand and planted with salt resistant native plants.

Policy 3.1.7: Except for emergency events and public purposes, Lee County will ban vehicular traffic from all beaches on Gasparilla Island and will provide enforcement of the ban.

Policy 3.1.8: Lee County will use regulatory powers to preserve, protect, and enhance the marine habitat surrounding Gasparilla Island, including sea grass beds, manatee habitat, estuarine habitat, and near shore waters of Gasparilla Island.

Policy 3.1.9: Lee County will review and enforce all permits for new dock construction to assure the protection of sea grass beds, manatee habitat, tarpon fishing grounds, and other environmental values intrinsic to Charlotte Harbor. Copies of dock and shoreline permits will be sent to the Document Clearing House as established pursuant to Policy 1.1.4.

Staff recommends the transmittal of Policies 3.1.5, 3.1.6, 3.1.7, 3.1.8 and 3.1.9.

Policy 3.1.10: Lee County will assist in the enforcement of ~~sound best management standards and policies for vessel moorings~~ practices for anchorages of Gasparilla Island. The Regional Planning Council and its advisory committees will be the source of such information. ~~in anchorages and bayous of Gasparilla Island.~~

Staff recommends the transmittal Policy 3.1.10, as revised.

Policy 3.1.11: Within two years of the adoption of this Policy, Lee County will establish policies and guidelines for beach clean-up during red tide and similar extraordinary tidal events.

Policy 3.1.12: Within two years of the adoption of this Policy, Lee County will establish a program to restore the plant diversity on County owned lands on Gasparilla Island through the removal of exotic vegetation and its replacement with native species. Such a program will be phased so that the general character of the community will be maintained during the maturation process. Exotic species which are killed in place will be removed as appropriate so as not to create a negative impact or create a hazard to the community.

Policy 3.1.13: Lee County will support programs that provide periodic clean-up activities in aquatic preserves, on the beaches of Gasparilla Island, and at beach access points on Gasparilla Island.

Policy 3.1.14: Lee County will work in conjunction with Charlotte County to implement a plan to stop the proliferation of iguanas and other exotic fauna on Gasparilla Island.

Staff recommends the transmittal of Policies 3.1.11, 3.1.12, 3.1.13 and 3.1.14.

Policy 3.1.15: Lee County will provide financial and political support for research into the causes and control of red tide and other similar extraordinary tidal events. through the support of efforts such as Solutions to Avoid Red Tide, Inc. (S.T.A.R.T.) and other efforts to address and remedy the problems associated with these occurrences.

Staff believes it is not appropriate to name a specific corporate entity in the comprehensive plan. Lee County has provided support for this kind of research.

Staff recommends the transmittal of Policy 3.1.15, as revised.

Objective 3.2: Lee County will manage public resources and direct public efforts to preserve, protect, and enhance the natural environments on Gasparilla Island through measures to control the risk of harm attributable to human impact.

Staff recommends the transmittal of Objective 3.2.

~~**Policy 3.2.1:** Lee County will strictly enforce all regulations limiting noise, consumption of alcoholic beverages, littering, signage, and any nuisance activities on all public lands, rights of way, beaches, beach accesses, and public easements.~~

Policies that would be enforced by local law enforcement agencies do not belong in the Lee Plan. Lee County does not control the policies of the Lee County Sheriff's office, only the budget.

Staff does not recommend the transmittal of Policy 3.2.1.

~~**Policy 3.2.2:** Lee County will publicize and enforce the existing 500' buffer zone around Gasparilla Island as designated in Lee County Ordinance 02-14. Lee County will limit the speed of watercraft in this zone where appropriate for the protection of swimmers. Vessel restrictions imposed by County, State or Federal regulations will be appropriately marked and enforced.~~

Lee County Ordinance 02-14 maybe inconsistent with Florida Administrative Code 68D-23. The idea of publicizing and increasing enforcement of boating regulations is appropriate, however that effort would be the responsibility of the Lee County Sheriff as the primary enforcement agency.

Recognizing that Lee County Ordinance 02-14 will change over time, staff recommends stating that vessel restrictions imposed by County, State or Federal regulations will be appropriately marked and enforced.

Staff recommends transmitting Policy 3.2.2 for, as revised.

~~**Policy 3.2.3:** Lee County will support efforts to preserve, protect, and, where possible, enhance the tarpon and game fish population of Charlotte Harbor and the near shore waters of the Gulf of Mexico.~~

It is not clear what type of support is envisioned. In addition, this type of fishery activity is beyond the scope of County services.

Staff does not recommend the transmittal of Policy 3.2.3 for review.

Element IV - Community Facilities and Services

Goal 4-Objective 4.1 - Community Facilities and Services: Lee County will seek to ensure the continued delivery of high quality, accessible community facilities and services that meet the educational, recreational, informational, and public safety, health and welfare needs of the residents, visitors and stakeholders of Boca Grande.

Objective 4.1: Through the administration of county services, the Land Development and Administrative Codes, and the cooperative efforts of interagency and intergovernmental agreements, Lee County will continue to provide utilities and infrastructure; emergency, law enforcement and fire protection services; education, information resource and recreation services; and mosquito and animal control services, in a safe and efficient manner.

Policy 4.1.1: Lee County will seek to maintain and enhance the public/ private partnership for the operation and enhancement of the Boca Grande Community Center and other County operated facilities open to the public in the community of Boca Grande.

Policy 4.1.2: Lee County will cooperate with the Gasparilla Island Water Association (GIWA) to ensure the continued provision of potable water and sanitary sewer service to the community of Boca Grande. Lee County will continue to support the Wellhead Protection regulations adopted by the GIWA and Charlotte County to protect and preserve the sources upon which the community of Boca Grande relies for its potable water.

Policy 4.1.3: Lee County will facilitate and provide for the disposal of solid waste, including refuse, recyclables, and horticultural waste. Lee County will enter into an inter-governmental agreement with Charlotte County, if necessary, to ensure that the community of Boca Grande will have access to Charlotte County's solid waste disposal area located on Environmental Way in Charlotte County .

Staff recommends the transmittal of Objective 4.1, as revised and Policies 4.1.1, 4.1.2 and 4.1.3.

Policy 4.1.4: Lee County will facilitate and cooperate with the applicable mosquito control district to ensure that adequate measures are undertaken to control the health risk that mosquitoes represent. Lee County will continue to support the utilization of safe, effective, and environmentally responsible measures for mosquito control, recognizing the need to preserve local flora and fauna, including marine life.

Staff does not recommend "ensuring" any outcomes that are the responsibility of an independent authority.

Staff recommends the transmittal of Policy 4.1.4, as revised.

Policy 4.1.5: Lee County will work with the applicable mosquito control district to facilitate the dissemination of aerial spraying schedules, as well as any threat to the public health, to the

community of Boca Grande, the Boca Grande Health Clinic, and the newspapers that serve the community of Boca Grande.

Staff recommends the transmittal of Policy 4.1.5.

Policy 4.1.6: Lee County will support the operation and enhancement of a reference library facility, including the provision and improvement of adequate electronic based equipment, internet access, and software, in cooperation with local community organizations. Professionally trained library personnel will manage and operate the facility. Lee County will seek an inter-governmental agreement with Charlotte County as may be required to provide cross-jurisdictional support of library and information resource services for residents of the community of Boca Grande.

Lee County has already agreed to a Memorandum of Understanding with Charlotte County in December, 2004, for the creation of a Library Reciprocal Borrowing Program.

It is not clear to what type of cross-jurisdictional support is envisioned and recommends the transmittal of Policy 4.1.6, as revised.

Policy 4.1.7: So long as local interest exists in the community of Boca Grande to maintain an Island School to serve the population of the community of Boca Grande, Lee County will support the Lee County School Board, if necessary, with an inter-local agreement, in maintaining a viable school site and educational programs. Such support may include, but is not limited to, facilitation of land use regulations, joint use of community resources, funding assistance, joint utilization of staffing, or other applicable coordination efforts.

Policy 4.1.8: Lee County will cooperate with the Boca Grande Fire Control District (BGFCD) in the provision of fire protection services to the community of Boca Grande. Such cooperation will include, but will not be limited to, recognition that the Fire Chief of the BGFCD has the authority for interpretation and enforcement of fire codes in the community of Boca Grande. All homes will be required to have the address clearly posted on the property.

Policy 4.1.9: Lee County will provide the necessary communications infrastructure as required to manage and dispatch all 911 calls affecting the community of Boca Grande, entering into agreements as necessary with the BGFCD and Charlotte County.

Policy 4.1.10: Lee County will cooperate in the establishment of inter-local agreements between and among all necessary parties to provide for: 1) the appropriate handling of hazardous materials incidents; 2) mutual aid agreements with the Englewood Fire Control District and Charlotte County Fire and EMS; 3) advanced life support emergency medical services; and 4) back-up EMS response as may be required by the community of Boca Grande.

Policy 4.1.11: Lee County will cooperate as necessary in the provision of communications, information distribution, public service meetings, educational efforts, and a local liaison for emergency situations affecting the community of Boca Grande. Lee County will maintain an up-to-date list of first-in team contacts, cooperate as necessary with applicable jurisdictions and service providers for communication of evacuation status, shelter locations, and re-entry information in the event of an emergency situation. The issuance of evacuation notices will be coordinated with

Charlotte County. Lee County will work with other local, State, and Federal authorities as necessary to assist in the provision of adequate means by which the community of Boca Grande can be evacuated through the Cape Haze Peninsula in the event of an emergency situation. It is acknowledged that the appropriate Emergency Operations Center (EOC) is determined by the Boca Grande Fire Control District.

Policy 4.1.12: Lee County Emergency Medical Services will provide land or air transportation to the most appropriate facility based on the patients medical history and will maintain a liaison with the Boca Grande Health Clinic to keep the clinic fully informed of all Emergency Medical protocols and procedures for operations and any changes that may be implemented whether temporary or permanent. The Boca Grande Health Clinic will be informed relating to any public health issues or public county health problems.

Policy 4.1.13: Lee County will promote and assist as necessary in the provision of a full-time police and law enforcement presence for the community of Boca Grande. Cooperative arrangements in the form of inter-local agreements, or other mechanisms as may be applicable, between Lee and Charlotte County will be supported if necessary.

Policy 4.1.14: The Lee County Department of Transportation will continue to provide the necessary maintenance and improvements on all public rights-of-way to ensure the continued safety and efficiency of roadways, paths, and surface water management systems.

Staff recommends the transmittal of Policies 4.1.7, 4.1.8, 4.1.9, 4.1.10, 4.1.11, 4.1.12, 4.1.13 and 4.1.14.

Element V - Open Space, Recreation, and Beautification

Goal5Objective 5.1 - Open Space, Recreation and Beautification: Lee County will seek to promote, protect and enhance existing and potential open space, recreational facilities, and the quality of life for the residents and stakeholders of Boca Grande. These efforts will enhance the aesthetic qualities of Boca Grande and benefit its residents while preserving the characteristics of its fragile barrier island system.

Objective 5.1: Lee County recognizes that Boca Grande represents a unique cross-jurisdictional, barrier island community with distinct physical attributes that govern the preservation of open space and recreational opportunities. Lee County will seek to enhance and protect the quality of life for residents, visitors and stakeholders through the preservation of functional open space and recreational opportunities while seeking to limit demands upon a restricted infrastructure and enhance the aesthetic qualities of Gasparilla Island.

Policy 5.1.1: Lee County will support efforts to protect and enhance the functionality of the eight-mile long pedestrian/bike/electric golf cart path on Gasparilla Island. Lee County recognizes that this eight-mile long linear park and path serves a recreational purpose, a transportation purpose, and an aesthetic purpose for the residents, visitors and stakeholders of the Island. Not later than December 31, 2005, Lee County will undertake efforts to improve the pedestrian/bike/electric golf cart path along the southerly end of the path similar to those improvements located in the northerly, GICIA owned portion of the path.

Policy 5.1.2: Lee County will coordinate public works projects, such as street resurfacing, repairs, maintenance, drainage swales and other surface water management systems, with the Boca Grande community so that they include landscaping and aesthetic options that are in keeping with the concept of promoting, preserving and enhancing the ecological and aesthetic values of Gasparilla Island.

Policy 5.1.3: Not later than December 31, 2005, Lee County will investigate the feasibility of converting Banyan Street to a one-way facility and reducing the pavement width in order to better preserve and protect the banyan trees. Lee County will assist in establishing an historic, scenic or similar type of designation, as recommended in the *Banyan Tree Assessment Report, Banyan Street-Boca Grande, Florida*, prepared by the Lee County Division of Environmental Sciences, to further provide for the protection and preservation of this unique street area.

Policy 5.1.4: Upon adoption of this Policy, Lee County will prohibit automobile parking on 5th Street from Park to Gilchrist, known as Mahogany and Veterans Park, in order to protect the unique aesthetic features of this roadway.

Policy 5.1.5: Lee County will continue to support the designation of Gasparilla Island as a bird and wildlife sanctuary, as adopted in Lee County Ordinance 83-16. Lee County will support the efforts of Charlotte County for the designation of Cole Island, Live Oak Key, Peekins Ranch Cove and Key, the fishing pier at the old 400 foot railroad bridge, and the peninsula located north of the Lee County line, (as identified in the Open Space Inventory) and all remaining land zoned Environmentally Sensitive, as well as the Charlotte County portion of Gasparilla Island, as a bird and wildlife sanctuary.

Policy 5.1.6: Lee County will support and promote the preservation of environmentally sensitive lands, and will continue to support, promote and investigate additional funding sources for the Gasparilla Island Land Conservancy Stewardship Program and other preservation programs. Element V of the Boca Grande Community Plan includes the inventory of existing community open space and sensitive lands.

Staff recommends transmittal of Objective 5.1, as revised and Policies 5.1.1, 5.1.2, 5.1.3, 5.1.4, 5.1.5 and 5.1.6.

Objective 5.2: Lee County will preserve and maintain the functionality of the existing recreational facilities currently available on the Island.

Policy 5.2.1: Lee County will maintain the existing recreational facilities on Gasparilla Island, including two tennis courts, a basketball court, a volleyball court, the baseball field on Wheeler Street, the various beach access locations, a community playground, the picnic areas, and fishing sites, including one on the Bayou.

Staff recommends the transmittal of Objective 5.2 and Policy 5.2.1.

Policy 5.2.2: Lee County will assist private and public efforts to acquire the approximately 9.19 acre F. P. & L./Belcher Oil facility owned property located at the south end of Gasparilla Island, for

the purpose of maintaining it as a passive open space and reestablishing a native habitat across the site.

Uses other than passive open space may better serve the residents of Lee County. If the Florida Power & Light property on Boca Grande is acquired in whole or in part with public funds, staff will seek public input before recommending uses for that property. Staff envisions the process to be similar to the meetings held in Estero prior to and during the design of the Estero Park. Staff would evaluate the merits of all uses of the property and will recommend the use that best serves the public interest, including the residents of Boca Grande.

Staff recommends the transmittal of Policy 5.2.2, as revised.

Policy 5.2.3: Lee County will support efforts in the Historic District to install additional native landscaping, especially along Park Avenue and Fourth Street, to provide greater community aesthetics, safer pedestrian movement, landscaped parking areas for automobiles and golf carts and more efficient traffic flow.

Staff recommends the transmittal of Policy 5.2.3.

Element VI - Historic Preservation

Goal 6 Objective 6.1 - Historic Preservation: To protect, preserve, and enhance the historic resources and heritage of the Boca Grande community.

Objective 6.1: Lee County will seek to preserve the historic resources of Boca Grande through the adoption of policies and regulations that recognize the unique community characteristics, a tranquil residential community, with an historic village center, and abundant open space and preservation areas, and that also recognize the local sensitivity of the community's architecture, history and legacy as an old railroad town.

Staff recommends the transmittal of Objective 6.1, as revised.

Policy 6.1.1: Lee County will establish a Boca Grande Historic Preservation Board with the powers and duties found in Lee County Land Development Code Chapter 22, Section 22-74, which includes the ability to designate historic resources and to approve or deny applications for Special Certificates of Appropriateness. The Boca Grande Historic Preservation Board will be comprised of seven members from the categories found in the Lee County Land Development Code, Section 22-72, except that whenever possible the members will be residents of the Lee County portion of the Boca Grande community. Members will serve as described in Section 22-72 and will be appointed by the Lee County Board of County Commissioners.

The Lee County Historic Preservation Board (HPB) has jurisdiction over all of unincorporated Lee County. The HPB consists of five members selected because of their expertise and two additional lay members. There are no geographical limitations on membership. The seven member HPB could theoretically be made up entirely of residents of Boca Grande. Since the inception of the HPB the Executive Director of the Gasparilla Island Conservation and Improvement Association has been a member of the HPB. To date, no other resident of Boca Grande has applied to sit on the HPB.

There are opportunities for the residents of Boca Grande to provide comments on proposed projects to the HPB. Lee County staff advertises the Historic Preservation Board agenda in a local paper and sends architectural plans to the Boca Grande Library and the Fust library for viewing by the public. In addition, staff has notified surrounding property owners by sending them copies of the agenda. Residents of Boca Grande can review the agenda and architectural plans and send their comments by mail or give them in person to the Historic Preservation Board at any of their advertised meetings.

The Historic Preservation Ordinance was adopted December 21, 1988. Since adoption, there has been only one appeal of an HPB decision. That case was for an individual designation on Upper Captiva. Staff concludes that there is no demonstrated need for the creation of a Boca Grande Historic Preservation Board at this time.

Staff does not recommend The transmittal of Policy 6.1.1. Rather, staff encourages interested residents of Boca Grande to apply to sit on the Lee County HPB when openings become available. Boca Grande residents are also encouraged to review architectural plans at their libraries and submit their comments to the HPB.

Policy 6.1.2: Lee County will provide copies of applications for historic designations and of all Special Certificates of Appropriateness, as well as administrative variances, to the Document Clearing House as established pursuant to Policy 1.1.4, and will send notices to all surrounding property owners, in order that the community may be better informed and have the opportunity to participate in the process to preserve its historic resources.

Staff recommends the transmittal of Policy 6.1.2, as revised, in lieu of the creation of a Boca Grande Historic Preservation Board.

Policy 6.1.3: Lee County will work with the community of Boca Grande in updating its inventory of contributing and non-contributing structures as part of its efforts to preserve the historic resources of Gasparilla Island. Lee County will assist in efforts to create a record of the historic features of the Island in order to sustain a legacy for future generations.

Staff recommends the transmittal of Policy 6.1.3.

Policy 6.1.4: Lee County will work with the Boca Grande Historic Preservation Board and the community of Boca Grande in reviewing the design parameters applicable to the Historic District of Boca Grande to ascertain whether additions, modifications, or deletions need to be considered.

Policy 6.1.5: Lee County will investigate the designation of Banyan Street as an historic resource and assist with the implementation of additional recommendations found in the *Banyan Tree Assessment Report, Banyan Street-Boca Grande, Florida*, completed by the Lee County Division of Environmental Sciences, as recommended by the Boca Grande Historic Preservation Board.

Staff inadvertently missed the reference to the Boca Grande Historic Preservation Board in Policies 6.1.4 and 6.1.6 prior to the LPA Public Hearing. Staff and the LPA do not recommend the creation of a Boca Grande Historic Preservation Board.

Staff recommends the transmittal of Policies 6.1.4 and 6.1.5, as revised.

Policy 6.1.6: Lee County will investigate additional fiscal and tax incentives to preserve the economic viability of the Historic District of Boca Grande.

Staff recommends the transmittal of Policy 6.1.6.

Policy 6.1.7: Lee County will preserve the historic village character of the commercial sector of Boca Grande ~~through site and design regulation by adhering to the criteria of the *Design Guidelines Manual for the Boca Grande Historic District in Lee County Florida*~~. Lee County will support efforts of the Boca Grande community to ~~modify site and design regulation within the Boca Grande Historic District of formula fast food restaurants and other similar franchise operations, formula to include commercial signage, and other design components or uses that are not in keeping with the historic elements of the existing community character on Gasparilla Island.~~

Staff recommends that if additional site and design regulations are developed for the Boca Grande Historic District they should be applied to all commercial property, not just fast food restaurants and other similar franchise operations.

Staff recommends the transmittal of Policy 6.1.7, as revised.

Policy 6.1.8: Lee County will work with the Boca Grande ~~Historic Preservation Board and the community to review the build-back regulations to ascertain whether modifications need to be undertaken in order to restore historic features in the event of catastrophe. If necessary, regulations to allow designated historic resources to be reconstructed will be adopted.~~

Staff inadvertently missed the reference to the Boca Grande Historic Preservation Board in Policy 6.1.8 prior to the LPA Public Hearing. Staff and the LPA do not recommend the creation of a Boca Grande Historic Preservation Board.

Staff recommends the transmittal of Policy 6.1.8, as revised.

Element VII - Economics

Goal 7 Objective 7.1 - Economics: To identify and preserve the elements of the Gasparilla Island economy that contribute to the quality of life for the residents and stakeholders, including the restaurants, shops, fishing guides, art galleries, real estate companies, and existing commercial businesses which combine to make Boca Grande a unique village economy.

Objective 7.1: Lee County will work with all of the interests that make up the economy of Boca Grande to preserve and promote the economic health of the Boca Grande community while not expanding the amount of commercial property on the Island in accordance with the Gasparilla Island Conservation District Act (GICDA).

Policy 7.1.1: Lee County will support efforts by the Gasparilla Island Bridge Authority (GIBA) to secure funding for the repair and maintenance of the bridges connecting Gasparilla Island to the mainland.

Staff recommends transmittal of Objective 7.1, as revised and Policy 7.1.1.

Policy 7.1.2: Lee County will support efforts to preserve, maintain, and enhance the beaches of Gasparilla Island, ~~exploring alternate funding mechanisms such as the Tourist Development Tax, establishment of a Municipal Service Benefit Unit or a Florida Erosion Control District, or establishment of some alternative cross-jurisdictional funding mechanism.~~ Funded programs will include, but are not limited to, beach restoration and renourishment, erosion control, beach acquisition, beach access maintenance, support of existing beach facilities, and beach clean-up.

Lee County has already secured state and bed tax funding, established an MSBU, and is seeking federal funding for the renourishment of the critically eroded beachfront of Gasparilla Island.

Staff recommends the transmittal of Policy 7.1.2, as revised.

Policy 7.1.3: Lee County will support, preserve, protect, and seek to enhance the tarpon and game fishing industry as a vital element of the Boca Grande economy. Support should include appointing Boca Grande representatives of the tarpon and game fishing industry to the Tourist Development Council, identifying and securing funding to study and implement policies to ensure the continued health of the tarpon and game fish population and habitat, and assisting in clean-up operations aimed at removing debris from areas in Charlotte Harbor where tarpon and game fish congregate.

The type of fishery activity described in Policy 7.1.3 is beyond the scope of County services.

Staff does not recommend the transmittal of Policy 7.1.3.

Policy 7.1.4: Lee County will work with the Boca Grande community to review and ensure adopted levels of service for the provision of water, sewer, roadway capacity, and parks and recreation are consistent with the Goals, Objectives and Policies adopted in the Comprehensive Plan.

Policy 7.1.5: To ensure the continued economic health of Boca Grande, Lee County will seek to maximize the efficiency and the functionality of existing parking facilities and review existing parking standards for their consistency with the historic and environmental constraints found in the community.

Policy 7.1.6: Lee County will coordinate with the Lee County School District to ensure adequate educational opportunities are available to the residents and stakeholders of Boca Grande.

Staff recommends transmittal of Policy 7.1.4, 7.1.5 and 7.1.6.

Policy 7.1.7: To ensure Boca Grande's economic health, Lee County will support the preservation of historic businesses and commercial structures. ~~by providing financial and regulatory incentives for existing businesses.~~ IncentivesSupport may include historic preservation grants and development regulations which will encourage mixed use buildings. The Gasparilla Inn is an example.

Staff recommends that the provision of financial and regulatory incentives should be evaluated when detailed proposals are provided. It is not appropriate to obligate the provision of those incentives without the opportunity to review specific proposals.

Staff recommends the transmittal of Policy 7.1.7, as revised.

B. CONCLUSIONS

The proposed Vision Statement, Goal, Objectives and Policies are the result of nearly a two-year long planning process. They directly reflect the vision that the Boca Grande community has for its community. Staff believes that this amendment should be viewed as another step in a continuous process that addresses planning needs in the Boca Grande community. Many issues have been addressed through this amendment, but there are others, such as those policies (or portions thereof) that staff has recommended for deletion, that will require more consideration in the future.

C. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners transmit the proposed amendment with staff's recommended language as shown in **Part I, Section B.1.** of this report.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: May 23, 2005

A. LOCAL PLANNING AGENCY REVIEW

Following a staff presentation several members of the Boca Grande community spoke in support of the language recommended for transmittal by staff with the exception of Policies 2.1.3, 5.2.2 and 6.1.1. Staff told the LPA that they supported to the planning panels proposed changes to Policies 2.1.3 and 5.2.2, but that they still did not recommend transmittal of Policy 6.1.1.

Staff told the LPA that they would prefer that the Boca Grande residents review applications for Special Certificates of Appropriateness that are available at their local libraries and submit their recommendations to the Historic Preservation Board.

One member of the LPA did not support the last two sentences of Policy 1.1.5. A motion was made to recommend transmittal of the Boca Grande plan amendment as recommended by staff, with changes to Policies 2.1.3 and 5.2.2 as recommended by the Planning Panel and with changes to Policy 1.1.5 as listed below in Part B of this report. It was emphasized that the LPA did not support the creation of the Boca Grande Historic Preservation Board.

One member of the LPA stated his general support for the motion, but did not agree that the change to 1.1.5 was necessary.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Motion to transmit the Boca Grande plan amendment as written in Part I - B of this report with the changes listed below passed 7-0. Changes are shown in bold strike through, bold underline.

Policy 2.1.3: Lee County will assist in efforts to **improve create a Master Plan for improvements to the bike and golf cart path along Gulf Boulevard, south of the village.** ~~A feasibility study will be conducted to see if improvements such as widening of the path and landscaping can improve safety, shared use opportunities, and capacity. Lee County should consider funding the feasibility study and improvements from a portion of the 5% hold back from impact fees and by using county bike/pedestrian funds.~~

Policy 5.2.2: Lee County will assist private and public efforts to acquire the approximately 9.19 acre F. P. & L./Belcher Oil facility owned property located at the south end of Gasparilla Island. **If the Florida Power & Light property on Gasparilla Island is acquired in whole or in part with public funds, Lee County will support a community planning workshop before recommending appropriate uses for that property.** ~~for the purpose of maintaining it as a passive open space and reestablishing a native habitat across the site.~~

Policy 1.1.5: The owner or agent for any rezoning, variance or special exception request which requires a public hearing, such as a variance, special exception, or consumption on premises; any request for an Historic District Special Certificate of Appropriateness; or any administrative variance for development on Gasparilla Island, must conduct one public informational meeting in Boca Grande where the owner or agent will provide a general overview of the project for any interested citizens. If the request is located within the Boca Grande Historic District, the informational meeting will be presented to the Boca Grande Historic Preservation Board at its appointed meeting location. For all other requests, tThe applicant is fully responsible for providing the meeting space and providing security measures as needed.

Lee County encourages zoning staff to participate in such public informational meetings. This meeting must be conducted before the application can be found sufficient. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. Whenever possible, public hearings for proposed projects on Boca Grande should be held between the months of October through May. Public hearings which are held during the months of June through September, will require notification of the date and time of the hearing to surrounding property owners a minimum of one month prior to the hearing date.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS	<u>AYE</u>
MATT BIXLER	<u>AYE</u>
DEREK BURR	<u>AYE</u>
RONALD INGE	<u>AYE</u>
CARLETON RYFFEL	<u>AYE</u>
RAYMOND SCHUMANN, ESQ.	<u>AYE</u>
FRED SCHILFFARTH	<u>AYE</u>

Staff inadvertently overlooked the reference to the Boca Grande Historic Preservation Board in Policies 6.1.4, 6.1.5 and 6.1.8. Staff and the LPA do not recommend the creation of a Boca Grande Historic Preservation Board.

Staff recommends the reference to the Boca Grande Historic Preservation Board should be removed from those policies as shown below. Staff's recommended revisions appear in strike through.

Policy 6.1.4: Lee County will work with the Boca Grande Historic Preservation Board and the community of Boca Grande in reviewing the design parameters applicable to the Historic District of Boca Grande to ascertain whether additions, modifications, or deletions need to be considered.

Policy 6.1.5: Lee County will investigate the designation of Banyan Street as an historic resource and assist with the implementation of additional recommendations found in the *Banyan Tree Assessment Report, Banyan Street-Boca Grande, Florida*, completed by the Lee County Division of Environmental Sciences, as recommended by the Boca Grande Historic Preservation Board.

Policy 6.1.8: Lee County will work with the Boca Grande Historic Preservation Board and the community to review the build-back regulations to ascertain whether modifications need to be undertaken in order to restore historic features in the event of catastrophe. If necessary, regulations to allow designated historic resources to be reconstructed will be adopted.

**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:

JOHN ALBION

TAMMY HALL

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 RESPONSE

**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

TAMMY HALL

BOB JANES

RAY JUDAH

DOUG ST. CERNY

**CPA2004-12
BOCA GRANDE
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

LPA Public Hearing Document
for the
May 23, 2005 Public Hearing

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

May 18, 2005

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2004-00012**

☒

Text Amendment

☐

Map Amendment

<input checked="" type="checkbox"/>	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: May 18, 2005

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. SPONSOR/APPLICANT:

A. SPONSOR:

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

B. APPLICANT

BOCA GRANDE COMMUNITY PLANNING ASSOCIATION, INC.
REPRESENTED BY MORRIS DEPEW

2. REQUEST:

Amend the Future Land Use Element of the Lee Plan to incorporate the recommendations of the Boca Grande Community Planning effort. Establish a new Vision Statement and a new Goal, including Objectives and Policies specific to the Boca Grande community.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, with the revisions proposed by staff. The proposed language submitted by the Boca Grande Community Planning Panel is shown underlined below. Staff's revisions are shown in strike-through double underline format.

If adopted, this amendment will be re-numbered when it is codified into the Lee Plan.

Vision Statement

2. Boca Grande – This community includes the portions of Gasparilla Island within Lee County and the surrounding smaller islands. The smaller islands in this community have minimal if any development. The core of this community is the unincorporated town of Boca Grande. This community is unique in that it has no direct road access to the rest of Lee County. All access to Boca Grande is via Charlotte County or by boat. The Boca community is designated as Urban Community, Outer Islands, and Public Facilities; however, the Urban Community category is restricted to 3 units per acre within this community. The population of Boca Grande is expected to increase from 888 people in 1996 to 1,201 in 2020. The seasonal influx will remain high in this community with an expected seasonal population in 2020 of 2,834. Currently, less than 15% of Boca Grande is vacant. By the year 2020, this community is expected to build out. The community of Boca Grande is dedicated to preserving its historic character and the community will look largely the same in 2020 as it does today.

~~There are no sub-communities within the Boca Grande Community:~~

Gasparilla Island/Boca Grande – In 1980, the Florida Legislature found that the community of Boca Grande, comprised of Gasparilla Island and nearby islands, is part of the fragile barrier island system as defined in the Presidential Directive on barrier islands dated May 23, 1977, and is an area of particular natural beauty containing abundant plant, marine, animal and bird life. The State of Florida recognized that the conservation of the natural beauty, plant, marine, animal and bird life of the islands was in the best interest of the residents and property owners of the islands, the citizens of Lee and Charlotte Counties and the State of Florida, and consequently created the Gasparilla Island Conservation District by enacting the Gasparilla Island Conservation District Act of 1980 (Ch 80-473). The Act was subsequently amended in 1983 and 1986 (Ch 83-385 and Ch 86-341) as is hereafter referred to as the GICDA. The intent of the GICDA is to limit density and development to a level which will not degrade the fragile environment or overburden the limited infrastructure of the islands.

For the purposes of this comprehensive plan, the community of Boca Grande includes Gasparilla Island, Boca Grande Isles, the Gasparilla Golf Course Island, Three Sisters Island, Hoagen's Key, Loomis Island, Cole Island, and the Gasparilla Island bridge lands and causeway islands, and includes all submerged lands, tidal lands, overflow lands and tidal ponds as described in the GICDA.

To insure that the intent of the GICDA is carried out, actions proposed in sections that follow must be undertaken to promote sound environmental policy, preserve the character and history of the community, safeguard the water supply, protect the sports fishing industry and support the essentially seasonal businesses in Boca Grande, and to ensure that residents have adequate access, law enforcement, and emergency and utility services.

The core of the Gasparilla Island/Boca Grande community is the unincorporated village of Boca Grande, designated as an Historic District. This community is unique in that it has no direct road access to or from the rest of Lee County. All access to Boca Grande by motor vehicle is via Charlotte County, or by boat, or small seaplane. The Lee County portion of Gasparilla Island/Boca Grande is designated as Urban Community, Outer Islands, Public Facilities, Conservation Lands, and Wetlands on the Future Land Use Map. Maximum density in the Urban Community category is restricted to three dwelling units per acre.

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, 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.

High priorities for Gasparilla Island/Boca Grande are the preservation and conservation of its fragile environment, including recreation and open space areas, its Historic District, the residents' quality of life and right to continued enjoyment of its natural and cultural gifts, and consistent enforcement of all current and future regulations with respect to zoning, traffic, parking, law enforcement, public utilities, the GICDA and the Historic District.

To the greatest extent possible, the community of Boca Grande, Lee County and Charlotte County should work together to jointly develop land development regulations and ordinances which are required by the policies found in this Comprehensive Plan. ~~Different implementing ordinances and regulations should be avoided.~~

GOAL: The Boca Grande Community Plan seeks to preserve and conserve the surrounding fragile environment, recreation and open space areas, the Historic District, the quality of life and the continued enjoyment of its natural and cultural gifts. The plan seeks consistent enforcement of all current and future regulations with respect to zoning, traffic, parking, law enforcement, public utilities, the Gasparilla Island Conservation District Act and the Boca Grande Historic District.

Element I - Future Land Use

Goal 1 Objective 1.1 - Future Land Use: To preserve the traditional character, scale, and tranquility of the historic village and residential areas of the Boca Grande community by continuing to limit the densities and intensities of use and development to sustainable levels that will not adversely impact the natural environment, overburden the existing infrastructure, or require additions to the present infrastructure.

Objective 1.1: Lee County will continue to enforce the regulations found in the Gasparilla Island Conservation District Act, and will assist the residents of Boca Grande to further develop growth

management policies and regulations to limit densities and intensities of development on Gasparilla Island, in order to maintain the historic scale and development patterns of the community.

Policy 1.1.1: Lee County will work with the Boca Grande community to establish boating and marine facility site location standards which will help to identify appropriate locations and development regulations that are consistent with a scope and intensity that will protect the community from the potential negative impacts. Future public boat ramps and other watercraft launching facilities on Gasparilla Island will only be developed with adequate on-site parking, and should minimize impacts to traffic and pedestrian safety, the environment, neighborhoods, and consider marine safety issues.

Policy 1.1.2: In order to preserve the existing community character of Boca Grande, ~~the Boca Grande community will work to develop standards to regulate fast food and retail franchises, and formula restaurants all commercial uses on Gasparilla Island. will be adopted within two years of the adoption of this Policy.~~ Development standards will identify commercial design guidelines, parking and signage standards, appropriate intensity of uses and establish location standards to ensure consistency with the existing community character. ~~These standards will identify the types of restaurants and franchises which may be incompatible with the community character of Boca Grande and therefore must comply with these development standards. A compliance determination is required by the Boca Grande Historic Preservation Board. Until such regulations are adopted, fast food and retail franchises, and formula restaurants may only be approved by Special Exception and must be found to be compatible with the existing historic conditions and consistent with the Historic District design guidelines.~~

Policy 1.1.3: ~~Changes to the Land Development code will be adopted~~ The Boca Grande community will work to develop regulations within two years of the adoption of this Policy, to better manage rental and tour businesses which have an impact on the neighborhoods and environment of the community. These regulations will address issues such as the number and location of operators, safety, privacy, security, liability insurance, parking facilities, property maintenance, storm water management, and compatibility. ~~Until such regulations are adopted, prior to the issuance of permits or occupational licenses for any new business proposing rental of electric or motorized vehicles such as mopeds, scooters, golf carts, personal watercraft (jet-skis) or similar vehicles, and businesses which operate tour boats, busses, trolleys, carriages, or other vehicles on tours of neighborhoods on Gasparilla Island, the Boca Grande Historic Preservation Board must review the proposed operation and find it is compatible and will preserve the Historic character of Boca Grande.~~

~~Existing rental operations may continue to operate. Additional square footage to any building or an increase in the number of rental vehicles must comply with all existing regulations, including the provision that all outdoor storage must be contained on the business property and comply with existing regulations.~~

Policy 1.1.4: Lee County will work with the Boca Grande Community to establish a Document Clearing House in Boca Grande, where copies of selected documents from permit applications, variance requests, staff reports, Hearing Examiner recommendations and resolutions, Historic District Special Certificates of Appropriateness, and Administrative Variances and for any development on Gasparilla Island will be kept for public inspection. The County's failure to

provide or to timely provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 1.1.5: The owner or agent for any rezoning, variance or special exception request which requires a public hearing, such as a variance, special exception, or consumption on premises; any request for an Historic District Special Certificate of Appropriateness; or any administrative variance for development on Gasparilla Island, must conduct one public informational meeting in Boca Grande where the owner or agent will provide a general overview of the project for any interested citizens. If the request is located within the Boca Grande Historic District, the informational meeting will be presented to the Boca Grande Historic Preservation Board at its appointed meeting location. For all other requests, tThe applicant is fully responsible for providing the meeting space and providing security measures as needed.

Lee County encourages zoning staff to participate in such public informational meetings. This meeting must be conducted before the application can be found sufficient. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. Whenever possible, public hearings for proposed projects on Boca Grande should be held between the months of October through May. Public hearings which are held during the months of June through September, will require notification of the date and time of the hearing to surrounding property owners a minimum of one month prior to the hearing date.

Policy 1.1.6: In addition to compliance review by Lee County development services staff, Lee County will require that all permit applications for development on Gasparilla Island will bear a statement, signed and notarized by the owner or authorized agent, that they are aware of and will comply with the provisions of the GICDA:

Policy 1.1.7: In order to promote water conservation and better manage this important resource, Lee County the Boca Grande community will investigate the feasibility of requiring all applicants develop standards for permit requests of new structures buildings to conduct a cistern feasibility study as part of the permitting process. For redevelopment projects, Lee County will seek to encourage the establishment of cisterns as a non potable water source, wherever practicable.

Policy 1.1.8: In order to maintain the traditional scale and historic patterns of development on Gasparilla Island, including areas outside the Boca Grande Historic District, Lee County will work with the Boca Grande community to will develop an ordinance regulations to preserve light, space and air around new residential dwelling construction and to discourage "mega houses" or "mansionization" of Boca Grande. New development or redevelopment will recognize that traditional setbacks, particularly front and side yard setbacks, as well as strict adherence to the Coastal Construction Control Line, within existing and proposed neighborhoods on Gasparilla Island, should be maintained. Lee County has determined that house designs which dwarf their neighbors are incompatible with existing historic and traditional neighborhoods and will be discouraged. These regulations will be adopted within two years of the adoption of this policy:

Until such an ordinance is adopted, no variances from existing property development regulations will be approved including setbacks, lot coverage, or height. Contributing structures in the Historic District or structures outside the Historic District which are designated as an historic resource under Chapter 22 of the Land Development Code may seek Special Certificates of Appropriateness and administrative relief from development regulations if approved by the Boca Grande Historic Preservation Board.

Policy 1.1.9: Lee County The Boca Grande community will work to develop policies for Lee County to consider that will enable parcels comprised of multiple lots of record to remain intact. Any redevelopment of other large parcels of land will be consistent with the Gasparilla Island Conservation District Act, will work to preserve open space, and will not exceed three (3) dwelling units per acre. Parcels comprised of more than one lot of record, which are under unified control may not be divided unless the resulting lots conform with the maximum density of 3 dwelling units per acre (minimum lot size of 14,520 square feet), as established in the Lee Plan, Table 1(a), Note #5.

Policy 1.1.10: Lawfully existing businesses and commercial buildings in the Boca Grande commercial areas will be deemed to be vested as related to parking, setbacks, height, and land use. Any expansion or change of use to one of higher intensity will require a review of parking impacts, setbacks, height, and uses as necessary. Any new or expanded uses in the Historic District will require public review and a finding by the Boca Grande Historic Preservation Board that the project is consistent with the community's historic village character.

Policy 1.1.11: Lee County will support the Boca Grande community in their efforts to further investigate the need for modified development requirements regulations applicable to Boca Grande, based upon the unique nature of the community, the location of Boca Grande on a barrier island at the mouth of Charlotte Harbor, the limited opportunities for supporting infrastructure, the seasonal nature of the demand upon public facilities, and the need for cross-county administration of growth management legislation. Such support The Boca Grande Community may propose development regulations that address include the following:

- a. The creation of the Gasparilla Island Zoning Overlay district to address inconsistencies with current zoning districts and the comprehensive plan and GICDA, implement policies adopted in this plan, and adopt modified development regulations such as, but not limited to, parking requirements, minimum setbacks, and commercial and residential design standards.
- b. The creation of a marine park zoning district to facilitate consistent local enforcement of existing Federal, State and County regulations in waterfront areas and new regulations to better manage coastal issues such as use and rental of personal watercrafts, abandoned vessels, live aboards, sanitation, water quality, and noise.
- c. Completion of an impact study of parking deficiencies prior to granting any additional administrative parking variances in the historic village commercial area. Until such time as the parking study is completed, new construction will be required to meet current parking requirements for its intended use.

Element II - Transportation, Parking and Traffic Circulation

Goal 2 Objective 2.1 - Transportation, Parking and Traffic Circulation: To ensure residential and commercial land use in Boca Grande that recognizes the connection between the existing transportation infrastructure and the community's desire to preserve Boca Grande's community character as a tranquil residential community, with an historic village center, and abundant open space and preservation areas. No policy in this community plan will be construed or interpreted to imply that Lee County will implement and/or enforce traffic regulations, traffic control, or parking regulations which are determined to be significantly substandard or may cause a defined safety or operational problem.

Objective 2.1: Lee County will recognize the inherent need to limit additional impacts to the existing transportation infrastructure of Boca Grande, the varied types and limited access to the community, the need for alternate forms of transportation within the community, the need for specialized standards for parking and commercial service areas, and the seasonal nature of infrastructure demand that exists throughout the community.

Policy 2.1.1: Lee County will continue to enforce the provisions of the Gasparilla Island Conservation District Act which limit growth, limit building height and restrict advertising throughout Boca Grande.

Policy 2.1.2: Lee County will support the provision of convenient, safe bridges providing access to Gasparilla and Cole Islands and supports ~~through support of the autonomy of the Gasparilla Island Bridge Authority (GIBA), support for the highest standard of safety for vehicles, golf carts, bicycles, and pedestrians including, and support of strict enforcement of traffic laws.~~

Policy 2.1.3: Lee County will assist in efforts to improve the bike and golf cart path along Gulf Boulevard, south of the village. ~~A feasibility study will be conducted to see if improvements such as widening of the path and landscaping can improve safety, shared use opportunities, and capacity. Lee County should consider funding the feasibility study and improvements from a portion of the 5% hold back from impact fees and by using county bike/pedestrian funds.~~

Policy 2.1.4: ~~To assure bicycles and golf cart safety, Lee County will enforce bicycle safety regulations specified in Section 316.2065, Florida Statutes, and golf cart regulations specified in Section 316.212 F.S. and Section 316.1995.~~

Policy 2.1.5: In order to preserve the historic characteristics of the community, Lee County will support the use of all way stop intersections or other traffic control methods, rather than traffic signals, whenever possible in the Boca Grande community.

Policy 2.1.6: Lee County will support efforts of the Boca Grande community to beautify road right-of-ways and enhance the public realm of Boca Grande by including provisions for streetscaping in Historic Downtown Villages in the Lee Scape Master Plan. In order to maintain low traffic volumes, operating speeds, and noise levels, improvements will emphasize traffic calming techniques, and the need to preserve the aesthetic values of the community. Particular emphasis will be placed in the Historic District. Enhancements may include village streetscaping such as additional street trees, trash receptacles, benches and burying utilities underground.

Policy 2.1.7: Lee County will continue to ensure viable hurricane evacuation options for the residents and stakeholders of Boca Grande.

Policy 2.1.8: Lee County will support improvement of pedestrian safety by establishing and marking crosswalks throughout the community; and by improving pedestrian circulation within the Historic District, and consistently enforcing all regulations on the bike paths, which includes minimum age requirements for operation of golf carts.

Objective 2.2: Lee County will ~~support~~consider a funding request for the Boca Grande Community Plan implementation that provides for a parking and traffic study to identify ways to create safe and efficient parking for employees, patrons and visitors, and to determine the appropriate parking standards which will address the capacity and design needs of the Boca Grande commercial district. The parking and traffic study will address the following policies.

Policy 2.2.1: As a result of regional growth and local redevelopment, Lee County will provide assistance to develop a long-range strategy to address increased parking demand. This may result in regulations, infrastructure improvements or adoption of management practices which incorporate any number of the following:

- a. Revised traffic count thresholds
- b. Maximum development intensities
- c. Revised minimum parking requirements
- d. Traffic congestion mitigation practices
- e. Vehicle and pedestrian safety programs
- f. Shared parking agreements
- g. Public/Private partnerships to fund new or expanded parking facilities.

Policy 2.2.2: Lee County will seek to maximize the efficiency and the functionality of existing parking facilities by improving trailblazing signage, re-designing existing parking facilities, and creating specific facilities for golf cart and bicycle parking. Designated parking for employees, the appropriate number of parking spaces for new and expanded uses, and enforcement of existing parking restrictions and permit requirements will also be examined.

Policy 2.2.3: Parking along the beach access streets and other public rights-of-way will be regulated to allow convenient ingress and egress to residences and permit adequate emergency vehicle access at all times. Lee County will support efforts of the Boca Grande community to analyze the appropriateness of overnight and long term parking in the public rights-of-way, the Gilchrist median, and along beach access streets.

Policy 2.2.4: Lee County will seek to direct service vehicles and delivery vehicles to designated unloading zones. Due to the traffic congestion in the Historic District, Lee County will assist in establishing time restrictions on service and delivery trucks during peak traffic periods, such as those occurring in March and April.

Policy 2.2.5: Lee County will encourage alternative transportation by supporting golf cart and bicycle use and improving design for golf cart and bicycle parking throughout the Boca Grande community.

Policy 2.2.6: For all new development and redevelopment, Lee County will continue to support and improve design and permitting efforts through the site plan review process that adequately address truck deliveries, emergency vehicle access, and solid waste disposal.

Policy 2.2.7: Lee County will assist in a study of traffic patterns and flow in and around the Post Office, Park Avenue, East Railroad Avenue and West Railroad Avenue, seeking to develop a plan of action that will improve the functionality of the infrastructure while preserving the aesthetics of the community.

Policy 2.2.8: To preserve the capacity of the existing roadways and parking facilities, Lee County will adopt regulations within two years of the adoption of this Policy, that address the appropriateness of high impact uses such as fast food restaurants, convenience food stores, and other franchise retail stores and restaurants.

Element III - Conservation and Coastal Management

Goal 3 Objective 3.1 - Conservation and Coastal Management: Lee County will preserve, protect, and, where possible, enhance the physical integrity, village character, ecological values, and natural beauty of Boca Grande and Gasparilla Island, focusing upon the diverse and healthy native vegetation, the clear offshore waters, and the varied and abundant native marine and wildlife resources in a manner compatible with the Gasparilla Island Conservation District Act, the promotion and preservation of the historic Boca Grande village as a thriving community, and preservation of Gasparilla Island's historic heritage.

Objective 3.1: Lee County will support the efforts of the Federal and State authorities, and the Boca Grande community to preserve, protect, and enhance the positive environmental qualities of Gasparilla Island. Lee County will involve local community organizations in the planning process and will enforce these community plan policies through implementation in the land development regulations.

Policy 3.1.1: Lee County will support and encourage beach renourishment and other efforts to maintain the beaches and protect Gasparilla Island from tidal events.

Policy 3.1.2: Lee County will assist the Boca Grande community in evaluating and promoting the creation of a community wide Municipal Services Benefit Unit, or a Florida Erosion Control District, for assistance in funding beach renourishment projects.

Policy 3.1.3: Lee County will support the State's efforts to protect and preserve mangroves both on private properties as well as within public lands and easements. Not later than December 31, 2005, Lee County will review the State regulations regarding mangrove trimming and removal and determine whether additional protections need to be enacted on Gasparilla Island to protect its fragile environment.

Policy 3.1.4: Since future use of the 9.19 acres of land owned by Florida Power & Light at the south end of Gasparilla Island as passive open space will best serve the goal of enhancing the beauty and environmental integrity of the Island, Lee County will assist private and public efforts to acquire the land for that purpose through financial, administrative and political measures.

Policy 3.1.5: Lee County will strictly enforce its own policies related to the preservation of the beach dune system, beach dune vegetation, and beach dune wildlife, by discouraging any construction seaward of the 1979 Coastal Construction Control Line. This policy will not apply to the placement of raised walkways intended to cross over the dune system from adjoining properties, nor will it apply to bona fide beach renourishment and shoreline protection efforts. Lee County will support the State's efforts to protect the beach dune system, beach dune vegetation, and beach dune wildlife communities on Gasparilla Island.

Policy 3.1.6: The Beach renourishment efforts of Lee County will include the re-establishment of a beach dune system, beach dune vegetation, and beach dune wildlife communities, including nesting birds and turtles, to the greatest extent practicable. Lee County will monitor and enforce its policies and regulations protecting dunes, dune vegetation, and dune wildlife communities on Gasparilla Island. Any rock or hard revetment will be covered with sand and planted with salt resistant native plants.

Policy 3.1.7: Except for emergency events and public purposes, Lee County will ban vehicular traffic from all beaches on Gasparilla Island and will provide enforcement of the ban.

Policy 3.1.8: Lee County will use regulatory powers to preserve, protect, and enhance the marine habitat surrounding Gasparilla Island, including sea grass beds, manatee habitat, estuarine habitat, and near shore waters of Gasparilla Island.

Policy 3.1.9: Lee County will review and enforce all permits for new dock construction to assure the protection of sea grass beds, manatee habitat, tarpon fishing grounds, and other environmental values intrinsic to Charlotte Harbor. Copies of dock and shoreline permits will be sent to the Document Clearing House as established pursuant to Policy 1.1.4.

Policy 3.1.10: Lee County will assist in the enforcement of ~~sound best management standards and policies for vessel moorings~~ practices for anchorages of Gasparilla Island. The Regional Planning Council and its advisory committees will be the source of such information. ~~in anchorages and bayous of Gasparilla Island.~~

Policy 3.1.11: Within two years of the adoption of this Policy, Lee County will establish policies and guidelines for beach clean-up during red tide and similar extraordinary tidal events.

Policy 3.1.12: Within two years of the adoption of this Policy, Lee County will establish a program to restore the plant diversity on County owned lands on Gasparilla Island through the removal of exotic vegetation and its replacement with native species. Such a program will be phased so that the general character of the community will be maintained during the maturation process. Exotic species which are killed in place will be removed as appropriate so as not to create a negative impact or create a hazard to the community.

Policy 3.1.13: Lee County will support programs that provide periodic clean-up activities in aquatic preserves, on the beaches of Gasparilla Island, and at beach access points on Gasparilla Island.

Policy 3.1.14: Lee County will work in conjunction with Charlotte County to implement a plan to stop the proliferation of iguanas and other exotic fauna on Gasparilla Island.

Policy 3.1.15: Lee County will provide financial and political support for research into the causes and control of red tide and other similar extraordinary tidal events, through the support of efforts such as Solutions to Avoid Red Tide, Inc. (S.T.A.R.T.) and other efforts to address and remedy the problems associated with these occurrences.

Objective 3.2: Lee County will manage public resources and direct public efforts to preserve, protect, and enhance the natural environments on Gasparilla Island through measures to control the risk of harm attributable to human impact.

~~**Policy 3.2.1:** Lee County will strictly enforce all regulations limiting noise, consumption of alcoholic beverages, littering, signage, and any nuisance activities on all public lands, rights of way, beaches, beach accesses, and public easements.~~

~~**Policy 3.2.2:** Lee County will publicize and enforce the existing 500' buffer zone around Gasparilla Island as designated in Lee County Ordinance 02-14. Lee County will limit the speed of watercraft in this zone where appropriate for the protection of swimmers. Vessel restrictions imposed by County, State or Federal regulations will be appropriately marked and enforced.~~

~~**Policy 3.2.3:** Lee County will support efforts to preserve, protect, and, where possible, enhance the tarpon and game fish population of Charlotte Harbor and the near shore waters of the Gulf of Mexico.~~

Element IV - Community Facilities and Services

Goal 4 Objective 4.1 - Community Facilities and Services: Lee County will seek to ensure the continued delivery of high quality, accessible community facilities and services that meet the educational, recreational, informational, and public safety, health and welfare needs of the residents, visitors and stakeholders of Boca Grande.

~~**Objective 4.1:** Through the administration of county services, the Land Development and Administrative Codes, and the cooperative efforts of interagency and intergovernmental agreements, Lee County will continue to provide utilities and infrastructure; emergency, law enforcement and fire protection services; education, information resource and recreation services; and mosquito and animal control services, in a safe and efficient manner.~~

Policy 4.1.1: Lee County will seek to maintain and enhance the public/ private partnership for the operation and enhancement of the Boca Grande Community Center and other County operated facilities open to the public in the community of Boca Grande.

Policy 4.1.2: Lee County will cooperate with the Gasparilla Island Water Association (GIWA) to ensure the continued provision of potable water and sanitary sewer service to the community of Boca Grande. Lee County will continue to support the Wellhead Protection regulations adopted by the GIWA and Charlotte County to protect and preserve the sources upon which the community of Boca Grande relies for its potable water.

Policy 4.1.3: Lee County will facilitate and provide for the disposal of solid waste, including refuse, recyclables, and horticultural waste. Lee County will enter into an inter-governmental agreement with Charlotte County, if necessary, to ensure that the community of Boca Grande will have access to Charlotte County's solid waste disposal area located on Environmental Way in Charlotte County.

Policy 4.1.4: Lee County will facilitate and cooperate with the applicable mosquito control district to ensure that adequate measures are undertaken to control the health risk that mosquitoes represent. Lee County will continue to support the utilization of safe, effective, and environmentally responsible measures for mosquito control, recognizing the need to preserve local flora and fauna, including marine life.

Policy 4.1.5: Lee County will work with the applicable mosquito control district to facilitate the dissemination of aerial spraying schedules, as well as any threat to the public health, to the community of Boca Grande, the Boca Grande Health Clinic, and the newspapers that serve the community of Boca Grande.

Policy 4.1.6: Lee County will support the operation and enhancement of a reference library facility, including the provision and improvement of adequate electronic based equipment, internet access, and software, in cooperation with local community organizations. Professionally trained library personnel will manage and operate the facility. ~~Lee County will seek an inter-governmental agreement with Charlotte County as may be required to provide cross-jurisdictional support of library and information resource services for residents of the community of Boca Grande.~~

Policy 4.1.7: So long as local interest exists in the community of Boca Grande to maintain an Island School to serve the population of the community of Boca Grande, Lee County will support the Lee County School Board, if necessary, with an inter-local agreement, in maintaining a viable school site and educational programs. Such support may include, but is not limited to, facilitation of land use regulations, joint use of community resources, funding assistance, joint utilization of staffing, or other applicable coordination efforts.

Policy 4.1.8: Lee County will cooperate with the Boca Grande Fire Control District (BGFCD) in the provision of fire protection services to the community of Boca Grande. Such cooperation will include, but will not be limited to, recognition that the Fire Chief of the BGFCD has the authority for interpretation and enforcement of fire codes in the community of Boca Grande. All homes will be required to have the address clearly posted on the property.

Policy 4.1.9: Lee County will provide the necessary communications infrastructure as required to manage and dispatch all 911 calls affecting the community of Boca Grande, entering into agreements as necessary with the BGFCD and Charlotte County.

Policy 4.1.10: Lee County will cooperate in the establishment of inter-local agreements between and among all necessary parties to provide for: 1) the appropriate handling of hazardous materials incidents; 2) mutual aid agreements with the Englewood Fire Control District and Charlotte County Fire and EMS; 3) advanced life support emergency medical services; and 4) back-up EMS response as may be required by the community of Boca Grande.

Policy 4.1.11: Lee County will cooperate as necessary in the provision of communications, information distribution, public service meetings, educational efforts, and a local liaison for emergency situations affecting the community of Boca Grande. Lee County will maintain an up-to-date list of first-in team contacts, cooperate as necessary with applicable jurisdictions and service providers for communication of evacuation status, shelter locations, and re-entry information in the event of an emergency situation. The issuance of evacuation notices will be coordinated with Charlotte County. Lee County will work with other local, State, and Federal authorities as necessary to assist in the provision of adequate means by which the community of Boca Grande can be evacuated through the Cape Haze Peninsula in the event of an emergency situation. It is acknowledged that the appropriate Emergency Operations Center (EOC) is determined by the Boca Grande Fire Control District.

Policy 4.1.12: Lee County Emergency Medical Services will provide land or air transportation to the most appropriate facility based on the patients medical history and will maintain a liaison with the Boca Grande Health Clinic to keep the clinic fully informed of all Emergency Medical protocols and procedures for operations and any changes that may be implemented whether temporary or permanent. The Boca Grande Health Clinic will be informed relating to any public health issues or public county health problems.

Policy 4.1.13: Lee County will promote and assist as necessary in the provision of a full-time police and law enforcement presence for the community of Boca Grande. Cooperative arrangements in the form of inter-local agreements, or other mechanisms as may be applicable, between Lee and Charlotte County will be supported if necessary.

Policy 4.1.14: The Lee County Department of Transportation will continue to provide the necessary maintenance and improvements on all public rights-of-way to ensure the continued safety and efficiency of roadways, paths, and surface water management systems.

Element V - Open Space, Recreation, and Beautification

Goal5Objective 5.1 - Open Space, Recreation and Beautification: Lee County will seek to promote, protect and enhance existing and potential open space, recreational facilities, and the quality of life for the residents and stakeholders of Boca Grande. These efforts will enhance the aesthetic qualities of Boca Grande and benefit its residents while preserving the characteristics of its fragile barrier island system.

Objective 5.1: Lee County recognizes that Boca Grande represents a unique cross-jurisdictional, barrier island community with distinct physical attributes that govern the preservation of open space and recreational opportunities. Lee County will seek to enhance and protect the quality of life for residents, visitors and stakeholders through the preservation of functional open space and recreational

opportunities while seeking to limit demands upon a restricted infrastructure and enhance the aesthetic qualities of Gasparilla Island.

Policy 5.1.1: Lee County will support efforts to protect and enhance the functionality of the eight-mile long pedestrian/bike/electric golf cart path on Gasparilla Island. Lee County recognizes that this eight-mile long linear park and path serves a recreational purpose, a transportation purpose, and an aesthetic purpose for the residents, visitors and stakeholders of the Island. Not later than December 31, 2005, Lee County will undertake efforts to improve the pedestrian/bike/electric golf cart path along the southerly end of the path similar to those improvements located in the northerly, GICIA owned portion of the path.

Policy 5.1.2: Lee County will coordinate public works projects, such as street resurfacing, repairs, maintenance, drainage swales and other surface water management systems, with the Boca Grande community so that they include landscaping and aesthetic options that are in keeping with the concept of promoting, preserving and enhancing the ecological and aesthetic values of Gasparilla Island.

Policy 5.1.3: Not later than December 31, 2005, Lee County will investigate the feasibility of converting Banyan Street to a one-way facility and reducing the pavement width in order to better preserve and protect the banyan trees. Lee County will assist in establishing an historic, scenic or similar type of designation, as recommended in the *Banyan Tree Assessment Report, Banyan Street-Boca Grande, Florida*, prepared by the Lee County Division of Environmental Sciences, to further provide for the protection and preservation of this unique street area.

Policy 5.1.4: Upon adoption of this Policy, Lee County will prohibit automobile parking on 5th Street from Park to Gilchrist, known as Mahogany and Veterans Park, in order to protect the unique aesthetic features of this roadway.

Policy 5.1.5: Lee County will continue to support the designation of Gasparilla Island as a bird and wildlife sanctuary, as adopted in Lee County Ordinance 83-16. Lee County will support the efforts of Charlotte County for the designation of Cole Island, Live Oak Key, Peekins Ranch Cove and Key, the fishing pier at the old 400 foot railroad bridge, and the peninsula located north of the Lee County line, (as identified in the Open Space Inventory) and all remaining land zoned Environmentally Sensitive, as well as the Charlotte County portion of Gasparilla Island, as a bird and wildlife sanctuary.

Policy 5.1.6: Lee County will support and promote the preservation of environmentally sensitive lands, and will continue to support, promote and investigate additional funding sources for the Gasparilla Island Land Conservancy Stewardship Program and other preservation programs. Element V of the Boca Grande Community Plan includes the inventory of existing community open space and sensitive lands.

Objective 5.2: Lee County will preserve and maintain the functionality of the existing recreational facilities currently available on the Island.

Policy 5.2.1: Lee County will maintain the existing recreational facilities on Gasparilla Island, including two tennis courts, a basketball court, a volleyball court, the baseball field on Wheeler

Street, the various beach access locations, a community playground, the picnic areas, and fishing sites, including one on the Bayou.

Policy 5.2.2: Lee County will assist private and public efforts to acquire the approximately 9.19 acre F. P. & L./Belcher Oil facility owned property located at the south end of Gasparilla Island, for the purpose of maintaining it as a passive open space and reestablishing a native habitat across the site.

Policy 5.2.3: Lee County will support efforts in the Historic District to install additional native landscaping, especially along Park Avenue and Fourth Street, to provide greater community aesthetics, safer pedestrian movement, landscaped parking areas for automobiles and golf carts and more efficient traffic flow.

Element VI - Historic Preservation

Goal 6 Objective 6.1 - Historic Preservation: To protect, preserve, and enhance the historic resources and heritage of the Boca Grande community.

Objective 6.1: Lee County will seek to preserve the historic resources of Boca Grande through the adoption of policies and regulations that recognize the unique community characteristics, a tranquil residential community, with an historic village center, and abundant open space and preservation areas, and that also recognize the local sensitivity of the community's architecture, history and legacy as an old railroad town.

Policy 6.1.1: Lee County will establish a Boca Grande Historic Preservation Board with the powers and duties found in Lee County Land Development Code Chapter 22, Section 22-74, which includes the ability to designate historic resources and to approve or deny applications for Special Certificates of Appropriateness. The Boca Grande Historic Preservation Board will be comprised of seven members from the categories found in the Lee County Land Development Code, Section 22-72, except that whenever possible the members will be residents of the Lee County portion of the Boca Grande community. Members will serve as described in Section 22-72 and will be appointed by the Lee County Board of County Commissioners.

Policy 6.1.2: Lee County will provide copies of applications for historic designations and of all Special Certificates of Appropriateness, as well as administrative variances, to the Document Clearing House as established pursuant to Policy 1.1.4, and will send notices to all surrounding property owners, in order that the community may be better informed and have the opportunity to participate in the process to preserve its historic resources.

Policy 6.1.3: Lee County will work with the community of Boca Grande in updating its inventory of contributing and non-contributing structures as part of its efforts to preserve the historic resources of Gasparilla Island. Lee County will assist in efforts to create a record of the historic features of the Island in order to sustain a legacy for future generations.

Policy 6.1.4: Lee County will work with the Boca Grande Historic Preservation Board and the community of Boca Grande in reviewing the design parameters applicable to the Historic District of Boca Grande to ascertain whether additions, modifications, or deletions need to be considered.

Policy 6.1.5: Lee County will investigate the designation of Banyan Street as an historic resource and assist with the implementation of additional recommendations found in the *Banyan Tree Assessment Report, Banyan Street-Boca Grande, Florida*, completed by the Lee County Division of Environmental Sciences, as recommended by the Boca Grande Historic Preservation Board.

Policy 6.1.6: Lee County will investigate additional fiscal and tax incentives to preserve the economic viability of the Historic District of Boca Grande.

Policy 6.1.7: Lee County will preserve the historic village character of the commercial sector of Boca Grande through site and design regulation by adhering to the criteria of the *Design Guidelines Manual for the Boca Grande Historic District in Lee County Florida*. Lee County will support efforts of the Boca Grande community to modify site and design regulation within the Boca Grande Historic District of formula fast food restaurants and other similar franchise operations, formula to include commercial signage, and other design components or uses that are not in keeping with the historic elements of the existing community character on Gasparilla Island.

Policy 6.1.8: Lee County will work with the Boca Grande Historic Preservation Board and the community to review the build-back regulations to ascertain whether modifications need to be undertaken in order to restore historic features in the event of catastrophe. If necessary, regulations to allow designated historic resources to be reconstructed will be adopted.

Element VII - Economics

Goal 7 Objective 7.1 - Economics: To identify and preserve the elements of the Gasparilla Island economy that contribute to the quality of life for the residents and stakeholders, including the restaurants, shops, fishing guides, art galleries, real estate companies, and existing commercial businesses which combine to make Boca Grande a unique village economy.

Objective 7.1: Lee County will work with all of the interests that make up the economy of Boca Grande to preserve and promote the economic health of the Boca Grande community while not expanding the amount of commercial property on the Island in accordance with the Gasparilla Island Conservation District Act (GICDA).

Policy 7.1.1: Lee County will support efforts by the Gasparilla Island Bridge Authority (GIBA) to secure funding for the repair and maintenance of the bridges connecting Gasparilla Island to the mainland.

Policy 7.1.2: Lee County will support efforts to preserve, maintain, and enhance the beaches of Gasparilla Island, exploring alternate funding mechanisms such as the Tourist Development Tax, establishment of a Municipal Service Benefit Unit or a Florida Erosion Control District, or establishment of some alternative cross-jurisdictional funding mechanism. Funded programs will include, but are not limited to, beach restoration and renourishment, erosion control, beach acquisition, beach access maintenance, support of existing beach facilities, and beach clean-up.

Policy 7.1.3: Lee County will support, preserve, protect, and seek to enhance the tarpon and game fishing industry as a vital element of the Boca Grande economy. Support should include appointing Boca Grande representatives of the tarpon and game fishing industry to the Tourist Development

Council, identifying and securing funding to study and implement policies to ensure the continued health of the tarpon and game fish population and habitat, and assisting in clean-up operations aimed at removing debris from areas in Charlotte Harbor where tarpon and game fish congregate.

Policy 7.1.4: Lee County will work with the Boca Grande community to review and ensure adopted levels of service for the provision of water, sewer, roadway capacity, and parks and recreation are consistent with the Goals, Objectives and Policies adopted in the Comprehensive Plan.

Policy 7.1.5: To ensure the continued economic health of Boca Grande, Lee County will seek to maximize the efficiency and the functionality of existing parking facilities and review existing parking standards for their consistency with the historic and environmental constraints found in the community.

Policy 7.1.6: Lee County will coordinate with the Lee County School District to ensure adequate educational opportunities are available to the residents and stakeholders of Boca Grande.

Policy 7.1.7: To ensure Boca Grande's economic health, Lee County will support the preservation of historic businesses and commercial structures. ~~by providing financial and regulatory incentives for existing businesses.~~ IncentivesSupport may include historic preservation grants and development regulations which will encourage mixed use buildings. The Gasparilla Inn is an example.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Boca Grande community began the community planning process in the summer of 2003 following a community meeting with staff during the Evaluation and Appraisal Report process.
- The Boca Grande Community Planning Association, Inc. was formed on December 1, 2003 for the purpose of having a legal entity to contract with Lee County and a planning consultant to develop the Boca Grande Community Plan.
- The Boca Grande community plan has received financial assistance from the Lee County Board of County Commissioners, the Charlotte County Board of County Commissioners and the Gasparilla Island Conservation and Improvement Association.
- The area covered by the Boca Grande Community Plan and this plan amendment is Gasparilla Island, Boca Grande Isles, the Gasparilla Golf Course Island, Three Sisters Island, Hoagen's Key, Loomis Island, Cole Island, and the Gasparilla Island bridge lands and causeway islands, and includes all submerged lands, tidal lands, overflow lands and tidal ponds as described in the GICDA.
- The Boca Grande Community Plan was submitted to Lee County on September 30, 2004.
- The Boca Grande Community Plan recommends establishing a new Vision Statement and a new Goal 22 and associated Objectives and Policies specific to the Boca Grande community.

The Boca Grande community, through recommendations contained in the Boca Grande Community Plan, has proposed a new Goal, Objectives and Policies for inclusion in the Lee Plan. Some highlights of their proposed amendment include:

- A new Vision Statement for Boca Grande that updates the existing Boca Grande Vision Statement.
- A desire of the community to create new site location standards for boating and marine facilities.
- A desire of the community to develop commercial design guidelines and parking & signage standards.
- The community would like to adopt regulations to further manage rental and tour businesses.
- The creation of a local document clearing house where the public may review copies of selected documents from permit applications, variance requests, staff reports, hearing examiner recommendations, Historic District Special Certificates of Appropriateness and Administrative Variances.
- A requirement for owners or agents for certain development proposals to hold a local public informational meeting prior to a finding of sufficiency. Similar requirements are in effect in Estero, Captiva and Caloosahatchee Shores.
- The community desires to have a parking and traffic study conducted to identify ways to create safe and efficient parking for employees, patrons and visitors.
- The community desires to create regulations specific to fast food, formula retail and formula restaurants.
- The Boca Grande community desires Lee County to participate in the acquisition of the approximately 9.19 acre property owned by Florida Power and Light located at the south end of Gasparilla Island.
- The community desires Lee County to protect and enhance the eight-mile long pedestrian/bike/electric golf cart path on Gasparilla Island.
- The community desires to establish a Boca Grande Historic Preservation Board to review applications for Special Certificates of Appropriateness within the Boca Grande Historic District.

C. BACKGROUND INFORMATION

The idea for a community plan on Boca Grande came out of a meeting staff had with the Boca Grande community on April 15, 2003 during the Evaluation and Appraisal Report public participation process. The EAR meeting followed a presentation by the GICIA regarding rapid population growth and development in the surrounding area. Staff mentioned how other community planning efforts had addressed local issues, and this endeavor began.

After that meeting, staff was contacted by members of the Boca Grande community who inquired about the community planning process. Staff met with three Boca Grande residents on May 14, 2003 at the Boca Grande Community Center to discuss the community planning process and the requirements of Administrative Code 13-3.

The Boca Grande community formed a non-profit corporation, the Boca Grande Community Planning Association, Inc. on December 1, 2003 for the purpose of having a legal entity to form the nine-member Boca Grande Community Planning Panel. The panel was fully formed on January, 5, 2004 and held its first meeting on January 8, 2004.

The Boca Grande Community Planning panel requested community Planning Funds from Lee County and the county executed an agreement with the Boca Grande Community Planning Association, Inc. on April 13, 2004 for \$25,000.00 of Community Planning funds. The Planning Association also received a \$25,000.00 grant from the Gasparilla Island Conservation and Improvement Association and \$20,000.00 from Charlotte County to help pay for planning activities on the Charlotte County portion of Gasparilla Island. Lee and Charlotte County's entered into an interlocal agreement on December 21, 2004 to allow Lee County to administer the Charlotte County funds.

The Planning Association hired Morris-Depew Associated, Inc. to assist them with writing a community plan for Boca Grande and to help usher the resulting plan amendment through the public hearing process.

The Boca Grande Planning Panel formed eight subcommittees with approximately 50 volunteers. Some of the volunteers served on more than one subcommittee. The Subcommittees had a total of 34 meetings during the period of February 3, 2004 through May 3, 2004 and developed reports which became the basis for drafts of a Vision Statement and Goals, Objectives and Policies prepared by their consultant.

The Boca Grande Community Plan was submitted to Lee County on September 30, 2004 following several summer Planning Panel meetings in July, August and September, 2004. The Boca Grande Community Plan includes a 43 question survey which was mailed to 1,000 members of the Boca Grande Community. Responses were received from 630 residents.

The Boca Grande Planning Panel hired a website specialist and created detailed web page that includes meeting minutes, names of panel and subcommittee members, the Boca Grande community plan and numerous other documents. The Boca Grande planning web site can be used as a quality model for other community planning efforts to use. The URL for the Boca Grande planning web page is: <http://www.bocagrandeplanning.com>.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The proposed Board sponsored amendment application was received by the County on September 30, 2004. Planning staff provided copies of the proposed amendment and requested comments from various County departments and divisions, including:

- Division of Development Services
- Division of Zoning

- Division of Planning
- Division of Environmental Sciences
- Department of Transportation
- Public Works
- Parks and Recreation
- Utilities
- Smart Growth
- Economic Development
- Natural Resources
- Parks & Recreation
- Lee County Port Authority
- Public Safety
- County Attorney

Comments were received from the Lee County Department of Transportation, Smart Growth, County Attorney, Division of Natural Resources, Parks and Recreation and the Division of Planning. Those comments are attached to this report.

Staff's initial comments were forwarded to the Boca Grande Planning Panel members and their consultant. Staff attending a meeting with the Boca Grande Planning Panel on April 5, 2005 to further explain staff's comments. After that meeting staff mailed a letter dated April 8, 2005 to the Chairman of the Boca Grande Community Planning Panel suggesting changes to the plan amendment and requesting additional information. The Boca Grande Planning Panel revised their proposed amendment in response to many of staff's comments and submitted that revised language to staff on April 20, 2005. Those changes were made to the community's proposed plan amendment language and appear underlined below as if they were part of the original submittal.

The following section of this report includes a proposed new Vision Statement, a new Goal and new Objectives and Policies. Staff's recommended changes to the applicants original and later revised language are in strike through, double underline format. Following each modification are comments and suggestions from Staff.

Vision Statement

2. ~~Boca Grande - This community includes the portions of Gasparilla Island within Lee County and the surrounding smaller islands. The smaller islands in this community have minimal if any development. The core of this community is the unincorporated town of Boca Grande. This community is unique in that it has no direct road access to the rest of Lee County. All access to Boca Grande is via Charlotte County or by boat. The Boca community is designated as Urban Community, Outer Islands, and Public Facilities; however, the Urban Community category is restricted to 3 units per acre within this community. The population of Boca Grande is expected to increase from 888 people in 1996 to 1,201 in 2020. The seasonal influx will remain high in this community with an expected seasonal population in 2020 of 2,834. Currently, less than 15% of Boca Grande is vacant. By the year 2020, this community is expected to build out. The community of Boca Grande is dedicated to preserving its historic character and the community will look largely the same in 2020 as it does today.~~

~~There are no sub-communities within the Boca Grande Community.~~

Gasparilla Island/Boca Grande – In 1980, the Florida Legislature found that the community of Boca Grande, comprised of Gasparilla Island and nearby islands, is part of the fragile barrier island system as defined in the Presidential Directive on barrier islands dated May 23, 1977, and is an area of particular natural beauty containing abundant plant, marine, animal and bird life. The State of Florida recognized that the conservation of the natural beauty, plant, marine, animal and bird life of the islands was in the best interest of the residents and property owners of the islands, the citizens of Lee and Charlotte Counties and the State of Florida, and consequently created the *Gasparilla Island Conservation District* by enacting the Gasparilla Island Conservation District Act of 1980 (Ch 80-473). The Act was subsequently amended in 1983 and 1986 (Ch 83-385 and Ch 86-341) as is hereafter referred to as the GICDA. The intent of the GICDA is to limit density and development to a level which will not degrade the fragile environment or overburden the limited infrastructure of the islands.

For the purposes of this comprehensive plan, the community of Boca Grande includes Gasparilla Island, Boca Grande Isles, the Gasparilla Golf Course Island, Three Sisters Island, Hoagen's Key, Loomis Island, Cole Island, and the Gasparilla Island bridge lands and causeway islands, and includes all submerged lands, tidal lands, overflow lands and tidal ponds as described in the GICDA.

To insure that the intent of the GICDA is carried out, actions proposed in sections that follow must be undertaken to promote sound environmental policy, preserve the character and history of the community, safeguard the water supply, protect the sports fishing industry and support the essentially seasonal businesses in Boca Grande, and to ensure that residents have adequate access, law enforcement, and emergency and utility services.

The core of the Gasparilla Island/Boca Grande community is the unincorporated village of Boca Grande, designated as an Historic District. This community is unique in that it has no direct road access to or from the rest of Lee County. All access to Boca Grande by motor vehicle is via Charlotte County, or by boat, or small seaplane. The Lee County portion of Gasparilla Island/Boca Grande is designated as Urban Community, Outer Islands, Public Facilities, Conservation Lands, and Wetlands on the Future Land Use Map. Maximum density in the Urban Community category is restricted to three dwelling units per acre.

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, 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.

High priorities for Gasparilla Island/Boca Grande are the preservation and conservation of its fragile environment, including recreation and open space areas, its Historic District, the residents' quality of life and right to continued enjoyment of its natural and cultural gifts, and consistent enforcement

of all current and future regulations with respect to zoning, traffic, parking, law enforcement, public utilities, the GICDA and the Historic District.

To the greatest extent possible, the community of Boca Grande, Lee County and Charlotte County should work together to jointly develop land development regulations and ordinances which are required by the policies found in this Comprehensive Plan. Different implementing ordinances and regulations should be avoided.

The last sentence of the Vision Statement does not contribute anything to the above paragraph. Staff understands the community's desire for Lee and Charlotte Counties to coordinate with each other when adopting implementing regulations for Gasparilla Island. However, while the two County's can strive for compatible development regulations, those regulations will be distinct to each County.

Staff recommends transmitting the Vision Statement, as revised.

GOAL: The Boca Grande Community Plan seeks to preserve and conserve the surrounding fragile environment, recreation and open space areas, the Historic District, the quality of life and the continued enjoyment of its natural and cultural gifts. The plan seeks consistent enforcement of all current and future regulations with respect to zoning, traffic, parking, law enforcement, public utilities, the Gasparilla Island Conservation District Act and the Boca Grande Historic District.

Element I - Future Land Use

Goal + Objective 1.1 - Future Land Use: To preserve the traditional character, scale, and tranquility of the historic village and residential areas of the Boca Grande community by continuing to limit the densities and intensities of use and development to sustainable levels that will not adversely impact the natural environment, overburden the existing infrastructure, or require additions to the present infrastructure.

Objective 1.1: Lee County will continue to enforce the regulations found in the Gasparilla Island Conservation District Act, and will assist the residents of Boca Grande to further develop growth management policies and regulations to limit densities and intensities of development on Gasparilla Island, in order to maintain the historic scale and development patterns of the community.

Policy 1.1.1: Lee County will work with the Boca Grande community to establish boating and marine facility site location standards which will help to identify appropriate locations and development regulations that are consistent with a scope and intensity that will protect the community from the potential negative impacts. Future public boat ramps and other watercraft launching facilities on Gasparilla Island will only be developed with adequate on-site parking, and should minimize impacts to traffic and pedestrian safety, the environment, neighborhoods, and consider marine safety issues.

Staff recommends the transmittal of Objective 1.1, as revised and of Policy 1.1.1.

Policy 1.1.2: In order to preserve the existing community character of Boca Grande, the Boca Grande community will work to develop standards to regulate fast food and retail franchises, and formula restaurants all commercial uses on Gasparilla Island. will be adopted within two years of the adoption of this Policy. Development standards will identify commercial design guidelines, parking and signage standards, appropriate intensity of uses and establish location standards to ensure consistency with the existing community character. These standards will identify the types of restaurants and franchises which may be incompatible with the community character of Boca Grande and therefore must comply with these development standards. A compliance determination is required by the Boca Grande Historic Preservation Board. Until such regulations are adopted, fast food and retail franchises, and formula restaurants may only be approved by Special Exception and must be found to be compatible with the existing historic conditions and consistent with the Historic District design guidelines.

Policy 1.1.2 proposes developing regulations that would only apply to fast food restaurants, formula restaurants and retail franchises. Fast Food Restaurants are defined in Chapter 34 of the Land Development Code. Formula restaurants and retail franchises are not adequately defined in the Policy.

Changing the zoning regulations for fast food restaurants will require amending the Property Development Regulations Table in Chapter 34 of the Land Development Code. If changes to regulations for fast food restaurants would prevent a property owner from obtaining a use that the current regulations will allow, the County could be exposed to liability under the Bert J. Harris, Jr. Private Property Protections Act.

Staff does not recommend creating regulations that distinguish between restaurants and retail uses based on whether they are considered "formula" restaurants or "franchise" retail uses.

Staff recommends that the Boca Grande community develop regulations that apply to all commercial uses on Gasparilla Island, rather than specific types of restaurants and retail uses.

The establishment of location standards on Gasparilla Island will be difficult because the Gasparilla Island District Act does not allow for the creation of new commercial zoning districts. New location standards will have to work within the framework of the property that is currently zoned for commercial uses.

Staff recommends the transmittal of Policy 1.1.2, as revised.

Policy 1.1.3: Changes to the Land Development code will be adopted The Boca Grande community will work to develop regulations within two years of the adoption of this Policy, to better manage rental and tour businesses which have an impact on the neighborhoods and environment of the community. These regulations will address issues such as the number and location of operators, safety, privacy, security, liability insurance, parking facilities, property maintenance, storm water management, and compatibility. Until such regulations are adopted, prior to the issuance of permits or occupational licenses for any new business proposing rental of electric or motorized vehicles such as mopeds, scooters, golf carts, personal watercraft (jet-skis) or similar vehicles, and businesses which operate tour boats, busses, trolleys, carriages, or other vehicles on tours of neighborhoods on Gasparilla Island, the Boca Grande Historic Preservation Board must review the

proposed operation and find it is compatible and will preserve the Historic character of Boca Grande.

Existing rental operations may continue to operate. Additional square footage to any building or an increase in the number of rental vehicles must comply with all existing regulations, including the provision that all outdoor storage must be contained on the business property and comply with existing regulations.

Staff does not recommend the creation of the Boca Grande Historic Preservation Board. (See staff's comments under proposed Policy 6.1.1, beginning on page 40 of this report)

It is not necessary to state in a Lee Plan policy that compliance with existing regulations is required. Compliance with existing regulations is a given.

The Boca Grande community has expressed interest in applying further controls on rental and tour business operations on Gasparilla Island. Staff recommends that the community work to create proposed regulations that would apply to rental and tour businesses. Those proposed regulations would be considered for adoption through the existing Land Development Code revision process.

Staff recommends the transmittal of Policy 1.1.3, as revised.

Policy 1.1.4: Lee County will work with the Boca Grande Community to establish a Document Clearing House in Boca Grande, where copies of selected documents from permit applications, variance requests, staff reports, Hearing Examiner recommendations and resolutions, Historic District Special Certificates of Appropriateness, and Administrative Variances and for any development on Gasparilla Island will be kept for public inspection. The County's failure to provide or to timely provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Staff recommends the transmittal of Policy 1.1.4.

Policy 1.1.5: The owner or agent for any rezoning, variance or special exception request which requires a public hearing, such as a variance, special exception, or consumption on premises; any request for an Historic District Special Certificate of Appropriateness; or any administrative variance for development on Gasparilla Island, must conduct one public informational meeting in Boca Grande where the owner or agent will provide a general overview of the project for any interested citizens. If the request is located within the Boca Grande Historic District, the informational meeting will be presented to the Boca Grande Historic Preservation Board at its appointed meeting location. For all other requests, the applicant is fully responsible for providing the meeting space and providing security measures as needed.

Lee County encourages zoning staff to participate in such public informational meetings. This meeting must be conducted before the application can be found sufficient. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will

respond to any issues that were raised. Whenever possible, public hearings for proposed projects on Boca Grande should be held between the months of October through May. Public hearings which are held during the months of June through September, will require notification of the date and time of the hearing to surrounding property owners a minimum of one month prior to the hearing date.

Staff does not recommend requiring a public informational meeting for requests for an Historic District Special Certificate of Appropriateness, or for administrative approvals. Residents seeking a Special Certificate of Appropriateness are already subject to an additional layer of review by the Historic Preservation Board. Requiring another layer of review would not be fair to the applicant. Staff does not think it is appropriate to require applicants for administrative approvals to conduct a public informational meeting on Boca Grande. This practice would delay staff decisions and unfairly burden the applicant.

Consumption on Premises applications that require a Special Exception would require a public informational meeting.

Staff recommends the transmittal of Policy 1.1.5, as revised. It is very similar to policies that are in effect for Estero, Captiva and Caloosahatchee Shores.

~~Policy 1.1.6: In addition to compliance review by Lee County development services staff, Lee County will require that all permit applications for development on Gasparilla Island will bear a statement, signed and notarized by the owner or authorized agent, that they are aware of and will comply with the provisions of the GICDA.~~

The Gasparilla Island Conservation District Act (GICDA) has been incorporated into Chapter 34 of the Land Development Code. Development applications are reviewed by staff for compliance with all County regulations, including Chapter 34 of the LDC. The proposed Policy 1.1.6 does not assure compliance with the GICDA.

Staff does not recommend the transmittal of Policy 1.1.6.

~~Policy 1.1.7: In order to promote water conservation and better manage this important resource, Lee County the Boca Grande community will investigate the feasibility of requiring all applicants develop standards for permit requests of new structures buildings to conduct a cistern feasibility study as part of the permitting process. For redevelopment projects, Lee County will seek to encourage the establishment of cisterns as a non potable water source, wherever practicable.~~

Staff does not agree it is appropriate to require a cistern feasibility study for each new or redeveloped building in Boca Grande. Staff recommends the community conduct one study that can be used as a model for all new or redeveloped buildings on Boca Grande. Staff does not recommend the use of the word "structure", which could include telecommunication towers.

Staff recommends the transmittal of Policy 1.1.7, as revised.

~~Policy 1.1.8: In order to maintain the traditional scale and historic patterns of development on Gasparilla Island, including areas outside the Boca Grande Historic District, Lee County will work~~

with the Boca Grande community to will develop an ordinance regulations to preserve light, space and air around new residential dwelling construction and to discourage "mega houses" or "mansions" of Boca Grande. New development or redevelopment will recognize that traditional setbacks, particularly front and side yard setbacks, as well as strict adherence to the Coastal Construction Control Line, within existing and proposed neighborhoods on Gasparilla Island, should be maintained. Lee County has determined that house designs which dwarf their neighbors are incompatible with existing historic and traditional neighborhoods and will be discouraged. These regulations will be adopted within two years of the adoption of this policy.

Until such an ordinance is adopted, no variances from existing property development regulations will be approved including setbacks, lot coverage, or height. Contributing structures in the Historic District or structures outside the Historic District which are designated as an historic resource under Chapter 22 of the Land Development Code may seek Special Certificates of Appropriateness and administrative relief from development regulations if approved by the Boca Grande Historic Preservation Board.

There is no official determination by Lee County regarding compatibility of neighboring residential building sizes. No existing regulations directly limit the overall size of residential buildings. Chapter 34 of the Land Development Code regulates lot size, road frontage, building setbacks and maximum building heights. Those regulations create an "envelope" that indirectly limit the maximum size of residential buildings.

Placing restrictions on the size of residential structures relative to the size of an individual lot was also raised by the Captiva Community Planning Panel. Staff encourages the Boca Grande and Captiva planning panels to develop proposed regulations that address the size of residential structures for consideration by the Land Development Code Advisory Committee and County Staff.

Placing a moratorium on variances from the Property Development Regulations on Boca Grande could expose the County to liability under the Bert J. Harris, Jr. Private Property Protections Act.

Staff recommends the transmittal of Policy 1.1.8, as revised.

Policy 1.1.9: Lee County The Boca Grande community will work to develop policies for Lee County to consider that will enable parcels comprised of multiple lots of record to remain intact. Any redevelopment of other large parcels of land will be consistent with the Gasparilla Island Conservation District Act, will work to preserve open space, and will not exceed three (3) dwelling units per acre. Parcels comprised of more than one lot of record, which are under unified control may not be divided unless the resulting lots conform with the maximum density of 3 dwelling units per acre (minimum lot size of 14,520 square feet), as established in the Lee Plan, Table 1(a), Note #5.

In all cases on Gasparilla Island, the maximum density must not exceed 3 dwelling units per acre. The Lee Plan does not regulate lot size on Boca Grande per se. Although lot size may be indirectly affected by the density limitations of the Plan. Lot size on Boca Grande is regulated by Chapter 34 of the Land Development Code.

The substance of this policy is already addressed in the Lee Plan.

Staff does not recommend the transmittal of Policy 1.1.9.

Policy 1.1.10: Lawfully existing businesses and commercial buildings in the Boca Grande commercial areas will be deemed to be vested as related to parking, setbacks, height, and land use. Any expansion or change of use to one of higher intensity will require a review of parking impacts, setbacks, height, and uses as necessary. Any new or expanded uses in the Historic District will require public review and a finding by the Boca Grande Historic Preservation Board that the project is consistent with the community's historic village character.

Staff does not recommend the establishment of a separate Boca Grande Historic Preservation Board.

Staff recommends transmittal of Policy 1.1.10, as revised.

Policy 1.1.11: Lee County will support the Boca Grande community in their efforts to further investigate the need for modified development requirements regulations applicable to Boca Grande, based upon the unique nature of the community, the location of Boca Grande on a barrier island at the mouth of Charlotte Harbor, the limited opportunities for supporting infrastructure, the seasonal nature of the demand upon public facilities, and the need for cross-county administration of growth management legislation. Such support The Boca Grande Community may propose development regulations that address include the following:

- a. The creation of the Gasparilla Island Zoning Overlay district to address inconsistencies with current zoning districts and the comprehensive plan and GICDA, implement policies adopted in this plan, and adopt modified development regulations such as, but not limited to, parking requirements, minimum setbacks, and commercial and residential design standards.
- b. The creation of a marine park zoning district to facilitate consistent local enforcement of existing Federal, State and County regulations in waterfront areas and new regulations to better manage coastal issues such as use and rental of personal watercrafts, abandoned vessels, live aboards, sanitation, water quality, and noise.
- c. Completion of an impact study of parking deficiencies prior to granting any additional administrative parking variances in the historic village commercial area. Until such time as the parking study is completed, new construction will be required to meet current parking requirements for its intended use.

Staff is not convinced that a new zoning overlay district or marine park zoning district are necessary on Boca Grande. However, staff does not oppose the Boca Grande community proposing regulations for staff to review.

The proposed parking study exceeds the County's core level of service. This proposed policy does not explain how the parking study will be funded, or provide specifics about the study's scope or content.

Staff recommends the transmittal of Policy 1.1.11, as revised.

Element II - Transportation, Parking and Traffic Circulation

Goal 2 Objective 2.1 - Transportation, Parking and Traffic Circulation: To ensure residential and commercial land use in Boca Grande that recognizes the connection between the existing transportation infrastructure and the community's desire to preserve Boca Grande's community character as a tranquil residential community, with an historic village center, and abundant open space and preservation areas. No policy in this community plan will be construed or interpreted to imply that Lee County will implement and/or enforce traffic regulations, traffic control, or parking regulations which are determined to be significantly substandard or may cause a defined safety or operational problem.

Objective 2.1: Lee County will recognize the inherent need to limit additional impacts to the existing transportation infrastructure of Boca Grande, the varied types and limited access to the community, the need for alternate forms of transportation within the community, the need for specialized standards for parking and commercial service areas, and the seasonal nature of infrastructure demand that exists throughout the community.

Policy 2.1.1: Lee County will continue to enforce the provisions of the Gasparilla Island Conservation District Act which limit growth, limit building height and restrict advertising throughout Boca Grande.

Staff recommends the transmittal of Objective 2.1, as revised and Policy 2.1.1.

Policy 2.1.2: Lee County will support the provision of convenient, safe bridges providing access to Gasparilla and Cole Islands and supports ~~through support of the autonomy of the Gasparilla Island Bridge Authority (GIBA), support for the highest standard of safety for vehicles, golf carts, bicycles, and pedestrians including, and support of strict enforcement of traffic laws.~~

Lee County supports safe bridge access, but there is no explanation as to how County support of the autonomy of the GIBA achieves safe bridge access. For that reason, staff recommends striking the reference to County support of the autonomy of the GIBA from this proposed policy.

Staff recommends the transmittal of Policy 2.1.2, as revised.

Policy 2.1.3: Lee County will assist in efforts to improve the bike and golf cart path along Gulf Boulevard, south of the village. ~~A feasibility study will be conducted to see if improvements such as widening of the path and landscaping can improve safety, shared use opportunities, and capacity. Lee County should consider funding the feasibility study and improvements from a portion of the 5% hold back from impact fees and by using county bike/pedestrian funds.~~

The County's Bike and Pedestrian Advisory Committee has included improvements to the Gulf Boulevard bike path on its list of recommended projects using the County's bike/ped funds. Funding a feasibility study for a specific bike path extends beyond the County's core level of service.

Staff recommends the transmittal of Policy 2.1.3, as revised.

Policy 2.1.4: ~~To assure bicycles and golf cart safety, Lee County will enforce bicycle safety regulations specified in Section 316.2065, Florida Statutes, and golf cart regulations specified in Section 316.212 F.S. and Section 316.1995.~~

Policy 2.1.4 references existing Florida laws. It is the responsibility of the Lee County Sheriff to enforce State laws. This policy does not change that responsibility.

Staff does not recommend the transmittal of Policy 2.1.4.

Policy 2.1.5: In order to preserve the historic characteristics of the community, Lee County will support the use of all way stop intersections or other traffic control methods, rather than traffic signals, whenever possible in the Boca Grande community.

Staff recommends the transmittal of Policy 2.1.5.

Policy 2.1.6: Lee County will support efforts of the Boca Grande community to beautify road right-of-ways and enhance the public realm of Boca Grande by including provisions for streetscaping in Historic Downtown Villages in the Lee Scape Master Plan. In order to maintain low traffic volumes, operating speeds, and noise levels, improvements will emphasize traffic calming techniques, and the need to preserve the aesthetic values of the community. Particular emphasis will be placed in the Historic District. Enhancements may include village streetscaping such as additional street trees, trash receptacles, benches and burying utilities underground.

Policy 2.1.6 appears to require the County to exceed its core level of service for roadway landscaping in Boca Grande. Staff recommends including the words “of the Boca Grande community” to clarify that the county will not be responsible for funding those improvements above its core level of service. The Boca Grande community could create an MSTBU for that purpose.

Staff recommends the transmittal of Policy 2.1.6, as revised.

Policy 2.1.7: Lee County will continue to ensure viable hurricane evacuation options for the residents and stakeholders of Boca Grande.

Staff recommends the transmittal of Policy 2.1.7.

Policy 2.1.8: Lee County will support improvement of pedestrian safety by establishing and marking crosswalks throughout the community; and by improving pedestrian circulation within the Historic District, and consistently enforcing all regulations on the bike paths, which includes minimum age requirements for operation of golf carts.

Policies that would be enforced by local law enforcement agencies do not belong in the Lee Plan.

Staff recommends the transmittal of Policy 2.1.8, as revised.

Objective 2.2: Lee County will support consider a funding request for the Boca Grande Community Plan implementation that provides for a parking and traffic study to identify ways to create safe and efficient parking for employees, patrons and visitors, and to determine the appropriate parking standards which will address the capacity and design needs of the Boca Grande commercial district. The parking and traffic study will address the following policies.

Because there is no detailed information on what the funding request would entail, staff recommends replacing the word “support” with “consider”.

When a detailed funding request for implementing a traffic study comes forward, the BoCC can consider that request. Parking studies and building parking lots are generally beyond the County’s core level of service (Parks and Recreation have owned and operated parking facilities). This is especially true in support of a business district. This objective and related policies raise the question of what the County’s level of involvement should be in this regard.

Staff recommends the transmittal of Objective 2.2.

Policy 2.2.1: As a result of regional growth and local redevelopment, Lee County will provide assistance to develop a long-range strategy to address increased parking demand. This may result in regulations, infrastructure improvements or adoption of management practices which incorporate any number of the following:

- a. Revised traffic count thresholds
- b. Maximum development intensities
- c. Revised minimum parking requirements
- d. Traffic congestion mitigation practices
- e. Vehicle and pedestrian safety programs
- f. Shared parking agreements
- g. Public/Private partnerships to fund new or expanded parking facilities.

Policy 2.2.2: Lee County will seek to maximize the efficiency and the functionality of existing parking facilities by improving trailblazing signage, re-designing existing parking facilities, and creating specific facilities for golf cart and bicycle parking. Designated parking for employees, the appropriate number of parking spaces for new and expanded uses, and enforcement of existing parking restrictions and permit requirements will also be examined.

Policy 2.2.3: Parking along the beach access streets and other public rights-of-way will be regulated to allow convenient ingress and egress to residences and permit adequate emergency vehicle access at all times. Lee County will support efforts of the Boca Grande community to analyze the appropriateness of overnight and long term parking in the public rights-of-way, the Gilchrist median, and along beach access streets.

Policy 2.2.4: Lee County will seek to direct service vehicles and delivery vehicles to designated unloading zones. Due to the traffic congestion in the Historic District, Lee County will assist in establishing time restrictions on service and delivery trucks during peak traffic periods, such as those occurring in March and April.

Staff recommends the transmittal of policies 2.2.1, 2.2.2, 2.2.3 and 2.2.4.

Policy 2.2.5: Lee County will encourage alternative transportation by supporting golf cart and bicycle use and improving design for golf cart and bicycle parking throughout the Boca Grande community:

Bicycle and parking requirements already exist in the Land Development Code. State Law provides some restrictions on the use of golf carts. It is not clear what type of additional support is envisioned for golf cart and bicycle use.

Staff does not recommend the transmittal of Policy 2.2.5.

Policy 2.2.6: For all new development and redevelopment, Lee County will continue to support and improve design and permitting efforts through the site plan review process that adequately address truck deliveries, emergency vehicle access, and solid waste disposal.

Policy 2.2.7: Lee County will assist in a study of traffic patterns and flow in and around the Post Office, Park Avenue, East Railroad Avenue and West Railroad Avenue, seeking to develop a plan of action that will improve the functionality of the infrastructure while preserving the aesthetics of the community.

Staff recommends the transmittal of Policies 2.2.6 and 2.2.7.

Policy 2.2.8: To preserve the capacity of the existing roadways and parking facilities, Lee County will adopt regulations within two years of the adoption of this Policy, that address the appropriateness of high impact uses such as fast food restaurants, convenience food stores, and other franchise retail stores and restaurants.

Policy 2.2.8 appears to be requiring the County to consider the appropriateness of fast food restaurants, convenience food stores and franchise retail stores and restaurants in Boca Grande.

From a traffic concurrency standpoint, the County considers traffic impacts of all proposed uses on their own merits. The County evaluates traffic concurrency issues during Development Order review and bases decisions on the traffic generated by a particular land use, not on whether the use is a "formula" or "franchise" business.

Staff does not recommend the transmittal of Policy 2.2.8.

Element III - Conservation and Coastal Management

Goal 3 Objective 3.1 - Conservation and Coastal Management: Lee County will preserve, protect, and, where possible, enhance the physical integrity, village character, ecological values, and natural beauty of Boca Grande and Gasparilla Island, focusing upon the diverse and healthy native vegetation, the clear offshore waters, and the varied and abundant native marine and wildlife resources in a manner compatible with the Gasparilla Island Conservation District Act, the promotion and preservation of the historic Boca Grande village as a thriving community, and preservation of Gasparilla Island's historic heritage.

Objective 3.1: Lee County will support the efforts of the Federal and State authorities, and the Boca Grande community to preserve, protect, and enhance the positive environmental qualities of Gasparilla Island. Lee County will involve local community organizations in the planning process and will enforce these community plan policies through implementation in the land development regulations.

Policy 3.1.1: Lee County will support and encourage beach renourishment and other efforts to maintain the beaches and protect Gasparilla Island from tidal events.

Staff recommends the transmittal of Objective 3.1, as revised and Policy 3.1.1.

~~**Policy 3.1.2:** Lee County will assist the Boca Grande community in evaluating and promoting the creation of a community wide Municipal Services Benefit Unit, or a Florida Erosion Control District, for assistance in funding beach renourishment projects.~~

Policy 3.1.2 is inconsistent with the current policy on how costs are allocated for beach renourishment projects. The project is fully funded. If an MSTBU was established, an assessment of the unit would simply reduce the amount of funds being contributed from other existing sources, the majority of which are grants.

Staff does not recommend transmitting Policy 3.1.2 for review.

Policy 3.1.3: Lee County will support the State's efforts to protect and preserve mangroves both on private properties as well as within public lands and easements. Not later than December 31, 2005, Lee County will review the State regulations regarding mangrove trimming and removal and determine whether additional protections need to be enacted on Gasparilla Island to protect its fragile environment.

Staff recommends the transmittal of Policy 3.1.3.

~~**Policy 3.1.4:** Since future use of the 9.19 acres of land owned by Florida Power & Light at the south end of Gasparilla Island as passive open space will best serve the goal of enhancing the beauty and environmental integrity of the Island, Lee County will assist private and public efforts to acquire the land for that purpose through financial, administrative and political measures.~~

Uses other than passive open space may better serve the residents of Lee County. If the Florida Power & Light facility on Boca Grande is acquired in whole or in part with public funds, staff will evaluate the merits of any use of that property and will recommend the use that best serves the public, including the residents of Boca Grande.

Policy 3.1.4 is similar to Policy 5.2.2., in that both policies state that Lee County will assist in with efforts to acquire the FPL site.

Staff recommends the transmittal of Policy 5.2.2, as revised by staff. Staff does not recommend the transmittal of Policy 3.1.4.

Policy 3.1.5: Lee County will strictly enforce its own policies related to the preservation of the beach dune system, beach dune vegetation, and beach dune wildlife, by discouraging any construction seaward of the 1979 Coastal Construction Control Line. This policy will not apply to the placement of raised walkways intended to cross over the dune system from adjoining properties, nor will it apply to bona fide beach renourishment and shoreline protection efforts. Lee County will support the State's efforts to protect the beach dune system, beach dune vegetation, and beach dune wildlife communities on Gasparilla Island.

Policy 3.1.6: The Beach renourishment efforts of Lee County will include the re-establishment of a beach dune system, beach dune vegetation, and beach dune wildlife communities, including nesting birds and turtles, to the greatest extent practicable. Lee County will monitor and enforce its policies and regulations protecting dunes, dune vegetation, and dune wildlife communities on Gasparilla Island. Any rock or hard revetment will be covered with sand and planted with salt resistant native plants.

Policy 3.1.7: Except for emergency events and public purposes, Lee County will ban vehicular traffic from all beaches on Gasparilla Island and will provide enforcement of the ban.

Policy 3.1.8: Lee County will use regulatory powers to preserve, protect, and enhance the marine habitat surrounding Gasparilla Island, including sea grass beds, manatee habitat, estuarine habitat, and near shore waters of Gasparilla Island.

Policy 3.1.9: Lee County will review and enforce all permits for new dock construction to assure the protection of sea grass beds, manatee habitat, tarpon fishing grounds, and other environmental values intrinsic to Charlotte Harbor. Copies of dock and shoreline permits will be sent to the Document Clearing House as established pursuant to Policy 1.1.4.

Staff recommends the transmittal of Policies 3.1.5, 3.1.6, 3.1.7, 3.1.8 and 3.1.9.

Policy 3.1.10: Lee County will assist in the enforcement of ~~sound best management standards and policies for vessel moorings~~ practices for anchorages of Gasparilla Island. The Regional Planning Council and its advisory committees will be the source of such information. ~~in anchorages and bayous of Gasparilla Island.~~

Staff recommends the transmittal Policy 3.1.10, as revised.

Policy 3.1.11: Within two years of the adoption of this Policy, Lee County will establish policies and guidelines for beach clean-up during red tide and similar extraordinary tidal events.

Policy 3.1.12: Within two years of the adoption of this Policy, Lee County will establish a program to restore the plant diversity on County owned lands on Gasparilla Island through the removal of exotic vegetation and its replacement with native species. Such a program will be phased so that the general character of the community will be maintained during the maturation process. Exotic species which are killed in place will be removed as appropriate so as not to create a negative impact or create a hazard to the community.

Policy 3.1.13: Lee County will support programs that provide periodic clean-up activities in aquatic preserves, on the beaches of Gasparilla Island, and at beach access points on Gasparilla Island.

Policy 3.1.14: Lee County will work in conjunction with Charlotte County to implement a plan to stop the proliferation of iguanas and other exotic fauna on Gasparilla Island.

Staff recommends the transmittal of Policies 3.1.11, 3.1.12, 3.1.13 and 3.1.14.

Policy 3.1.15: Lee County will provide financial and political support for research into the causes and control of red tide and other similar extraordinary tidal events. through the support of efforts such as Solutions to Avoid Red Tide, Inc. (S.T.A.R.T.) and other efforts to address and remedy the problems associated with these occurrences.

Staff believes it is not appropriate to name a specific corporate entity in the comprehensive plan. Lee County has provided support for this kind of research.

Staff recommends the transmittal of Policy 3.1.15, as revised.

Objective 3.2: Lee County will manage public resources and direct public efforts to preserve, protect, and enhance the natural environments on Gasparilla Island through measures to control the risk of harm attributable to human impact.

Staff recommends the transmittal of Objective 3.2.

Policy 3.2.1: Lee County will strictly enforce all regulations limiting noise, consumption of alcoholic beverages, littering, signage, and any nuisance activities on all public lands, rights of way, beaches, beach accesses, and public easements.

Policies that would be enforced by local law enforcement agencies do not belong in the Lee Plan. Lee County does not control the policies of the Lee County Sheriff's office, only the budget.

Staff does not recommend the transmittal of Policy 3.2.1.

Policy 3.2.2: Lee County will publicize and enforce the existing 500' buffer zone around Gasparilla Island as designated in Lee County Ordinance 02-14. Lee County will limit the speed of watercraft in this zone where appropriate for the protection of swimmers. Vessel restrictions imposed by County, State or Federal regulations will be appropriately marked and enforced.

Lee County Ordinance 02-14 maybe inconsistent with Florida Administrative Code 68D-23. The idea of publicizing and increasing enforcement of boating regulations is appropriate, however that effort would be the responsibility of the Lee County Sheriff as the primary enforcement agency.

Recognizing that Lee County Ordinance 02-14 will change over time, staff recommends stating that vessel restrictions imposed by County, State or Federal regulations will be appropriately marked and enforced.

Staff recommends transmitting Policy 3.2.2 for, as revised.

Policy 3.2.3: Lee County will support efforts to preserve, protect, and, where possible, enhance the tarpon and game fish population of Charlotte Harbor and the near shore waters of the Gulf of Mexico.

It is not clear what type of support is envisioned. In addition, this type of fishery activity is beyond the scope of County services.

Staff does not recommend the transmittal of Policy 3.2.3 for review.

Element IV – Community Facilities and Services

Goal 4-Objective 4.1 - Community Facilities and Services: Lee County will seek to ensure the continued delivery of high quality, accessible community facilities and services that meet the educational, recreational, informational, and public safety, health and welfare needs of the residents, visitors and stakeholders of Boca Grande.

Objective 4.1:Through the administration of county services, the Land Development and Administrative Codes, and the cooperative efforts of interagency and intergovernmental agreements, Lee County will continue to provide utilities and infrastructure; emergency, law enforcement and fire protection services; education, information resource and recreation services; and mosquito and animal control services, in a safe and efficient manner.

Policy 4.1.1: Lee County will seek to maintain and enhance the public/ private partnership for the operation and enhancement of the Boca Grande Community Center and other County operated facilities open to the public in the community of Boca Grande.

Policy 4.1.2: Lee County will cooperate with the Gasparilla Island Water Association (GIWA) to ensure the continued provision of potable water and sanitary sewer service to the community of Boca Grande. Lee County will continue to support the Wellhead Protection regulations adopted by the GIWA and Charlotte County to protect and preserve the sources upon which the community of Boca Grande relies for its potable water.

Policy 4.1.3: Lee County will facilitate and provide for the disposal of solid waste, including refuse, recyclables, and horticultural waste. Lee County will enter into an inter-governmental agreement with Charlotte County, if necessary, to ensure that the community of Boca Grande will have access to Charlotte County's solid waste disposal area located on Environmental Way in Charlotte County.

Staff recommends the transmittal of Objective 4.1, as revised and Policies 4.1.1, 4.1.2 and 4.1.3.

Policy 4.1.4: Lee County will facilitate and cooperate with the applicable mosquito control district ~~to ensure that adequate measures are undertaken to control the health risk that mosquitoes represent.~~ Lee County will continue to support the utilization of safe, effective, and environmentally responsible measures for mosquito control, recognizing the need to preserve local flora and fauna, including marine life.

Staff does not recommend “ensuring” any outcomes that are the responsibility of an independent authority.

Staff recommends the transmittal of Policy 4.1.4, as revised.

Policy 4.1.5: Lee County will work with the applicable mosquito control district to facilitate the dissemination of aerial spraying schedules, as well as any threat to the public health, to the

community of Boca Grande, the Boca Grande Health Clinic, and the newspapers that serve the community of Boca Grande.

Staff recommends the transmittal of Policy 4.1.5.

Policy 4.1.6: Lee County will support the operation and enhancement of a reference library facility, including the provision and improvement of adequate electronic based equipment, internet access, and software, in cooperation with local community organizations. Professionally trained library personnel will manage and operate the facility. Lee County will seek an inter-governmental agreement with Charlotte County as may be required to provide cross-jurisdictional support of library and information resource services for residents of the community of Boca Grande.

Lee County has already agreed to a Memorandum of Understanding with Charlotte County in December, 2004, for the creation of a Library Reciprocal Borrowing Program.

It is not clear to what type of cross-jurisdictional support is envisioned and recommends the transmittal of Policy 4.1.6, as revised.

Policy 4.1.7: So long as local interest exists in the community of Boca Grande to maintain an Island School to serve the population of the community of Boca Grande, Lee County will support the Lee County School Board, if necessary, with an inter-local agreement, in maintaining a viable school site and educational programs. Such support may include, but is not limited to, facilitation of land use regulations, joint use of community resources, funding assistance, joint utilization of staffing, or other applicable coordination efforts.

Policy 4.1.8: Lee County will cooperate with the Boca Grande Fire Control District (BGFCF) in the provision of fire protection services to the community of Boca Grande. Such cooperation will include, but will not be limited to, recognition that the Fire Chief of the BGFCF has the authority for interpretation and enforcement of fire codes in the community of Boca Grande. All homes will be required to have the address clearly posted on the property.

Policy 4.1.9: Lee County will provide the necessary communications infrastructure as required to manage and dispatch all 911 calls affecting the community of Boca Grande, entering into agreements as necessary with the BGFCF and Charlotte County.

Policy 4.1.10: Lee County will cooperate in the establishment of inter-local agreements between and among all necessary parties to provide for: 1) the appropriate handling of hazardous materials incidents; 2) mutual aid agreements with the Englewood Fire Control District and Charlotte County Fire and EMS; 3) advanced life support emergency medical services; and 4) back-up EMS response as may be required by the community of Boca Grande.

Policy 4.1.11: Lee County will cooperate as necessary in the provision of communications, information distribution, public service meetings, educational efforts, and a local liaison for emergency situations affecting the community of Boca Grande. Lee County will maintain an up-to-date list of first-in team contacts, cooperate as necessary with applicable jurisdictions and service providers for communication of evacuation status, shelter locations, and re-entry information in the event of an emergency situation. The issuance of evacuation notices will be coordinated with

Charlotte County. Lee County will work with other local, State, and Federal authorities as necessary to assist in the provision of adequate means by which the community of Boca Grande can be evacuated through the Cape Haze Peninsula in the event of an emergency situation. It is acknowledged that the appropriate Emergency Operations Center (EOC) is determined by the Boca Grande Fire Control District.

Policy 4.1.12: Lee County Emergency Medical Services will provide land or air transportation to the most appropriate facility based on the patients medical history and will maintain a liaison with the Boca Grande Health Clinic to keep the clinic fully informed of all Emergency Medical protocols and procedures for operations and any changes that may be implemented whether temporary or permanent. The Boca Grande Health Clinic will be informed relating to any public health issues or public county health problems.

Policy 4.1.13: Lee County will promote and assist as necessary in the provision of a full-time police and law enforcement presence for the community of Boca Grande. Cooperative arrangements in the form of inter-local agreements, or other mechanisms as may be applicable, between Lee and Charlotte County will be supported if necessary.

Policy 4.1.14: The Lee County Department of Transportation will continue to provide the necessary maintenance and improvements on all public rights-of-way to ensure the continued safety and efficiency of roadways, paths, and surface water management systems.

Staff recommends the transmittal of Policies 4.1.7, 4.1.8, 4.1.9, 4.1.10, 4.1.11, 4.1.12, 4.1.13 and 4.1.14.

Element V - Open Space, Recreation, and Beautification

Goal 5 Objective 5.1 - Open Space, Recreation and Beautification: Lee County will seek to promote, protect and enhance existing and potential open space, recreational facilities, and the quality of life for the residents and stakeholders of Boca Grande. These efforts will enhance the aesthetic qualities of Boca Grande and benefit its residents while preserving the characteristics of its fragile barrier island system.

Objective 5.1: Lee County recognizes that Boca Grande represents a unique cross-jurisdictional, barrier island community with distinct physical attributes that govern the preservation of open space and recreational opportunities. Lee County will seek to enhance and protect the quality of life for residents, visitors and stakeholders through the preservation of functional open space and recreational opportunities while seeking to limit demands upon a restricted infrastructure and enhance the aesthetic qualities of Gasparilla Island.

Policy 5.1.1: Lee County will support efforts to protect and enhance the functionality of the eight-mile long pedestrian/bike/electric golf cart path on Gasparilla Island. Lee County recognizes that this eight-mile long linear park and path serves a recreational purpose, a transportation purpose, and an aesthetic purpose for the residents, visitors and stakeholders of the Island. Not later than December 31, 2005, Lee County will undertake efforts to improve the pedestrian/bike/electric golf cart path along the southerly end of the path similar to those improvements located in the northerly, GICIA owned portion of the path.

Policy 5.1.2: Lee County will coordinate public works projects, such as street resurfacing, repairs, maintenance, drainage swales and other surface water management systems, with the Boca Grande community so that they include landscaping and aesthetic options that are in keeping with the concept of promoting, preserving and enhancing the ecological and aesthetic values of Gasparilla Island.

Policy 5.1.3: Not later than December 31, 2005, Lee County will investigate the feasibility of converting Banyan Street to a one-way facility and reducing the pavement width in order to better preserve and protect the banyan trees. Lee County will assist in establishing an historic, scenic or similar type of designation, as recommended in the *Banyan Tree Assessment Report, Banyan Street-Boca Grande, Florida*, prepared by the Lee County Division of Environmental Sciences, to further provide for the protection and preservation of this unique street area.

Policy 5.1.4: Upon adoption of this Policy, Lee County will prohibit automobile parking on 5th Street from Park to Gilchrist, known as Mahogany and Veterans Park, in order to protect the unique aesthetic features of this roadway.

Policy 5.1.5: Lee County will continue to support the designation of Gasparilla Island as a bird and wildlife sanctuary, as adopted in Lee County Ordinance 83-16. Lee County will support the efforts of Charlotte County for the designation of Cole Island, Live Oak Key, Peekins Ranch Cove and Key, the fishing pier at the old 400 foot railroad bridge, and the peninsula located north of the Lee County line, (as identified in the Open Space Inventory) and all remaining land zoned Environmentally Sensitive, as well as the Charlotte County portion of Gasparilla Island, as a bird and wildlife sanctuary.

Policy 5.1.6: Lee County will support and promote the preservation of environmentally sensitive lands, and will continue to support, promote and investigate additional funding sources for the Gasparilla Island Land Conservancy Stewardship Program and other preservation programs. Element V of the Boca Grande Community Plan includes the inventory of existing community open space and sensitive lands.

Staff recommends transmittal of Objective 5.1, as revised and Policies 5.1.1, 5.1.2, 5.1.3, 5.1.4, 5.1.5 and 5.1.6.

Objective 5.2: Lee County will preserve and maintain the functionality of the existing recreational facilities currently available on the Island.

Policy 5.2.1: Lee County will maintain the existing recreational facilities on Gasparilla Island, including two tennis courts, a basketball court, a volleyball court, the baseball field on Wheeler Street, the various beach access locations, a community playground, the picnic areas, and fishing sites, including one on the Bayou.

Staff recommends the transmittal of Objective 5.2 and Policy 5.2.1.

Policy 5.2.2: Lee County will assist private and public efforts to acquire the approximately 9.19 acre F. P. & L./Belcher Oil facility owned property located at the south end of Gasparilla Island. for

the purpose of maintaining it as a passive open space and reestablishing a native habitat across the site.

Uses other than passive open space may better serve the residents of Lee County. If the Florida Power & Light property on Boca Grande is acquired in whole or in part with public funds, staff will seek public input before recommending uses for that property. Staff envisions the process to be similar to the meetings held in Estero prior to and during the design of the Estero Park. Staff would evaluate the merits of all uses of the property and will recommend the use that best serves the public interest, including the residents of Boca Grande.

Staff recommends the transmittal of Policy 5.2.2, as revised.

Policy 5.2.3: Lee County will support efforts in the Historic District to install additional native landscaping, especially along Park Avenue and Fourth Street, to provide greater community aesthetics, safer pedestrian movement, landscaped parking areas for automobiles and golf carts and more efficient traffic flow.

Staff recommends the transmittal of Policy 5.2.3.

Element VI - Historic Preservation

Goal 6 Objective 6.1 - Historic Preservation: To protect, preserve, and enhance the historic resources and heritage of the Boca Grande community.

Objective 6.1: Lee County will seek to preserve the historic resources of Boca Grande through the adoption of policies and regulations that recognize the unique community characteristics, a tranquil residential community, with an historic village center, and abundant open space and preservation areas, and that also recognize the local sensitivity of the community's architecture, history and legacy as an old railroad town.

Staff recommends the transmittal of Objective 6.1, as revised.

Policy 6.1.1: Lee County will establish a Boca Grande Historic Preservation Board with the powers and duties found in Lee County Land Development Code Chapter 22, Section 22-74, which includes the ability to designate historic resources and to approve or deny applications for Special Certificates of Appropriateness. The Boca Grande Historic Preservation Board will be comprised of seven members from the categories found in the Lee County Land Development Code, Section 22-72, except that whenever possible the members will be residents of the Lee County portion of the Boca Grande community. Members will serve as described in Section 22-72 and will be appointed by the Lee County Board of County Commissioners.

The Lee County Historic Preservation Board (HPB) has jurisdiction over all of unincorporated Lee County. The HPB consists of five members selected because of their expertise and two additional lay members. There are no geographical limitations on membership. The seven member HPB could theoretically be made up entirely of residents of Boca Grande. Since the inception of the HPB the Executive Director of the Gasparilla Island Conservation and Improvement Association has been a member of the HPB. To date, no other resident of Boca Grande has applied to sit on the HPB.

There are opportunities for the residents of Boca Grande to provide comments on proposed projects to the HPB. Lee County staff advertises the Historic Preservation Board agenda in a local paper and sends architectural plans to the Boca Grande Library and the Fust library for viewing by the public. In addition, staff has notified surrounding property owners by sending them copies of the agenda. Residents of Boca Grande can review the agenda and architectural plans and send their comments by mail or give them in person to the Historic Preservation Board at any of their advertised meetings.

The Historic Preservation Ordinance was adopted December 21, 1988. Since adoption, there has been only one appeal of an HPB decision. That case was for an individual designation on Upper Captiva. Staff concludes that there is no demonstrated need for the creation of a Boca Grande Historic Preservation Board at this time.

Staff does not recommend The transmittal of Policy 6.1.1. Rather, staff encourages interested residents of Boca Grande to apply to sit on the Lee County HPB when openings become available. Boca Grande residents are also encouraged to review architectural plans at their libraries and submit their comments to the HPB.

Policy 6.1.2: Lee County will provide copies of applications for historic designations and of all Special Certificates of Appropriateness, as well as administrative variances, to the Document Clearing House as established pursuant to Policy 1.1.4, and will send notices to all surrounding property owners, in order that the community may be better informed and have the opportunity to participate in the process to preserve its historic resources.

Staff recommends the transmittal of Policy 6.1.2, as revised, in lieu of the creation of a Boca Grande Historic Preservation Board.

Policy 6.1.3: Lee County will work with the community of Boca Grande in updating its inventory of contributing and non-contributing structures as part of its efforts to preserve the historic resources of Gasparilla Island. Lee County will assist in efforts to create a record of the historic features of the Island in order to sustain a legacy for future generations.

Policy 6.1.4: Lee County will work with the Boca Grande Historic Preservation Board and the community of Boca Grande in reviewing the design parameters applicable to the Historic District of Boca Grande to ascertain whether additions, modifications, or deletions need to be considered.

Policy 6.1.5: Lee County will investigate the designation of Banyan Street as an historic resource and assist with the implementation of additional recommendations found in the *Banyan Tree Assessment Report, Banyan Street-Boca Grande, Florida*, completed by the Lee County Division of Environmental Sciences, as recommended by the Boca Grande Historic Preservation Board.

Policy 6.1.6: Lee County will investigate additional fiscal and tax incentives to preserve the economic viability of the Historic District of Boca Grande.

Staff recommends the transmittal of Policies 6.1.3, 6.1.4, 6.1.5 and 6.1.6.

Policy 6.1.7: Lee County will preserve the historic village character of the commercial sector of Boca Grande through site and design regulation by adhering to the criteria of the *Design Guidelines*

Manual for the Boca Grande Historic District in Lee County Florida. Lee County will support efforts of the Boca Grande community to modify site and design regulation within the Boca Grande Historic District of formula fast food restaurants and other similar franchise operations, formula to include commercial signage, and other design components or uses that are not in keeping with the historic elements of the existing community character on Gasparilla Island.

Staff recommends that if additional site and design regulations are developed for the Boca Grande Historic District they should be applied to all commercial property, not just fast food restaurants and other similar franchise operations.

Staff recommends the transmittal of Policy 6.1.7, as revised.

Policy 6.1.8: Lee County will work with the Boca Grande Historic Preservation Board and the community to review the build-back regulations to ascertain whether modifications need to be undertaken in order to restore historic features in the event of catastrophe. If necessary, regulations to allow designated historic resources to be reconstructed will be adopted.

Staff recommends transmittal of Policy 6.1.8.

Element VII - Economics

Goal 7 Objective 7.1 - Economics: To identify and preserve the elements of the Gasparilla Island economy that contribute to the quality of life for the residents and stakeholders, including the restaurants, shops, fishing guides, art galleries, real estate companies, and existing commercial businesses which combine to make Boca Grande a unique village economy.

Objective 7.1: Lee County will work with all of the interests that make up the economy of Boca Grande to preserve and promote the economic health of the Boca Grande community while not expanding the amount of commercial property on the Island in accordance with the Gasparilla Island Conservation District Act (GICDA).

Policy 7.1.1: Lee County will support efforts by the Gasparilla Island Bridge Authority (GIBA) to secure funding for the repair and maintenance of the bridges connecting Gasparilla Island to the mainland.

Staff recommends transmittal of Objective 7.1, as revised and Policy 7.1.1.

Policy 7.1.2: Lee County will support efforts to preserve, maintain, and enhance the beaches of Gasparilla Island, ~~exploring alternate funding mechanisms such as the Tourist Development Tax, establishment of a Municipal Service Benefit Unit or a Florida Erosion Control District, or establishment of some alternative cross-jurisdictional funding mechanism. Funded programs will include, but are not limited to, beach restoration and renourishment, erosion control, beach acquisition, beach access maintenance, support of existing beach facilities, and beach clean-up.~~

Lee County has already secured state and bed tax funding, established an MSBU, and is seeking federal funding for the renourishment of the critically eroded beachfront of Gasparilla Island.

Staff recommends the transmittal of Policy 7.1.2, as revised.

Policy 7.1.3: Lee County will support, preserve, protect, and seek to enhance the tarpon and game fishing industry as a vital element of the Boca Grande economy. Support should include appointing Boca Grande representatives of the tarpon and game fishing industry to the Tourist Development Council, identifying and securing funding to study and implement policies to ensure the continued health of the tarpon and game fish population and habitat, and assisting in clean-up operations aimed at removing debris from areas in Charlotte Harbor where tarpon and game fish congregate.

The type of fishery activity described in Policy 7.1.3 is beyond the scope of County services.

Staff does not recommend the transmittal of Policy 7.1.3.

Policy 7.1.4: Lee County will work with the Boca Grande community to review and ensure adopted levels of service for the provision of water, sewer, roadway capacity, and parks and recreation are consistent with the Goals, Objectives and Policies adopted in the Comprehensive Plan.

Policy 7.1.5: To ensure the continued economic health of Boca Grande, Lee County will seek to maximize the efficiency and the functionality of existing parking facilities and review existing parking standards for their consistency with the historic and environmental constraints found in the community.

Policy 7.1.6: Lee County will coordinate with the Lee County School District to ensure adequate educational opportunities are available to the residents and stakeholders of Boca Grande.

Staff recommends transmittal of Policy 7.2.4, 7.1.5 and 7.1.6.

Policy 7.1.7: To ensure Boca Grande's economic health, Lee County will support the preservation of historic businesses and commercial structures. ~~by providing financial and regulatory incentives for existing businesses.~~ IncentivesSupport may include historic preservation grants and development regulations which will encourage mixed use buildings. The Gasparilla Inn is an example.

Staff recommends that the provision of financial and regulatory incentives should be evaluated when detailed proposals are provided. It is not appropriate to obligate the provision of those incentives without the opportunity to review specific proposals.

Staff recommends the transmittal of Policy 7.1.7, as revised.

B. CONCLUSIONS

The proposed Vision Statement, Goal, Objectives and Policies are the result of nearly a two-year long planning process. They directly reflect the vision that the Boca Grande community has for its community. Staff believes that this amendment should be viewed as another step in a continuous process that addresses planning needs in the Boca Grande community. Many issues have been addressed through this amendment, but there are others, such as those policies (or portions thereof) that staff has recommended for deletion, that will require more consideration in the future.

C. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners transmit the proposed amendment with staff's recommended language as shown in **Part I, Section B.1.** of this report.

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

DATE OF PUBLIC HEARING: May 23, 2005

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

MATT BIXLER

DEREK BURR

RONALD INGE

CARLETON RYFFEL

RAYMOND SCHUMANN, ESQ.

FRED SCHILFARTH

**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:

JOHN ALBION

TAMMY HALL

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 RESPONSE

**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	_____
TAMMY HALL	_____
BOB JANES	_____
RAY JUDAH	_____
DOUG ST. CERNY	_____

Jim, thanks for giving us a opportunity to review the Vision Statement for Gasparilla Island/Boca Grande. We (Parks and Recreation) do have comments which we offer concerning the vision statement.

Policy 1.1.1: While there are no plans at this time to locate a boat ramp or other watercraft launching facility on Boca Grande, I think we need to stay aware that this is a "boating community". I am certain that we would need community support to build a facility, but I would want that option to remain open.

Policy 3.1.4: This would be more of a policy call for the BOCC. I know the Board would support this property being perceived, but I don't know if they want to agree that they "will assist private and public efforts to acquire the land for that purpose through financial, administrative and political measures".

Policy 4.1.7: I do believe the BOCC will continue to support the "Island School". However, the BOCC is not responsible for funding of the school. Lee County Parks and Recreation will continue to facilitate joint use of Community resources.

Policy 5.2.2: I believe this wording is better than is stated in 3.1.4.

Thanks for giving us the opportunity to review the Vision Statement, and please let me know if you have any further questions.....Thanks.....Jy

From: Wayne Daltry
To: Mudd, James
Date: 2/2/05 2:25PM
Subject: Boca Grande Plan

Good Afternoon Jim

I reviewed the Boca Grande proposed plan. The hypothesis I operated under was, of course, the LeePlan is the unadulterated Plan except where directly addressed by a Boca Grande Policy. Consequently, issues such as affordable housing apply across the board since the Boca Plan didnt discuss any changes.

That being the basic hypothesis, I reviewed the policies within the Plan to the extent they affect Smart Growth policies, although my background may have some generally planning issues creep into my commentary.

1. The Plan is mute on "mixed use." The Plan could--within its 3 units an acre cap (or 4, whatever currently exists)--provide for residential units ancillary to commercial/office uses as one way to provide some workforce housing (or business owner/manager housing) and still stay within sustainable limits of development.
2. Most policies seem to emphasize the importance of carrying out County policy, and the policies expressed can be considered a form of prioritizing the ones most important to Boca Grande. (This is not a plaint. It is an observation that may provide for some "outside of staff" audit of our performance in these areas).
3. The Land Use section has the only policies that I see that have real conflicts.
 - 1.1.1 How do we regulate overflow without trying to fix the problem of overflow with more facilities? Parking is a "facility." Overflow shows the demand exists NOW, not some date in the future. Since the County does not operate the toll bridge, there seems to be a problem with letting watercraft launchers on the Island and then not planning for their use. Given the County's commitment to the expanded Blueway (non motorized water craft), restricting kayak and canoe launching seems to conflict with our TDC effort. Frankly, our kayaks dont require "facilities" but they do require a parking area. Regarding motorized towed boats, I think limiting where they are/can be fits but not allowing upgrades based on good sound public reasons is difficult--particularly if we are pursuing the FPL property. Recognizing that this is the S end of the Island (and a trailered boat would traverse the whole Island), getting the property--particularly the shoreline property--is difficult to do if reasonable boat access is not made.
 - 1.1.2. This declares a moratorium on uses currently allowed, I believe. Sanibel made a good case against DRIVE through restaurants, but not against ownerships--which this does. Is Columbia Restaurant a "formula restaurant?" Is Shula's a "retail franchise?" Is 7/11 a "fast food?" I can see the ordinance being crafted to determine which is which, but declaring a moratorium on what they are before they are defined looks to be a problem. If we put the "consultation provision" in effect immediately --6.1.1, 6.1.7.--we have the opportunity for these named businesses to try to fit within the community. IF they cannot make the grade, they at least have been adjudged individually according to standards, not according to a "class." Tied in with 2.28, there is probably enough to go on without the moratorium w/o definition.
 - 1.1.3. Same concept.
 - 1.1.6. So they sign and staff review says they dont comply with GICDA, we prosecute for fraud? We need to get them to sign that they are aware and have reviewed the GICDA. They get their approvals only if they have proposed something that COMPLIES with the GICDA.
 - 1.1.7. For non-potable uses is the intent, I believe. It should note that, in order to make it clear that this will be an "unregulated" water source.
 - 1.1.9. 1st sentence is, I hope, just a syntax problem. It is not a necessary sentence if the idea is to restrict and other wise guide the further subdivision of residential parcels. (Sentence 2 is quite clear on that) Tax policies that protect the wealthy by not taxing large estates on Boca Grande for their share of civic responsibility, but will tax Jim Walters homes in Lehigh is a bit....unbalanced?
 - 1.1.12 Demonstrates the problem with 1.1.1--"Public Facilities" most conducive to a port site would seem

to be some boating. We have moved from the 1000 ton barges and tug boats, would not some 14' outboard be a reasonable exchange? (If it goes to the State, look for a campground. Give the County some options of access and use.)

C'est Toute.

No, I dont own a boat that is trailer towed.

Wayne E. Daltry
Director, Smart Growth Department
wdaltry@leegov.com
239-335-2840
239-335-2262 (fax)

MEMORANDUM
from
NATURAL RESOURCES DIVISION

To: Jim Mudd

Date: February 14, 2005

Re: Boca Grande Comprehensive
Plan Amendment

From: Steve Boutelle

The following are my comments and observations of the draft amendment.

Policy 1.1.1 is inconsistent with other County policies promoting the development of water access. The parking considerations are reasonable as proposed.

Policy 1.1.3 is too general as written. The reference to not issuing permits or occupational licenses for any new business that might operate on Gasparilla Island fails to consider implications of vessel tours or rentals, which could originate on Pine Island, for example, but could take trips to Boca Grande on occasion.

Policy 1.1.11 leaves some significant questions as to feasibility and fiscal impacts.

- (a) I am not familiar with the possibility or potential limitations of creating a marine park zoning designation. This designation should not be necessary for enforcement of existing regulations, and may not be sufficient for development of new regulations. Further, we are not aware of any problems in the areas listed that cannot be adequately addressed with existing regulations.

Policy 2.2.3. Any changes to parking need to recognize that State funding for beach renourishment is dependent upon providing public parking throughout the proposed renourishment area (17th Street to Boca Grande Pass). The BOCC has already made a commitment to maintain specific levels of parking in a contract with FDEP and would face a financial penalty if that commitment were not upheld.

Policy 3.1.2. Lee County has already formed an MSBU for the purpose of cost-sharing the beach renourishment project.

Policy 3.1.5. The policy should at least be written so that it does not incorrectly imply that the CCCL is a line prohibiting building in the coastal system. It is more correctly a line beyond which different building standards apply.

Policy 3.1.7 does not allow for other public purposes that would require vehicular use on the beach, such as renourishment activities, monitoring activities, and surveying as examples.

Policy 3.1.8 is so broad that it cannot be interpreted. As written, it is a commendable ideal but the implications cannot be adequately assessed.

Policy 3.1.10. The Southwest Regional Harbor Board no longer exists. The policy could be rewritten to indicate that the best management practices for anchorages will be followed and the Regional Planning Council and its advisory committees will be the source of such information. I would point out that this is potentially inconsistent with Policy 1.1.11 (a).

Policy 3.1.11. Comments on this policy should be obtained from Parks And Recreation as well as the Visitor and Convention Bureau.

Policy 3.1.15. It seems inappropriate to name any specific corporate entity within the context of a comprehensive plan. The County provided support for this kind of research and the policy would be fine with the corporate reference removed.

Policy 3.2.2 is inconsistent with existing County ordinance and potentially also in conflict with Florida Statutes and the Florida Administrative Code. A legal opinion should be sought, including consultation with the Florida Fish and Wildlife Conservation Commission, Boating and Waterways Section.

Policy 3.2.3. To my knowledge, this type of fishery activity is beyond the scope of County services. You should consult with Extension Services on this policy.

Policy 4.1.4. It does not seem appropriate for the County to "ensure" any outcomes that are the responsibility of an independent authority.

Policy 5.2.2. A beach-dune ecosystem may not be the only appropriate native coastal habitat for this location.

Policy 7.1.2. Lee County has already secured state and bed tax funding, established an MSBU, and is seeking federal funding for the renourishment of the critically eroded beachfront of Gasparilla Island.

Policy 7.1.3. To my knowledge, this type of fishery activity is beyond the scope of County services. You should consult with Extension Services on this policy as well as the Visitor and Convention Bureau.

I hope these comments are useful. Please let me know if you have any questions.

James Mudd - Re: Comments on Draft Boca Grande Community Plan

From: Harry Campbell
To: Loveland, David
Date: 2/18/2005 7:03 PM
Subject: Re: Comments on Draft Boca Grande Community Plan
CC: Getch, Andrew; Gilbertson, Scott; Moore, Pat; Mudd, James; Tisch, Michael; Wingard, Paul

Dave,

A Planner obviously wrote this document. My comments and suggestions and some things that come to mind from past studies that I have been involved in are listed below only for consideration and discussion. You do not need to respond to all my engineering rhetoric:

1. Element II, II-3, Policy 2.2.4, before the words 'March and April', insert the words: "Peak Traffic Periods, such as those occurring in". (This gives full flexibility in the application of restrictions as the peak season will increase over time.)
2. The Policy 2.1.5 states, 4-Way Stops rather than traffic signals. I would suggest that after the word 'intersections', you add: "or other traffic control methods". (We should have the full flexibility to consider the viability of other options).
3. Policy 2.2.3, the words, 'at all times' might be interpreted as a guarantee and should be deleted and replaced with: "were reasonable and safe access is appropriate."
4. I feel you may need a general Policy Statement regarding the County's police powers something to the effect: "No Policy in this Community Plan shall be construed or interpreted to imply that Lee County will implement and/or enforce traffic regulations, traffic control or parking regulations which are determined to be significantly substandard or may cause a defined safety or operational problem." (Basically Lee County DOT determines what is reasonable and what is unreasonable, what is a significant problem and what is not a significant problem.)
5. Some items will require Enforcement, I would suggest that there be a buy-in on that from Law Enforcement, and heighten the awareness that there will be added costs? One way to deal with the Parking Enforcement work load is to get Code Enforcement, Parks, Community Service Officers, etc. certified to issue parking tickets.
6. Will funds be allocated for consultants to accomplish the Parking and Traffic Studies?
7. Thinking towards some of the solutions that get thrown out in these kind of situations; Resident Parking Permit Programs are often used with some success, but require labor effort and significant Community support to be successful. I would ask, what does the Community bring to the table to help with this?
8. Concentration of some Land Uses and particularly an 'over concentration' cause the Parking shortages. I would hope that the Community is prepared to consider the Land Use issue. I do not feel that the Parking & Traffic Study can be done as effectively unless land uses are also addressed as part of the study.

We certainly are supportive of the effort and look forward to assisting with Traffic, Parking, Golf Cart, Bicycle and Pedestrian issues.
 Thanks,

Harry A. Campbell, P.E., P.T.O.E.
 Chief Traffic Engineer - Traffic Section
 Lee County DOT
 5650 Enterprise Parkway
 Fort Myers, FL 33905
 Voice: 239-694-7600, ext. 4100
 Fax: 239-694-1332
hcampbell@leegov.com

>>> David Loveland 2/16/2005 9:02:24 AM >>>

Gentlemen-
 I'm shamefully late in asking for this, but I need your comments ASAP on the attached portions of the proposed new Boca Grande Community Plan. Since their desire is to pretty much preserve what they have, much of the traffic issues focus on bike/golf cart paths, parking, and beautifying the road rights-of-way. In some cases they call for doing some additional studies or evaluation, and that may fall to DOT. Get me your comments as quick as you can. Thanks.

David M. Loveland, AICP
 Manager, Transportation Planning, Lee Co. DOT
loveladm@leegov.com
 (941)479-8509 - Phone
 (941)479-8520 - Fax

From: Andrew Getch
To: David Loveland
Date: 2/16/05 10:48AM
Subject: Re: Comments on draft Boca Grande Community Plan

Dave,

Here are my comments:

Policy 2.1.3 - BPAC has recommended improvements to the Gulf Drive path using the 5% set-aside from impact fees.

Policy 2.1.4 - Bike safety regulations are in F.S. 316.2065. Golf cart regulations are in F.S. Chapter 316.212 which specifies min. age 14 to operate on roadway. F.S. 316.1995 prohibits driving vehicle other than human power on sidewalk. Would not recommend county duplication. Who would enforce?

Policy 2.1.5 - Why not roundabouts?

Policy 2.1.8 - Defer to traffic on pedestrian safety and added crosswalks.

Andy Getch, P.E.
Senior Engineer
Lee County Department of Transportation
getchaj@leegov.com
PHONE (239) 479-8510
FAX (239) 479-8520

>>> David Loveland 02/16/05 09:02AM >>>

Gentlemen-

I'm shamefully late in asking for this, but I need your comments ASAP on the attached portions of the proposed new Boca Grande Community Plan. Since their desire is to pretty much preserve what they have, much of the traffic issues focus on bike/golf cart paths, parking, and beautifying the road rights-of-way. In some cases they call for doing some additional studies or evaluation, and that may fall to DOT. Get me your comments as quick as you can. Thanks.

David M. Loveland, AICP
Manager, Transportation Planning, Lee Co. DOT
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CC: Harry Campbell; James Mudd; Michael Tisch; Pat Moore; Paul Wingard; Scott Gilbertson

James Mudd - Boca Grande Community Plan/ beach renourishment concerns.

From: Florida Shoredives <flshoredives@yahoo.com>
To: <bcc@charlottefl.com>, <parks@charlottefl.com>, <jmudd@leegov.com>, <communitydev@charlottecountyfl.com>
Date: 7/26/2004 1:32 AM
Subject: Boca Grande Community Plan/ beach renourishment concerns.

In regard to the pending "Community Plan For Boca Grande". I am very concerned that our quality of life here in Southwest Florida is gravely threatened by some of the Ideas proposed in the pending Community Plan For Boca Grande.

My spouse and I decided to make a life in Southwest Florida for just one reason. The saltwater recreational opportunities that the area affords us. For us that means scuba diving, beach swimming, boating, kayaking, and fishing. Aspects of the Community Plan For Boca Grande destroy quality of life for the citizens of Florida by destroying marine habitat and eliminating access to the marine habitats that we depend on for quality of life.

Gasparilla Island has some of the most diverse coastal hardbottom (living) reef habitats in Southwest Florida. These shoreline and near-shore reef habitats are vital to the local sport fishery. They are accessible to divers, snorkelers, and kayak fisherman from the various beach access points along the Islands Coast. Aspects of the Boca Grande Community Plan eliminate parking for those access points and use economics (social engineering) to further reduce the Island as a destination choice for Florida Citizens. Other aspects destroy marine habitats to make way for beaches that Florida citizens would no longer have access to. Having quality alternatives for access to the treasures that the Gulf provides reduces demand for additional public boat launch facilities and decreases our dependence on watercraft for Gulf Coast recreation. Beach recreation provides quality affordable recreational opportunities for Florida's hard working citizens.

For a glimpse of how beautiful and diverse the near-shore marine habitats of Gasparilla Island and Southwest Florida are please visit the Florida Shore Dive Database at- Link: <http://flshoredives.nexuswebs.net/index.html>. Look at the Lee County section for a small sample of Gasparilla Islands natural reefs, the marine life, hard and soft corals, and sponges. that depend on the shoreline and near-shore habitats. A link to underwater photographs is included on this page for the 17th and 19th street near-shore reef habitats.

These marine habitats are mature and improving with every year that passes. All near-shore life including people depend on those habitats and access to those habitats for quality of life. Beach re-nourishment done on the scale described on Lee County's public web site (link: <http://www.lee-county.com/naturalresources/Gasparilla%20Project.htm>) will bury the living shoreline habitats and will likely kill the living reefs just off the beach in 8 to 14 feet of water. Without those habitats the near-shore ecosystem of Gasparilla Island will loose its ability to attract and sustain the marine life forms important to our local economy and our quality of life. The hardbottom habitats of Gasparilla Island can not be replaced with the poorly planned mitigation effort that has already been permitted by the FDEP.

Please do not let any aspect of the Boca Grande Community Plan destroy our quality of life here in Southwest Florida.

I strongly object to any proposal that could be used to limit recreational access to the public waters surrounding Gasparilla Island.

I strongly object to any additional access fees or taxes for visitors to the island. Social engineering to limit access to the County and State owned assets on Gasparilla Island should never be encouraged.

I strongly object to any proposal that would eliminate or reduce public parking areas on Gasparilla Island.

I strongly oppose sunset to sunrise closure of any public parking areas and the public fishing pier on the north end of the Island. Modern society is "on call" 24 hours a day. Those that service society beyond 9-5 are as valued as the 9-5rs. Their contribution to society has earned them the same quality recreational opportunities.

I strongly oppose destructive beach renourishment/ protection efforts on Gasparilla Island.

I strongly support efforts to increase submerged marine habitat when it's not destructive to existing habitat.

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7/26/2004

I strongly support any efforts to increase public recreational assets and public beach or water access on Gasparilla Island so long as all Florida residents are provided the same access to those recreational assets.

Thank you for your consideration!

Kevin Murkve

Concerned Charlotte County resident.

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**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

DATE: March 21, 2005

To: James Mudd, Principle Planner
Planning Division

FROM: Donna Marie Collins
Assistant County Attorney

RE: Boca Grande Community Plan Draft dated September 30, 2004
LU-03-10-2090.A.9.

Thank you for the opportunity to review the proposed Boca Grande Community Plan. Based on this review, I have the following observations and comments for consideration by the Planning Division in the preparation of their staff report.

A. After reading the plan in its entirety, I believe a better explanation is necessary on what the following policies are intended to accomplish:

Policy 1.1.6.

Policy 1.1.9. (Tax policies)

Policy 2.1.3 (Specifically, who is responsible for the preparation of the feasibility study? How will the costs of this study be addressed and will additional personnel be necessary to prepare the feasibility study?)

Policy 3.2.2. (Specifically, what is the purpose of the buffer zone?)

Policy 3.1.5. (What will qualify under the standards set forth in this policy because it sounds like a standard that is impossible to meet. If this is the case, this policy amounts to a prohibition.)

Policy 7.1.7. (Contractor preferences)

B. The following policies will likely expose the County to liability under the Bert J. Harris, Jr., Private Property Protections Act. Some policies are outright takings.

Policy 1.1.1. (Boat ramp prohibition)

Re: Boca Grande Community Plan Draft dated September 30, 2004
LU-03-10-2090.A.9.

Policy 1.1.2. (Prohibition of fast food, retail franchises, and formula restaurants)

Policy 1.1.3. (Moratorium on permits and occupational licenses on specified businesses)

Policy 1.1.8. (Moratorium on variances on property development regulations),

Policy 1.1.9. (This policy is contrary to existing Lee Plan minimum use provisions)

Policy 1.1.11. (Moratorium on parking variances)

Policy 1.1.12. (FP&L site - this policy is a taking of property)

Policy 3.1.4. (FP&L site)

Policy 5.2.2. (FP&L site)

Policy 6.1.7. (Prohibition of fast food restaurants, franchise operations, and formula commercial signage in the Boca Grande Historic District)

C. The following policies obligate the County to expend financial resources and potentially hire additional personnel. The costs associated with accomplishing the activities described in these policies, as well as the personnel that would be needed to accomplish these tasks should be quantified for the Board of County Commissioners prior to the public hearing.

1. **The Boca Grande Community Plan requires that within two years the County adopt the following ordinances and establish programs.**

Policy 1.1.2. (Ordinance prohibiting fast food and retail franchises)

Policy 1.1.3. (Ordinance to manage rental and tour businesses)

Policy 1.1.8. (Ordinance to preserve light, space, and air around new residential dwellings)

Policy 2.1.4. (Ordinance to regulate bicycle safety, golf cart driver age restrictions, golf cart drive educational programs, etc., including enforcement and penalty provisions)

Policy 2.2.8 (Ordinance to regulate high impact uses such as fast food restaurants, convenience food stores, and other franchise retail

Re: Boca Grande Community Plan Draft dated September 30, 2004
LU-03-10-2090.A.9.

stores and restaurants)

Policy 3.1.11. (Establish policies and guidelines for beach cleanup during red tide, etc.)

Policy 3.1.12. (Establish program to restore plant diversity on the County-owned lands on Boca Grande, including exotic vegetation removal and replacement of exotic vegetation with native species)

2. The following policies require the County to undertake studies:

Objective 2.2. (Parking and Traffic Study)

Policy 3.1.15. (Research into causes and control of red tide and efforts to address and remedy problems associated with occurrences)

3. Other obligations placed on the County with financial ramifications:

Policy 2.2.4. (Lee County to establish time restrictions on service and delivery trucks during March and April)

Policy 3.1.14. (County to implement a plan to stop proliferation of iguanas and exotic species)

Policy 4.1.6. (County to support operation and enhancement of a reference library, including software, electronic equipment, internet access, and personnel.

Policy 4.1.9. (County to provide necessary communication infrastructure to manage and dispatch 911 calls and enter into interlocal agreement with fire department in Charlotte County)

Policy 5.1.1. (County to improve the pedestrian, bicycle, and golf cart path located on County property similar to the improvements made on the path owned by the GICIA)

Policy 6.1.1. (County to establish a Boca Grande Historic Preservation Board)

Policy 7.1.3. (County to identify and secure funding to study and implement policies to ensure health of tarpon and game fish population, as well

Re: Boca Grande Community Plan Draft dated September 30, 2004
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as assist in cleanup operations aimed at removal of debris)

Policy 7.1.7. (County to grant preference to business and contractors located on Gasparilla Island for public works projects on the island)

Policy 7.1.8. (County to provide tax and other financial incentives for existing businesses)

In light of the potential significant financial implications to Lee County from the policies set forth above, I believe it is appropriate for the Planning Division, in conjunction with other County divisions, to quantify the costs associated with implementing these policies. In addition, the Board of County Commissioners should be fully apprised of the magnitude of potential exposure under the Bert J. Harris, Jr., Private Property Protection Act, as well as in the context of takings as it pertains to proposed plans for the FP&L site.

If I may be of assistance, do not hesitate to contact me.

DMC/amp

cc: Timothy Jones, Chief Assistant County Attorney
Mary Gibbs, Director, Department of Community Development
Paul O'Connor, Director, Planning Division
Matt Noble, Principle Planner, Planning Division

3/21

Jim, DOT's comments are below. One general comment, the plan proposal and supporting documentation should include the date on all the pages like an earlier draft did, for ease of reference. Also, there is not much in the way of data and analysis to support many of the requests, some of which go beyond the County's core service level.

Draft Policy 2.1.2: Lee County will support the provision of convenient, safe bridges providing access to Gasparilla and Cole Islands through support of the autonomy of the Gasparilla Island Bridge Authority (GIBA), support for the highest standard of safety for vehicles, golf carts, bicycles, and pedestrians, and support of strict enforcement of driving laws.

DOT Comment: This policy was not revised based on our previous comment of 7/14/04, where we recommended changing the word "driving" to "traffic". Traffic laws would include pedestrians as well as vehicles. We still recommend the change be made. Also, it is not clear what the "highest standard" of safety entails, but Lee County follows accepted engineering practices that consider public safety, and while Lee County supports safe bridge access, there is no explanation as to how County support of the autonomy of the GIBA necessarily achieves that. Perhaps this policy isn't really necessary.

Draft Policy 2.1.3: Lee County will assist in efforts to improve the bike and golf cart path along Gulf Boulevard, south of the village. A feasibility study will be conducted to see if improvements such as widening of the path and landscaping can improve safety, shared use opportunities, and capacity.

DOT Comment: This policy is improved from the 7/1/04 version, but it is not clear who would be paying for a feasibility study of the bike path. Something like that doesn't fall within the County's definition of core level of service. For the record, the County's BPAC has included improvements to the Gulf Boulevard bike path on its list of recommended projects using the County's bike/ped funds.

Draft Policy 2.1.4: Lee County will adopt regulations for bicycle safety, golf cart driver age restrictions, and golf cart driver education programs. Lee County will require all golf cart vendors/operators to distribute operator's rules to vendees and display rule stickers on rental carts. These regulations will be adopted in the Land Development Code within two years of the adoption of this Policy and, will consider requirements for annual licensing with specific options for enforcement and penalties.

DOT Comment: There is no data and analysis to support this policy. Bike safety regulations are already specified in Section 316.2065, Florida Statutes; golf cart regulations are in Section 316.212, F.S. (which specifies a minimum age of 14 to operate a golf cart on a roadway); and Section 316.1995 prohibits driving a vehicle other than human powered on a sidewalk. DOT does not feel the County should duplicate what is already in state law. There is also the question of who would enforce such County regulations.

Draft Policy 2.1.5: In order to preserve the historic characteristics of the community, Lee County will support the use of four-way stop intersections, rather than traffic signals, whenever possible in the Boca Grande community.

DOT Comment: This policy was not revised based on our previous comment of 7/14/04, where we recommended adding the phrase "or all-way" after "four-way", to include those situations where a three-legged "T" intersection might meet signal warrants. We still recommend the change be made. We also recommend that the phrase "or other traffic control methods" be added after "intersections", to allow the most flexibility to consider options to signals (such as roundabouts).

Draft Policy 2.1.6: Lee County will support efforts to beautify road right-of-ways and enhance the public realm of Boca Grande. In order to maintain low traffic volumes, operating speeds, and noise levels, improvements will emphasize traffic calming techniques, and the need to preserve the aesthetic values of the community. Particular emphasis will be placed in the Historic District. Enhancements may include village streetscaping such as additional street trees, trash receptacles, benches and burying utilities underground.

DOT Comment: The policy calls for activities that go well beyond the County's core service level definition, which

begs the question, who would pay for all of this? As an example, the County's core service level for landscaping is defined in the LeeScape Master Plan, which calls for landscaping on County arterial and collector roadways. Most of the roads in Boca Grande don't meet that definition. Adding streetscaping and putting power lines underground would definitely be costly.

Draft Objective 2.2: Lee County will conduct a parking and traffic study to identify ways to create safe and efficient parking for employees, patrons and visitors, and to determine the appropriate parking standards which will address the capacity and design needs of the Boca Grande commercial district. The parking and traffic study will address the following policies.

DOT Comment: Parking studies and building parking lots are beyond the County's core service level, at least through the DOT (other departments like Parks & Rec have owned and operated limited parking facilities). This is especially true in support of a business district. This objective and the related policies raise a serious question of what the County's level of involvement should be in this regard.

Draft Policy 2.2.3: Parking along the beach access streets and other public rights-of-way will be regulated to allow convenient ingress and egress to residences and permit adequate emergency vehicle access at all times. Lee County will support efforts to analyze the appropriateness of overnight and long term parking in the public right-of-way, the Gilchrist median, and along beach access streets.

DOT Comment: This and other policies highlight the emphasis on enforcement. Has the Sheriff's Office been consulted on these policies and are they willing to provide the necessary enforcement implied?

Draft Policy 2.2.4: Lee County will seek to direct service vehicles and delivery vehicles to designated unloading zones. Due to the traffic congestion in the Historic District, Lee County will establish time restrictions on service and delivery trucks during March and April.

DOT Comment: We recommend adding the phrase "peak traffic periods, such as those occurring in" after the word "during", to give full flexibility in the application of restrictions, as the peak season will increase over time.

Draft Policy 2.2.5: Lee County will encourage alternative transportation by supporting golf cart and bicycle use and improving design for golf cart and bicycle parking throughout the Boca Grande community.

DOT Comment: Bicycle parking requirement already exist in the LDC. It is not clear what kind of support of golf cart use by Lee County is envisioned, or what the safety implications would be, but state law provides some restrictions.



MEMORANDUM

Date: March 24, 2005
To: Jim Mudd, AICP, Principal Planner
From: Gloria M. Sajgo, AICP, Principal Planner *GMS*
Subject: Boca Grande Community Plan March 24, 2005

Element I- Future Land Use – I tried to address some of the issues in this section but a lot of the issues discussed on this portion of the plan should be discussed with Pam Houck, Zoning Director.

Comment on proposed Policy 6.1.1: Deny the recommendation to establish a Boca Grande Historic Preservation Board.

1. There are opportunities for public input Presently Lee County staff advertises its agenda in a local newspaper the Boca Beacon and architectural plans for each case are sent to both the Boca Grande Library at the Community Center and to the Fust Library. In addition staff has started notifying adjoining property owners by sending them copies of the agenda. Residents of Boca Grande can review proposed architectural plans individually or in groups, formulate comments and forward these comments either in person or by mail to the Lee County HPB. County staff recommends that rather than establishing a formal Boca Grande Historic Preservation Board, members of the Boca Grande consider establishing one or more informal Boca Grande Historic Preservation Advisory groups, which would then make recommendations to the Lee County HPB.
2. In theory all members of the Lee County HPB could be residents of Boca Grande. In Chapter 22 of the LDC establishes a Historic Preservation Board that has jurisdiction over all of unincorporated Lee County. Membership on the HPB consists of 5 members who are selected because of their area of expertise and 2 members who are lay members. Because there are no geographic requirements for membership in theory up to all 7 Lee County HPB members could be residents of Boca Grande. Currently there is one member of the Lee County HPB who is from Boca Grande and that is Misty Nabers, executive director of the GICIA. Since the inception of the Lee County HPB the executive director of the GICIA has been a member of the Lee County HPB. To date the only residents from Boca Grande who have applied to sit on the HPB, have been the executive directors of the GICIA.
3. If a Boca Grande Historic Preservation Board were appointed, there is no guarantee that its members would be residents of Boca Grande. Because members of the Boca Grande Historic Preservation Board would be selected in accordance of Chapter 22 of the LDC, the members of the HPB would be selected by area of expertise—plus two lay members. As a result there would be no guarantee that all or even a majority of the members of this proposed board would be residents of Boca Grande.

4. Expensive Precedent for which there is no documented need: At each Lee County HPB meeting there is at least one staff member from the Planning Division, a recording secretary and a county attorney present. The establishment of the Boca Grande HPB would require the same level of staffing at the meetings. Presumably the meetings would be held in Boca Grande so staff would have to travel (three hour round trip) to Boca Grande. In addition if a Boca Grande HPB would be established then it would follow that separate HPBs could be established for each of the other districts. After Boca Grande, Matlacha is the next largest historic district in Lee County. In addition there are concentrations of historic and archaeological resources designated under Chapter 22 of the LDC in various parts of Lee County. Establishing individual Historic Preservation Boards would be an expensive proposition for the county and one for which there is no documented need. The Historic Preservation Ordinance was adopted in December 21, 1988 since that time there has been only one appeal filed with the Hearing Examiner and that case was for an individual designation in Upper Captiva.

Comment on proposed Policy 6.1.2: Deny request to have different notification requirements for Boca Grande than other parts of the county. Recommend additional public notification but in a manner that would not be as cumbersome for the applicant as notification requirements for hearings before the Hearing Examiner.

1. Document Clearing House: This policy calls for sending copies of pertinent materials to the Document Clearing House; accomplishing this will be simple because currently copies of all architectural plans to be reviewed by the HPB are sent to two libraries in Boca Grande: the Lee County Library at the Community Center and the Fust Library. (Copies of architectural plans to be reviewed by the HPB are sent to the library nearest to each subject property and this is advertised as such in the ad for the HPB meeting. For instance a back up for a historic case in Buckingham is sent to the East County Regional Library.)

In addition to running HPB agendas in the News Press, Lee County runs HPB agendas in the local papers of geographic areas where particular cases are located. This means that when there are cases from Boca Grande on the HPB agenda, the agenda is run in the Boca Beacon. If there are cases that deal with Matlacha an agenda will be run in the Pine Island Eagle etc. Depending on the location of cases, agendas might be run in more than one local paper.

2. Notification requirements should be the same throughout the county: Because the Chapter 22 of the LDC implements a county wide historic preservation program, notification requirements should be the same regardless of the location of a case.
3. Planning staff will start a new policy of sending out notices to surrounding (rather than adjoining) property owners. The request calls for Sending notices to all property owners within 500-ft of the subject property consistent with notification requirements for other land use public hearings.

Notifications for land use public hearings vary. For a rezoning, an applicant is required to provide names and address of property owners with 500 ft of the subject property and the county sends notices to those property owners. For a comprehensive plan amendment to the Lee Plan, the county's comprehensive plan, the public is notified by way of an ad in the News Press.

Currently staff is sending notices to adjoining property owners, advertising the agenda in the local paper the Boca Beacon and providing copies of plans to two libraries in Boca Grande. In general the need to inform the community must be balanced with the property owner's right to applying to a building permit in a relatively efficient manner.

Making the notification requirements for a historic review equal to those of other land use hearings such as rezonings would place a great burden on historic property owners. First each applicant would be required to obtain from the Property Appraiser names and addresses for all property owners within 500-ft of the subject property (if less than 10 property owners then 750 feet) and then submit these for distribution by county staff. Second the distribution of these notices would be dovetailed into the current notification process for zoning cases, which currently takes several months to accomplish.

In an effort to increase public notice but maintain an expedited review, Planning staff will start a new policy of sending out notices to surrounding (rather than adjoining) property owners. The term surrounding is not defined but is understood to mean more than adjoining property owners. This new policy will apply to all of unincorporated Lee County. By not specifying a distance radius, the notification process could be performed by Planning Division staff and kept relatively streamlined. If notices are to be sent to owners within a specific distance radius, applicants will have to supply names and addresses of those property owners and the notification will be dovetailed into the zoning notification process, which is more time consuming.

Comment on proposed Policy 1.1.5: Deny request that for Special Certificate of Appropriateness or administrative zoning relief the applicant be required to hold a public informational meeting and that these meeting be held from October to May otherwise they will require notification of the date and time of the hearing to surrounding property owners.

1. As noted below, Chapter 22 of the LDC is a countywide ordinance and its notification requirements are applied uniformly throughout the county. The above notice requirements would be very cumbersome to someone who may be trying to rehab an old house, add a bedroom or even build a new house. Currently plans are placed at two libraries, the community members can study those plans and on an as needed basis perhaps request further meetings with the applicant. Members of the community could request that the HPB take no action on a case until it had additional community input.

Comment on Policy 1.1.6 there is little to be gained by requiring that all permit applications for development bear a statement that plans comply with the provisions of the GICDA. It is a vague requirement and as a result does not result in a tangible benefit – it would be like requiring property owners to state that the plans comply with the laws of the state of Florida or with Lee County regulations. The down side is that this would be another bit of red tape and could cause delays in permitting because permits would be rejected if a property owner did not comply with this requirement.

Comment on proposed Policy 1.1.8: The ordinance to preserve light, space and air around residential dwellings should be implemented for properties outside the historic district. The design of buildings outside and inside the district varies a great deal. As a result rather than a "one size fits all policy" it would be best if design needs inside and outside the district were

addressed separately. Currently areas outside the historic district are not subject to any type of design guidelines and as a result would benefit from guidelines that were tailored to those areas.

Comment on Policy 1.1.10: These issues are addressed through the current zoning process. Even if a Boca Grande Historic Preservation Board would be put in place, the current Chapter 22 Historic Preservation of the LDC does not address public health, safety or welfare.

Copy: Paul O'Connor, Planning Director
Joan Henry, Assistant County Attorney
Pam Houck, Zoning Director

Dan Folke

From: James Mudd [JMUDD@leegov.com]
Sent: Friday, June 10, 2005 9:32 AM
To: ehoopes@comcast.net
Cc: Dan Folke
Subject: Re: Staff Report as Further Revised
Attachments: CPA2004-12 ORC.pdf

Attached is the DCA Transmittal Report for CPA2004-12 - Boca Grande.

Jim Mudd, AICP
Principal Planner
Lee County Department of Community Development
Division of Planning
1500 Monroe Street, Fort Myers FL 33901
Email: jmudd@leegov.com
Phone (239) 479-8180 Fax (239) 479-8319

>>> "Ted Hoopes" <ehoopes@comcast.net> 06/02/05 03:06PM >>>

Please e-mail me and Dan Folke as soon as you can a copy of the Report as further revised for the Department of Community Development. I can then make further distribution.

Am I correct in assuming that the language of Policies 6.1.4, 6.1.5 and 6.1.8 will be changed back to what it was . What about Policies 1.1.2, 1.1.3, 1.1.8 and 1.1.10 where there were references to the Boca Grande Historic Preservation Board.

6/15/2005



2-7-05 DMC- fpi + File Jim

2/4

Copy to: Tim Jones
for further
Distribution:THANKS
D.RECEIVED
FEB - 8 2005
RECEIVED BY
LEE CO. ATTORNEY
2005 FEB - 4 AM 8:00
COMMUNITY DEVELOPMENT

February 1, 2005

Paul O'Connor
Lee County Director of Planning
1500 Monroe Street
Ft. Myers, Florida 33901

Re: Boca Grande Community Plan/Comprehensive Plan Amendments

Dear Mr. O'Connor:

Please accept this letter as an objection by Florida Power & Light Company ("FPL") to certain proposed Comprehensive Plan Amendments to the Boca Grande Community Plan.

As you are aware, FPL is the owner of certain property located on the southern tip Gasparilla Island. In the past, this land has been used by FPL in connection with its operations. Unbeknownst to FPL, in 1998 Lee County changed the future land use map to change the land use designation of the subject property from "Urban Community" to "Public Facilities." The property is also currently zoned as "Port" which is consistent with the Public Facilities designation.

Upon review of proposed Policy 3.1.4 and Policy 5.2.2 of the proposed Comprehensive Plan Amendments, there is specific language that Lee County will assist private and public efforts to acquire the FPL land for passive use and open space. The Amendment further states that Lee County will maintain the Public Facility future land use designation of the property in the Comprehensive Plan to insure that no action is permitted that is inconsistent with that designation. Policy 5.2.2 states that Lee County will assist public and private efforts to acquire the FPL property for the purpose of maintaining it as passive open space and reestablishing a native beach dune ecology across the site.

At the present time, FPL has made no determination or plans with regards to the future use or development of the subject property. However, FPL does object to the proposed amendments to the Comprehensive Plan in that they appear to further restrict the use and development of that property from what is currently permitted. Upon review of Policy 3.1.4, FPL objects to the proposed language which requires Lee County to maintain the Public Facility future land use designation of the property to insure that no action is permitted that is inconsistent with that designation. FPL objects to any Comprehensive Plan Amendment that further limits or prohibits FPL's uses of the property pursuant to its current future land use designation and zoning.

FPL understands that some residents of Gasparilla Island desire to acquire the nine (9) acre FPL property for purposes of a passive park, and we understand why they would seek governmental assistance to acquire such land. At the present time, FPL would strenuously object to any governmental imposition that would inordinately burden the use of this property.

XC: Paul O'Connor Jim Mudd
Matt Noble Gloria Sagio
From: Donna Marie Collins 2-8-05

FPL respectfully requests that Policy 3.1.4 and Policy 5.2.2 be deleted from the proposed Comprehensive Plan Amendments. In the event Lee County is unwilling to delete these proposed amendments, FPL requests that the last sentence of Policy 3.1.4, which reads "Lee County will also maintain the Public Facility future land use designation of property in Lee County Comprehensive Land Use Plan and insure that no action is permitted that is inconsistent with that designation" be deleted.

FPL appreciates your consideration with its concerns.

Sincerely,

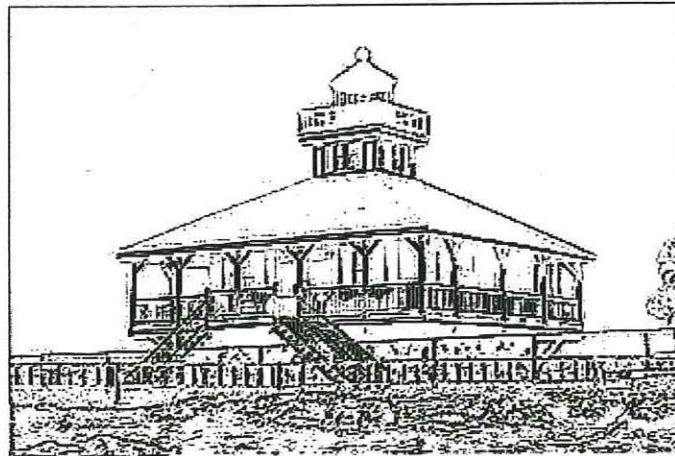
A handwritten signature in black ink, appearing to read "Pam Rauch". The signature is fluid and cursive, with the first name "Pam" and last name "Rauch" clearly distinguishable.

Pamela M. Rauch
Managing Attorney

PMR/bac

cc: Jeff Bartel
Nancy Brock
Tim Corson
Grover Whidden
David Owen, County Attorney

Boca Grande Community Plan



September 30, 2004



MORRIS-DEPEW ASSOCIATES, INC.
ENGINEERS • PLANNERS • SURVEYORS & MAPPERS

2216 Altamont Avenue, Fort Myers, Florida 33901 Telephone: (239) 337-3993 Fax: (239) 337-3994

Boca Grande Community Plan

Acknowledgements

Boca Grande Community Planning Panel

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William Heisel, Vice Chairman
Linda Aley, Secretary
Lynne Seibert, Treasurer
Rosemary Bowler
Edward Hoopes
David McHugh
Andy Nagle
Mark Spurgeon

Ruth Sargent, Recording Secretary

Lee County and Charlotte County

The Community Planning Panel wishes to acknowledge in particular the cooperation of the Lee County Commissioners and the Charlotte County Commissioners and the work of Jim Mudd, Principal Planner, Lee County Division of Planning, Donna Marie Collins, Esquire, Assistant County Attorney, and Tom Smith, Charlotte County senior zoning official, in connection with the Community Planning efforts.

Community Plan Prepared By:

Morris-Depew Associates, Inc.
Fort Myers, Florida
David Depew, AICP, President
Daniel Folke, AICP, Project Manager

Website Prepared By:

Angel Works
Teresa Foster
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Boca Grande Community Profile

Boca Grande is one of the last vestiges of a "small town" environment and economy left in Florida and, as such, its preservation is of immense importance. For that reason, tax and regulatory policies that promote and encourage the preservation of these unique qualities and the conservation of open land and green space should be implemented. Boca Grande is the type of *village community* that "New Urbanism" and "Smart Growth" advocates are seeking to create in more developed areas. Boca Grande's strong sense of community derives from the stewardship of its residents over many generations, the contributions of its many community organizations and its locally based economy. It should be a priority to both Lee County and Charlotte County to help preserve and protect this unique place not only for what it is, but also for the example it can be for other communities. It is for this reason that the residents and property owners of the Boca Grande community have created a Community Plan, and desire that in addition to Gasparilla Island it also include Cole Island, the Gasparilla Island Bridge lands and causeway islands, and the surrounding islands, waterways, submerged lands, tidal lands, overflow lands and tidal ponds as described in the Gasparilla Island Conservation District Act (GICDA). The GICDA is an important Special Act of the State of Florida (Ch. 80-473 as amended by Ch. 83-385 and Ch. 86-341) which contains provisions limiting the number of dwelling units per acre, the maximum height of structures and exterior signage which are required to be enforced by Lee and Charlotte Counties. The Act is referred to frequently in the Community Plan and is described in more detail in Element I –Future Land Use.

Boca Grande is designated in a variety of future land use categories ranging from Urban Community and Low Density Residential, to Preservation and Public Facilities. The maximum density is restricted to three dwelling units per acre in Lee County and 3.5 dwelling units per acre in Charlotte County. The population of Boca Grande is highly seasonal with peak population residency occurring during the months of November through May. With land vacancy of less than 15%, Boca Grande has virtually no capacity for additional new development. But, as in many maturing communities, compatible redevelopment is a major concern for the future; further, Gasparilla Island is surrounded by and can only be accessed through extremely high growth areas. This situation necessitates that particular actions be undertaken to promote sound environmental policy, preserve the character and history of the community, safeguard the water supply and ensure that residents have adequate access, law enforcement, and emergency and utility services, and guarantee that the island's limited infrastructure is not overwhelmed.

Boca Grande Community Plan

Gasparilla Island is approximately seven miles long and one half mile wide. The Lee County portion is designated as a Bird Sanctuary and Wildlife Refuge by Lee County Ordinance (Ord. No. 83-16) and the area provides critical habitat for many endangered and threatened species. The capacity of Gasparilla Island to accommodate large numbers of visitors is limited. The State Parks are small in size and contain vitally important habitat for nesting, endangered sea turtles, birds and other wildlife. The parks have limited facilities and limited parking. For these reasons, overuse and overcrowding should not be encouraged as the infrastructure and facilities are not sufficient to accommodate large numbers of visitors. The conservation and protection of both land and marine plant and animal life should and must have a higher priority than high impact, commercial tourist activities.

Projected population growth in the adjacent areas of Charlotte and Sarasota Counties is expected to create increasing numbers of day visitors with concomitantly great stress on the community infrastructure, traffic control, health and emergency services, water resources, and evacuation procedures, as well as on the fragile natural resources of Boca Grande. Vigilant and consistent enforcement of traffic, parking, zoning and other regulations and the addition of new regulations when applicable will be necessary to prevent degradation of the environment and quality of life on Boca Grande.

The residents of Boca Grande have always been active stewards of the island and are dedicated not only to preserving its environment, but also to preserving its historic character, scale and traditions, and the tranquility of its residential neighborhoods. This activism is demonstrated through the numerous civic and service volunteer organizations and churches which are active in the Boca Grande community. These include the Boca Grande Community Planning Panel and the eight Subcommittees whose members drafted the Vision Statement and Goals, Objectives and Policies contained in this Community Plan, and the Gasparilla Island Conservation and Improvement Association, which contributed a \$25,000 grant toward the community planning effort. The Land Preservation Committee of the Gasparilla Island Conservation and Improvement Association raised funds to purchase over 200 acres of open space (see Open Space Inventory in Element V). It also maintains three parks, a 35 acre landscaped bike and jogging path, the Town park, the Sam Murphy pocket park in the Historic District, and a nature trail on Tract B (see Open Space Inventory). It is the residents' and property owners' desire that the community will look substantially the same in 2020 as it does today, 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.

Boca Grande, an unincorporated village, is the core of the community and is designated as an Historic District. This Lee County community is unusual in having no direct road access to the rest of Lee County, all automobile access being through Charlotte County. Other access is by boat or small seaplane. The village of Boca Grande has the unique architectural heritage of a "Railroad Town" with an historic inn of both architectural and economic significance. The character and scale of the village are remarkable because much of it was developed when the only links to the mainland were by rail or boat. Consequently, Boca Grande is a very walkable community, small in scale, with a compact commercial district centered around the historic railroad station. In order to preserve this historic character and scale, local oversight is needed, and consistent interpretation and application of zoning regulations is essential. It is important for both Charlotte and Lee Counties to provide Boca Grande residents with adequate notice of any development or redevelopment that may impact the quality of life, particularly issues such as traffic and parking. Orderly development of remaining lands and redevelopment in existing neighborhoods should be compatible both in scale and design with existing structures. The implementation of a Document Clearing House, timely notice of variance requests and increased local oversight will assist in ensuring that new projects are compatible with the existing community.

Island businesses are locally owned and fulfill many vital community needs. It is the community's desire to preserve its diversity and to support and enhance the vitality of our economic base and to prevent high intensity, large-scale commercial enterprises from displacing local businesses. Tax policies should create incentives for the preservation of the community's small businesses so that they are not forced to close or sell, leaving Boca Grande without essential services and the basis for continuing economic health.

Our local fishing guides are also a vital part of Boca Grande's history and economy and the protection of the tarpon fishery and our game fishing industry is a high priority. Sound fishery management and protection policies are urgently needed to preserve this important resource for future generations. The protection of the Charlotte Harbor aquatic environment and its water quality is also essential to this effort.

For generations, because Boca Grande was so isolated, its residents from all walks of life have worked together in creating a wide variety of volunteer organizations which contribute significantly to the enhancement of community life and the

Boca Grande Community Plan

preservation of our environment and traditions. Their contributions to and knowledge of community needs and issues should be recognized and supported.

The local community should have a greater voice in how our tax dollars are spent. A continuing review of taxes paid versus local expenditures made should be undertaken. A more equitable allocation of our tax dollars, sufficient to fund the goals of our Community Plan and to maintain high standards of public services, including police, fire, EMS, utilities, sanitation, and library services, as well as hurricane evacuation and post disaster recovery, is a necessity.

The preservation and conservation of the unique character and scale of the community, its Historic District, and its traditions as well as the conservation and preservation of the natural environment, including recreation and open space areas, and the residents' right to their continued quiet enjoyment of these are the highest priorities to the community. The mitigation of the stresses to the environment and infrastructure because of rapid off island growth must take precedence in planning for Boca Grande's future.

Boca Grande Community Planning Panel

The Community Planning Panel was fully formed on January 5, 2004 and held its first public meeting on January 8, 2004, charged with the task of completing a plan for Boca Grande for the purpose of proposed amendments to the Lee County and Charlotte County Comprehensive Plans. The members of the Panel were appointed by the Boca Grande Community Planning Association, Inc., a not-for-profit corporation created to receive grant monies from Lee County, Charlotte County and the Gasparilla Island Conservation and Improvement Association, Inc. The Panel drafted and adopted a Mission Statement and created eight subcommittees to draft the Vision Statement, and Goals, Objectives and Policies for each of seven areas of interest.

This Community Plan truly comes from the community as the many volunteers who participated in the Panel and its Subcommittees drafted the Vision Statement, and the Goals, Objectives and Policies found within.

Funding for the Community Plan

The panel received \$70,000 in grants to prepare the Community Plan. \$25,000 was received from the Gasparilla Island Conservation and Improvement Associative (GICIA) under a grant agreement between the GICIA and Boca

Boca Grande Community Plan

Grande Community Planning Association, Inc.; \$25,000 was received from Lee County under a Community Planning Agreement entered into between the County and Boca Grande Community Planning Associates, Inc. pursuant to Lee County Administrative Code 13-3; and the Charlotte County Board of County Commissioners approved a grant of \$20,000 for the Community Planning effort on June 22, 2004.

Community Planning Panel Mission Statement

The Boca Grande Community Planning Panel will prepare a comprehensive Community Plan for Gasparilla Island and the community of Boca Grande. This Community Plan will propose goals, objectives and policies applicable to Boca Grande and will be presented to the Lee County Commissioners which, with their approval, will be incorporated in the Lee County Comprehensive Plan and become Law. The Community Plan will also be presented to the Charlotte County Commissioners for their approval and for incorporation into the Charlotte County Comprehensive Plan.

The Community Plan will be drafted by a diverse nine-member panel after a number of open public meetings in which the vision for Boca Grande's future will be carefully formulated. In creating this vision, members of our community will assess the effectiveness and impact of the Gasparilla Island Conservation District Act, will analyze the impact of substantial projected off-island growth and examine the potential for mitigation of this external growth, will identify the unique characteristics of our community which must be preserved and protected, and will articulate the goals, objectives and policies to be incorporated into the Plan.

Public Information Resources

The Boca Grande Community Planning Panel has a website www.bocagrandeplanning.com, which has eight sections as described below. All interested parties are encouraged to review the website.

Section I of the website provides information with respect to Boca Grande Community Planning Association, Inc., the not-for-profit corporation which appointed the panel and which receives and distributes the grant funds. Section I includes the GICIA grant agreement and the agreement between the corporation and Morris-Depew Associates, Inc., the planning firm retained to assist with the preparation of the Community Plan.

ca Grande Community Plan

ca Beacon and in the Thursday weekly edition of the Gasparilla Gazette. members of the Boca Grande Community were encouraged to attend the meeting. many did so. Recordings were made of the meetings and are included in the public records file.

ca Grande Community Planning Panel Members

rne Stevenson, Chairman	Edward Hoopes
liam Heisel, Vice Chairman	David McHugh
da Aley, Secretary	Andy Nagle
ne Seibert, Treasurer	Mark Spurgeon
emary Bowler	

h Sargent, Panel Recording Secretary

ject Consulting Firm

rris-Depew Associates, Inc., Fort Myers, Florida
vid Depew, AICP, President
iel Folke, AICP, Project Manager

ommittees

ion Statement Subcommittee

emary Bowler, Panel Member
Leader
is Bishop
Coale
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Hall
ert Marmet
Munsell
Pais
ne Seibert
er Sholley
toria Winterer

Land Use/Zoning Subcommittee

Lynne Seibert, Panel Member Leader
Ed Coale
Joan Hall
Kim Honey
John Subak
Jerry Taylor
Victoria Winterer

Survey Methodology

The Boca Grande Community Panel prepared a community survey to collect information from the people of Boca Grande to identify which issues are important to them. Questions ranged from specific proposals, such as restricting fast food and formula restaurants and rules to ensure new construction is consistent in scale and design to the existing community, to more general questions about the satisfaction with the level of enforcement in relation to traffic safety, parking, public safety, zoning, building and environmental codes. The survey included 35 questions from topics such as land use, the environment, level of services, quality of life issues and community character. Respondents were asked to measure their feelings within a range from 'Strongly Agree' to 'Strongly Disagree'. An introductory letter from the Community Panel explaining the origin and purpose was sent with each survey.

Approximately 1200 surveys were mailed to persons with P.O. Box numbers listed in the Boca Grande 2004 four digit Phone Book. From the initial mailing, approximately 200 were returned undelivered, for a net total of approximately 1000 mailed. As of June 9, 2004, the panel had received responses from 948 individuals. Households with more than one resident were permitted to mark multiple responses. 630 surveys were returned of which 318 were marked with responses by two residents. Without follow up reminders or financial incentives, mail surveys often have low response rates. However, mail surveys also provide several advantages to one-on-one interviews. Utilizing mail surveys eliminates interviewer bias, allows the respondents to research and consider their responses at their leisure, and they are inexpensive to administer.

Figure 3. Boca Grande Community Survey Response Rates

Number of Surveys Mailed	1000	Response Rate
Number of Surveys Returned	630	63%
Number of Responses	948	Response Rate
Seasonal Population Estimate	2300	41%

Source: Population Estimates from Boca Grande
Chamber of Commerce

When considering the seasonal population of 2300, the 41% response rate is excellent. When comparing the number of responses to the year round population of 975, the response rate is extraordinary. Furthermore, the 63% response rate in relation to the number of surveys distributed, demonstrates the importance of the

Transportation/Parking Subcommittee

Bayne Stevenson, Panel Member
Leader
Jim Cooper
Kim Honey
Cici Ives
Judi Richardson
Don Pais
Darrell Polk
Peter Sholley
Lucy Stanton

Conservation, Coastal Management and Environment Subcommittee

Linda Aley, Panel Member Leader
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Alastair Campbell
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Community Facilities and Services/Intergovernmental Coordination Subcommittee

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Dave Edmonds
Robert Marmet
JeJe Pierce
Bonnie Pringle

Recreation, Open Space and Beautification Subcommittee

Bill Heisel, Panel Member Leader
Bill Caldwell
Dewey Henson
Cici Ives
Skip Perry
Kathleen Rohrer
Jim Seifert
Vicky Winterer

Historic Preservation Subcommittee

Andy Nagle, Panel Member Leader
Doris Bishop
Bob Geniesse
Don Joseph
Victoria Kittridge
Jack McGovern
Jane Pasman
Jim Pasman
Tom Shaffer

Economic Element Subcommittee

Dave McHugh, Panel Member Leader
Jim Grace
Craig Lutz
Brian Meeker
Bob Melvin
Patty Seidensticker
Carol Stewart

Boca Grande Community Plan

Community Service and Volunteer Organizations and Churches

In addition to the many people who contributed to this Community Plan by serving on the Panel or one of the Subcommittees, the Boca Grande Community has many varied and active organizations which contribute to the quality of life on Boca Grande in many ways. An effort has been made to provide a list of these groups as follows:

Service and Volunteer Organizations

Barrier Island Parks Society
Boca Cares
Boca Grande Art Alliance
Boca Grande Child Care Center
Boca Grande Historical Society
Boca Grande Health Clinic
Boca Grande Men's Club
Boca Grande Women's Club

Friends of the Boca Grande Community
Center
Gasparilla Island Conservation &
Improvement Association (GICIA)
Gasparilla Island Maritime Museum
Johann Fust Community Library
Louise B. Crowninshield Community
House
Royal Palm Players

Churches

First Baptist Church
Our Lady of Mercy Church
St. Andrew's Episcopal Church
United Methodist Church of Boca Grande

Lee County Comprehensive Plan

Lee County's Comprehensive Plan has a 2020 Vision Statement for Boca Grande as well as specific Goals, Objectives and Policies. The Lee Plan recognizes the unique qualities of the Boca Grande community and seeks to preserve Boca Grande's community character. The Lee Plan seeks to protect historic and natural resources, coordinate services with Charlotte County, and recognizes and applies the provisions of the Gasparilla Island Conservation District Act, adopted by the Florida Legislature. It is the desire of the Community Panel that the Lee County Board of County Commissioners will adopt the Vision Statement and Goals, Objectives and Policies found in this Community Plan and replace or supplement the existing language as appropriate.

Vision Statement

2. Boca Grande – This community includes the portions of Gasparilla Island within Lee County and the surrounding smaller islands. The smaller islands in this

community have minimal if any development. The core of this community is the unincorporated town of Boca Grande. This community is unique in that it has no direct road access to the rest of Lee County. All access to Boca Grande is via Charlotte County or by boat. The Boca Community is designated as Urban Community, Outer Islands, and Public Facilities; however, the Urban Community category is restricted to 3 units per acre within this community. The population of Boca Grande is expected to increase from 888 people in 1996 to 1,201 in 2020. The seasonal influx will remain high in this community with an expected seasonal population in 2020 of 2,834. Currently, less than 15% of Boca Grande is vacant. By the year 2020, this community is expected to build out. The community of Boca Grande is dedicated to preserving its historic character and the community will look largely the same in 2020 as it does today.

There are no sub-communities within the Boca Grande Community. (Added by Ordinance No. 99-15)

GOAL 15: GASPARILLA ISLAND. To provide the necessary facilities and regulations so that the remaining unbuilt portions of the island can be developed consistent with its unique character and hurricane vulnerability. For the purposes of this plan, the boundaries of Gasparilla Island are indicated on the Future Land Use Map.

OBJECTIVE 15.1: COMMUNITY FACILITIES. Lee County will continue to ensure the provision of solid waste and ambulance service to the Lee County portion of Gasparilla Island through the ongoing enforcement of interlocal agreements with Charlotte County. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 15.2: HISTORIC RESOURCES. Lee County will continue to recognize Boca Grande as an historic district pursuant to the Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 15.3: NATURAL RESOURCES. The county will protect natural and marine resources from potential oil spills at Port Boca Grande. (Amended by Ordinance No. 94-30, 00 22)

POLICY 15.3.1: The county will continue to maintain a Marine Emergency Response Team to protect natural and marine resources at Port Boca Grande and elsewhere in the county. (Amended by Ordinance No. 94-30)

OBJECTIVE 15.4: INTERGOVERNMENTAL COORDINATION. Due to the unique bi-county location of Gasparilla Island, Lee County will commit to working with Charlotte County and the Southwest Florida Regional Planning Council to propose and resolve intergovernmental concerns. (Amended by Ordinance No. 00-22)

POLICY 15.4.1: All land development on Gasparilla Island will be subject to the Special Act of the Florida Legislature known as the

Boca Grande Community Plan

Gasparilla Island Conservation District Act (SA 80-473 as amended by 83-385 and 86-341). The provisions of the Act will apply in addition to those of the Lee Plan. Lee Plan policies may be more restrictive but will be consistent with the provisions of the Act. (Amended by Ordinance No. 00-22)

OBJECTIVE 15.5: PORT FACILITY. The Water Dependent Overlay for South Boca Grande is limited to the Port Facility south of Belcher Road. (Added by Ordinance No. 02-03)

POLICY 15.5.1: The commercial and industrial uses permitted in the Port District (excluding those specific uses approved pursuant to resolutions Z-86-166, Z-93-009, and Z-99-054 such as a tennis club with food service and consumption on premises, pro shop, maintenance and shop facilities, health clubs, day care centers, etc....) are not permitted within that portion of the boundaries of the Boca Bay Community with the zoning designation of Port District. (Added by Ordinance No. 02-03)

Charlotte County Comprehensive Plan

While Charlotte County's Comprehensive Plan has many policies which apply to Boca Grande and other portions of the county, there is not a section which addresses the issues identified for the Boca Grande community. It is the desire of the Community Panel that the Charlotte County Board of County Commissioners adopt the Vision Statement and Goals, Objectives and Policies found in this Community Plan into the Comprehensive Plan.

Boca Grande Population Trends

Boca Grande has experienced substantial growth in the last 20 years. The population has risen nearly 47% in the last 20 years. During peak winter season, the population rises to nearly 2,300 people. Along with the rising population, the number of households on the island has risen at an almost equal rate, just below 48%, from 1980 to 2000.

Figure 1. Boca Grande Population, Households and Housing Units

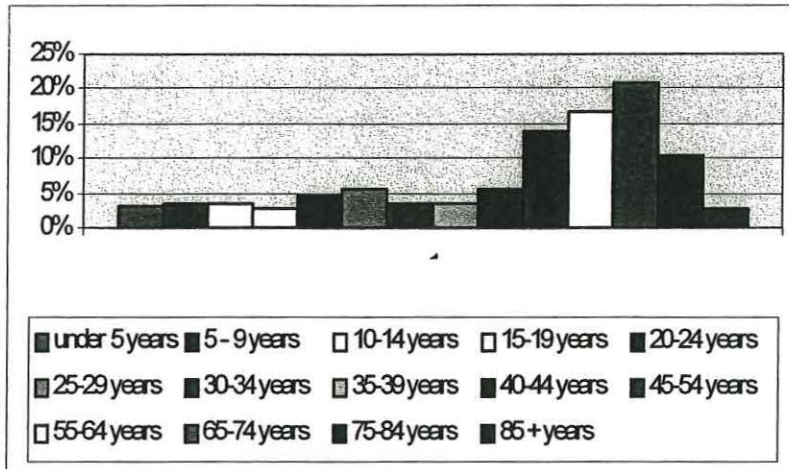
	1980	1990	2000	2005 Forecast
Population	664	871	975	1059
Households	280	366	414	455
Housing Units		877	998	1096

Source: Boca Grande Chamber of Commerce

Boca Grande Community Plan

With a projected 1,096 housing units on Boca Grande by 2005, the island continues to grow despite its small area of approximately 2.5 square miles. The Lee County Comprehensive Plan has predicted build out by 2020, but also states the community should look similar to how it does today. Present build out is estimated at more than 85%.

Figure 2. 2000 Population by Age



Source: Boca Grande Chamber of Commerce

Survey Methodology

The Boca Grande Community Panel prepared a community survey to collect information from the people of Boca Grande to identify which issues are important to them. Questions ranged from specific proposals, such as restricting fast food and formula restaurants and rules to ensure new construction is consistent in scale and design to the existing community, to more general questions about the satisfaction with the level of enforcement in relation to traffic safety, parking, public safety, zoning, building and environmental codes. The survey included 35 questions from topics such as land use, the environment, level of services, quality of life issues and community character. Respondents were asked to measure their feelings within a range from 'Strongly Agree' to 'Strongly Disagree'. An introductory letter from the Community Panel explaining the origin and purpose was sent with each survey.

Approximately 1200 surveys were mailed to persons with P.O. Box numbers listed in the Boca Grande 2004 four digit Phone Book. From the initial mailing, approximately 200 were returned undelivered, for a net total of approximately 1000 mailed. As of June 9, 2004, the panel had received responses from 948 individuals. Households with more than one resident were permitted to mark multiple responses. 630 surveys were returned of which 318 were marked with responses by two residents. Without follow up reminders or financial incentives, mail surveys often have low response rates. However, mail surveys also provide several advantages to one-on-one interviews. Utilizing mail surveys eliminates interviewer bias, allows the respondents to research and consider their responses at their leisure, and they are inexpensive to administer.

Figure 3. Boca Grande Community Survey Response Rates

Number of Surveys Mailed	1000	Response Rate
Number of Surveys Returned	630	63%
Number of Responses	948	Response Rate
Seasonal Population Estimate	2300	41%

Source: Population Estimates from Boca Grande
Chamber of Commerce

When considering the seasonal population of 2300, the 41% response rate is excellent. When comparing the number of responses to the year round population of 975, the response rate is extraordinary. Furthermore, the 63% response rate in relation to the number of surveys distributed, demonstrates the importance of the

issues to the residents of Boca Grande. These high return rates validate the legitimacy of the survey findings.

Survey Findings

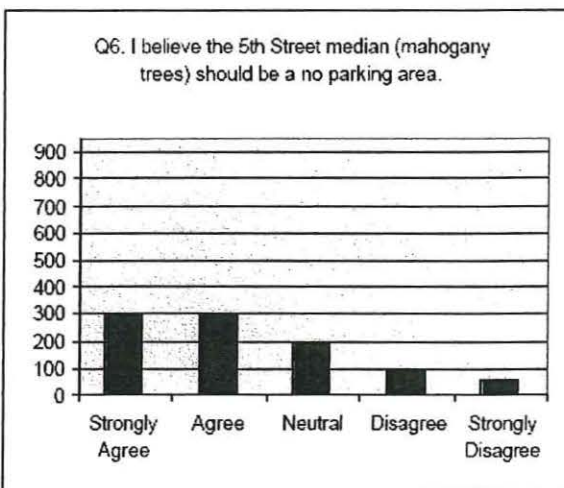
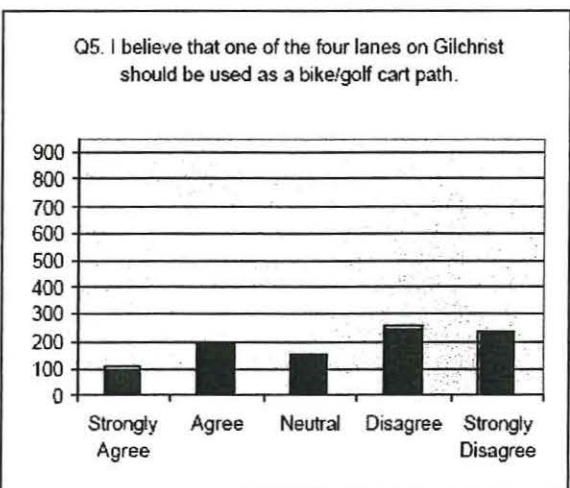
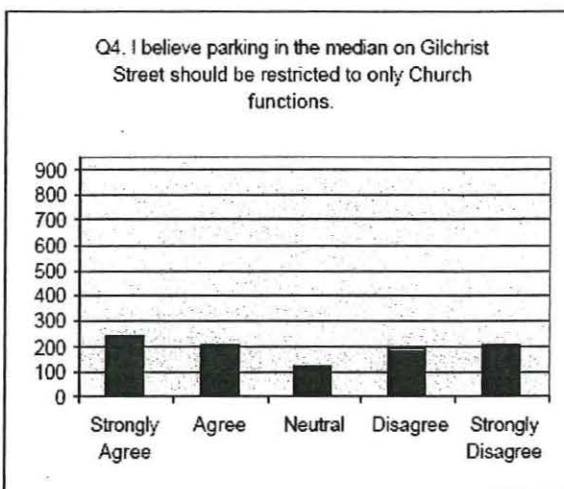
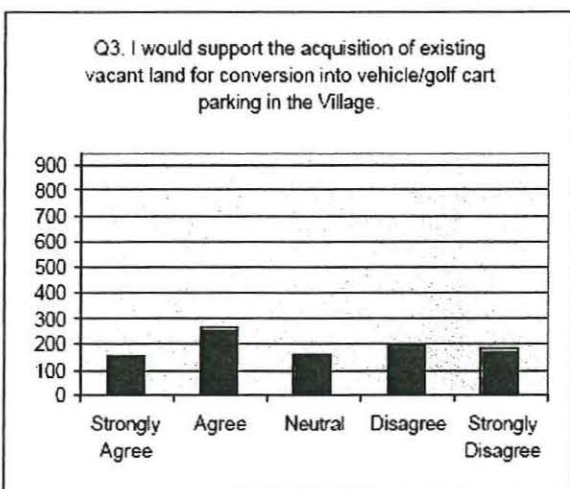
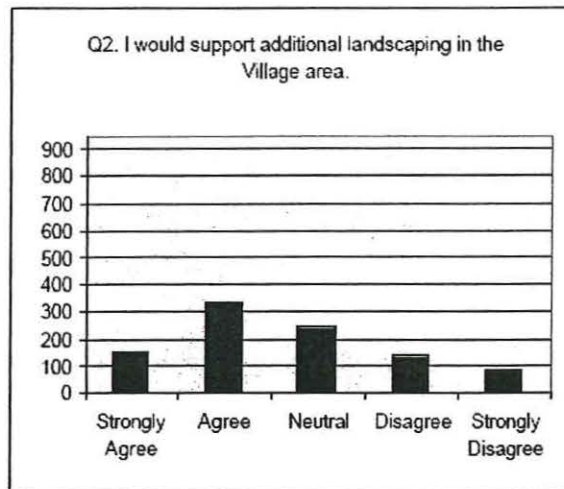
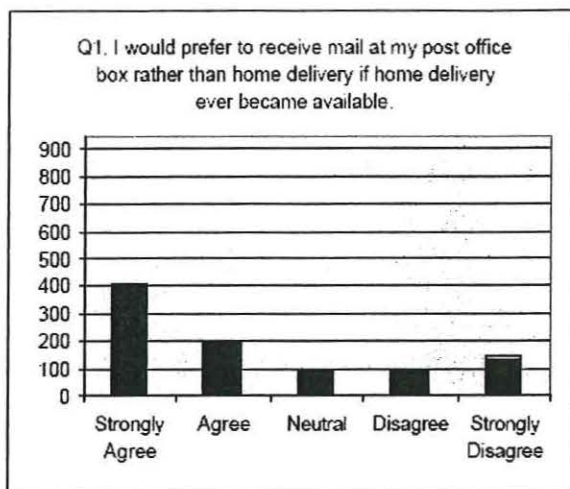
Completed surveys had to be signed and returned to the Community Planning Panel. Returned surveys were numbered and responses were tabulated and prioritized. A list of the names of the respondents and the corresponding survey number was also completed. This work was done electronically by Teresa Foster of Angel Works and volunteers Kathleen Rohrer and Alastair Campbell. The Top 10 priorities are summarized in Figure 4. Response totals for each question are shown in the bar charts in Figure 5. The responses to each question are also compiled in Figure 6. In order to determine community priorities, 'Strongly Agree' and 'Agree' responses were combined, as were 'Strongly Disagree' and 'Disagree' responses. These findings are presented in Figure 7. The Community Panel determined issues with an 'Agree' rate above 70%, or a very significant difference between the 'Agree' and 'Disagree' rate, to be of high priority and these issues have been addressed in the Goals, Objectives and Policies. Question 36 asked "*What one major improvement would you like to see made in Boca Grande in the immediate future?*" Preliminary responses as of May 18, 2004 are summarized in Figure 8.

Figure 4. Boca Grande Community Survey Top 10 Priorities

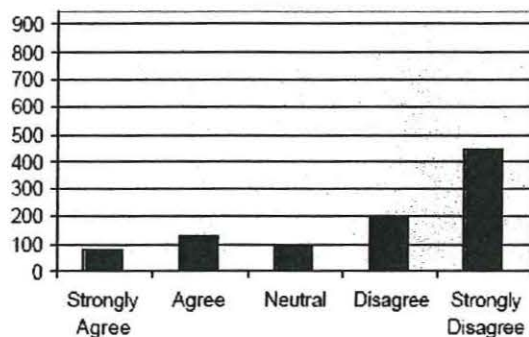
Issue	Community Support
1. Improved Radio Dispatch	93%
2. Regulate Fast Food and Formula Restaurants	89%
3. Limit Vehicle Access for Beach Clean-Up Only	89%
4. Zoning Notification of Surrounding Property Owners	88%
5. Fund Emergency Beach Clean-Up	88%
6. Monitor development within 1 mile of Causeway	88%
7. No new Boat Ramps on Gasparilla Island	88%
8. Regulate/Prohibit Tour Operators in Residential Areas	86%
9. Acquire FP&L Property for Preservation	86%
10. Compatibility of Scale/Design of New Construction	85%

Boca Grande Community Plan

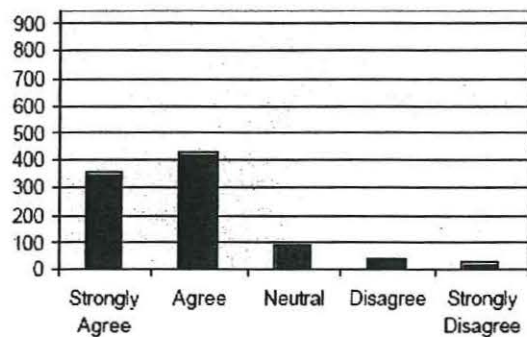
Figure 5. Boca Grande Community Survey Response Bar Charts



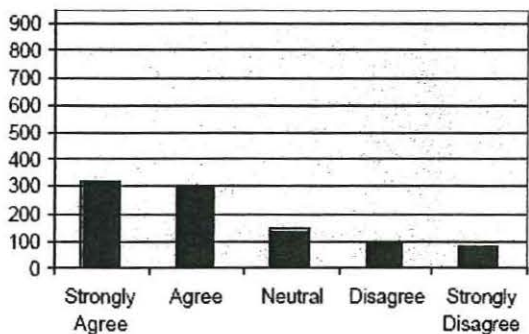
Q7. I would support time-controlled parking in the Village.



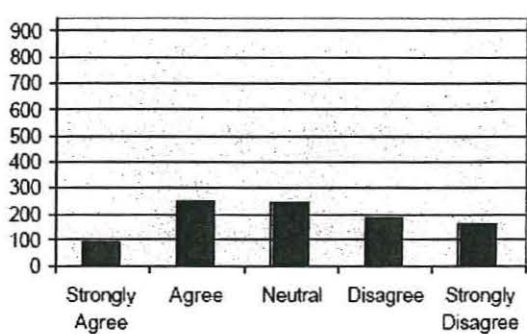
Q8. I would support the use of "back alleys" for truck deliveries to the extent possible.



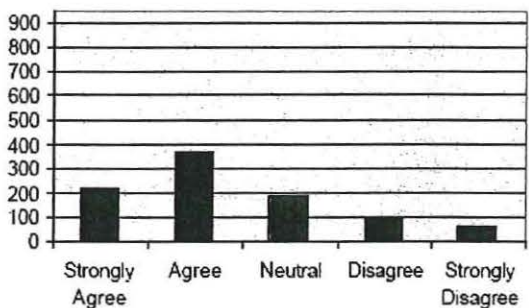
Q9. I would favor a parking ordinance restricting overnight parking in the public right-of-ways.



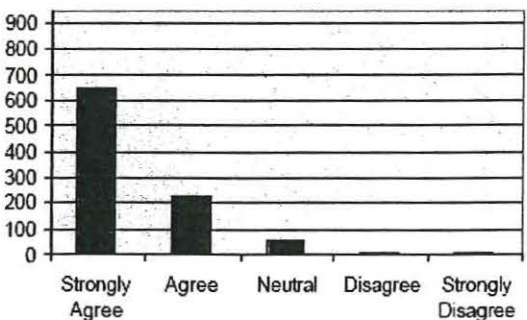
Q10. I would support design changes in traffic flow and pedestrian walkways in the Village to increase pedestrian and vehicular safety.



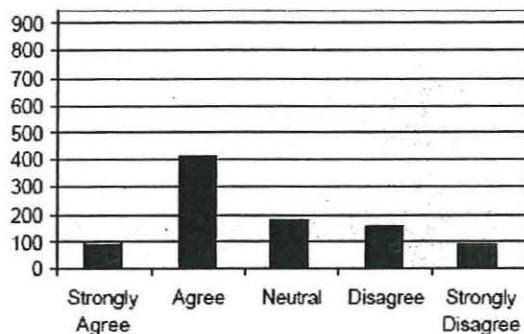
Q11. I would support the widening and landscaping of the walking/bike path south of the Village on Gulf Boulevard.



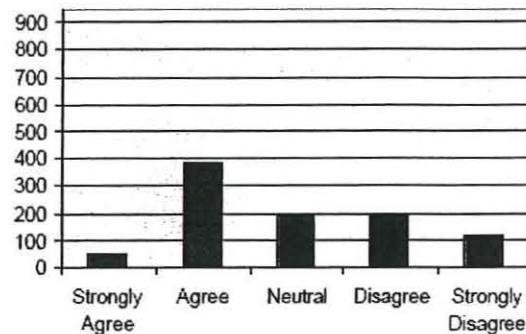
Q12. I would support any effort to improve radio dispatch communications with local police, fire and Emergency Medical Services.



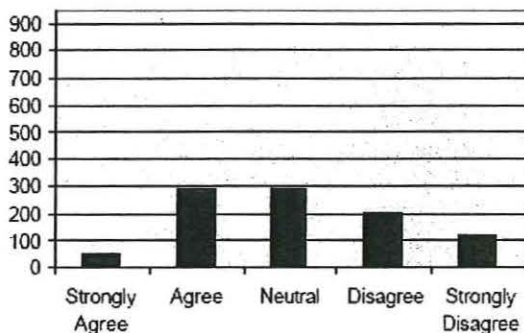
Q13a. The current level of enforcement is adequate for: Traffic/Automobile Safety



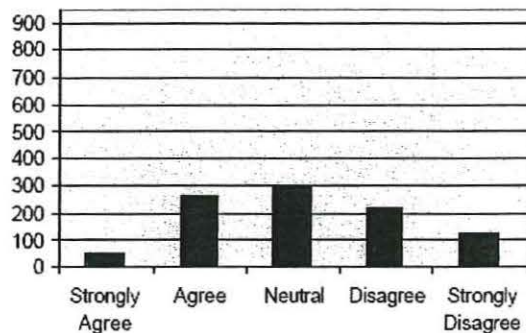
Q13b. The current level of enforcement is adequate for: Crime



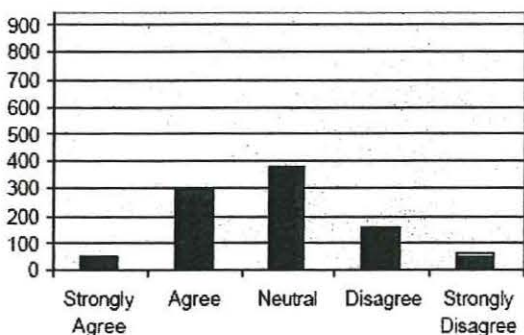
Q13c. The current level of enforcement is adequate for: Building Codes



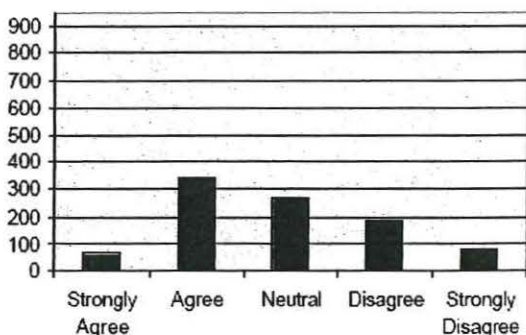
Q13d. The current level of enforcement is adequate for: Zoning Regulations



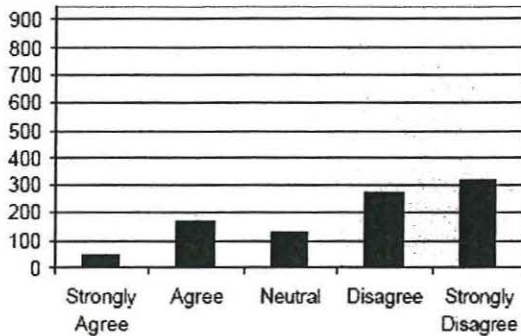
Q13e. The current level of enforcement is adequate for: Environmental Regulations



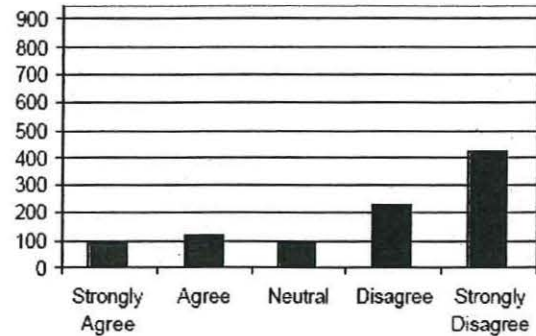
Q13f. The current level of enforcement is adequate for: Parking



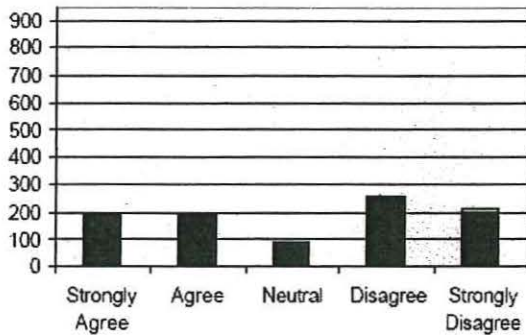
Q13g. The current level of enforcement is adequate for: Golf Carts



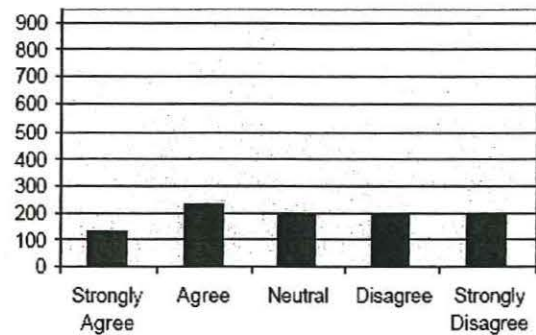
Q14. The speed limit on Gasparilla Road south of the Boca Grande Club to South of 18th Street should be 35 MPH. It is currently 45 MPH.



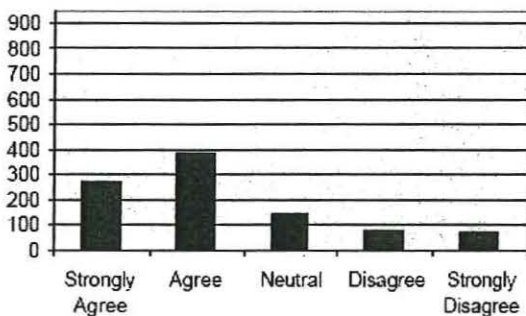
Q15. I believe Gasparilla Road and Gulf Boulevard should be double striped to prevent passing.



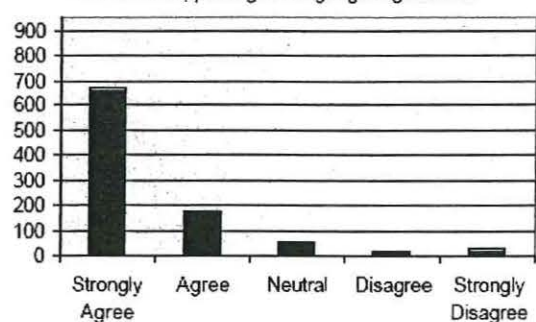
Q16. I believe a golf cart/bike path for Cole Island Bridge should be built now before the bridge is replaced.



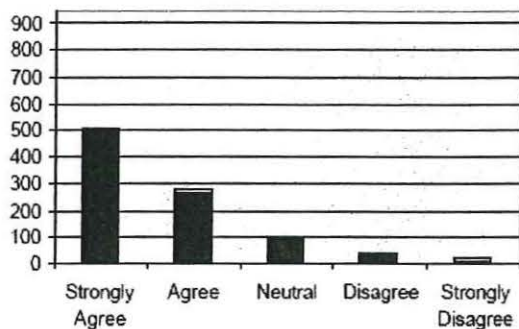
Q17. I favor the removal of exotic pest plants from county rights of way if a plan of phased restoration with native plants were to follow immediately.



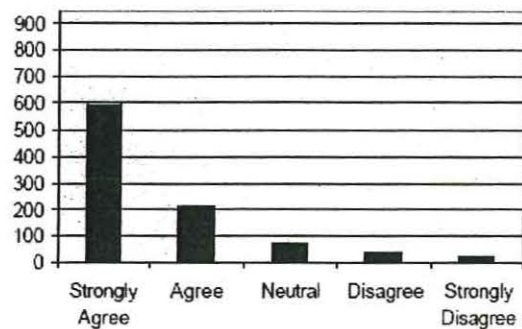
Q18. "Fast Food" franchise and formula restaurants are not compatible with the character of Boca Grande and should be prohibited by ordinance and/or severely restricted through architectural, parking and signage regulations.



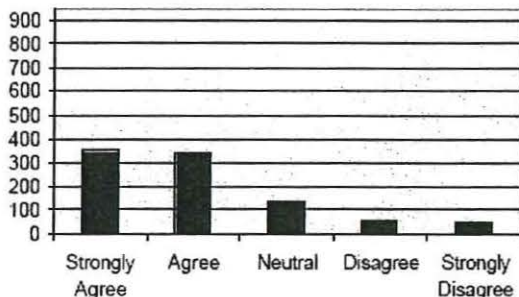
Q19. All vehicle rental facilities renting out golf carts ... should not be allowed to encroach upon public parking or right-of-ways ...



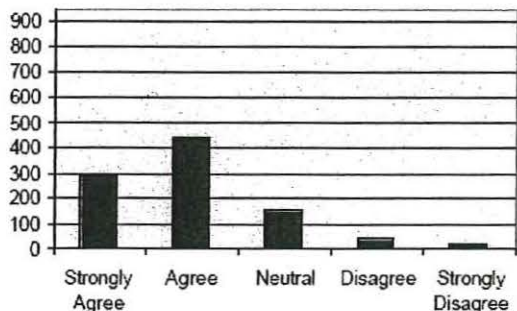
Q20. Tour buses, trolleys, carriages, etc should not be permitted to obstruct traffic in the Village or to operate in residential neighborhoods.



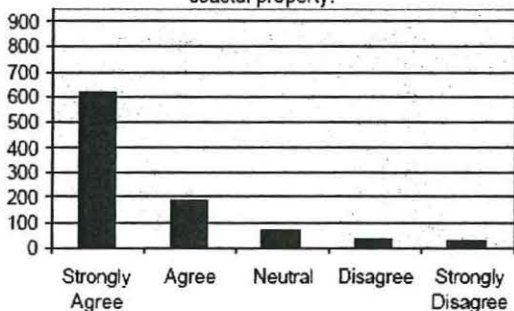
Q21. I would support a lower real estate tax treatment on land that was maintained as an open space.



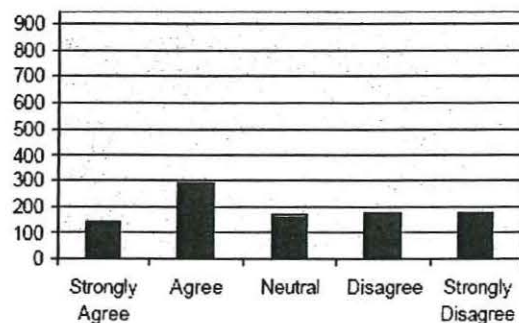
Q22. I believe Charlotte and Lee County should support and encourage local businesses through equitable real estate taxing policies.



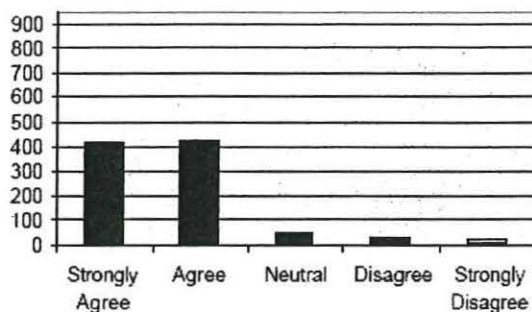
Q23. I support the acquisition of the Florida Power and Light land (9+ acres on the southern tip of Gasparilla Island) to conserve and protect the fragile environmental qualities of this unique coastal property.



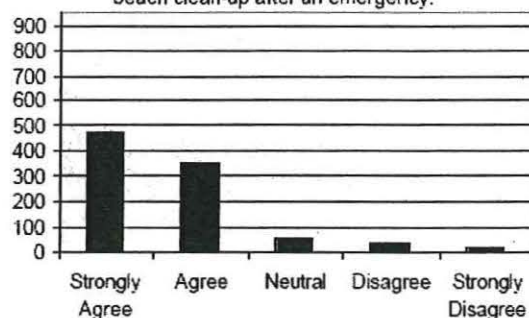
Q24. MSBU ... If the formula for raising funds were fair and equitable, I would support such a measure to fund ... beach re-nourishment costs not paid for by Federal and State governments.



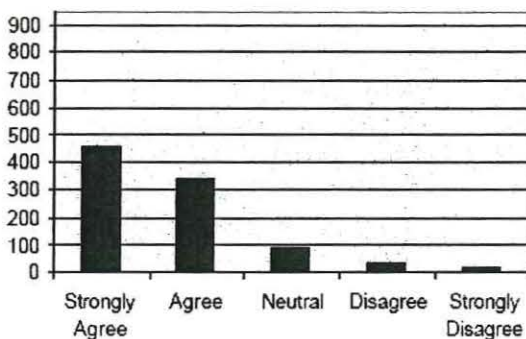
Q25. I am in favor of permitting process to allow vehicular access to beaches in emergencies such as removal of dead fish during Red Tide.



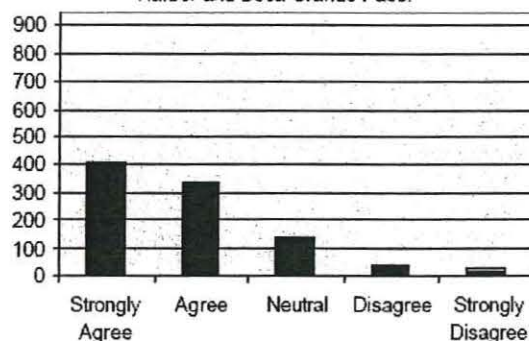
Q26. The issue of Red Tide continues to impact the Island economy as well as the health and well-being of residents and visitors. I believe that county governments should fund and manage beach clean-up after an emergency.



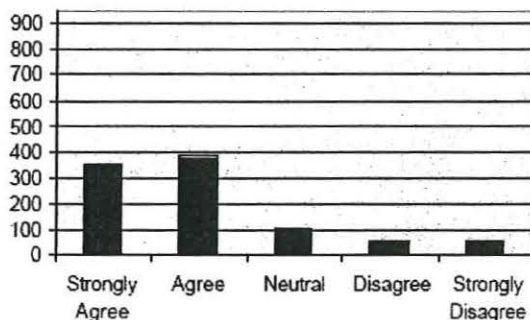
Q26 B. I believe both counties should fund Red Tide research work such as the Start Program.



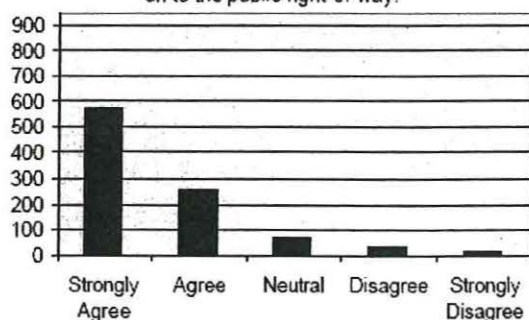
Q27. Lee County and Charlotte County should allocate funds to assist state agencies in managing and protecting the fisheries of Charlotte Harbor and Boca Grande Pass.



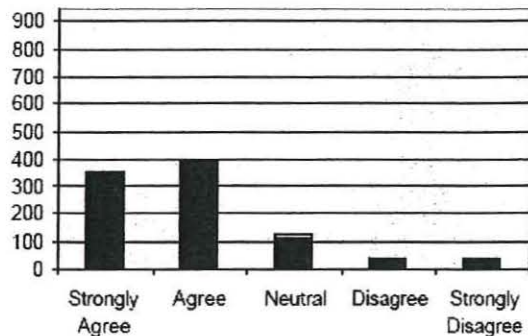
Q28. I would favor a Marine Park zoning District ... not to interfere with commercial fishing interest on Boca Grande.



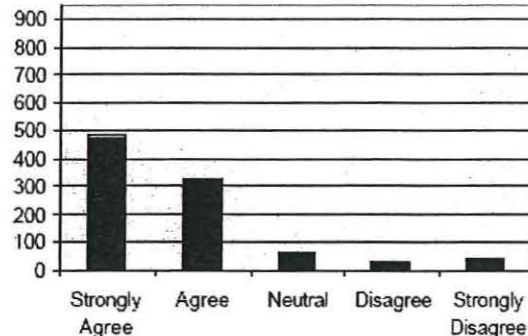
Q29. No new boat ramps should be located or permitted on Gasparilla Island. Parking of cars and trailers for any existing launching sites must be contained on site and not be permitted to overflow on to the public right-of-way.



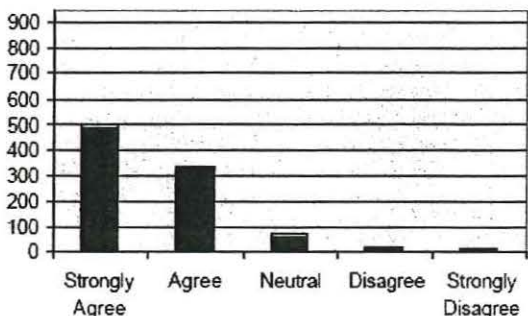
Q30. I would support ... seven-member Boca Grande Historical District Board to review applications for Certificates of Appropriateness and to make recommendations ...



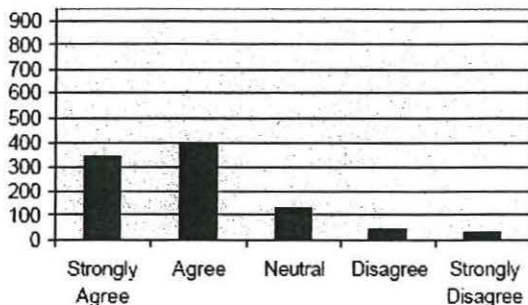
Q31. I would support planning efforts to assure compatibility of new construction and redevelopment with the scale and design of existing structures in Boca Grande ...



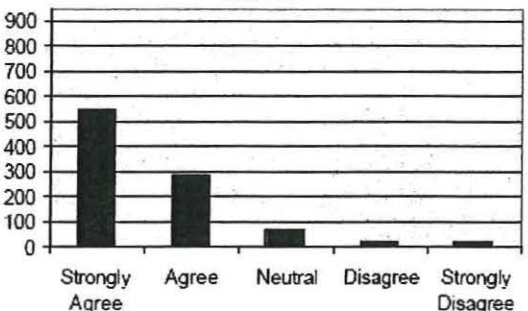
Q32. Lee County and Charlotte County should notice, via certified mail, abutters and property owners within 500 feet of a variance or special exception request.



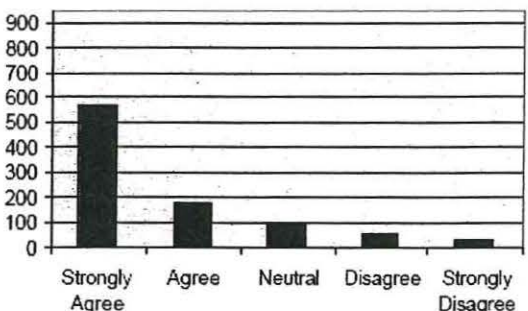
Q33. I am in favor of a Document Clearing House on the island to improve access to permitting requests.



Q34. Charlotte County should review any development within a mile of the Boca Grande Causeway for traffic impact, etc. ... if standards cannot be met, ... developments should be reduced.



Q35. And lastly, for "extra credit", Lee County and Charlotte County should manage and control the iguana population on Boca Grande.



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Figure 6. Boca Grande Community Survey Response Table

Question	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Q1. I would prefer to receive mail at my post office box rather than home delivery if home delivery ever became available.	409	199	94	100	146
Q2. I would support additional landscaping in the Village area.	151	335	242	137	83
Q3. I would support the acquisition of existing vacant land for conversion into vehicle/golf cart parking in the Village.	152	260	161	193	182
Q4. I believe parking in the median on Gilchrist Street should be restricted to only Church functions.	236	201	119	189	203
Q5. I believe that one of the four lanes on Gilchrist should be used as a bike/golf cart path.	106	195	152	258	237
Q6. I believe the 5th Street median (mahogany trees) should be a no parking area.	296	305	191	97	59
Q7. I would support time-controlled parking in the Village.	77	130	91	203	447
Q8. I would support the use of "back alleys" for truck deliveries to the extent possible.	358	429	95	37	29
Q9. I would favor a parking ordinance restricting overnight parking in the public right-of-ways.	322	301	148	98	79
Q10. I would support design changes in traffic flow and pedestrian walkways in the Village to increase pedestrian and vehicular safety.	96	253	247	186	166
Q11. I would support the widening and landscaping of the walking/bike path south of the Village on Gulf Boulevard.	220	371	188	101	68
Q12. I would support any effort to improve radio dispatch communications with local police, fire and Emergency Medical Services.	649	229	57	7	6
Q13. The current level of enforcement is adequate for:					
Traffic/Automobile Safety:	99	416	179	160	94
Crime:	54	388	193	193	120
Building Codes:	55	287	289	201	116
Zoning Regulations:	54	264	293	215	122
Environmental Regulations:	51	297	382	156	62
Parking:	67	341	273	186	81
Golf Carts:	49	172	134	273	320
Q14. The speed limit on Gasparilla Road south of the Boca Grande Club to South of 18th Street should be 35 MPH. It is currently 45 MPH.	89	116	90	227	426
Q15. I believe Gasparilla Road and Gulf Boulevard should be double striped to prevent passing.	192	198	92	256	210
Q16. I believe a golf cart/bike path for Cole Island Bridge should be built now before the bridge is replaced.	132	230	190	194	202
Q17. I favor the removal of exotic pest plants from county rights of way if a plan of phased restoration with native plants were to follow immediately.	273	384	139	78	74

Boca Grande Community Plan

Question	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Q18. "Fast Food" franchise and formula restaurants are not compatible with the character of Boca Grande and should be prohibited by ordinance and/or severely restricted through architectural, parking and signage regulations.	669	176	56	20	27
Q19. All vehicle rental facilities renting out golf carts, mopeds or any type of motorized or electric transportation devices and bicycles should not be allowed to encroach upon public parking or county right-of-ways or parking that was required as a condition for the issuance of a building permit.	507	279	102	40	20
Q20. Tour buses, trolleys, carriages, etc should not be permitted to obstruct traffic in the Village or to operate in residential neighborhoods. Q21. I would support a lower real estate tax treatment on land that was maintained as an open space.	605	213	73	37	20
Q21. I would support a lower real estate tax treatment on land that was maintained as an open space.	351	344	142	61	50
Q22. I believe Charlotte and Lee County should support and encourage local businesses through equitable real estate taxing policies.	293	444	154	39	18
Q23. I support the acquisition of the Florida Power and Light land (9+ acres on the southern tip of Gasparilla Island) to conserve and protect the fragile environmental qualities of this unique coastal property.	623	191	67	37	30
Q24. Communities on some Gulf Barrier Islands have created, under the aegis of their respective counties, Municipal Services Benefit Units (MSBU's) to fund a portion of the costs of beach renourishment projects as well as the acquisition of land for open space and parks. Given the importance of healthy beaches to the safety, stability and economic viability of Gasparilla Island, should an MSBU applicable to the entire Boca Grande Community collect funds for beach renourishment? If the formula for raising funds were fair and equitable, I would support such a measure to fund the portion of beach re-nourishment costs not paid for by Federal and State governments.	143	288	171	173	173
Q25. I am in favor of permitting process to allow vehicular access to beaches in emergencies such as removal of dead fish during Red Tide.	418	427	53	29	21
Q26. The issue of Red Tide continues to impact the Island economy as well as the health and well-being of residents and visitors. I believe that county governments should fund and manage beach clean-up after an emergency.	477	355	57	38	21
Q26 B. I believe both counties should fund Red Tide research work such as the Start Program.	459	342	93	31	23
Q27. Lee County and Charlotte County should allocate funds to assist state agencies in managing and protecting the fisheries of Charlotte Harbor and Boca Grande Pass.	406	339	139	38	26

Boca Grande Community Plan

Question	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Q28. I would favor a Marine Park zoning District in order to facilitate consistent local enforcement of existing Federal, State and County regulations in waterfront areas. It could deal with marine sanitation and live aboard issues, Jet Ski areas and hours of operation, removal of abandoned and derelict vessels, and perhaps establish decibel levels for boats. Regulation would be carefully written to not interfere with commercial fishing interest on Boca Grande.	349	384	104	57	54
Q29. No new boat ramps should be located or permitted on Gasparilla Island. Parking of cars and trailers for any existing launching sites must be contained on site and not be permitted to overflow on to the public right-of-way.	574	256	74	32	12
Q30. I would support the formation of a local seven-member Boca Grande Historical District Board to review applications for Certificates of Appropriateness and to make recommendations to Gloria Sajgo, the principal planner or the Lee County Historic Preservation Board. The Boca Grande Historic District Board would be appointed by the Lee County Commissioners. It would be stipulated that the Boca Grande Historic District Board members have similar qualifications as the Lee County Historic District Board members.	354	391	125	37	41
Q31. I would support planning efforts to assure compatibility of new construction and redevelopment with the scale and design of existing structures in Boca Grande neighborhoods. Charlotte and Lee County should work with the community of Boca Grande to develop and ordinance to preserve light, space and are around new and rehabilitated construction.	481	326	64	34	43
Q32. Lee County and Charlotte County should notice, via certified mail, abutters and property owners within 500 feet of a variance or special exception request.	498	338	72	23	17
Q33. I am in favor of a Document Clearing House on the island to improve access to permitting requests.	344	399	129	47	29
Q34. Charlotte County should review any development within a mile of the Boca Grande Causeway for traffic impact, emergency access, public safety and hurricane evacuation. A traffic impact study should be required which considers the cumulative impact of other developments in the immediate area. If adequate standards cannot be met, the density and intensity of the proposed developments should be reduced.	548	284	71	24	21
Q35. And lastly, for "extra credit", Lee County and Charlotte County should manage and control the iguana population on Boca Grande.	567	183	100	60	38

Boca Grande Community Plan

Figure 7. Boca Grande Community Survey Results Ranked by Priority

> 90% Response

Rank		Agree	Disagree	Neutral
1	Question 12 I would support any effort to improve radio dispatch communications with local police, fire and Emergency Medical Services.	93%	1%	6%

> 80% Response

Rank		Agree	Disagree	Neutral
2	Question 18 “Fast Food” franchise and formula restaurants are not compatible with the character of Boca Grande and should be prohibited by ordinance and/or severely restricted through architectural, parking and signage regulations.	89%	5%	6%
2	Question 25 I am in favor of permitting vehicular access to beaches in emergencies such as removal of dead fish during Red Tide.	89%	5%	6%
4	Question 32 Lee County and Charlotte County should notice, via certified mail , abutters and property owners within 500 feet of a variance or special exception request.	88%	4%	8%
5	Question 26A The Issue of Red Tide continues to impact the island economy as well as the health and well-being of residents and visitors. I believe county governments should fund and manage beach clean –up after an emergency.	88%	6%	6%
5	Question 34 Charlotte County should review any development within a mile of Boca Grande Causeway for traffic impact, emergency access, public safety, and hurricane evacuation. A traffic impact study should be required which considers the cumulative impact of other developments in the immediate area. If adequate standards cannot be met, the density and intensity of the proposed developments should be reduced.	88%	5%	7%
7	Question 29 No new boat ramps should be located or permitted on Gasparilla Island. Parking of cars and trailers for any existing launching sites must be contained on site and not be permitted to overflow on to the public right-of -way.	88%	5%	7%

Boca Grande Community Plan

Rank		Agree	Disagree	Neutral
8	Question 20 Tour buses , trolleys, carriages, etc. should not be permitted to obstruct traffic in the village or to operate in residential neighborhoods.	86%	6%	8%
9	Question 23 I support the acquisition of the Florida Power and Light land (9+ acres on the southern tip of Gasparilla Island) to conserve and protect the fragile environmental qualities of this unique coastal property.	86%	7%	7%
10	Question 31 I would support planning efforts to assure compatibility of new construction and redevelopment with the scale and design of existing structures in Boca Grande neighborhoods. Charlotte and Lee County should work with the community of Boca Grande to develop an ordinance to preserve light, space and air around new and rehabilitated construction.	85%	8%	7%
11	Question 26B I believe both counties should fund Red Tide research work such as the Start Program.	84%	6%	10%
12	Question 8 I would support the use of " back alleys " for truck deliveries to the extent possible.	83%	7%	10%
13	Question 19 All vehicle rental facilities renting out golf carts, mopeds or any type of motorized or electric transportation devices and bicycles should not be allowed to encroach upon public parking or county right-of -ways or parking that was required as a condition for the issuance of a building permit.	83%	6%	11%

> 70% Support

Rank		Agree	Disagree	Neutral
14	Question 35 And lastly, for "extra credit", Lee County and Charlotte County should manage and control the iguana population on Boca Grande.	79%	10%	11%
15	Question 27 Lee County and Charlotte County should allocate funds to assist state agencies in managing and protecting the fisheries of Charlotte Harbor and Boca Grande Pass.	79%	7%	14%

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Rank		Agree	Disagree	Neutral
15	Question 30 I would support the formation of a local seven-member Boca Grande Historical District Board to review applications for Certificates of Appropriateness and to make recommendations to Gloria Sajgo, the principal planner of the Lee County Historic Preservation Board. The Boca Grande Historic District Board would be appointed by the Lee County Commissioners. It would be stipulated that the Boca Grande Historic District Board members have similar qualifications as the Lee County Historic District Board members.	79%	8%	13%
17	Question 33 I am in favor of a Document Clearing House on the island to improve access to permitting requests.	78%	8%	14%
18	Question 22 I believe Charlotte and Lee County should support and encourage local businesses through equitable real estate taxing policies .	78%	6%	16%
19	Question 28 I would favor a Marine Park zoning District in order to facilitate consistent local enforcement of existing Federal, State and County regulations in waterfront areas. It could deal with marine sanitation and live aboard issues, Jet Ski areas and hours of operation, removal of abandoned and derelict vessels, and perhaps establish decibel levels for boats. Regulation would be carefully written to not interfere with commercial fishing interests on Boca Grande.	77%	12%	11%
20	Question 21 I would support a lower real estate tax treatment on land that was maintained as open space .	73%	12%	15%

> 60% Response

Rank		Agree	Disagree	Neutral
21	Question 17 I favor the removal of exotic pest plants from county rights of way if a plan of phased restoration with native plants were to follow immediately.	69%	16%	15%
22	Question 14 The speed limit on Gasparilla Road south of the Boca Grande Club to South of 18 th Street should be 35 MPH. It is currently 45 MPH.	22%	69%	9%
23	Question 7 I would support time-controlled parking in the Village.	22%	69%	9%

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Rank		Agree	Disagree	Neutral
24	Question 9 I would favor a parking ordinance restricting overnight parking in the public right-of-ways.	66%	19%	15%
25	Question 1 I would prefer to receive mail at my post office box rather than home delivery if home delivery ever became available.	64%	26%	10%
26	Question 6 I believe the 5th. Street median (mahogany trees) should be a no parking area.	63%	16%	21%
27	Question 13G The current level of enforcement is adequate for Golf Carts	23%	63%	14%
28	Question 11 I would support the widening and landscaping of the walking/bike path south of the Village on Gulf Boulevard	62%	18%	20%

> 50% Response

Rank		Agree	Disagree	Neutral
29	Question 13A The current level of enforcement is adequate for Traffic/Automobile Safety	54%	27%	19%
30	Question 5 I believe one of the four lanes on Gilchrist Street should be used as a bike/golf cart path .	32%	52%	16%
31	Question 2 I would support additional landscaping in the Village area.	51%	23%	26%

> 40% Response

Rank		Agree	Disagree	Neutral
32	Question 15 I believe Gasparilla Road and Gulf Boulevard should be double striped to prevent passing.	41%	49%	10%
33	Question 13B The current level of enforcement is adequate for Crime	47%	33%	20%
34	Question 4 I believe parking in the median on Gilchrist Street should be restricted to only Church functions	46%	41%	13%

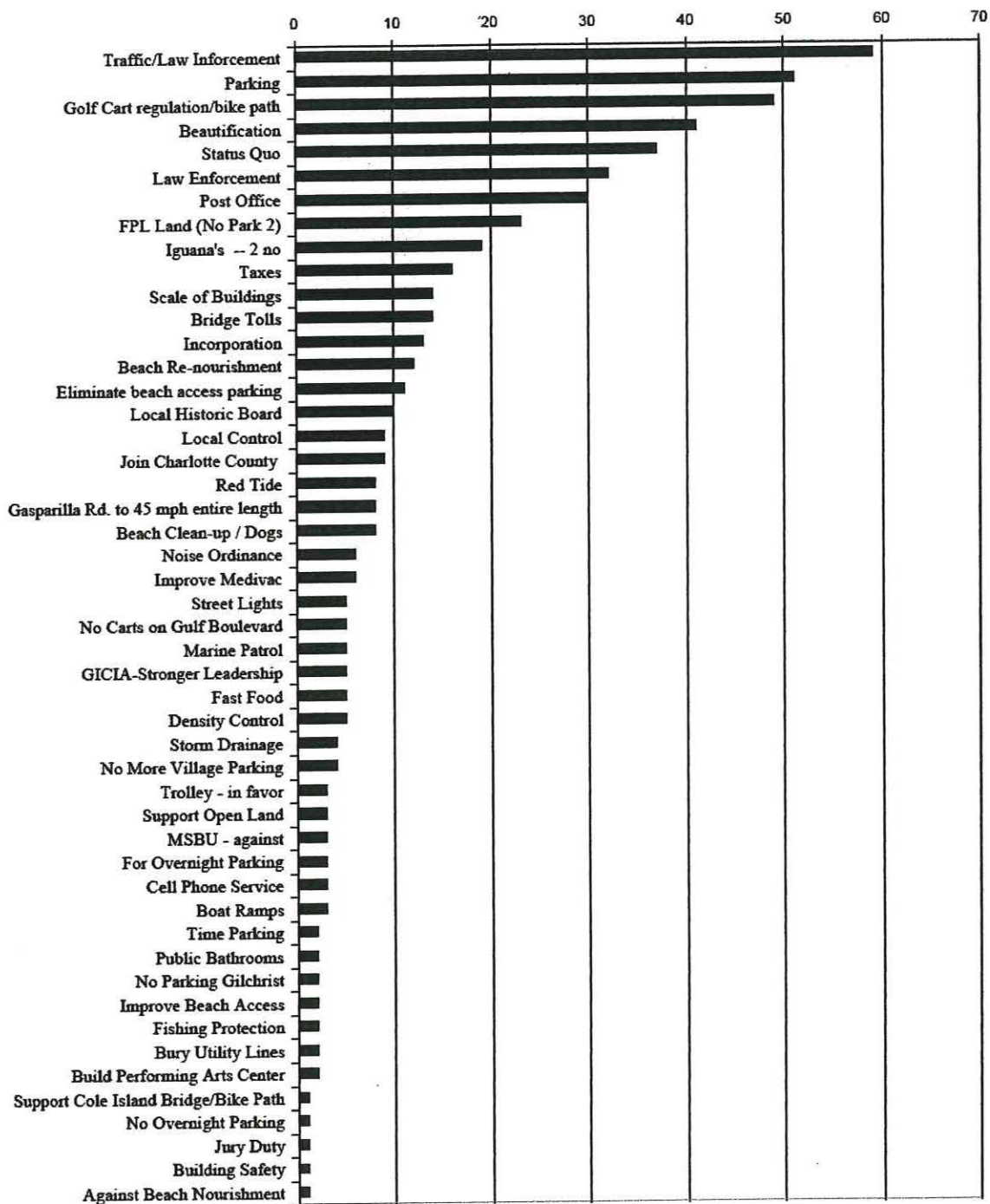
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Rank		Agree	Disagree	Neutral
35	Question 24 Communities on some Gulf Barrier Islands have created, under the aegis of their respective counties, Municipal Service Benefit Units (MSBUs) to fund a portion of the costs of beach re-nourishment projects as well as the acquisition of land for open space and parks. Given the importance of healthy beaches to the safety, stability and economic viability of Gasparilla Island, should an MSBU applicable to the entire Boca Grande Community collect funds for beach re-nourishment? If the formula for raising funds were fair and equitable, I would support such a measure to fund the portion of beach re-nourishment costs not paid for by Federal and State governments.	45%	36%	19%
36	Question 3 I would support the acquisition of existing vacant land for conversion into vehicle/golf cart parking in the Village.	43%	40%	17%
37	Question 13F The current level of enforcement is adequate for Parking	43%	28%	29%
38	Question 16 I believe a golf cart/bike path for Cole Island Bridge should be built now before the bridge is replaced	38%	42%	20%

> 30% Response

Rank		Agree	Disagree	Neutral
39	Question 10 I would support design changes in traffic flow and pedestrian walkways in the Village to increase pedestrian and vehicular safety.	37%	37%	26%
40	Question 13E The current level of enforcement is adequate for Environmental Regulations	37%	23%	40%
41	Question 13C The current level of enforcement is adequate for Building Codes	36%	33%	31%
42	Question 13D The current level of enforcement is adequate for Zoning Regulations	34%	36%	30%

Figure 8. Boca Grande Community Survey Question #36 "What one major improvement would you like to see made in Boca Grande in the immediate future?" (As of May 18, 2004)



Boca Grande Community Plan

Lee County Vision Statement

Gasparilla Island/Boca Grande – In 1980, the Florida Legislature found that the community of Boca Grande, comprised of Gasparilla Island and nearby islands, is part of the fragile barrier island system as defined in the Presidential Directive on barrier islands dated May 23, 1977, and is an area of particular natural beauty containing abundant plant, marine, animal and bird life. The State of Florida recognized that the conservation of the natural beauty, plant, marine, animal and bird life of the islands was in the best interest of the residents and property owners of the islands, the citizens of Lee and Charlotte Counties and the State of Florida, and consequently created the *Gasparilla Island Conservation District* by enacting the Gasparilla Island Conservation District Act of 1980 (Ch 80-473). The Act was subsequently amended in 1983 and 1986 (Ch 83-385 and Ch 86-341) and is hereafter referred to as the GICDA. The intent of the GICDA is to limit density and development to a level which will not degrade the fragile environment or overburden the limited infrastructure of the islands.

For the purposes of this comprehensive plan, the community of Boca Grande includes Gasparilla Island, Boca Grande Isles, the Gasparilla Golf Course Island, Three Sisters Island, Hoagen's Key, Loomis Island, Cole Island, and the Gasparilla Island bridge lands and causeway islands, and includes all submerged lands, tidal lands, overflow lands and tidal ponds as described in the GICDA.

To insure that the intent of the GICDA is carried out, actions proposed in sections that follow must be undertaken to promote sound environmental policy, preserve the character and history of the community, safeguard the water supply, protect the sports fishing industry and support the essentially seasonal businesses in Boca Grande, and to ensure that residents have adequate access, law enforcement, and emergency and utility services.

The core of the Gasparilla Island/Boca Grande community is the unincorporated village of Boca Grande, designated as an Historic District. This community is unique in that it has no direct road access to or from the rest of Lee County. All access to Boca Grande by motor vehicle is via Charlotte County, or by boat, or small seaplane. The Lee County portion of Gasparilla Island/Boca Grande is designated as Urban Community, Outer Islands, Public Facilities, Conservation Lands, and Wetlands on the Future Land Use Map. Maximum density in the Urban Community category is restricted to three dwelling units per acre.

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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, 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.

High priorities for Gasparilla Island/Boca Grande are the preservation and conservation of its fragile environment, including recreation and open space areas, its Historic District, the residents' quality of life and right to continued enjoyment of its natural and cultural gifts, and consistent enforcement of all current and future regulations with respect to zoning, traffic, parking, law enforcement, public utilities, the GICDA and the Historic District.

To the greatest extent possible, Lee County and Charlotte County should work together to jointly develop land development regulations and ordinances which are required by the policies found in this Comprehensive Plan. Different implementing ordinances and regulations should be avoided.

Charlotte County Vision Statement

Gasparilla Island/Boca Grande – In 1980, the Florida Legislature found that the community of Boca Grande, comprised of Gasparilla Island and nearby islands, is part of the fragile barrier island system as defined in the Presidential Directive on barrier islands dated May 23, 1977, and is an area of particular natural beauty containing abundant plant, marine, animal and bird life. The State of Florida recognized that the conservation of the natural beauty, plant, marine, animal and bird life of the islands was in the best interest of the residents and property owners of the islands, the citizens of Lee and Charlotte Counties and the State of Florida, and consequently created the *Gasparilla Island Conservation District* by enacting the Gasparilla Island Conservation District Act of 1980 (Ch 80-473). The Act was subsequently amended in 1983 and 1986 (Ch 83-385 and Ch 86-341) and is hereafter referred to as the GICDA. The intent of the GICDA is to limit density and development to a level which will not degrade the fragile environment or overburden the limited infrastructure of the islands.

For the purposes of this comprehensive plan, the community of Boca Grande includes Gasparilla Island, Boca Grande Isles, the Gasparilla Golf Course Island, Three Sisters Island, Hoagen's Key, Loomis Island, Cole Island, and the Gasparilla Island bridge lands and causeway islands, and includes all submerged lands, tidal lands, overflow lands and tidal ponds as described in the GICDA.

To insure that the intent of the GICDA is carried out, actions proposed in sections that follow must be undertaken to promote sound environmental policy, preserve the character and history of the community, safeguard the water supply, protect the sports fishing industry and support the essentially seasonal businesses in Boca Grande, and to ensure that residents have adequate access, law enforcement, and emergency and utility services.

The core of the Gasparilla Island/Boca Grande community is the unincorporated village of Boca Grande, designated by Lee County as an Historic District. This community is unique in that it has no direct road access to or from the rest of Lee County. All access to Boca Grande by motor vehicle is via Charlotte County, or by boat, or small seaplane. The Charlotte County portion of Gasparilla Island/Boca Grande is designated as Low and Medium Density Residential, Commercial Center and Preservation on the Future Land Use Map. Maximum density is limited to five dwelling units per acre in these land use categories (Charlotte County Code of Laws and Ordinances 3-5-191). However, within the Coastal High Hazard Zone,

Boca Grande Community Plan

new residential subdivisions are limited to a maximum of 3.5 dwelling units per acre in the tropical storm and category 1 zones. (Charlotte County Comprehensive Plan, page 1-67)

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, 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.

High priorities for Gasparilla Island/Boca Grande are the preservation and conservation of its fragile environment, including recreation and open space areas, its Historic District, the residents' quality of life and right to continued enjoyment of its natural and cultural gifts, and consistent enforcement of all current and future regulations with respect to zoning, traffic, parking, law enforcement, public utilities, the GICDA and the Historic District.

To the greatest extent possible, Charlotte County and Lee County should work together to jointly develop land development regulations and ordinances which are required by the policies found in this Comprehensive Plan. Different implementing ordinances and regulations should be avoided.

Boca Grande Community Plan

Element I - Future Land Use Lee County

Goal 1: To preserve the traditional character, scale, and tranquility of the historic village and residential areas of the Boca Grande community by continuing to limit the densities and intensities of use and development to sustainable levels that will not adversely impact the natural environment, overburden the existing infrastructure, or require additions to the present infrastructure.

Objective 1.1: Lee County will continue to enforce the regulations found in the Gasparilla Island Conservation District Act, and will assist the residents of Boca Grande to further develop growth management policies and regulations to limit densities and intensities of development on Gasparilla Island, in order to maintain the historic scale and development patterns of the community.

Policy 1.1.1: Lee County will not locate or permit any new boat ramps or other watercraft launching facilities on Gasparilla Island and will not allow the expansion of any existing ramps or facilities. The County will require that parking of cars and trailers for any existing sites must be contained on site and not be permitted to overflow into the public rights of way.

Policy 1.1.2: An ordinance prohibiting fast food and retail franchises, and formula restaurants will be adopted within two years of the adoption of this Policy. These regulations will clearly define these types of restaurants and franchises which are inconsistent with the community character of Boca Grande and therefore incompatible uses. Until such regulations are adopted, fast food and retail franchises, and formula restaurants will not be permitted. Policy 6.1.7 in the Historic Preservation Element prohibits these types of uses within the Boca Grande Historic District.

Policy 1.1.3: Changes to the Land Development Code will be adopted within two years of the adoption of this Policy, to better manage rental and tour businesses which have an impact on the neighborhoods and environment of the community. These regulations will address issues such as the number and location of operators, safety, privacy, security, liability insurance, parking facilities, property maintenance, storm water management, and compatibility. Until such regulations are adopted, Lee County will not issue permits or occupational licenses for any new business proposing rental of electric or motorized vehicles such as mopeds, scooters, golf carts, personal watercraft (jet-skis) or similar vehicles, and businesses

which operate tour boats, busses, trolleys, carriages, or other vehicles on tours of neighborhoods on Gasparilla Island.

Existing rental operations may continue to operate. Additional square footage to any building or an increase in the number of rental vehicles must comply with all existing regulations, including the provision that all outdoor storage must be contained on the business property and comply with existing regulations.

Policy 1.1.4: Lee County will work with the Boca Grande Community to establish a Document Clearing House in Boca Grande, where copies of selected documents from permit applications, variance requests, staff reports, Hearing Examiner recommendations and resolutions, Historic District Special Certificates of Appropriateness, and Administrative Variances and for any development on Gasparilla Island and will be kept for public inspection. The County's failure to provide or to timely provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 1.1.5: The owner or agent for any request which requires a public hearing, such as a variance, special exception, or consumption on premises; any request for an Historic District Special Certificate of Appropriateness; or any administrative variance for development on Gasparilla Island, must conduct one public informational meeting in Boca Grande where the owner or agent will provide a general overview of the project for any interested citizens. If the request is located within the Boca Grande Historic District, the informational meeting will be presented to the Boca Grande Historic Preservation Board at its appointed meeting location. For all other requests, the applicant is fully responsible for providing the meeting space and providing security measures as needed.

Lee County encourages zoning staff to participate in such public informational meetings. This meeting must be conducted before the application can be found sufficient. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. Whenever possible, public hearings for proposed projects on

Boca Grande should be held between the months of October through May. Public hearings which are held during the months of June through September, will require notification of the date and time of the hearing to surrounding property owners a minimum of one month prior to the hearing date.

Policy 1.1.6: In addition to compliance review by Lee County development services staff, Lee County will require that all permit applications for development on Gasparilla Island will bear a statement, signed and notarized by the owner or authorized agent, that the plans comply with the provisions of the GICDA.

Policy 1.1.7: In order to promote water conservation and better manage this important resource, Lee County will investigate the feasibility of requiring all applicants for permit requests of new structures to conduct a cistern feasibility study as part of the permitting process. For redevelopment projects, Lee County will seek to encourage the establishment of cisterns wherever practicable.

Policy 1.1.8: In order to maintain the traditional scale and historic patterns of development on Gasparilla Island, Lee County will work with the Boca Grande community to develop an ordinance to preserve light, space and air around new residential dwelling construction and to discourage "mega houses" or "mansionization" of Boca Grande. New development or redevelopment will recognize that traditional setbacks, particularly front and side yard setbacks, as well as strict adherence to the Coastal Construction Control Line, within existing and proposed neighborhoods on Gasparilla Island, should be maintained. Lee County has determined that house designs which dwarf their neighbors are incompatible with existing historic and traditional neighborhoods and will be discouraged. These regulations will be adopted within two years of the adoption of this policy.

Until such an ordinance is adopted, no variances from existing property development regulations will be approved including setbacks, lot coverage, or height. Contributing structures in the Historic District or structures outside the Historic District which are designated as an historic resource under Chapter 22 of the Land Development Code may seek Special Certificates of Appropriateness and administrative relief from development regulations if approved by the Boca Grande Historic Preservation Board.

Policy 1.1.9: Lee County will work to develop tax policies that will enable large estate properties to remain intact. Any redevelopment of estate properties or other large parcels of land will be consistent with the Gasparilla Island Conservation District Act, will work to preserve open space, and will not exceed three (3) dwelling units per acre. Parcels comprised of more than one lot of record, which are under unified control may not be divided unless the resulting lots conform with the maximum density of 3 dwelling units per acre (minimum lot size of 14,520 square feet), as established in the Lee Plan, Table 1(a), Note #5.

Policy 1.1.10: Lawfully existing businesses and commercial buildings in the Boca Grande commercial areas will be deemed to be vested as related to parking, setbacks, height, and land use. Any expansion or change of use to one of higher intensity will require a review of parking impacts, setbacks, height, and uses as necessary. Any new or expanded uses in the Historic District will require public review and a finding by the Boca Grande Historic Preservation Board that the project is consistent with the community's historic village character and will not be detrimental to the public health, safety or welfare.

Policy 1.1.11: Lee County will support the Boca Grande community in their efforts to further investigate the need for modified development requirements applicable to Boca Grande, based upon the unique nature of the community, the location of Boca Grande on a barrier island at the mouth of Charlotte Harbor, the limited opportunities for supporting infrastructure, the seasonal nature of the demand upon public facilities, and the need for cross-county administration of growth management legislation. Such support may include the following:

- a. The creation of a marine park zoning district to facilitate consistent local enforcement of existing Federal, State and County regulations in waterfront areas and new regulations to better manage coastal issues such as use and rental of personal watercrafts, abandoned vessels, live aboards, sanitation, water quality, and noise.
- b. Adoption of modified development regulations such as, but not limited to, parking requirements, minimum setbacks, and commercial and residential design standards.
- c. Completion of an impact study of parking deficiencies prior to granting any additional administrative parking variances in the historic village commercial area. Until such time as the parking

study is completed, new construction will be required to meet current parking requirements for its intended use.

Policy 1.1.12: Lee County will maintain the Public Facilities designation on the Lee County Future Land Use Map for the approximately 9.19 acre former Florida Power & Light/Belcher Oil facility on the south end of Gasparilla Island and ensure that no action is permitted that is inconsistent with that designation. Use of this property as passive open space will best serve the goal of enhancing the beauty and environmental integrity of the Island.

Element I - Future Land Use Charlotte County

Goal 1: To preserve the traditional character, scale, and tranquility of the historic village and residential areas of the Boca Grande community by continuing to limit the densities and intensities of use and development to sustainable levels that will not adversely impact the natural environment, overburden the existing infrastructure, or require additions to the present infrastructure.

Objective 1.1: Charlotte County will continue to enforce the regulations found in the Gasparilla Island Conservation District Act, and will assist the residents of Boca Grande to further develop growth management policies and regulations to limit densities and intensities of development on Gasparilla Island, in order to maintain the historic scale and development patterns of the community.

Policy 1.1.1: Charlotte County hereby adopts the Gasparilla Island Conservation District Act (GICDA), as it exists on the date of adoption of this Policy, by reference, as part of the Charlotte County Comprehensive Plan. In addition, Charlotte County will incorporate the language of the GICDA into the zoning code of Charlotte County Code of Laws and Ordinances.

Policy 1.1.2: Redevelopment of any property on Gasparilla Island and Cole Island will conform to the density restrictions of Charlotte County's Coastal High Hazard (CHH) Zone (to the extent that they do not conflict with the GICDA) and should not be to a greater height, density or intensity than the original development. The height restrictions that apply to Gasparilla Island under the GICDA (38' above average lot grade or 42' above mean sea level, whichever is less) will also be applied to Cole Island in order to maintain building uniformity.

Policy 1.1.3: Charlotte County will continue to preserve and protect lands on Gasparilla and surrounding islands that are zoned Environmentally Sensitive on the Charlotte County official zoning map.

Policy 1.1.4: Charlotte County will designate the portion of Gasparilla Island within its jurisdiction as a bird and wildlife sanctuary. The adopting provisions may be modeled after the Lee County Gasparilla Island Bird and Wildlife Sanctuary Ordinance, adopted in Lee County Ordinance 83-16,

which provides protective regulations for birds, wildlife and wildlife habitat, authorizes enforcement and provides penalties.

Policy 1.1.5: Charlotte County will not locate or permit any new boat ramps or other watercraft launching facilities on Gasparilla Island, Cole Island, or anywhere along Gasparilla Road from the Gasparilla Island Bridge Authority toll booth to C.R. 775, and will not allow the expansion of any existing ramps or facilities in these locations. Charlotte County will continue active enforcement of no parking zones along Gasparilla Road between the GIBA toll booth and C.R. 775, and in the vicinity along C.R. 775. Enforcement will also continue to prohibit cars and trailers from overflowing onto public rights-of-way.

Policy 1.1.6: An ordinance prohibiting fast food and retail franchises, and formula restaurants will be adopted within two years of the adoption of this Policy. These regulations will clearly define these types of restaurants and franchises which are inconsistent with the community character of Boca Grande and therefore incompatible uses. Until such regulations are adopted, fast food and retail franchises, and formula restaurants will not be permitted.

Policy 1.1.7: Changes to the Land Development Code will be adopted within two years of the adoption of this Policy, to better manage rental and tour businesses which have an impact on the neighborhoods and environment of the community. These regulations will address issues such as the number and location of operators, safety, privacy, security, liability insurance, parking facilities, property maintenance, storm water management, and compatibility. Until such regulations are adopted, Charlotte County will not issue permits or occupational licenses for any new business proposing rental of electric or motorized vehicles such as mopeds, scooters, golf carts, personal watercraft (jet-skis) or similar vehicles, and businesses which operate tour boats, busses, trolleys, carriages, or other vehicles on tours of neighborhoods on Gasparilla Island.

Existing rental operations may continue to operate. Additional square footage to any building or an increase in the number of rental vehicles must comply with all existing regulations, including the provision that all outdoor storage must be contained on the business property and comply with existing regulations.

Policy 1.1.8: Charlotte County will work with the Boca Grande Community to establish a Document Clearing House in Boca Grande, where copies of selected documents from all development permit applications, variance requests, staff reports, and Board of Zoning Appeals' decisions for any development on Gasparilla Island will be kept for public inspection. The County's failure to provide or to timely provide documents to the Document Clearing House, or failure of the Document Clearing House to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 1.1.9: The owner or agent for any request which requires a public hearing, such as a variance, special exception, or consumption on premises; or any administrative variance for development on Gasparilla Island, must conduct one public informational meeting in Boca Grande where the agent will provide a general overview of the project for any interested citizens. The applicant is fully responsible for providing the meeting space and providing security measures as needed.

Charlotte County encourages zoning staff to participate in such public informational meetings. This meeting must be conducted before the application can be found sufficient. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. Whenever possible, public hearings for proposed projects on Boca Grande should be held between the months of October through May. Public hearings which must be held between the months of June through September, will require notification of the date and time of the hearing to surrounding property owners a minimum of one month prior to the hearing date.

Policy 1.1.10: In addition to compliance review by Charlotte County development services staff, Charlotte County will require that all permit applications for development on Gasparilla Island will bear a statement, signed and notarized by the owner or authorized agent, that the plans comply with the provisions of the GICDA.

Policy 1.1.11: In order to promote water conservation and better manage this important resource, Charlotte County will investigate the feasibility of

requiring all applicants for permit requests of new structures to conduct a cistern feasibility study as part of the permitting process. For redevelopment projects, Charlotte County will seek to encourage the establishment of cisterns wherever practicable.

Policy 1.1.12: In order to maintain the traditional scale and historic patterns of development on Gasparilla Island, Charlotte County will work with the Boca Grande community to develop an ordinance to discourage "mega houses" or "mansionization" of Boca Grande. New development or redevelopment will recognize that traditional setbacks, particularly front and side yard setbacks, as well as strict adherence to the Coastal Construction Control Line, within existing and proposed neighborhoods on Gasparilla Island, should be maintained. Charlotte County has determined that house designs which dwarf their neighbors are incompatible with existing traditional neighborhoods and will be discouraged. These regulations will be adopted within two years of the adoption of this policy. Until such an ordinance is adopted, no variances from existing property development regulations will be approved including setbacks, lot coverage, or height.

Policy 1.1.13: Charlotte County will support the Boca Grande community in their efforts to further investigate the need for modified development requirements applicable to Boca Grande, based upon the unique nature of the community, the location of Boca Grande on a barrier island at the mouth of Charlotte Harbor, the limited opportunities for supporting infrastructure, the seasonal nature of the demand upon public facilities, and the need for cross-county administration of growth management legislation. Such support may include the following:

- a. Consideration of policies to ensure consistent local enforcement of existing Federal, State and County regulations in waterfront areas and new regulations to better manage coastal issues such as use and rental of personal watercrafts, abandoned vessels, live aboards, sanitation, water quality, and noise.
- b. Adoption of modified development regulations such as, but not limited to, parking requirements, minimum setbacks, commercial and residential design standards.

Policy 1.1.14: Surrounding property owner notices which are currently required for all public hearings in consideration of a zoning request will be sent to all surrounding property owners within 500 feet of the subject

property. This requirement will take effect upon adoption of this policy, and will be adopted in the land development regulations.

Objective 1.2: Charlotte County will implement policies to assess the development impacts of properties with the potential to affect Boca Grande.

Policy 1.2.1: Charlotte County will review development proposals to determine potential impacts upon the Boca Grande community. These impacts may include increased traffic as new residents seek recreational opportunities, increased demand on utilities, parking facilities, solid waste collection and disposal, wellfield protection, and impacts upon the limited commercial resources of the Island. Approvals for new development must demonstrate they will not have a negative impact on the community and do not exceed adopted levels of service as measured in annual concurrency reports.

Policy 1.2.2: Charlotte County will provide copies of development proposals for all projects of an intensity greater than a single-family or two-family residence located within a two mile radius of the intersection of C. R. 775 and Gasparilla Road, or within a one mile radius of the potable water wells serving the Gasparilla Island Water Association, to the Document Clearing House established for the Boca Grande community. As a result, the residents and stakeholders of the Boca Grande community will be informed of the type and extent of development proposals that are occurring in an area that can reasonably be assumed to affect directly or indirectly the Boca Grande community.

Policy 1.2.3: Charlotte County will require that the cumulative impact of development proposals for all projects of an intensity greater than a single-family or two-family residence located within a two mile radius of the intersection of C. R. 775 and Gasparilla Road, be reviewed for impacts upon causeway access, public safety, emergency vehicle access, traffic, and hurricane evacuation. The land development regulations will be amended within two years of the adoption of this Policy to require submittal of traffic impact studies including anticipated impacts upon the Boca Grande Causeway for such projects and potential strategies for congestion mitigation.

Policy 1.2.4: Charlotte County will continue to preserve and protect the potable water supply for Gasparilla Island from incompatible development

that would serve to reduce the quality or quantity of water available to the residents of Boca Grande as required in Comprehensive Plan Goal 9 and Goal 10, related Objectives and Policies, and the Charlotte County Code of Laws and Ordinances, Chapter 3-9 Zoning, Article III Special Regulations, Section 3-9-99 Wellhead Protection Area.

Policy 1.2.5: Charlotte County will review parking requirements for resort development, residential and commercial, to determine whether modified standards are warranted in areas with highly seasonal infrastructure impacts.

Gasparilla Island Conservation District Act of 1980 and Amendments

The Gasparilla Island Conservation District Act (GICDA) was adopted by a Special Act of the Florida Legislature in 1980. It has been incorporated into the Lee County Land Development Code, Chapter 34, Article VII, Supplementary District Regulations, Division 30 - Property Development Regulations, Subdivision V - Gasparilla Island, beginning in Section 34-2251 through Section 34-2255. The GICDA has also been incorporated into the Charlotte County Code of Laws and Ordinances, Chapter 3-5 Planning and Development, Article VII Gasparilla Island, beginning in Section 3-5-186 through Section 3-5-191. Charlotte County Policy 1.1.1 recommends Charlotte County also place the GICDA in their zoning code.

1980 Gasparilla Island Conservation District Act

- Creates the Gasparilla Island Conservation District (GICD)
- GICD includes Gasparilla Island, Boca Grande Isles, Gasparilla Golf Course Island, Three Sister's Island, Hoagen's Key, Loomis Island and all adjacent submerged lands, tidal lands, overflow lands and tidal ponds.
- Establishes maximum height at 38 feet from the average sea grade elevation to the peak of the roof of new or altered structures.
- Limits density to 5 dwelling units per acre, land must be above mean sea level, under single ownership and contiguous.
- Restricts the commercial, industrial or multi-family use of land to those lands zoned for such uses prior to the effective date of the Act. Limits rezonings to single-family districts only.
- Limits exterior advertising signs to on site signs which relate to activities on the premises, and prohibits banners, beacons, neon, rotating, flashing and animated signs.
- Establishes existing non-conforming structures and signs as lawful and allows for repairs and reconstruction.
- Original Act required adoption by referendum of the GICD eligible voters, November, 1980.

1983 & 1986 Amendments

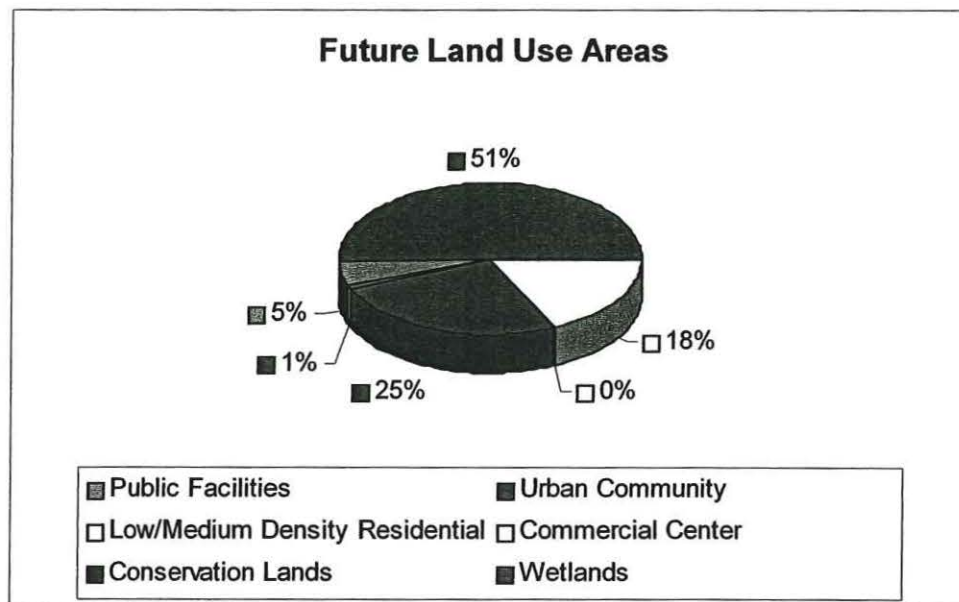
- Prohibits variances from density, height and sign restrictions.
- Allows for repairs, renovations or reconstruction of non-conforming structures if Board of County Commissioners makes a finding that the traditional use of the structure has served the public and community benefit.
- Establishes the Gasparilla Inn Historic Resort Area.
- Allows for the continued use and maintenance of the Inn and sets maximum density within the resort area at 80 resort rooms, 109 employee dwelling units and 56 other residential dwelling units.

Future Land Use Categories

Figure 9. Boca Grande Future Land Use by Acreage

Future Urban Areas	Acres	Acres
Public Facilities	76.6	
Urban Community	794.1	
Low Density Residential	249.2	
Medium Density Residential	25.8	
Commercial Center	2.6	
<i>Subtotal</i>	1148.3±	1148.3±
Non-Urban Area	Acres	
Conservation Lands Upland	85.5	
Outer Island	123.6	
<i>Subtotal</i>	209.1±	209.1±
Environmentally Critical Areas	Acres	
Conservation Lands Wetland	115.9	
Wetlands	14.3	
Preservation	72.8	
<i>Subtotal</i>	203.0±	203.0±
Total Acreage		1560.4±

Figure 10. Boca Grande Future Land Use by Percentage



*Conservation Lands – Consists of Preservation, Conservation Land Uplands and Conservation Lands Wetland, and Outer Island. All listed areas are considered virtually unbuildable.

Of the 1560± total acres on Boca Grande, 412± acres, or 26%, are designated in Non-urban and Environmentally Critical land use categories. The Outer Island category consisting of 123.6± acres is the location of the Gasparilla Inn golf course.

85.5± acres of Conservation Upland is located on the southern end of Boca Grande and is owned by the by State of Florida Trust for Internal Improvement Trust Fund (TIITF). Current Lee County regulations state that Conservation Upland is only to be used for wildlife preserves; wetland and upland mitigation areas and banks; natural resource based parks; ancillary uses for environmental research and education, historic and cultural preservation, and natural resource based parks (such as signage, parking facilities, caretaker quarters, interpretive kiosks, research centers, and quarters and other associated support services); and water conservation lands such as aquifer recharge areas, flow ways, flood prone areas, and well fields. This area does not allow for any residential development.

In addition, the Lee County Wetland future land use category only allows one dwelling unit per twenty acres (1 du/20 acre), which would only allow for one additional housing unit on Boca Grande. The Preservation land use category in the Charlotte County jurisdiction allows for one dwelling unit per forty acres (1 du/40 acre).

Figure 11. Boca Grande Zoning Districts by Acreage

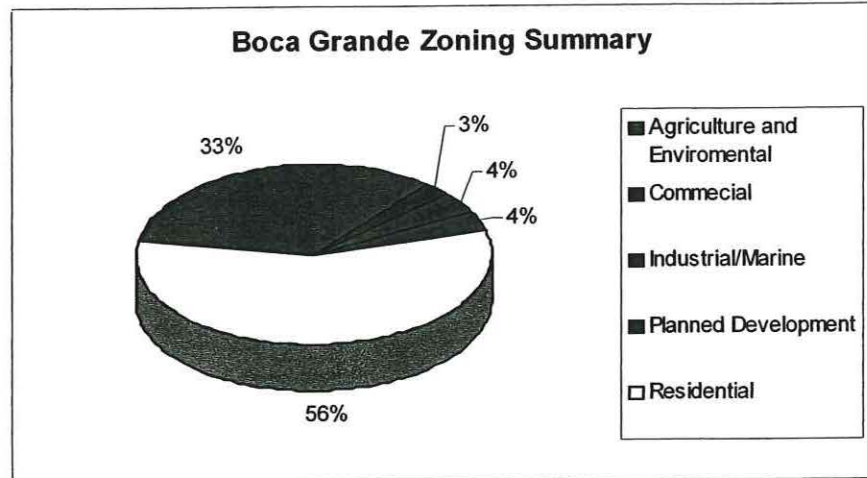
Residential Zoning Districts	Acres
RM-2 Residential Multi-Family	99.2
RS Residential Single Family	502.9
TFC-2 Two Family Conservation	18.0
PUD Planned Unit Development	55.8
<i>RMF Residential Multi-Family</i>	163.0
<i>RSF Residential Single Family</i>	103.6
Total	942.5±

Commercial Zoning Districts	Acres
CM Marine Commercial	2.0
C-1 Commercial	27.5
CS-1 Special Commercial Office	0.2
<i>CT Commercial Tourist</i>	11.2
Total	40.9±

Industrial/Marine Zoning Districts	Acres
IL Light Industrial	4.2
IM Marine Industrial	0.9
PORT	57.5
Total	62.6±

Agricultural and Environmental Zoning Districts	Acres
AG-2 Agriculture	440.5
<i>Environmentally Sensitive</i>	72.8
Total	513.3±

Figure 12. Boca Grande Zoning Districts by Percentage



The predominant zoning category on Boca Grande is Residential, as nearly 56% is zoned in one of these categories. 33% is zoned Agriculture or Environmentally Sensitive. The remaining 7% is split between Light Industrial and Marine uses (4%) and Commercial (3%).

Figure 13. Property Development Regulations by Zoning District

	RM-2	RS-1	RS-2	TFC-2
Lot Area	6,500'	7,500'	12,500'	7500'
Lot Width	65'	75'	100'	75'
Lot Depth	100'	100'	100'	100'
Street Setback	25'	25'	25'	25'
Side Setback	7'	7.5'	10'	7.5'
Rear Setback	20'	20'	20'	20'
Water Setback	50'	50'	50'	50'
Max Height	38'	38'	38'	38'
Max Lot Coverage	45%	40%	40%	40%

Lee County

	CM/IM	PORT	IL	AG-2
Lot Area	20,000'	20,000'	20,000'	39,500'
Lot Width	100'	100'	100'	100'
Lot Depth	100'	100'	100'	130'
Street Setback	25'	25'	25'	25'
Side Setback	20'	10% of width, Min 20'	20'	15'
Rear Setback	20'	25'	15'	25'
Water Setback	50'	50'	50'	50'
Max Height	38'	38'	38'	38'
Max Lot Coverage	40%	40%	40%	25%

	C-1, C-1A, & C-2A	CS-1
Lot Area	7,500'	-
Lot Width	75'	100'
Lot Depth	100'	100'
Street Setback	25'	25'
Side Setback	15'	20'
Rear Setback	25'	20'
Water Setback	50'	50'
Max Height	38'	38'
Max Lot Coverage	40%	40%

Boca Grande Community Plan

Charlotte County

	CT	RMF-T	RSF3.5	RMF5	RSF5	ES
Lot Area	12000'	7500'	10,000'	7,500'	7,500'	10 ac
Lot Width	100'	80'	80'	80'	70'	250'
Street Setback	25'	25'	25'	25'	25'	25'
Side Setback	0'	7.5'	7.5'	7.5'	7.5'	10'
Rear Setback	10'	15'	10'	15'	10'	20'
Water Setback	50'	50'	50'	50'	50'	50'
Max Height	38'	38'	38'	38'	38'	38'
Max Lot Coverage	35%	35%	35%	35%	35%	10%

Source: Lee and Charlotte County Land Development Regulations

The community of Boca Grande has imposed strict zoning regulations in the past few decades to preserve the natural beauty of the island. Some of the most important regulations that were set up; limit the height restriction to 38 feet, a maximum dwelling density of five dwelling units per acre, and the Gasparilla Island Conservation District Act that restricts rezonings on the island.

As with many communities comprised of platted lots recorded prior to current building codes and styles, Boca Grande has had a significant number of variances approved from the property development regulations. According to the official zoning maps of Lee County, 258 variances have been approved since 1984. That is equivalent to nearly 13 every year. The most frequently approved variance is a setback variance from the required side setback (53), followed by relief from the street right-of-way (49). The third most frequent variance is related to the location or height of a fence (45). These variances do not include Administrative Approvals granted in conjunction within the Boca Grande Historic District. Although rezoning applications are limited on Boca Grande, there are still a significant number of zoning actions which require public hearings that justify establishing the recommended Document Clearing House.

Another issue relating to non-conforming lots is the potential division of larger parcels into smaller lots of record. While the current density is limited to 3 dwelling units per acre in Lee County, and 3.5 dwelling units per acre in Charlotte County, the minimum use provision allows single family homes on lots of record. Lee County Policy 1.1.9 seeks to ensure Minimum Use Determinations will not be granted to parcels comprised of multiple, non-conforming lots of record on Boca Grande. A review of over 3000 parcel

Boca Grande Community Plan

descriptions found there are 241± parcels which are comprised of more than one lot of record. This translates into a minimum of 241± additional lots which could potentially be developed with single family homes.

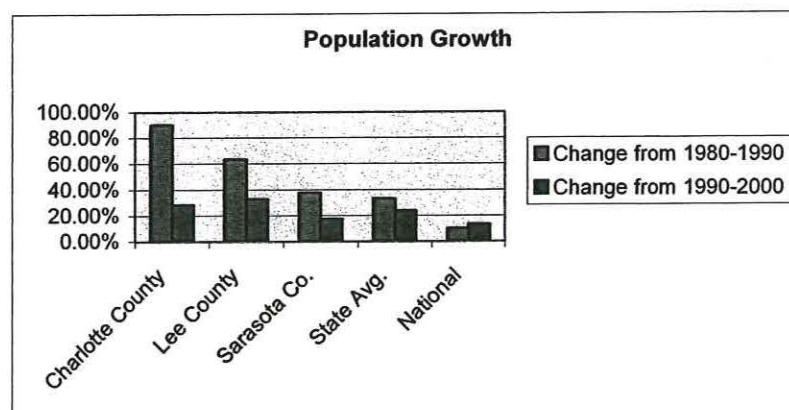
Population Trends

Boca Grande is directly impacted by the current population growth and development of Lee, Charlotte and Sarasota Counties, as they are the counties encompassing and surrounding the Gasparilla Island. For this reason, it is important to understand what the current growth and development trends are in these areas, as well as, what the impact will be to the island.

According to the 2000 U.S. Census Fact Finder, Boca Grande (zip code 33921) has a population of 1,500 people. Estimates of seasonal population range from 2,300 to 3,500 people.

The population of the Lee and Charlotte County area has grown tremendously in the last 20 years. Both counties have more than doubled in population since the 1980 census and the growth rate has no signs of slowing. Charlotte County has a current population of approximately 152,000 people while Lee County has approximately 480,000 people. Estimates for the year 2020 have the counties growing at the same rate as today. Sarasota County has also had significant growth trends since the 1980 census, with a 42% increase in population since that time. The current population in Sarasota county stands at approximately 346,800 people and a steady growth rate is expected to continue through the year 2020.

Figure 14. Population Growth Rates by County



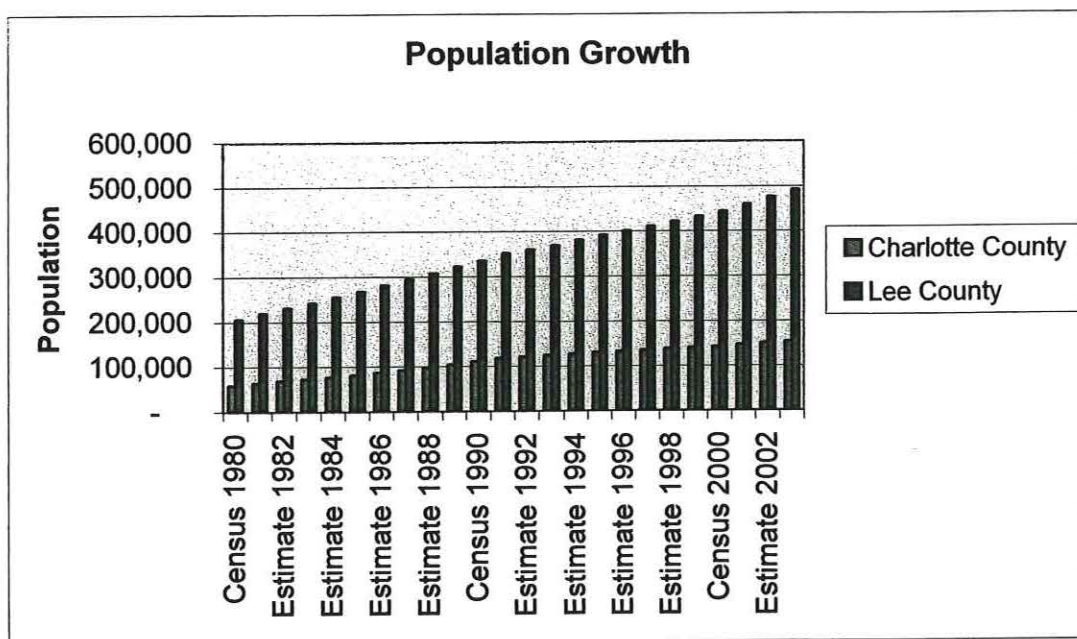
Source: US Census Bureau

Boca Grande Community Plan

The statistics regarding the building permits are comparable with the recent growth of population. The number of single-family permits has been on the rise since 1980, with a large increase beginning in 1997 in Lee County. Charlotte County sustained a large growth from 1985-1989 and is steadily on the rise once again. Sarasota County building permits have fluctuated over the last 20 years with the numbers decreasing significantly in the early to mid 1990's. The trend then started an upswing in 1997 with a substantial increase each year since that point.

According to the 2000 United States Census the state of Florida has had a 23.53% population increase, ranking it #7 in the nation for population growth. Only one state nationally had a population growth of more than 50%. This shows that Charlotte, Lee and Sarasota Counties are all growing at a significantly faster rate than the state and national average.

Figure 15. Lee and Charlotte County Annual Population Growth



Source: US Census Bureau

Figure 16. Lee and Charlotte County Housing Occupancy Rates

Charlotte County Housing Occupancy	Units	Percentage
Total housing units	79,758	100
Occupied housing units	63,864	80.1
Vacant housing units	15,894	19.9
For seasonal, recreational, or occasional use	10,512	13.2
Lee County Housing Occupancy	Units	Percentage
Total housing units	245,405	100
Occupied housing units	188,599	76.9
Vacant housing units	56,806	23.1
For seasonal, recreational, or occasional use	39,502	16.1

Source: State of the Cities Data System

Charlotte County Population Trends

Charlotte County is known as a "platted lands" community, similar to Cape Coral and Lehigh Acres in Lee County. According to the Charlotte Comprehensive Plan, there are 87,740 platted lots in the *West County Planning Area*, of which 72,264 are vacant.

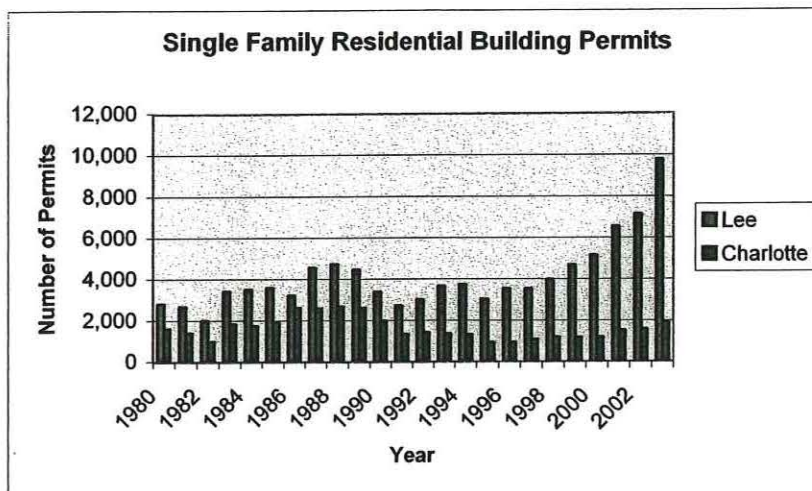
In Rotunda West there are 26,260 platted lots of which 24,226 are vacant. Many of these lots now have sewer service and can be developed. The projected build-out population of Rotunda alone is over 50,000. There are also a number of large parcels of vacant land in the immediate area zoned for high-density multi-family use. Some of these properties are now in various stages of being developed.

The Population of Charlotte County has virtually doubled every decade since the 1950's. The 2000 population was 141,627. If all existing, platted lots in the county were developed, the eventual population would be over 500,000. There currently are no plans in place for reassembly*, redesign or replatting of these properties although Charlotte County is studying the problem. (* Except the Murdock CRA)

The 2000 population for the *West County Planning Area* was 31,580 with the seasonal increase estimated at 30% or 41,054. By 2005, 9,560 new residents are projected plus the 30% seasonal increase will mean another 12,428 new residents bringing the population to 53,582. By 2010, 6,304 more residents are projected, plus the seasonal increase of 30% for a total of 61,677, nearly double the 2000 figure.

Over the next six years, we can expect the population in the areas immediately surrounding Gasparilla Island to increase by approximately 15,864 plus a seasonal increase of 30% or 20,623 new residents by 2010.

Figure 17. Annual Single Family Building Permits



Source: State of the Cities Data System

Boca Grande Community Plan

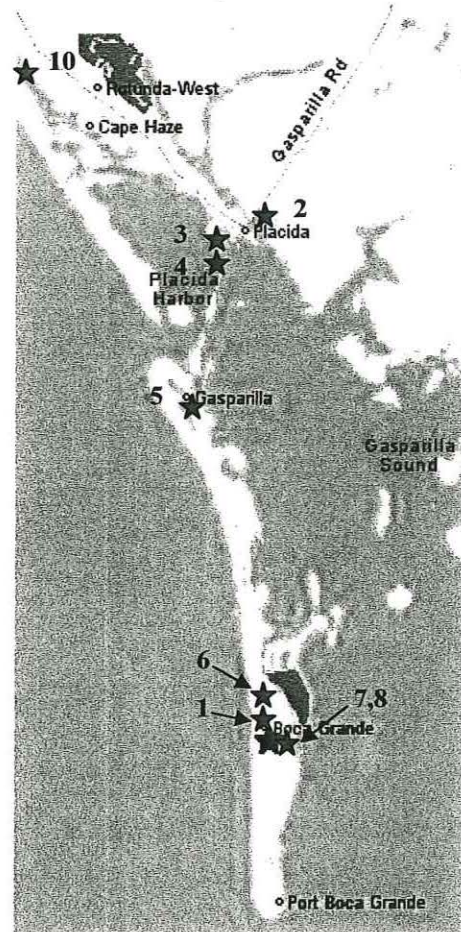
Marina Facilities

Figure 18. Marina Facility Inventory

Site	Parking	Slips, Ramp	Location
1. Gasparilla Inn Marina	None	145 Dry and 24 Wet	891 8th Street
2. Gasparilla Marina	None	500 Dry and 225 Wet	15001 Gasparilla Road
3. Public Boat Ramp	90	Public Boat ramp	6401 Boca Grande Causeway
4. Eldred's Marina	30	30 Wet, Public Ramp	6301 Boca Grande Causeway
5. Uncle Henry's Marina	None	58 Wet, Public Ramp	5800 Gasparilla Road
6. Innlet Motel	Guest	Private Boat ramp	1251 12th Street East
7. Whiddens Marina	None	13 Wet	190 1st Street East
8. Millers Marina	None	Transient only	222 Harbor Dr.
9. Boca Grande North Condos	Guest	Private Boat Ramp	6020 Causeway Road
10. Palm Island Marina	None	180 Dry and 60 Wet	7080 Placida Road, Cape Haze

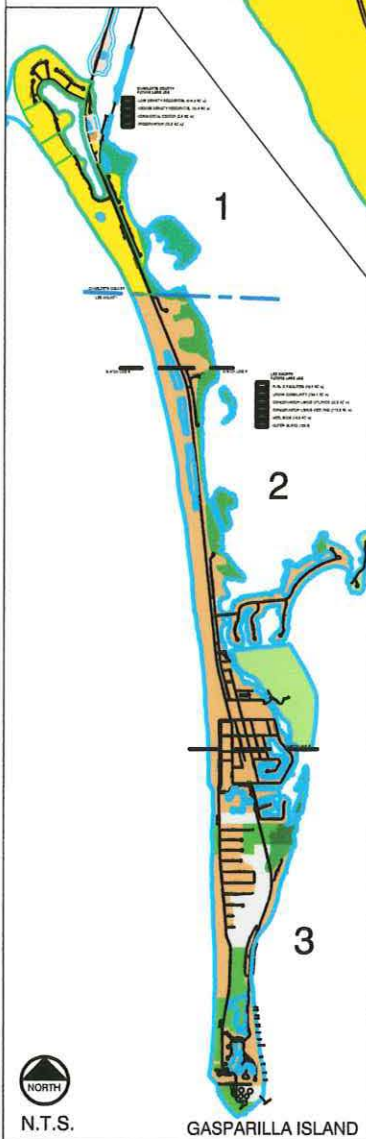
The ten marinas listed above are available to service most of Gasparilla Island. The Innlet motel and Boca Grand North Condominiums have boat ramps that are only available to guests. Below is a summary of the eight other marinas available to service the community of Boca Grande.

- The Inn Marina has the islands only dry storage facility with approximately 145 dry storage racks and approximately 24 wet slips.
- Gasparilla Marina is by far the largest provider of boat storage to the island. With 225 wet slips and over 500 dry storage racks there is plenty of space to service those in need of a place to store their boat. Additionally there is a new dry storage facility with a proposed 300-400 dry storage racks.
- Eldred's Marina, located on the Boca Grande Causeway has approximately 30 wet slips and a public ramp with an estimated 30 parking spaces for cars with trailers.
- Also located on the causeway is the Placida Park boat launch site. There are 90 available parking spots servicing the launch facility.
- Palm Island Marina is located northwest of Eldred's Marina and has 180 dry storage racks, 60 wet slips, and 20 transient slips.
- Uncle Henry's Marina at the north end of Boca Grande has a public boat ramp and 58 wet slips.
- Millers Marina is a transient marina only with bait, a ships store and fuel.
- Whidden's Marina has 13 wet slips and has boats available for rental through Captain Russ' Boat Rentals.



The inventoried marina's contain approximately 410 wetslips and 825 dry storage racks, with an additional 300-400 to come with the addition of the new facility servicing the Gasparilla Marina. Also, there are 120 parking spaces for the public boat ramps.

Boca Grande Future Land Use Map



GASPARILLA ISLAND

CHARLOTTE COUNTY FUTURE LAND USE

- LOW DENSITY RESIDENTIAL (249.2 AC ±)
- MEDIUM DENSITY RESIDENTIAL (25.8 AC ±)
- COMMERCIAL CENTER (2.6 AC ±)
- PRESERVATION (72.8 AC ±)

CHARLOTTE COUNTY
LEE COUNTY

MATCH LINE A

1

MATCH LINE A

LEE COUNTY FUTURE LAND USE

- PUBLIC FACILITIES (76.6 AC ±)
- URBAN COMMUNITY (794.1 AC ±)
- CONSERVATION LANDS UPLANDS (85.5 AC ±)
- CONSERVATION LANDS WETLAND (115.9 AC ±)
- WETLANDS (14.3 AC ±)
- OUTER ISLAND (123.6)

2

MATCH LINE B

3

REVISIONS:

GASPARILLA ISLAND - FUTURE LAND USE (AREAS)

MORRIS - DEPEW ASSOCIATES, INC.
ENGINEERS • PLANNERS • SURVEYORS & MAPPERS
2216 Alameda Avenue • Fort Myers, Florida 33901 • (239) 337-3000 • (FAX) 337-3994

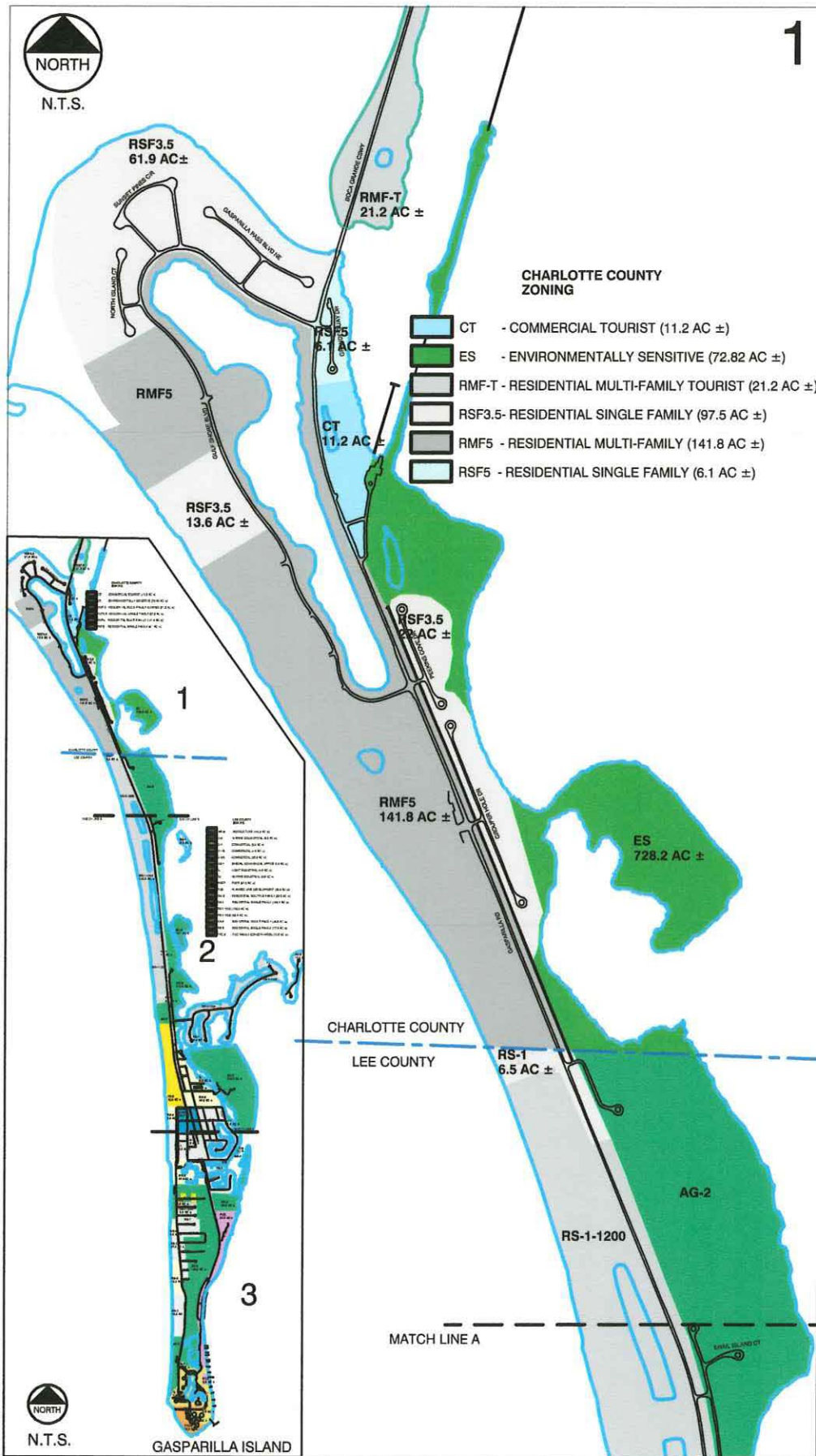


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CHECKED BY: DWD
DESIGNED BY: AZ
DATE:
3/5/04
SHEET:
1

BOCA GRANDE COMMUNITY PLAN

Gasparilla Island, Charlotte & Lee County, Florida

Boca Grande Zoning Map



1

MATCH LINE A

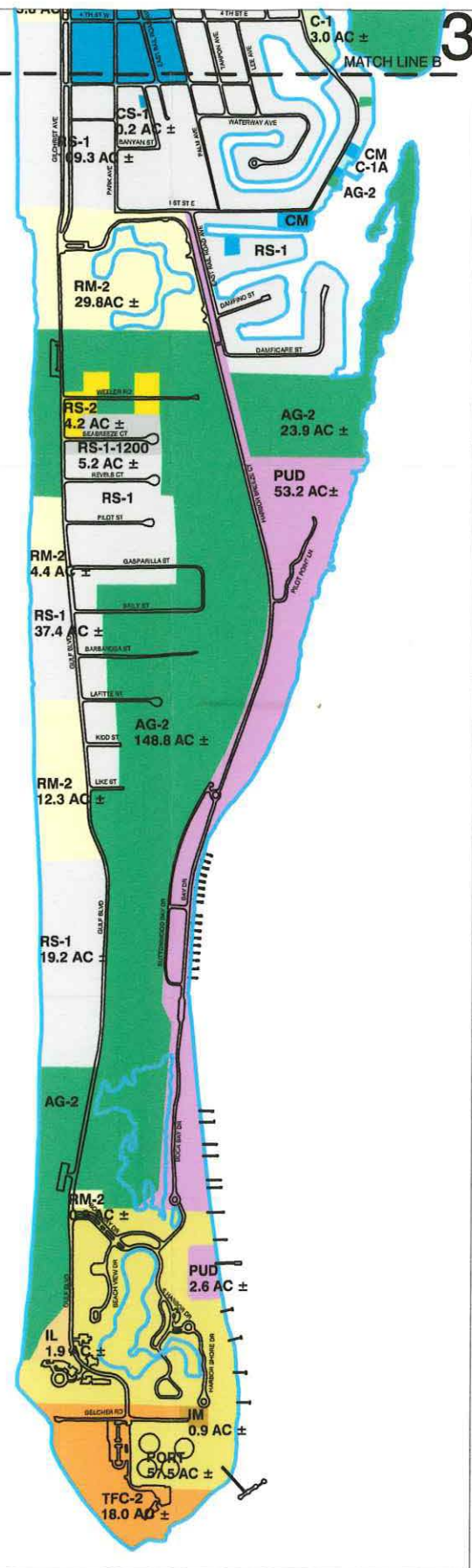
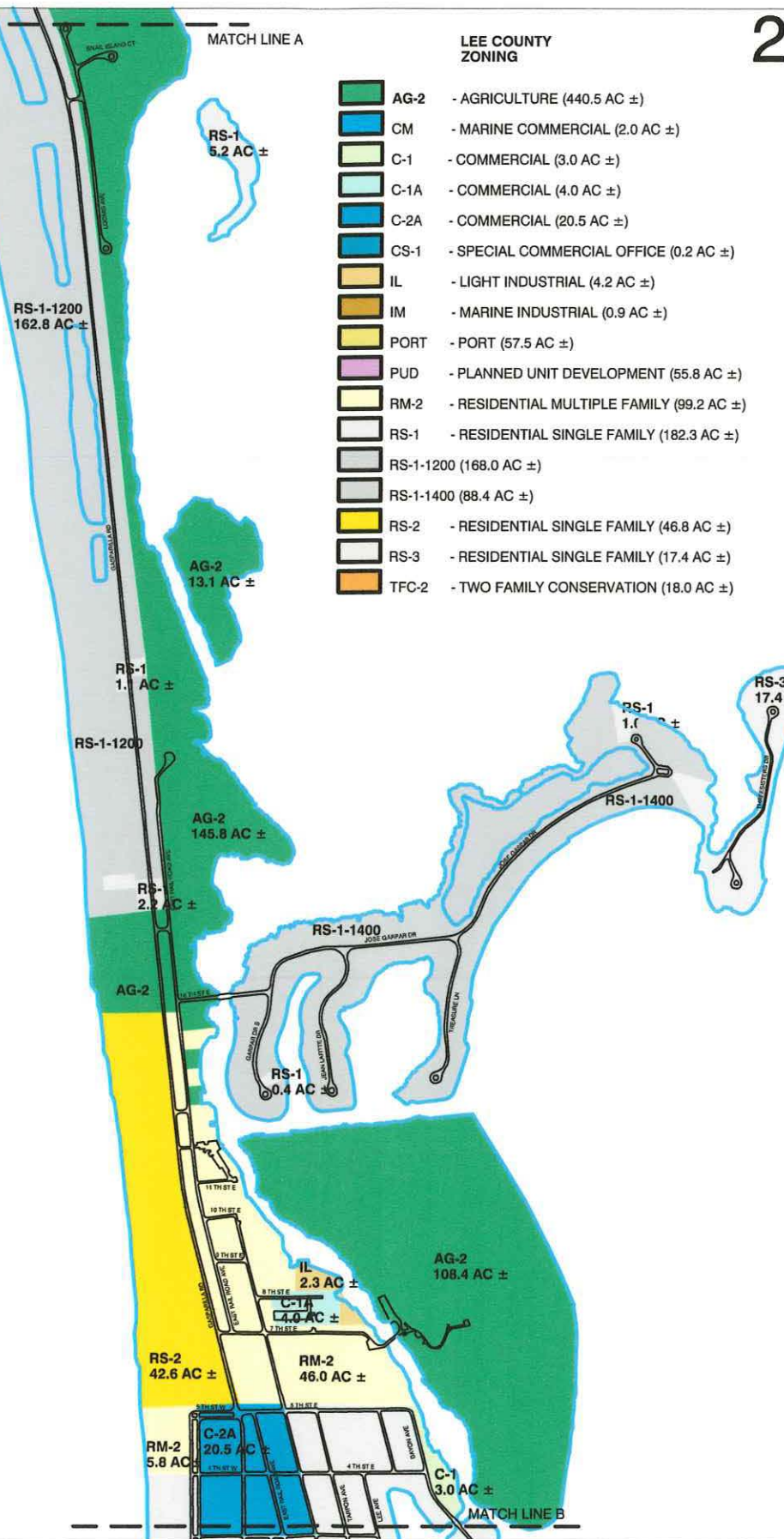
LEE COUNTY ZONING

- AG-2 - AGRICULTURE (440.5 AC ±)
- CM - MARINE COMMERCIAL (2.0 AC ±)
- C-1 - COMMERCIAL (3.0 AC ±)
- C-1A - COMMERCIAL (4.0 AC ±)
- C-2A - COMMERCIAL (20.5 AC ±)
- CS-1 - SPECIAL COMMERCIAL OFFICE (0.2 AC ±)
- IL - LIGHT INDUSTRIAL (4.2 AC ±)
- IM - MARINE INDUSTRIAL (0.9 AC ±)
- PORT - PORT (57.5 AC ±)
- PUD - PLANNED UNIT DEVELOPMENT (55.8 AC ±)
- RM-2 - RESIDENTIAL MULTIPLE FAMILY (99.2 AC ±)
- RS-1 - RESIDENTIAL SINGLE FAMILY (182.3 AC ±)
- RS-1-1200 (168.0 AC ±)
- RS-1-1400 (88.4 AC ±)
- RS-2 - RESIDENTIAL SINGLE FAMILY (46.8 AC ±)
- RS-3 - RESIDENTIAL SINGLE FAMILY (17.4 AC ±)
- TFC-2 - TWO FAMILY CONSERVATION (18.0 AC ±)

2

MATCH LINE B

3



REVISIONS:

GASPARILLA ISLAND - ZONING MAP

BOCA GRANDE COMMUNITY PLAN
Gasparilla Island, Charlotte & Lee County, Florida

MORRIS - DEPEW ASSOCIATES, INC.
ENGINEERS • PLANNERS • SURVEYORS & MAPPERS
2216 Alameda Avenue • Fort Myers, Florida 33901 • (239) 337-3863 • (FAX) 337-3864



MDA PROJECT: 03088 A
CHECKED BY: DWD
DESIGNED BY: AZ
DATE: 8/5/04
SHEET: 1

Boca Grande Community Plan

Element II - Transportation, Parking and Traffic Lee County

Goal 2: To ensure residential and commercial land use in Boca Grande that recognizes the connection between the existing transportation infrastructure and the community's desire to preserve Boca Grande's community character as a tranquil residential community, with an historic village center, and abundant open space and preservation areas.

Objective 2.1: Lee County will recognize the inherent need to limit additional impacts to the existing transportation infrastructure of Boca Grande, the varied types and limited access to the community, the need for alternate forms of transportation within the community, the need for specialized standards for parking and commercial service areas, and the seasonal nature of infrastructure demand that exists throughout the community.

Policy 2.1.1: Lee County will continue to enforce the provisions of the Gasparilla Island Conservation District Act which limit growth, limit building height and restrict advertising throughout Boca Grande.

Policy 2.1.2: Lee County will support the provision of convenient, safe bridges providing access to Gasparilla and Cole Islands through support of the autonomy of the Gasparilla Island Bridge Authority (GIBA), support for the highest standard of safety for vehicles, golf carts, bicycles, and pedestrians, and support of strict enforcement of driving laws.

Policy 2.1.3: Lee County will assist in efforts to improve the bike and golf cart path along Gulf Boulevard, south of the village. A feasibility study will be conducted to see if improvements such as widening of the path and landscaping can improve safety, shared use opportunities, and capacity.

Policy 2.1.4: Lee County will adopt regulations for bicycle safety, golf cart driver age restrictions, and golf cart driver education programs. Lee County will require all golf cart vendors/operators to distribute operator's rules to vendees and display rule stickers on rental carts. These regulations will be adopted in the Land Development Code within two years of the adoption of this Policy and, will consider requirements for annual licensing with specific options for enforcement and penalties.

Policy 2.1.5: In order to preserve the historic characteristics of the community, Lee County will support the use of four-way stop intersections, rather than traffic signals, whenever possible in the Boca Grande community.

Policy 2.1.6: Lee County will support efforts to beautify road right-of-ways and enhance the public realm of Boca Grande. In order to maintain low traffic volumes, operating speeds, and noise levels, improvements will emphasize traffic calming techniques, and the need to preserve the aesthetic values of the community. Particular emphasis will be placed in the Historic District. Enhancements may include village streetscaping such as additional street trees, trash receptacles, benches and burying utilities underground.

Policy 2.1.7: Lee County will continue to ensure viable hurricane evacuation options for the residents and stakeholders of Boca Grande.

Policy 2.1.8: Lee County will support improvement of pedestrian safety by establishing and marking crosswalks throughout the community, by improving pedestrian circulation within the Historic District, and consistently enforcing all regulations on the bike paths, which includes minimum age requirements for operation of golf carts.

Objective 2.2: Lee County will conduct a parking and traffic study to identify ways to create safe and efficient parking for employees, patrons and visitors, and to determine the appropriate parking standards which will address the capacity and design needs of the Boca Grande commercial district. The parking and traffic study will address the following policies.

Policy 2.2.1: As a result of regional growth and local redevelopment, Lee County will provide assistance to develop a long-range strategy to address increased parking demand. This may result in regulations, infrastructure improvements or adoption of management practices which incorporate any number of the following:

- a. Revised traffic count thresholds
- b. Maximum development intensities
- c. Revised minimum parking requirements
- d. Traffic congestion mitigation practices
- e. Vehicle and pedestrian safety programs
- f. Shared parking agreements

- g. Public/Private partnerships to fund new or expanded parking facilities.

Policy 2.2.2: Lee County will seek to maximize the efficiency and the functionality of existing parking facilities by improving trailblazing signage, re-designing existing parking facilities, and creating specific facilities for golf cart and bicycle parking. Designated parking for employees, the appropriate number of parking spaces for new and expanded uses, and enforcement of existing parking restrictions and permit requirements will also be examined.

Policy 2.2.3: Parking along the beach access streets and other public rights-of-way will be regulated to allow convenient ingress and egress to residences and permit adequate emergency vehicle access at all times. Lee County will support efforts to analyze the appropriateness of overnight and long term parking in the public right-of-way, the Gilchrist median, and along beach access streets.

Policy 2.2.4: Lee County will seek to direct service vehicles and delivery vehicles to designated unloading zones. Due to the traffic congestion in the Historic District, Lee County will assist in establishing time restrictions on service and delivery trucks during March and April.

Policy 2.2.5: Lee County will encourage alternative transportation by supporting golf cart and bicycle use and improving design for golf cart and bicycle parking throughout the Boca Grande community.

Policy 2.2.6: For all new development and redevelopment, Lee County will continue to support and improve design and permitting efforts through the site plan review process that adequately address truck deliveries, emergency vehicle access, and solid waste disposal.

Policy 2.2.7: Lee County will assist in a study of traffic patterns and flow in and around the Post Office, Park Avenue, East Railroad Avenue and West Railroad Avenue, seeking to develop a plan of action that will improve the functionality of the infrastructure while preserving the aesthetics of the community.

Policy 2.2.8: To preserve the capacity of the existing roadways and parking facilities, Lee County will adopt regulations within two years of the adoption

of this Policy, that address the appropriateness of high impact uses such as fast food restaurants, convenience food stores, and other franchise retail stores and restaurants.

Boca Grande Community Plan

Element II - Transportation, Parking and Traffic Charlotte County

Goal 2: To ensure residential and commercial land use in Boca Grande that recognizes the connection between the existing transportation infrastructure and the community's desire to preserve Boca Grande's community character as a tranquil residential community, with an historic village center, and abundant open space and preservation areas.

Objective 2.1: Charlotte County will recognize the inherent need to limit additional impacts to the existing transportation infrastructure of Boca Grande, the varied types and limited access to the community, the need for alternative forms of transportation within the community, the need for specialized standards for parking and commercial service areas and the seasonal nature of infrastructure demand that exists throughout the community.

Policy 2.1.1: Charlotte County will continue to enforce the provisions of the Gasparilla Island Conservation District Act which limit growth, limit building height and restrict advertising throughout Boca Grande.

Policy 2.1.2: Charlotte County will manage development along C. R. 775 and C.R. 771 through the zoning and development permitting process to control access and traffic patterns leading to Gasparilla Island, near the intersection of Gasparilla Road and C. R. 775, in order to assure safe and convenient access to Gasparilla Island. Charlotte County will require traffic impact studies for all development within a two mile radius of the intersection of C. R. 775 and Gasparilla Road which generate more than 25 average daily trips in order to determine the impacts to this intersection. If the impact of the development causes the intersection to fall below Level of Service D, mitigation efforts will be required as part of the development approval process, or the intensity of rezoning and development approvals that increase traffic volumes will be limited.

Policy 2.1.3: Charlotte County will continue to ensure the provision of convenient and safe bridges, providing access to Gasparilla and Cole Islands through support of the autonomy of the Gasparilla Island Bridge Authority (GIBA), and continued emphasis on the safety of vehicles, golf carts, bicycles and pedestrians through the continued enforcement of traffic regulations and laws.

Policy 2.1.4: Charlotte County will adopt regulations for bicycle safety, golf cart driver age restrictions, and golf cart driver education programs. Charlotte County will require all golf cart vendors/operators to distribute operator's rules to vendees and display rule stickers on rental carts. These regulations will be adopted in the land development regulations within two years of the adoption of this Policy, and will consider requirements for annual licensing with specific options for enforcement and penalties.

Policy 2.1.5: In order to preserve the historic characteristics of the community, Charlotte County will support the use of four-way stop intersections, rather than traffic signals, whenever possible in the Boca Grande community.

Policy 2.1.6: Charlotte County will support efforts to beautify road right-of-ways and enhance the public realm of Boca Grande. In order to maintain low traffic volumes, operating speeds, and noise levels, improvements will emphasize traffic calming techniques, and the need to preserve the aesthetic values of the community. Enhancements may include village streetscaping such as additional street trees, trash receptacles, benches and burying utilities underground.

Policy 2.1.7: Charlotte County will continue to ensure viable hurricane evacuation options for the residents and stakeholders of Boca Grande.

Policy 2.1.8: Charlotte County will support improvement of pedestrian safety by establishing and marking crosswalks throughout the community, and consistently enforcing all regulations on the bike paths, which includes minimum age requirements for operation of golf carts.

Policy 2.1.9: To preserve the capacity of the existing roadways and parking facilities, Charlotte County will adopt regulations within two years of the adoption of this Policy, that address the appropriateness of high impact uses such as fast food restaurants, convenience food stores, and other franchise retail stores and restaurants.

Analysis of Traffic Counts and Level of Service

The Lee County Department of Transportation is required to conduct traffic counts once a year on minor collector roads and four times a year on major arterial roadways. Lee County has a periodic count station, station number 510, located on Gasparilla Road, just south of the Charlotte County line. Periodic count stations do not collect data year round. Rather they collect traffic counts periodically and are adjusted based on factors collected from an appropriate permanent station. Average Annual Daily Traffic (AADT) is determined by taking the periodic count and dividing the raw volume count by the daily and monthly factors obtained from an appropriate permanent count station. The adjusted traffic counts are averaged and rounded to the nearest 100 to determine the AADT.

Figure 19. Average Annual Daily Traffic on Gasparilla Road

Year	2003	2002	2001	2000	1999	1998	1997
Trips	4800	4800	3800	4900	4300	4300	4100

Source: Lee County Department of Transportation

During 2003, the Average Annual Daily Traffic was 4800 trips per day. Although trips in 2001 went down and trips peaked in the year 2000 at 4900 daily trips, the trend since 1997 is a steady increase. From the years 1997 to 2003 the AADT has increased by 700 trips per day, which is an increase of 17%.

Lee County has adopted a minimum Level of Service (LOS) standard for traffic on Gasparilla Road. Service on Gasparilla Road cannot fall below a LOS E, which is the equivalent of 880 trips during the 100th highest hour. Current service was measured at LOS C, which equates to a 100th highest peak hour of 230 trips.

Due to the sensitive nature of the environment on Boca Grande it is imperative that the traffic volume never reach critical level. Although the roadway currently provides the required level of service, it is important that the traffic flow and LOS continue to be closely monitored, since the surrounding area is growing at a rapid rate and it is not expected to slow in the foreseeable future. Charlotte County Policy 2.1.2 will provide the necessary monitoring to ensure continued sufficient transportation service to Boca Grande.

Boca Grande Community Plan

Parking Space Inventory

The Transportation and Parking Subcommittee completed an estimate of the required number of parking spaces in central Boca Grande based on the minimum parking requirements found in the Lee County Land Development Code. Attempts were made to contact each owner for the square footage of the buildings or number of seats for the business. In some cases, these were estimated. The businesses and minimum number of spaces are summarized in *Figure 20*. The minimum parking standards used for the estimate were as follows:

Retail (rt):	1 space per 200 Square Feet
Restaurant (rs):	1 space per 3 seats
Office (o):	1 space per 300 Square Feet
Medical Office:	1 space per 200 Square Feet

Based on these minimum parking standards, the required number of parking spaces is 623.

The Subcommittee also completed an inventory of existing parking spaces available to the public. The total number of spaces identified is 391. The number of spaces is summarized in *Figure 21*, and shown on the accompanying Parking Inventory Key Map. The difference between the required number of spaces and those available is 232, as shown in *Figure 22*.

Figure 20. Estimate of Required Number of Parking Spaces in Central Boca Grande

Location/ Business	Intensity (Square Feet or seats)	Required Number of Spaces	Total Spaces
Park Avenue West			
Pink Pony (rt)	2,160 SF	11	
Boca Rico (rs)	102 seats	34	
McHugh Porter (o)	1,620 SF		
South Plumbing (o)	3,240 SF		
Superior Painting (o)		16	
Subtotal		61	61
<i>Hudson's (rt)</i>	3,500 SF	17	
(1) 2-bedroom		2	
(1) 1-bedroom		1	
Subtotal		20	20
<i>Italiano Building</i>			
Retail	1,875 SF	9	
Office	1,125 SF	4	

Boca Grande Community Plan

Location/ Business	Intensity (Square Feet or seats)	Required Number of Spaces	Total Spaces
(2) 1-bedroom		2	
Subtotal		15	15
<i>Little Ariel</i>			
Retail	1,000 SF	5	
(1) 2-bedroom		2	
(1) 1-bedroom		1	
Subtotal		8	8
Melvin Boca Grande Partners (rt)	4,400 SF	22	22
<i>Fugates</i> (rt)	4,265 SF	21	
Artistic	234 SF	1	
Boca Cabana	674 SF	3	
Parsley Baldwin	1,520 SF	7	
Subtotal		32	32
<i>Boca Grande Outfitters</i>			
Retail	750 SF	4	
Storage	1,000	2	
Four Offices	1,750 SF	6	
Subtotal		12	12
<i>Holly's Gifts</i>			
Retail	750 SF	4	
(2) 2-bedroom		4	
(1) 1-bedroom		1	
Subtotal		9	9
<i>Bike Shop</i>			
Retail (2 stories)	7318 SF	37	
Barber Shop	150 SF	1	
Royal Palm	150 SF	1	
(4) 2-bedroom		8	
1 efficiency		1	
Subtotal		48	48
<i>Theatre Building</i>			
P.J. Seagrille	151 seats	50	
Gallery (rt)	700 SF	3	
Jewelry (rt)	200 SF	1	
Office/Storage	2,600 SF	9	
Subtotal		63	63
<i>Palermo</i>			
Retail	3,550 SF	17	
1 Efficiency		1	
Subtotal		18	18
Park Avenue (East)			
<i>Railroad Depot</i>			

Boca Grande Community Plan

Location/ Business	Intensity (Square Feet or seats)	Required Number of Spaces	Total Spaces
Retail	4,101 SF	20	
Office	3,247 SF	11	
(1) 2-bedroom		2	
Subtotal		33	33
<i>Temptation</i>			
Restaurant	130 seats	43	
(4) 1-bedroom		4	
1 efficiency		1	
Subtotal		48	48
<i>Hill Building</i>			
Retail	3,600 SF	18	
(4) 2-bedroom		8	
Subtotal		26	26
Clinic	3,000 +/-	15	15
Railroad Avenue			
Loon's (rt)	1,250 SF	6	6
Palermo (rt)	2,600 SF	13	13
<i>Gande Aire</i>			
Retail	2,500 SF	12	
Shop (rt)	200 SF	1	
Subtotal		13	13
Barnicol (rt)	5,000 SF	25	25
Bakery	2,800 SF	14	14
Nextel (o)	1,430 SF	5	5
<i>Grande Impressions</i>			
Bowen Construction (o)			
Boca Grande Limo (o)	1,250 SF	4	4
Gem Garden (rt)	1,000 SF	5	5
Galleria (rt)	3,500 SF	17	17
Railroad Plaza (rt)	6,121 SF	31	31
Italiano Insurance (o)	1,920 SF	6	6
Palm Building (o)	2,400 SF	8	8
Boca Grande Real Estate (o)	5,400 SF	18	18
Smarts Studio (rt)	1,812 SF	9	9
<i>444 Fourth Street</i>			
(2) 1-bedroom		2	
3 retail shops	3,500 SF	17	
Subtotal		19	19
Total Parking Spaces			623

Figure 21. Inventory of Public Parking Spaces in Central Boca Grande

Map Key	Location	Number of Available Parking Spaces
#1	Park Avenue (3 rd to 5 th)	88
#2	West Railway (4 th to 5 th)	30
#3	East Railway (3 rd to 5 th)	79
#4	3 rd Street (Gilchrist to Tarpon)	39
#5	4 th Street (Gilchrist to Tarpon)	63
#6	5 th Street (Gilchrist to Tarpon)	43
#7	Gilchrist parking Lot at 5 th Street	49
	Total Available Spaces	391

Figure 22. Difference Between Required Parking Spaces and Actual Spaces Available in Central Boca Grande

Required Number of Spaces	623
Available Number of Spaces	391
Parking Space Shortage	232

The community recognizes that the shortage does not necessarily suggest there is a need to provide 232 additional parking spaces in central Boca Grande. This could have a drastic impact on the character of the commercial village. However, the 232 parking space difference does help to explain the congestion and lack of parking which the community experiences during peak season.

As with all pedestrian oriented districts, users should be encouraged to park once, and at the same time discouraged from making unnecessary trips in their automobile. Therefore, unlike the suburban, automobile oriented development standards which are currently in place, the community needs to explore parking requirements which reflect the needs of the commercial village.

Lee County Objective 2.2 requests a comprehensive parking and traffic study be completed in order to devise an overall parking strategy to address the current conditions. Lee County Policy 2.2.1 provides ideas which should be considered in the study while devising a park once strategy. Revised parking standards will work in concert with improved trailblazing signage, shared public and private

parking opportunities, convenient and safe locations for golf cart users, and improved or additional parking as determined by the study.

Parking Inventory Key Map

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Element III - Conservation and Coastal Management

Lee County

Goal 3: Lee County will preserve, protect, and, where possible, enhance the physical integrity, village character, ecological values, and natural beauty of Boca Grande and Gasparilla Island, focusing upon the diverse and healthy native vegetation, the clear offshore waters, and the varied and abundant native marine and wildlife resources in a manner compatible with the Gasparilla Island Conservation District Act, the promotion and preservation of the historic Boca Grande village as a thriving community, and preservation of Gasparilla Island's historic heritage.

Objective 3.1: Lee County will support the efforts of the Federal and State authorities, and the Boca Grande community to preserve, protect, and enhance the positive environmental qualities of Gasparilla Island. Lee County will involve local community organizations in the planning process and will enforce these community plan policies through implementation in the land development regulations.

Policy 3.1.1: Lee County will support and encourage beach renourishment and other efforts to maintain the beaches and protect Gasparilla Island from tidal events.

Policy 3.1.2: Lee County will assist the Boca Grande community in evaluating and promoting the creation of a Municipal Services Benefit Unit, or a Florida Erosion Control District, for assistance in funding beach renourishment projects.

Policy 3.1.3: Lee County will support the State's efforts to protect and preserve mangroves both on private properties as well as within public lands and easements. Not later than December 31, 2005, Lee County will review the State regulations regarding mangrove trimming and removal and determine whether additional protections need to be enacted on Gasparilla Island to protect its fragile environment.

Policy 3.1.4: Since future use of the 9.19 acres of land owned by Florida Power & Light at the south end of Gasparilla Island as passive open space will best serve the goal of enhancing the beauty and environmental integrity of the Island, Lee County will assist private and public efforts to acquire the land for that purpose through financial, administrative and political

measures. Lee County will also maintain the Public Facilities designation of the property on the Lee County Future Land Use Map and ensure that no action is permitted that is inconsistent with that designation.

Policy 3.1.5: Lee County will strictly enforce its own policies related to the preservation of the beach dune system, beach dune vegetation, and beach dune wildlife, by prohibiting any construction seaward of the coastal construction control line without clear, convincing, and incontrovertible evidence that no reasonable use of a property would exist without such alterations. This policy shall not apply to the placement of raised walkways intended to cross over the dune system from adjoining properties, nor will it apply to bona fide beach renourishment and shoreline protection efforts. Lee County will support the State's efforts to protect the beach dune system, beach dune vegetation, and beach dune wildlife communities on Gasparilla Island.

Policy 3.1.6: The Beach renourishment efforts of Lee County will include the re-establishment of a beach dune system, beach dune vegetation, and beach dune wildlife communities, including nesting birds and turtles, to the greatest extent practicable. Lee County will monitor and enforce its policies and regulations protecting dunes, dune vegetation, and dune wildlife communities on Gasparilla Island. Any rock or hard revetment will be covered with sand and planted with salt resistant native plants.

Policy 3.1.7: Except for emergency events and red tide, or similar, clean-up activities, Lee County will ban vehicular traffic from all beaches on Gasparilla Island and will provide enforcement of the ban.

Policy 3.1.8: Lee County will use regulatory powers to preserve, protect, and enhance the marine habitat surrounding Gasparilla Island, including sea grass beds, manatee habitat, estuarine habitat, and near shore waters of Gasparilla Island.

Policy 3.1.9: Lee County will review and enforce all permits for new dock construction to assure the protection of sea grass beds, manatee habitat, tarpon fishing grounds, and other environmental values intrinsic to Charlotte Harbor. Copies of dock and shoreline permits will be sent to the Document Clearing House as established pursuant to Policy 1.1.4.

Boca Grande Community Plan

Policy 3.1.10: Lee County will assist in the enforcement of management standards established by the Southwest Florida Regional Harbor Board for vessel moorings in anchorages and bayous of Gasparilla Island.

Policy 3.1.11: Within two years of the adoption of this Policy, Lee County will establish policies and guidelines for beach clean-up during red tide and similar extraordinary tidal events.

Policy 3.1.12: Within two years of the adoption of this Policy, Lee County will establish a program to restore the plant diversity on County owned lands on Gasparilla Island through the removal of exotic vegetation and its replacement with native species. Such a program will be phased so that the general character of the community will be maintained during the maturation process. Exotic species which are killed in place will be removed as appropriate so as not to create a negative impact or create a hazard to the community.

Policy 3.1.13: Lee County will support programs that provide periodic clean-up activities in aquatic preserves, on the beaches of Gasparilla Island, and at beach access points on Gasparilla Island.

Policy 3.1.14: Lee County will work in conjunction with Charlotte County to implement a plan to stop the proliferation of iguanas and other exotic fauna on Gasparilla Island.

Policy 3.1.15: Lee County will provide financial and political support for research into the causes and control of red tide and other similar extraordinary tidal events through the support of Solutions to Avoid Red Tide, Inc. (S.T.A.R.T.) and other efforts to address and remedy the problems associated with these occurrences.

Objective 3.2: Lee County will manage public resources and direct public efforts to preserve, protect, and enhance the natural environments on Gasparilla Island through measures to control the risk of harm attributable to human impact.

Policy 3.2.1: Lee County will strictly enforce all regulations limiting noise, consumption of alcoholic beverages, littering, signage, and any nuisance activities on all public lands, rights of way, beaches, beach accesses, and public easements.

Policy 3.2.2: Within two years of the adoption of this Policy, Lee County will adopt an ordinance which creates a buffer zone around all of Gasparilla Island extending seaward not less than 1,000' from the mean high tide line. The ordinance will also limit the speed of personal watercraft, commonly known as jet skis, to idle speed in that zone, and limit the speed of other boats in that zone as appropriate.

Policy 3.2.3: Lee County will support efforts to preserve, protect, and, where possible, enhance the tarpon and game fish population of Charlotte Harbor and the near shore waters of the Gulf of Mexico.

Boca Grande Community Plan

Element III - Conservation and Coastal Management Charlotte County

Goal 3: Charlotte County will preserve, protect, and, where possible, enhance the physical integrity, village character, ecological values, and natural beauty of Boca Grande and Gasparilla Island, focusing upon the diverse and healthy native vegetation, the clear offshore waters, and the varied and abundant native marine and wildlife resources in a manner compatible with the Gasparilla Island Conservation District Act.

Objective 3.1: Charlotte County will support the efforts of the Federal and State authorities, and the Boca Grande community to preserve, protect, and enhance the positive environmental qualities of Gasparilla Island. Charlotte County will involve local community organizations in the planning process and will enforce these community plan policies through implementation in the land development regulations.

Policy 3.1.1: Charlotte County will support and encourage beach renourishment and other efforts to maintain the beaches and protect Gasparilla Island from tidal events.

Policy 3.1.2: Charlotte County will assist the Boca Grande community in evaluating and promoting the creation of a Municipal Services Benefit Unit, or a Florida Erosion Control District, for assistance in funding beach renourishment projects.

Policy 3.1.3: Charlotte County will support the State's efforts to protect and preserve mangroves both on private properties as well as within public lands and easements. Not later than December 31, 2005, Charlotte County will review the State regulations regarding mangrove trimming and removal and determine whether additional protections need to be enacted on Gasparilla Island to protect its fragile environment.

Policy 3.1.4: Charlotte County will strictly enforce its own policies related to the preservation of the beach dune system, beach dune vegetation, and beach dune wildlife, by prohibiting any construction seaward of the coastal construction control line without clear, convincing, and incontrovertible evidence that no reasonable use of a property would exist without such alterations. This policy shall not apply to the placement of raised walkways intended to cross over the dune system from adjoining properties, nor will it

apply to bona fide beach renourishment and shoreline protection efforts. Charlotte County will support the State's efforts to protect the beach dune system, beach dune vegetation, and beach dune wildlife communities on Gasparilla Island.

Policy 3.1.5: The beach renourishment efforts of Charlotte County will include the re-establishment of a beach dune system, beach dune vegetation, and beach dune wildlife communities, including nesting birds and turtles, to the greatest extent practicable. Charlotte County will monitor and enforce its policies and regulations protecting dunes, dune vegetation, and dune wildlife communities on Gasparilla Island. Any rock or hard revetment will be covered with sand and planted with salt resistant native plants.

Policy 3.1.6: Except for emergency events and red tide, or similar, clean-up activities, Charlotte County will ban vehicular traffic from all beaches on Gasparilla Island and will provide enforcement of the ban.

Policy 3.1.7: Charlotte County will use regulatory powers to preserve, protect, and enhance the marine habitat surrounding Gasparilla Island, including, but not limited to, sea grass beds, manatee habitat, estuarine habitat, and near shore waters of Gasparilla Island.

Policy 3.1.8: Charlotte County will review and enforce all permits for new dock construction to assure the protection of sea grass beds, manatee habitat, tarpon fishing grounds, and other environmental values intrinsic to Charlotte Harbor. Copies of dock and shoreline permits will be sent to the Boca Grande Document Clearing House as established pursuant to Policy 1.1.8.

Policy 3.1.9: Charlotte County will assist in the enforcement of management standards established by the Southwest Florida Regional Harbor Board for vessel moorings in anchorages and bayous of Gasparilla Island.

Policy 3.1.10: Within two years of the adoption of this Policy, Charlotte County will establish policies and guidelines for beach clean-up during red tide and similar extraordinary tidal events.

Policy 3.1.11: Within two years of the adoption of this Policy, Charlotte County will establish a program to restore the plant diversity on County owned lands on Gasparilla Island through the removal of exotic vegetation

and its replacement with native species. Such a program will be phased so that the general character of the community will be maintained during the maturation process. Exotic species which are killed in place will be removed as appropriate so as not to create a negative impact or create a hazard to the community.

Policy 3.1.12: Charlotte County will support programs that provide periodic clean-up activities in aquatic preserves, on the beaches of Gasparilla Island, and at beach access points on Gasparilla Island.

Policy 3.1.13: Charlotte County will work in conjunction with Lee County to implement a plan to stop the proliferation of iguanas and other exotic fauna on Gasparilla Island.

Policy 3.1.14: Charlotte County will provide financial and political support for research into the causes and control of red tide and other similar extraordinary tidal events through the support of Solutions to Avoid Red Tide, Inc. (S.T.A.R.T.) and other efforts to address and remedy the problems associated with these occurrences.

Objective 3.2: Charlotte County will manage public resources and direct public efforts to preserve, protect, and enhance the natural environments on Gasparilla Island through measures to control the risk of harm attributable to human impact.

Policy 3.2.1: Charlotte County will strictly enforce all regulations limiting noise, consumption of alcoholic beverages, littering, signage, and any nuisance activities on all public lands, rights of way, beaches, beach accesses, and public easements.

Policy 3.2.2: Within two years of the adoption of this Policy, Charlotte County will adopt an ordinance which creates a buffer zone around all of Gasparilla Island extending seaward not less than 1,000' from the mean high tide line. The ordinance will also limit the speed of personal watercraft, commonly known as jet skis, to idle speed in that zone, and limit the speed of other boats in that zone as appropriate.

Policy 3.2.3: Charlotte County will support efforts to preserve, protect, and, where possible, enhance the tarpon and game fish population of Charlotte Harbor and the near shore waters of the Gulf of Mexico.

Boca Grande Community Plan

Solutions To Avoid Red Tide (START)

Solutions To Avoid Red Tide (START), founded in 1995 by General Jim Patterson the former Mayor of Longboat Key, Florida, is a grass roots, non-profit, citizen organization dedicated to funding and promoting efforts for the prevention, control and mitigation of red tide. START also wishes to increase public awareness of the risks and concerns of red tide and to communicate what is being done about it.

The goals of START include keeping federal, State and local officials aware of the need to provide continual funding for research into the nature of red tide. In addition, START researches for methods to control and mitigate red tide without negatively impacting the environment.

The START program has chapters in Longboat Key, Boca Grande and Bonita Springs.

Charlotte Harbor National Estuary Program

Charlotte Harbor National Estuary Program is a partnership that protects the estuaries and watershed from Venice to Estero Bay to Winter Haven. This partnership gives people in the 4,400-square-mile study area a voice to address diverse resource management concerns including fish and wildlife habitat loss, water quality and water flow.

The goals for this program include:

- Improve the environmental integrity of the Charlotte Harbor study area.
- Preserve, restore, and enhance seagrass beds, coastal wetlands, barrier beaches, and functionally related uplands.
- Reduce point and non-point sources of pollution to attain desired uses of the estuary.
- Provide the proper fresh water inflow to the estuary to ensure a balanced and productive ecosystem.
- Develop and implement a strategy for public participation and education.
- Develop an accessible information management system that integrates data on the Charlotte Harbor study area pertinent to harbor and watershed management.

Boca Grande Community Plan

The area that affects Boca Grande is the Charlotte Harbor estuary. Charlotte Harbor lies primarily in Charlotte County and connects to the Gulf of Mexico through Boca Grande Pass. Although Charlotte Harbor has an area of 270 square miles, much of the harbor is very shallow. Areas of deep harbor water extend up into the lower Myakka and Peace Rivers. Sandy shelves make up the harbor “walls” including Cape Haze on the west, and Punta Gorda/Cape Coral on the east. Much of this land is publicly owned. With recent growth in the area much of the natural habitat has been displaced by platted lots and suburban development. As people continue to crowd this area the impacts of man-made canals, septic systems, mangrove trimming, and loss of upland habitats require more careful management.

The goals listed above institute a long-term vision of the regions resources. All of these goals are possible with local commitment and participation in the implementation of the Comprehensive Conservation and Management Plan for the Greater Charlotte Harbor Watershed.

Boca Grande Community Plan

Element IV - Community Facilities and Services Lee County

Goal 4: Lee County will seek to ensure the continued delivery of high quality, accessible community facilities and services that meet the educational, recreational, informational, and public safety, health and welfare needs of the residents, visitors and stakeholders of Boca Grande.

Objective 4.1: Through the administration of county services, the Land Development and Administrative Codes, and the cooperative efforts of interagency and intergovernmental agreements, Lee County will continue to provide utilities and infrastructure; emergency, law enforcement and fire protection services; education, information resource and recreation services; and mosquito and animal control services, in a safe and efficient manner.

Policy 4.1.1: Lee County will seek to maintain and enhance the public/private partnership for the operation and enhancement of the Boca Grande Community Center and other County operated facilities open to the public in the community of Boca Grande.

Policy 4.1.2: Lee County will cooperate with the Gasparilla Island Water Association (GIWA) to ensure the continued provision of potable water and sanitary sewer service to the community of Boca Grande. Lee County will continue to support the Wellhead Protection regulations adopted by the GIWA and Charlotte County to protect and preserve the sources upon which the community of Boca Grande relies for its potable water.

Policy 4.1.3: Lee County will facilitate and provide for the disposal of solid waste, including refuse, recyclables, and horticultural waste. Lee County will enter into an inter-governmental agreement with Charlotte County, if necessary, to ensure that the community of Boca Grande will have access to Charlotte County's solid waste disposal area located on Environmental Way in Charlotte County .

Policy 4.1.4: Lee County will facilitate and cooperate with the applicable mosquito control district to ensure that adequate measures are undertaken to control the health risk that mosquitoes represent. Lee County will continue to support the utilization of safe, effective, and environmentally responsible measures for mosquito control, recognizing the need to preserve local flora and fauna, including marine life.

Policy 4.1.5: Lee County will work with the applicable mosquito control district to facilitate the dissemination of aerial spraying schedules, as well as any threat to the public health, to the community of Boca Grande, the Boca Grande Health Clinic, and the newspapers that serve the community of Boca Grande.

Policy 4.1.6: Lee County will support the operation and enhancement of a reference library facility, including the provision and improvement of adequate electronic based equipment, internet access, and software, in cooperation with local community organizations. Professionally trained library personnel will manage and operate the facility. Lee County will seek an inter-governmental agreement with Charlotte County as may be required to provide cross-jurisdictional support of library and information resource services for residents of the community of Boca Grande.

Policy 4.1.7: So long as local interest exists in the community of Boca Grande to maintain an Island School to serve the population of the community of Boca Grande, Lee County will support the Lee County School Board, if necessary, with an inter-local agreement, in maintaining a viable school site and educational programs. Such support may include, but is not limited to, facilitation of land use regulations, joint use of community resources, funding assistance, joint utilization of staffing, or other applicable coordination efforts.

Policy 4.1.8: Lee County will cooperate with the Boca Grande Fire Control District (BGFCDD) in the provision of fire protection services to the community of Boca Grande. Such cooperation will include, but will not be limited to, recognition that the Fire Chief of the BGFCDD has the authority for interpretation and enforcement of fire codes in the community of Boca Grande. All homes will be required to have the address clearly posted on the property.

Policy 4.1.9: Lee County will provide the necessary communications infrastructure as required to manage and dispatch all 911 calls affecting the community of Boca Grande, entering into agreements as necessary with the BGFCDD and Charlotte County.

Policy 4.1.10: Lee County will cooperate in the establishment of inter-local agreements between and among all necessary parties to provide for: 1) the

appropriate handling of hazardous materials incidents; 2) mutual aid agreements with the Englewood Fire Control District and Charlotte County Fire and EMS; 3) advanced life support emergency medical services; and 4) back-up EMS response as may be required by the community of Boca Grande.

Policy 4.1.11: Lee County will cooperate as necessary in the provision of communications, information distribution, public service meetings, educational efforts, and a local liaison for emergency situations affecting the community of Boca Grande. Lee County will maintain an up-to-date list of first-in team contacts, cooperate as necessary with applicable jurisdictions and service providers for communication of evacuation status, shelter locations, and re-entry information in the event of an emergency situation. The issuance of evacuation notices will be coordinated with Charlotte County. Lee County will work with other local, State, and Federal authorities as necessary to assist in the provision of adequate means by which the community of Boca Grande can be evacuated through the Cape Haze Peninsula in the event of an emergency situation. It is acknowledged that the appropriate Emergency Operations Center (EOC) is determined by the Boca Grande Fire Control District.

Policy 4.1.12: Lee County Emergency Medical Services shall provide land or air transportation to the most appropriate facility based on the patients medical history and shall maintain a liaison with the Boca Grande Health Clinic to keep the clinic fully informed of all Emergency Medical protocols and procedures for operations and any changes that may be implemented whether temporary or permanent. The Boca Grande Health Clinic shall be informed relating to any public health issues or public county health problems.

Policy 4.1.13: Lee County will promote and assist as necessary in the provision of a full-time police and law enforcement presence for the community of Boca Grande. Cooperative arrangements in the form of inter-local agreements, or other mechanisms as may be applicable, between Lee and Charlotte County will be supported if necessary.

Policy 4.1.14: The Lee County Department of Transportation will continue to provide the necessary maintenance and improvements on all public rights-of-way to ensure the continued safety and efficiency of roadways, paths, and surface water management systems.

Boca Grande Community Plan

Element IV - Community Facilities and Services Charlotte County

Goal 4: Charlotte County will seek to ensure the continued delivery of high quality, accessible community facilities and services that meet the educational, recreational, informational, and public safety, health and welfare needs of the residents, visitors, and stakeholders of Boca Grande.

Objective 4.1: Through the administration of county services, the Land Development and Administrative Codes, and the cooperative efforts of interagency and intergovernmental agreements, Charlotte County will continue to provide utilities and infrastructure; emergency, law enforcement and fire protection services; education, information resource and recreation services; and mosquito and animal control services, in a safe and efficient manner.

Policy 4.1.1: Charlotte County will cooperate with the Gasparilla Island Water Association (GIWA) to ensure the continued provision of potable water and sanitary sewer service to the community of Boca Grande. Charlotte County will work with the GIWA to protect and preserve the sources upon which the community of Boca Grande relies for its potable water. Charlotte County will continue to administer its Wellhead Protection program to protect and preserve the GIWA water sources, and will execute emergency stand-by agreements between Charlotte County Utilities and the GIWA.

Policy 4.1.2: Charlotte County will facilitate and provide for the disposal of solid waste, including refuse, recyclables, and horticultural waste. Charlotte County will enter into an inter-governmental agreement with Lee County, if necessary, to ensure that the community of Boca Grande will have access to Charlotte County's solid waste disposal area located on Environmental Way in Charlotte County.

Policy 4.1.3: Charlotte County will facilitate and cooperate with the applicable mosquito control district to ensure that adequate measures are undertaken to control the health risk that mosquitoes represent. Charlotte County will continue to support the utilization of safe, effective, and environmentally responsible measures for mosquito control, recognizing the need to preserve local flora and fauna, including marine life.

Policy 4.1.4: Charlotte County will work with the applicable mosquito control district to facilitate the dissemination of spraying schedules, as well as any threat to the public health, to the community of Boca Grande, the Boca Grande Health Clinic, and the newspapers that serve the community of Boca Grande.

Policy 4.1.5: Charlotte County will seek an inter-governmental agreement with Lee County as may be required to provide cross-jurisdictional support of library and information resource services for residents of the community of Boca Grande.

Policy 4.1.6: Charlotte County will cooperate with the Boca Grande Fire Control District (BGFCD) in the provision of fire protection services to the community of Boca Grande. Such cooperation will include, but will not be limited to, recognition that the Fire Chief of the BGFCD has the authority for interpretation and enforcement of fire codes in the community of Boca Grande. All homes will be required to have the address clearly posted on the property.

Policy 4.1.7: Charlotte County will cooperate in the establishment of inter-local agreements between and among all necessary parties to provide for: 1) the appropriate handling of hazardous materials incidents; 2) mutual aid agreements with the Englewood Fire Control District and Charlotte County Fire and EMS; 3) advanced life support emergency medical services; and 4) back-up EMS response as may be required by the community of Boca Grande.

Policy 4.1.8: Charlotte County will cooperate as necessary in the provision of communications, information distribution, public service meetings, educational efforts, and a local liaison for emergency situations affecting the community of Boca Grande. Charlotte County will maintain an up-to-date list of first-in team contacts, cooperate as necessary with applicable jurisdictions and service providers for communication of evacuation status, shelter locations, and re-entry information in the event of an emergency situation. The issuance of evacuation notices will be coordinated with Lee County. Charlotte County will work with other local, State, and Federal authorities as necessary to assist in the provision of adequate means by which the community of Boca Grande can be evacuated through the Cape Haze Peninsula in the event of an emergency situation. It is acknowledged

that the appropriate Emergency Operations Center (EOC) is determined by the Boca Grande Fire Control District.

Policy 4.1.9: Charlotte Emergency Medical Services shall provide land or air transportation to the most appropriate facility based on the patients medical history and shall maintain a liaison with the Boca Grande Health Clinic to keep the clinic fully informed of all Emergency Medical protocols and procedures for operations and any changes that may be implemented whether temporary or permanent. The Boca Grande Health Clinic shall be informed relating to any public health issues or public county health problems.

Policy 4.1.10: Charlotte County will promote and assist as necessary in the provision of a full-time police presence and law enforcement for the community of Boca Grande. Cooperative arrangements in the form of inter-local agreements, or other mechanisms as may be applicable, between Charlotte and Lee County will be supported if necessary.

Policy 4.1.11: The Charlotte County Department of Transportation will continue to provide the necessary maintenance and improvements on all public rights-of-way to ensure the continued safety and efficiency of roadways, paths, and surface water management systems, as funded by the existing Municipal Service Benefit Unit (MSBU) known as the Boca Grande Street and Drainage Unit.

Boca Grande Community Plan

Figure 23. Inventory of Existing Intergovernmental Services

Organization	Address
Lee County Mosquito Control, Hyacinth Control	15191 Homestead Road, Lehigh Acres, FL
Lee County Schools	2055 Central Avenue, Ft. Myers, FL
Charlotte County Schools	1445 Education Way Port Charlotte, FL
Lee County Health Dept.	83 Pondella Road, North Fort Myers, FL
South Florida Water Management District	2301 McGregor Boulevard Fort Myers, FL 33901
Lee County Library at Boca Grande Community Center	131 First Street West, Boca Grande, Florida 33921
West Charlotte Sanitation District (all solid waste on Gasparilla)	25550 Harbor View Road, Suite 2 Port Charlotte, FL 33980
Gasparilla Island Water Association	P.O. Box 326, Boca Grande, FL
Boca Grande Fire District	360 E. Railroad Ave, Boca Grande, FL

- The Lee County Mosquito and Hyacinth control provide service to Boca Grande.
- Boca Grande is located in District One of the Lee County School District. Schools serving District One are Cape Elementary, Gulf Elementary, Elementary School "Q" (next to Gulf Elementary), Pelican Elementary, Pine Island Elementary, Skyline Elementary, The Sanibel School (K-8), Trafalgar Elementary, Gulf Middle, Trafalgar Middle, Cape Coral High, and Ida S. Baker High School. None of these schools are located on Boca Grande.
- Boca Grande is located near the Lemon Bay School District of the Charlotte County School District. Schools serving Lemon Bay School District are Vineland Elementary, Myakka River Elementary, L.A. Ainger Middle School, and Lemon Bay High School. Children on Boca Grande attend these schools.
- The Lee County Health Department provides health care to all Lee County residents. The nearest Lee County health facility is located in North Fort Myers. The health clinic on Boca Grande is the Boca Grande Health Clinic, Inc.

Boca Grande Community Plan

- Boca Grande is located in the Lower West Coast planning region of the South Florida Water Management District.
- The Lee County Library system has a branch at the Boca Grande Community Center. This provides the borrowed use of books, newspapers, magazines and videos as well as Internet access.
- The West Charlotte Sanitation District handles solid waste disposal for the Lee County portion of Boca Grande through an inter-local agreement. Charlotte County imposes a surcharge for all waste hauled to the Charlotte County Landfill from the Lee County portion of Boca Grande.
- The Gasparilla Island Water Association has its plant just east of Rotonda West and provides potable water and sanitary sewer service to all of Gasparilla Island. If needed the utility may purchase water from Charlotte County Utilities.

Boca Grande Utility Services

Boca Grande is currently served by Gasparilla Island Water Association (GIWA), a reverse osmosis treatment plant and a color removal plant. It is considered a major Regional Treatment Plant for sewage and water. The maximum sewage capacity is 705,000 gallons per day with a projected usage in 2004 of 612,000 gallons per day. They also have an agreement with Charlotte County Utilities to purchase potable water from them should the need arise. Approximately 1,410 customers are served by GIWA and it operates at an ERU level of service of 763 gallons per capita daily usage.

Figure 24. Boca Grande Water Consumption

Gasparilla Island Water Association Usage	
Charlotte County	31.21% at 238,507 gpd
Lee County	68.79% at 525,693 gpd

Source: Charlotte County Comprehensive Plan

Florida Power & Light (FPL) services Boca Grande for both residential and commercial uses. TECO People's Gas is also available to the island and is quickly becoming a popular choice among the residents. Charlotte County has a class 1 disposal facility with a disposal capacity through the year 2025, with 190 acres for

future growth. Local phone service to the island is provided by Sprint and the main cable provider is Comcast Cable. The utilities accessible to the island are adequate and there appear to be no issues with the capacity levels at this time.

Boca Grande Community Plan

Element V – Open Space, Recreation, and Beautification Lee County

Goal 5: Lee County will seek to promote, protect and enhance existing and potential open space, recreational facilities, and the quality of life for the residents and stakeholders of Boca Grande. These efforts will enhance the aesthetic qualities of Boca Grande and benefit its residents while preserving the characteristics of its fragile barrier island system.

Objective 5.1: Lee County recognizes that Boca Grande represents a unique cross-jurisdictional, barrier island community with distinct physical attributes that govern the preservation of open space and recreational opportunities. Lee County will seek to enhance and protect the quality of life for residents, visitors and stakeholders through the preservation of functional open space and recreational opportunities while seeking to limit demands upon a restricted infrastructure and enhance the aesthetic qualities of Gasparilla Island.

Policy 5.1.1: Lee County will support efforts to protect and enhance the functionality of the eight-mile long pedestrian/bike/electric golf cart path on Gasparilla Island. Lee County recognizes that this eight-mile long linear park and path serves a recreational purpose, a transportation purpose, and an aesthetic purpose for the residents, visitors and stakeholders of the Island. Not later than December 31, 2005, Lee County will undertake efforts to improve the pedestrian/bike/electric golf cart path along the southerly end of the path similar to those improvements located in the northerly, GICIA owned portion of the path.

Policy 5.1.2: Lee County will coordinate public works projects, such as street resurfacing, repairs, maintenance, drainage swales and other surface water management systems, with the Boca Grande community so that they include landscaping and aesthetic options that are in keeping with the concept of promoting, preserving and enhancing the ecological and aesthetic values of Gasparilla Island.

Policy 5.1.3: Not later than December 31, 2005, Lee County will investigate the feasibility of converting Banyan Street to a one-way facility and reducing the pavement width in order to better preserve and protect the banyan trees. Lee County will assist in establishing an historic, scenic or similar type of designation, as recommended in the *Banyan Tree Assessment Report, Banyan Street-Boca Grande, Florida*, prepared by the Lee County

Boca Grande Community Plan

Division of Environmental Sciences, to further provide for the protection and preservation of this unique street area.

Policy 5.1.4: Upon adoption of this Policy, Lee County will prohibit automobile parking on 5th Street from Park to Gilchrist, known as Mahogany and Veterans Park, in order to protect the unique aesthetic features of this roadway.

Policy 5.1.5: Lee County will continue to support the designation of Gasparilla Island as a bird and wildlife sanctuary, as adopted in Lee County Ordinance 83-16. Lee County will support the efforts of Charlotte County for the designation of Cole Island, Live Oak Key, Peekins Ranch Cove and Key, the fishing pier at the old 400 foot railroad bridge, and the peninsula located north of the Lee County line, (as identified in the Open Space Inventory) and all remaining land zoned Environmentally Sensitive, as well as the Charlotte County portion of Gasparilla Island, as a bird and wildlife sanctuary.

Policy 5.1.6: Lee County will support and promote the preservation of environmentally sensitive lands, and will continue to support, promote and investigate additional funding sources for the Gasparilla Island Land Conservancy Stewardship Program and other preservation programs. Element V of the Boca Grande Community Plan includes the inventory of existing community open space and sensitive lands.

Objective 5.2: Lee County shall preserve and maintain the functionality of the existing recreational facilities currently available on the Island.

Policy 5.2.1: Lee County will maintain the existing recreational facilities on Gasparilla Island, including two tennis courts, a basketball court, a volleyball court, the baseball field on Wheeler Street, the various beach access locations, a community playground, the picnic areas, and fishing sites, including one on the Bayou.

Policy 5.2.2: Lee County will assist private and public efforts to acquire the approximately 9.19 acre F. P. & L./Belcher Oil facility at the south end of Gasparilla for the purpose of maintaining it as a passive open space and reestablishing a native beach-dune ecology across the site.

Policy 5.2.3: Lee County will support efforts in the Historic District to install additional native landscaping, especially along Park Avenue and Fourth Street, to provide greater community aesthetics, safer pedestrian movement, landscaped parking areas for automobiles and golf carts and more efficient traffic flow.

Element V – Open Space, Recreation, and Beautification Charlotte County

Goal 5: Charlotte County will seek to promote, protect and enhance existing and potential open space, recreational facilities, and the quality of life for the residents and stakeholders of Boca Grande. These efforts will enhance the aesthetic qualities of Boca Grande and benefit its residents while preserving the characteristics of its fragile barrier island system.

Objective 5.1: Charlotte County recognizes that Boca Grande represents a unique cross-jurisdictional, barrier island community with distinct physical attributes that govern the preservation of open space and recreational opportunities. Charlotte County will seek to enhance and protect the quality of life for residents, visitors and stakeholders through the preservation of functional open space and recreational opportunities while seeking to limit demands upon a restricted infrastructure and enhance the aesthetic qualities of Gasparilla Island.

Policy 5.1.1: Charlotte County will support efforts to protect and enhance the functionality of the eight-mile long pedestrian/bike/electric golf cart path on Gasparilla Island. Charlotte County recognizes that this eight-mile long linear park and path serves a recreational purpose, a transportation purpose, and an aesthetic purpose for the all of the residents, visitors and stakeholders of the Island. The Boca Grande Street and Drainage Unit referred to in Policy 4.1.11 is a potential funding source.

Policy 5.1.2: Charlotte County will coordinate public works projects, such as street resurfacing, repairs, maintenance, drainage swales and other surface water management systems, with the Boca Grande community so that they include landscaping and aesthetic options that are in keeping with the concept of promoting, preserving and enhancing the ecological and aesthetic values of Gasparilla Island.

Policy 5.1.3: Charlotte County will support the designation of Cole Island, Live Oak Key, Peekins Ranch Cove and Key, the fishing pier at the old 400 foot railroad bridge, and the peninsula located north of the Lee County line, (as identified in the Open Space Inventory) and all remaining land zoned Environmentally Sensitive, as well as the Charlotte County portion of Gasparilla Island, as a bird and wildlife sanctuary. Lee County Ordinance 83-16 may serve as a model ordinance.

Policy 5.1.4: Charlotte County will support and promote the preservation of environmentally sensitive lands, and will continue to support, promote and investigate additional funding sources for the Gasparilla Island Land Conservancy Stewardship Program and other preservation programs. Element V of the Boca Grande Community Plan includes the inventory of existing community open space and sensitive lands.

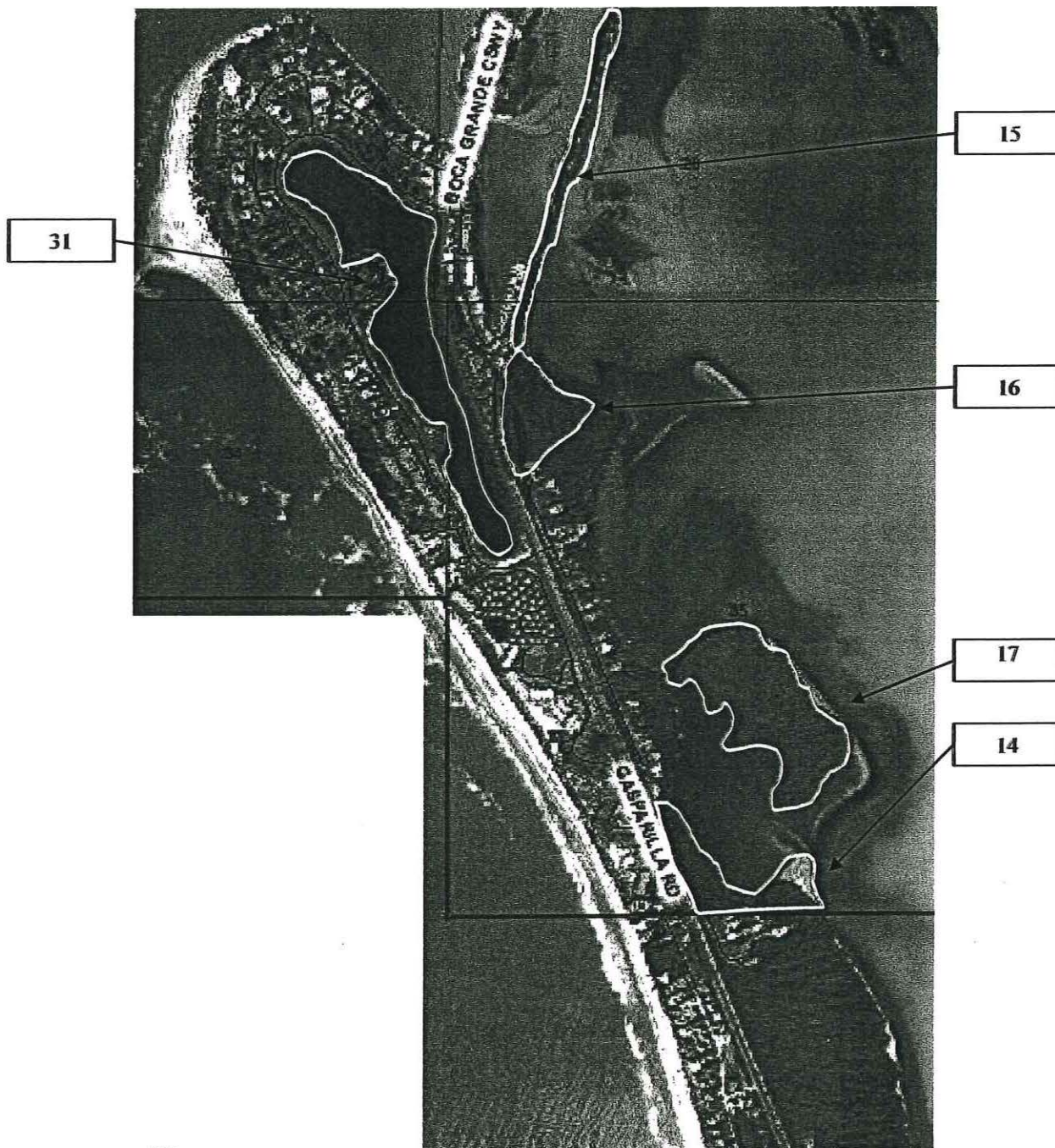
Policy 5.1.5: Charlotte County shall preserve and maintain the functionality of its existing recreational facilities currently available on the Island, including Uncle Henry's fishing site at the old railroad bridge.

Policy 5.1.6: Charlotte County will maintain the causeway islands as natural open space.

Boca Grande Community Plan

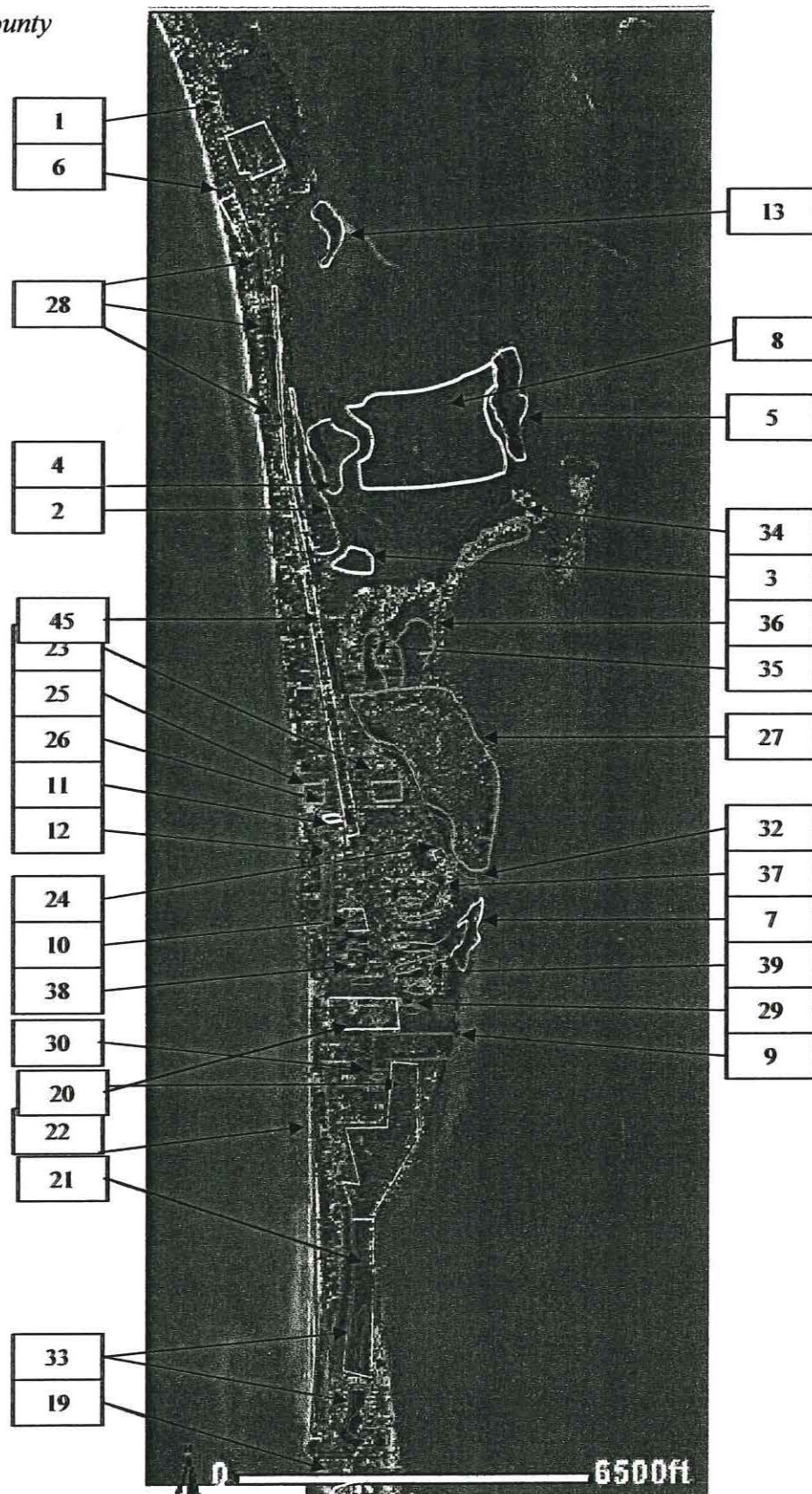
Figure 25. Open Space Inventory Key Map

Charlotte County



Boca Grande Community Plan

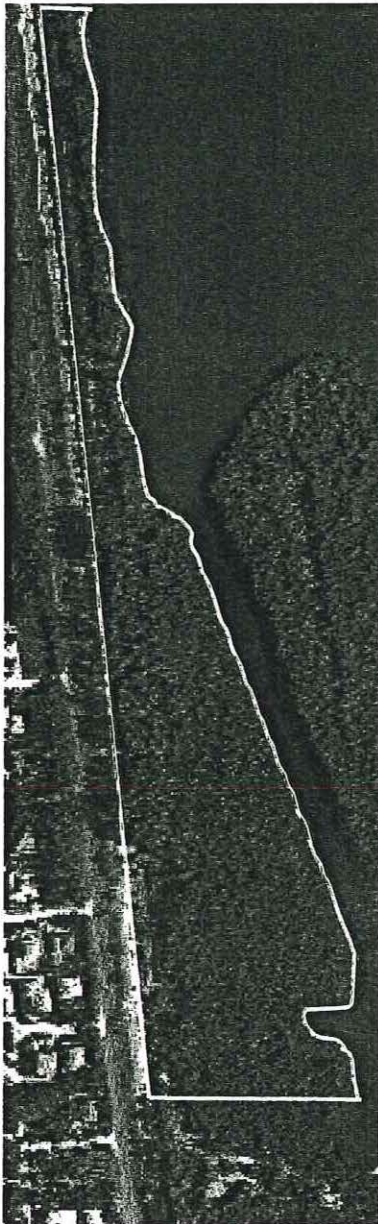
Lee County



Open Space held by Gasparilla Island Conservation and Improvement Association (GICIA)

Boca Grande Community Plan

1. Tract A
(Approximately 35.5 Acres east of
Gasparilla Road)
Owner: GICIA
STRAP: 02-43-20-02-0000A.0010
Zoned: AG-2
FLUM: Urban Community
Wetlands

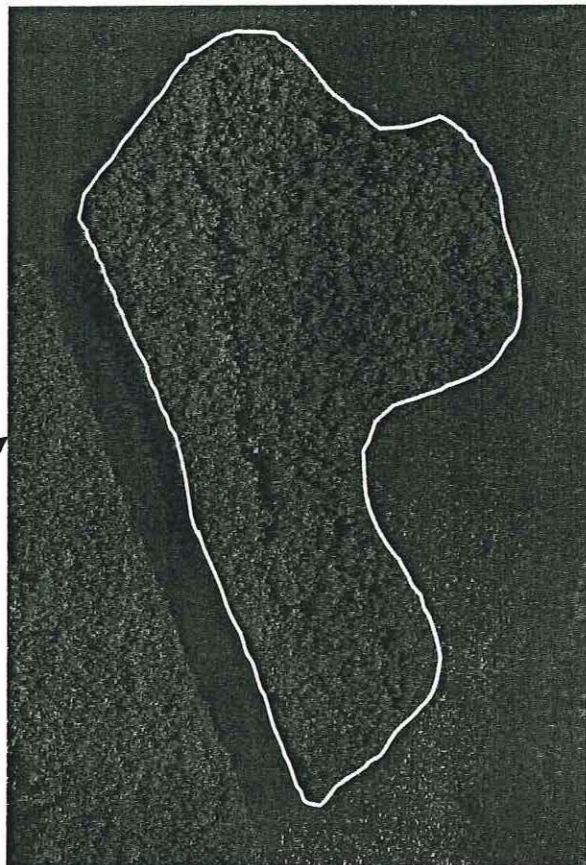


2. Tract B
6000 feet of frontage on Gasparilla Sound (15
Acres)
Nature Trail with Bridge and Bench
Owner: GICIA
STRAP: 11-43-20-02-0000B.0000
Zoned: AG-2
FLUM: Urban Community
Wetlands

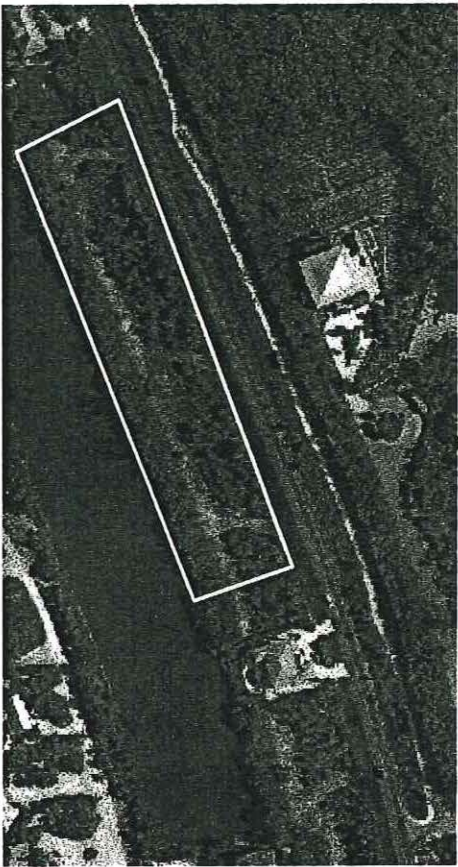
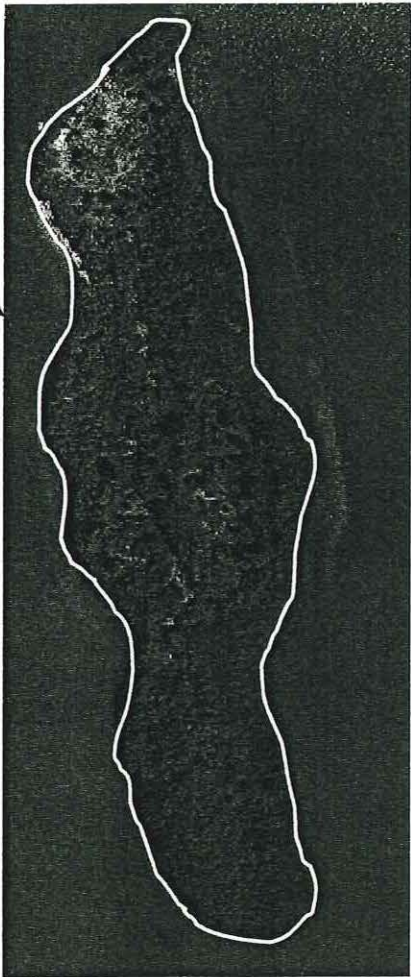
3. Tract C and GICIA Easements
(4.92 Acres)
Owner: GICIA
STRAP: 11-43-20-02-0000C.0000
Zoned: AG-2
FLUM: Wetlands



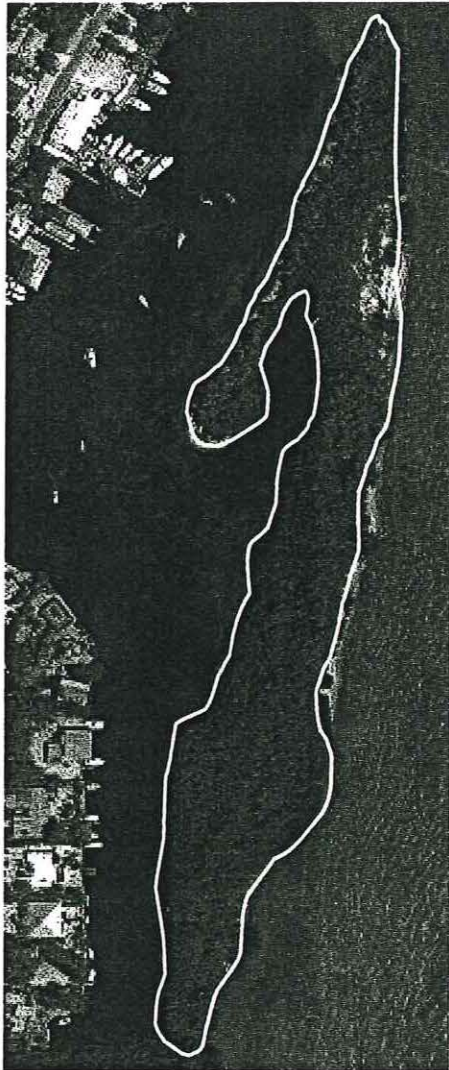
4. Loomis Key
13.7 Acres
Owner: GICIA
STRAP: 11-43-20-00-00001.0000
Zoned: AG-2
FLUM: Wetlands



5. **Hoagen Key**
 14 Acres
Owner: GICIA
STRAP: 12-43-20-00-00001.0000
Zoned: AG-2
FLUM: Wetland
 Outer Island



6. **GICIA Hardwood Hammock**, 7 lots from
 40-45th Street, all exotics removed, replanted
 with native trees.
 3.87 Acres
Owner: GICIA
STRAP: 02-43-20-06-00015.0080
Zoned: RS-1
FLUM: Urban Community



- 7. Peninsula of land across from Whiddens (3.2 acres plus 2.15 Acres referred to as the Harper Parcel)**

Owner: GICIA

STRAP: 13-43-20-00-00002.0000

24-43-20-00-00001.0000

Zoned: AG-2

FLUM: Wetlands

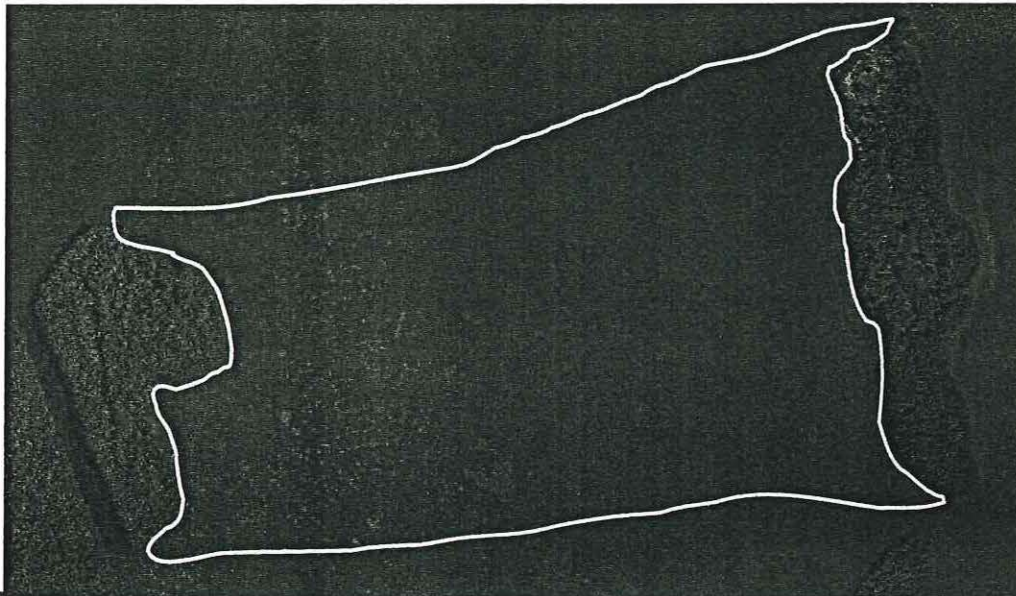
- 8. Submerged Land (113.5 acres)**

Owner: GICIA

STRAP: N/A

Zoned: N/A

FLUM: N/A



Publicly Owned Open Space

**9. Wheeler Street Ball Field and
Property to Northeast**

31 Acres

Owner: Lee County

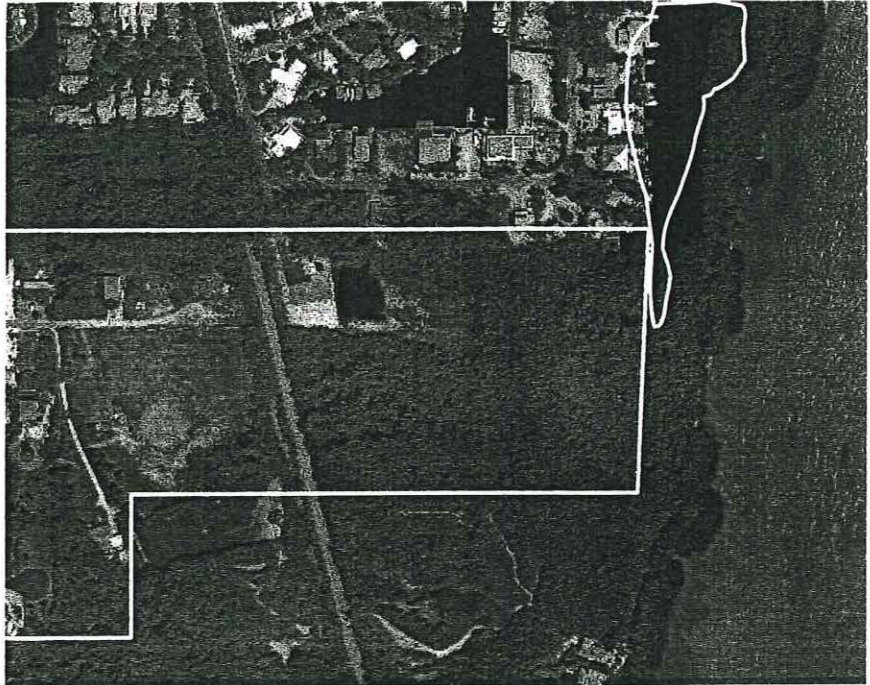
STRAP: 23-43-20-00-00007.1000

23-43-20-00-00002.0000

Zoned: AG-2

FLUM: Conservation Uplands

Conservation Wetlands



**10. Community Center
Complex**

3.72 Acres

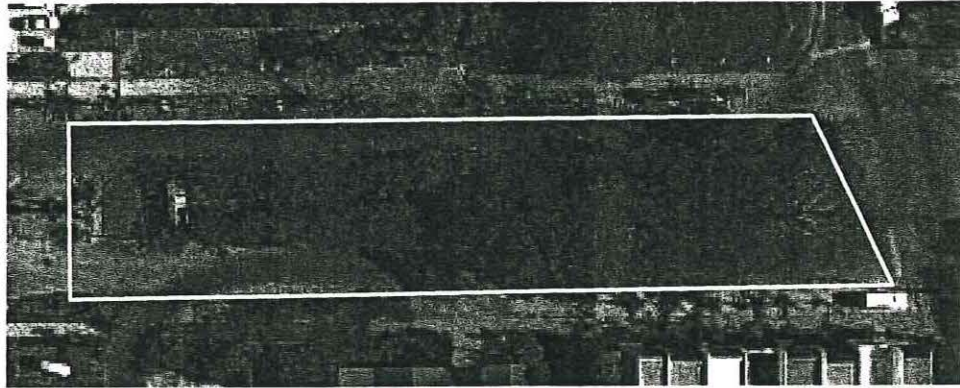
Owner: Lee County

STRAP: 14-43-20-01-00005.0010

Zoned: RS-1

FLUM: Urban Community





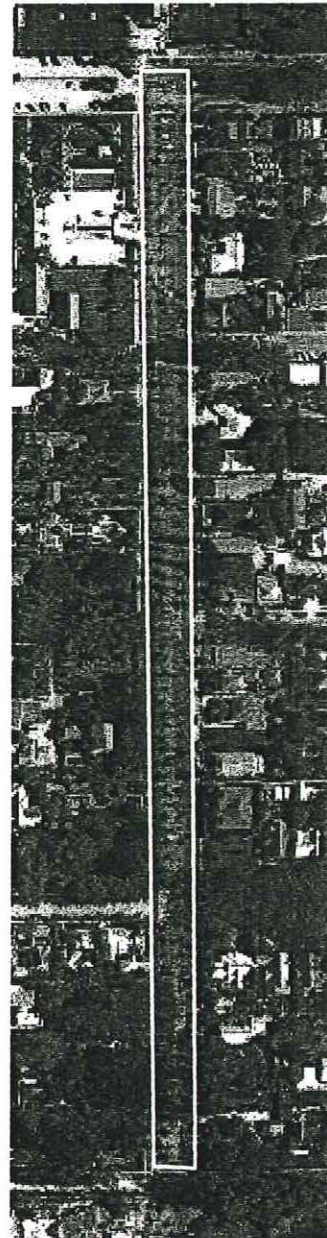
11. The small Boulevard running east and west between Gasparilla Road and Gilchrist, lined with Mahogany Trees and a flagpole monument (Veterans Memorial)

Owner: Lee County

STRAP: Public Right of Way

Zoned: N/A

FLUM: N/A



12. Gilchrist Boulevard

Owner: Lee County

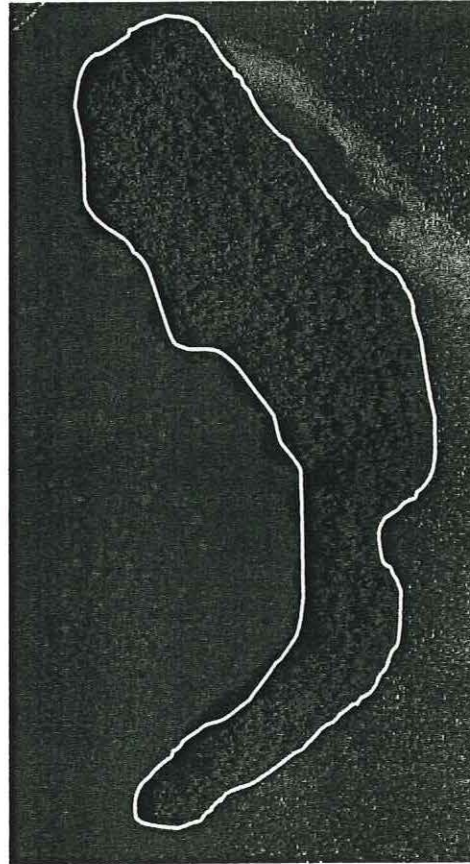
STRAP: Public Right of Way

Zoned: N/A

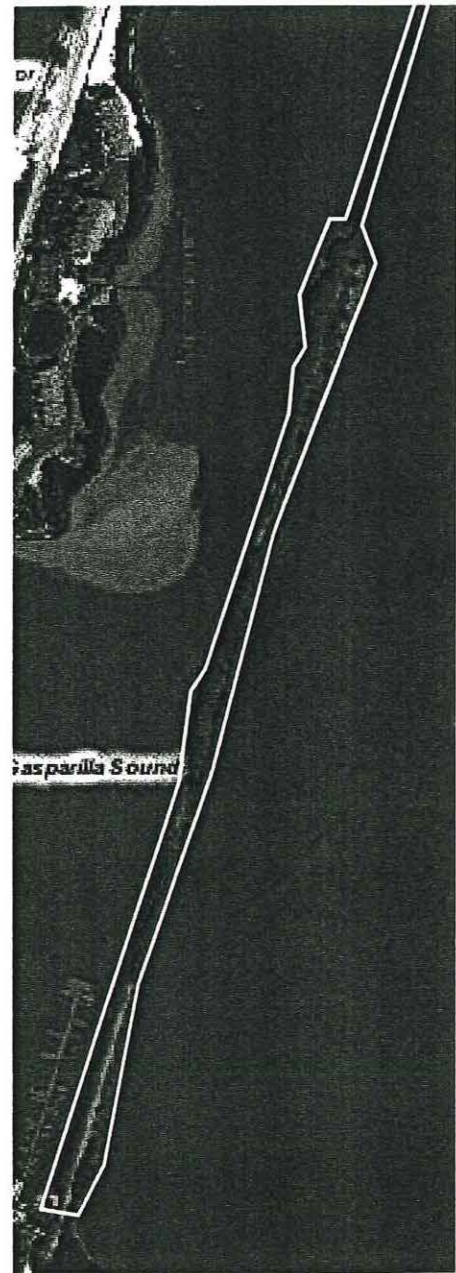
FLUM: N/A

Trust for Internal Improvement Trust
Fund (TIITF)

13. Snail Key
5.11 Acres
Owner: TIITF State of Florida
STRAP: 02-43-20-00-00001.0000
Zoned: AG-2
FLUM: Wetlands



14. Peninsula north of County Line
(Charlotte County)
7.7 Acres
Owner: Charlotte County BOCC
STRAP: 0070369-000000-8
Zoned: ES
FLUM: Preservation



**15. 400' Fishing Pier at old railroad Track at
Uncle Henry's (Charlotte County)**
7.6 Acres
Owner: Charlotte County BOCC
STRAP: 0070353-005000-5
Zoned: ES
FLUM: Preservation

16. Peekins Ranch Cove & Key
(Charlotte County)

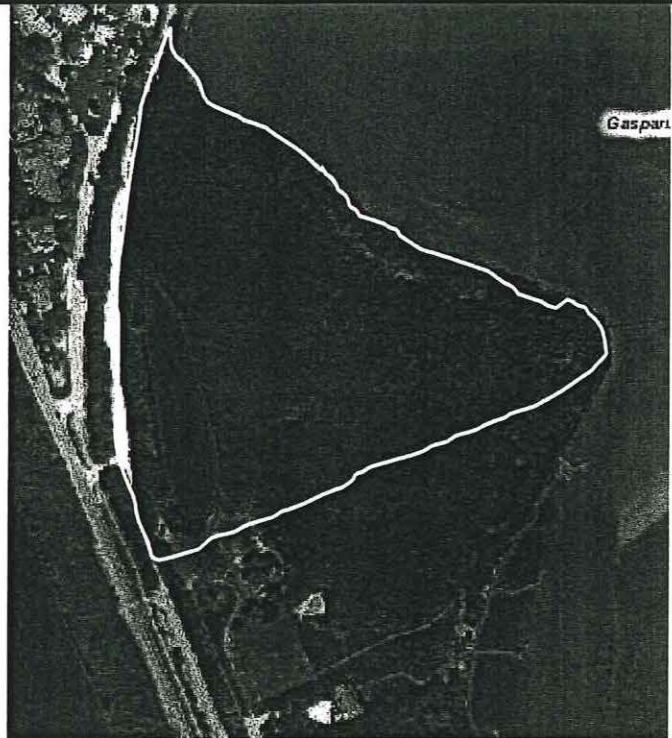
12 Acres

Owner: Charlotte County BOCC

STRAP: 0070366-000000-1

Zoned: ES

FLUM: Preservation



17. Live Oak Key
(Charlotte County)

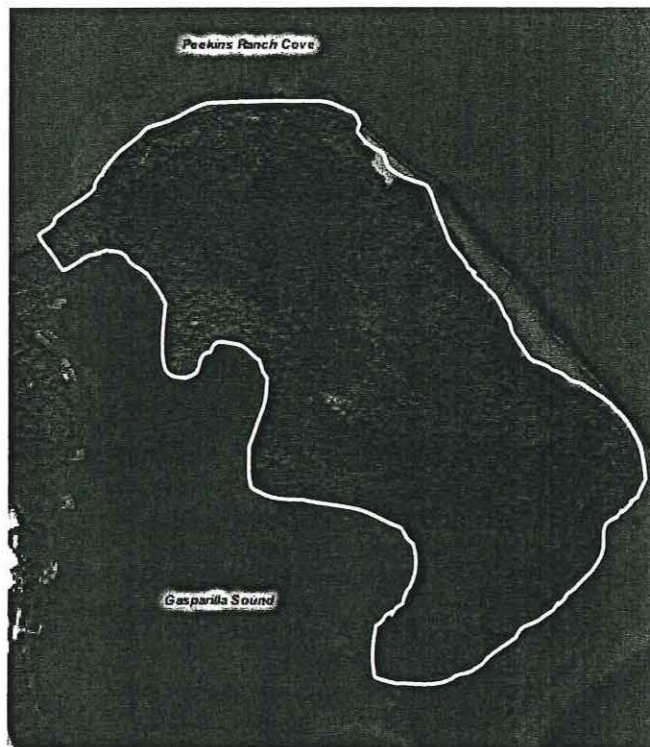
27 Acres

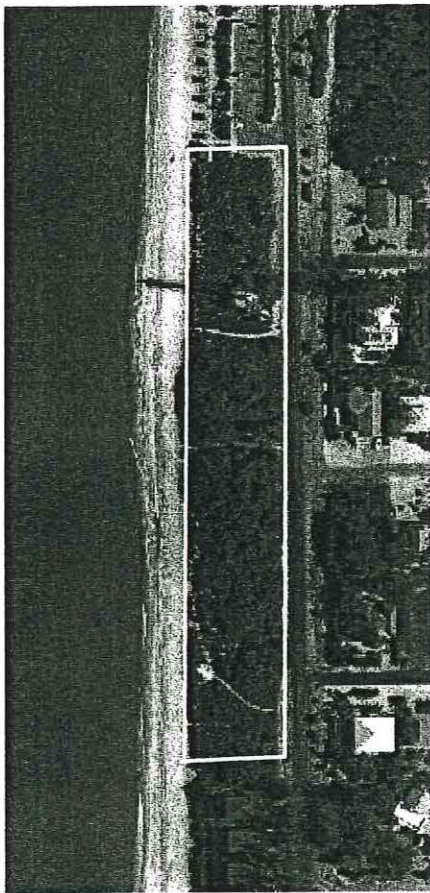
Owner: Charlotte County BOCC

STRAP: 0070368-000000-9

Zoned: ES

FLUM: Preservation





18. Range Light Park West of Gulf Boulevard (5.68 Acres)

Owner: U.S. Fish and Wildlife

STRAP: 23-43-20-00-00007.0000

Zoned: AG-2

FLUM: Conservation Lands Uplands



**19. Lighthouse museum
constructed in 1890
13 Acres**

Owner: THTF State of Florida

STRAP: 26-43-20-00-00011.0000
35-43-20-00-00001.0000

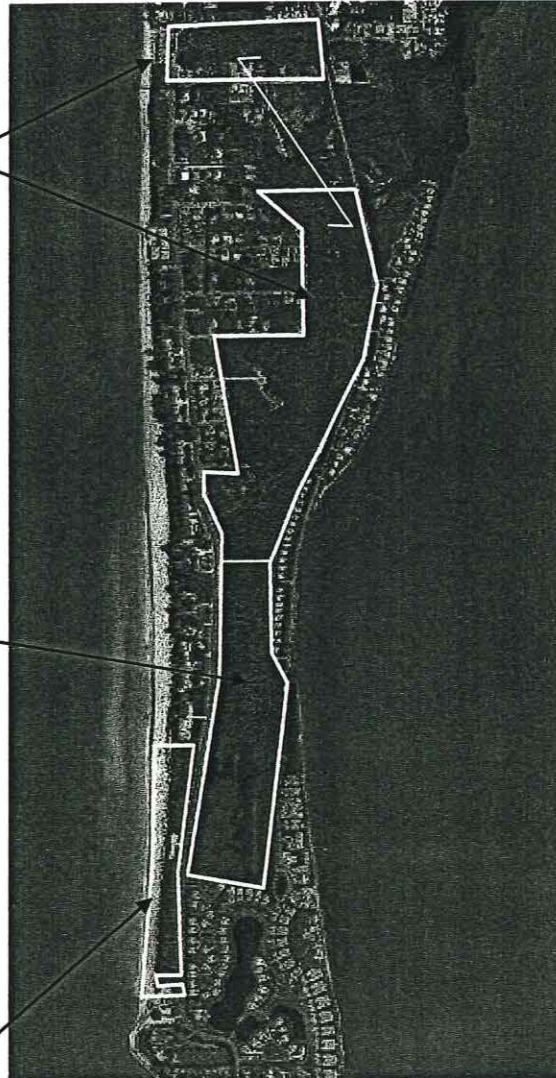
Zoned: TFC-2

FLUM: Conservation Uplands

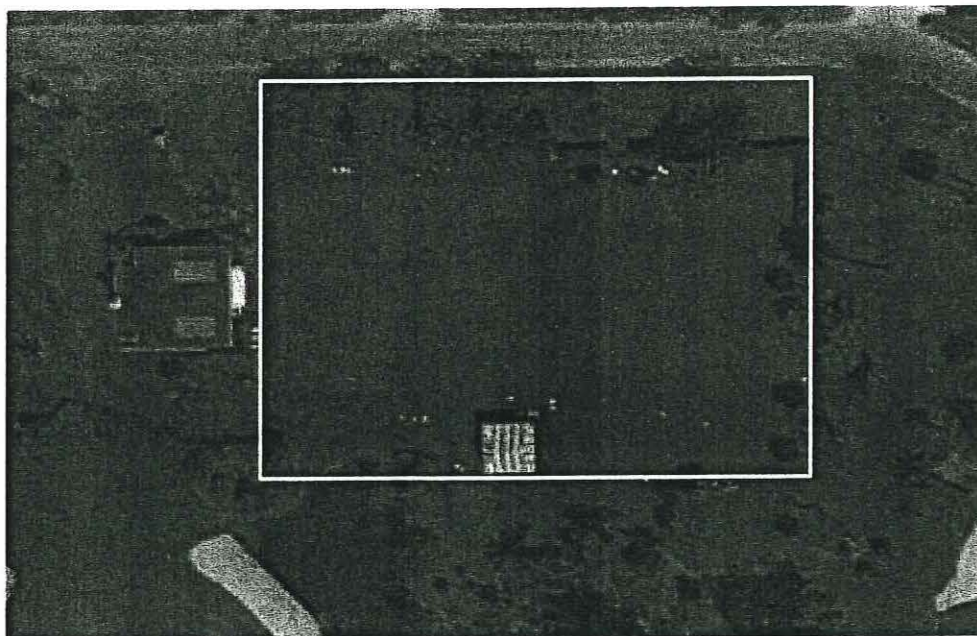
20. Government Open Space
Mid-Island Preserve
59.08 Acres
Owner: THITF State of Florida
STRAP: 23-43-20-00-00008.0000
Zoned: AG-2
FLUM: Public Facilities

21. Government Open Space
33.02 Acres
Owner: THITF State of Florida
STRAP: 26-43-20-00-00100.0000
Zoned: AG-2
FLUM: Conservation Uplands

22. Government Open Space
½ mile of Beach on Gulf
13.93 Acres
Owner: THITF State of Florida
STRAP: 26-43-20-00-00200.0000
Zoned: AG-2
FLUM: Conservation Uplands



Privately Owned Open Space



23. Gasparilla Inn Park from 5th
Street to 7th Street
Owner: Gasparilla Inn
STRAP: 14-43-20-00-00002.0000
Zoned: RM-2
FLUM: Urban Community



24. Land along the bayou east of Pink
Elephant
Owner: Gasparilla Inn
STRAP: 14-43-20-00-00002.0000
Zoned: CS-1
FLUM: Urban Community

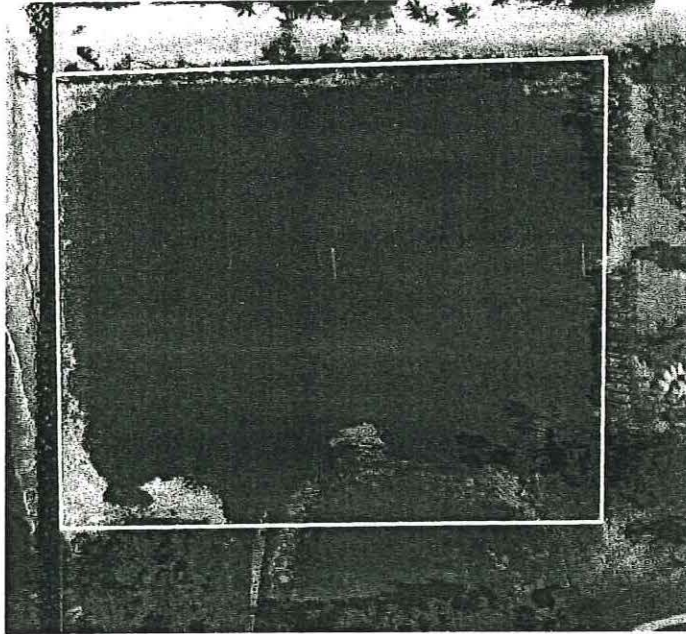
25. Soccer Field south of 7th Street at the Gulf (3.5 Acres)

Owner: Gasparilla Inn

STRAP: 14-43-20-00-00002.0000

Zoned: RS-2

FLUM: Urban Community



26. Corner lot on Gasparilla Road And 5th Street

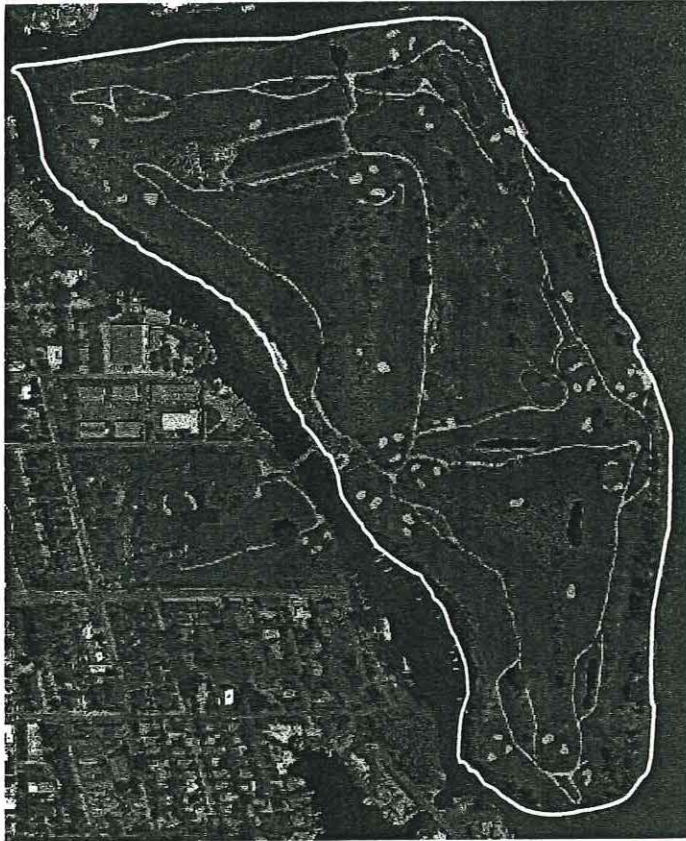
Owner: Gasparilla Inn

STRAP: 14-43-20-00-00002.0000

Zoned: RS-2

FLUM: Urban Community





27. Gasparilla Inn
Golf Course
Owner: Gasparilla Inn
STRAP: 14-43-20-00-00002.0000
Zoned: AG-2
FLUM: Outer Island

Lakes, Ponds, Bayou's and Waterways

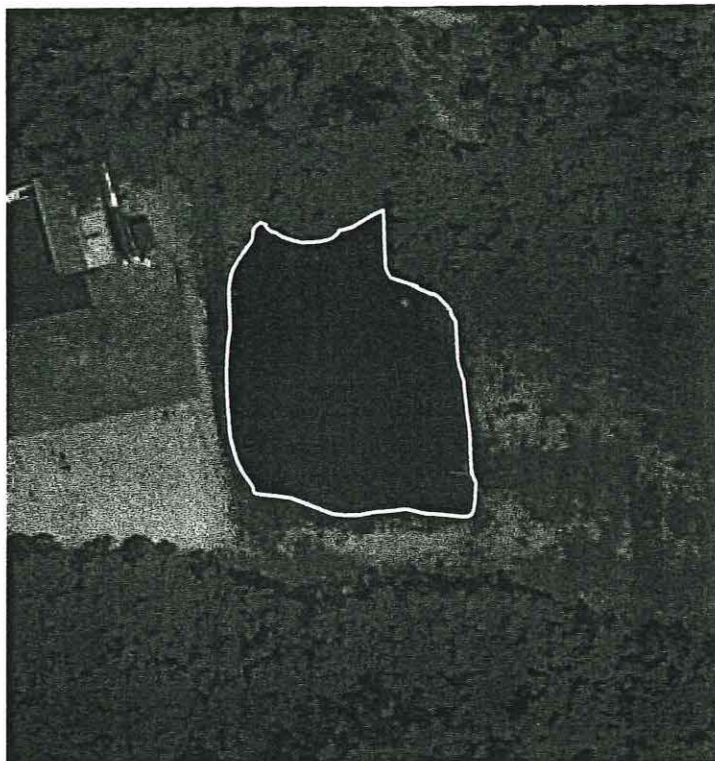
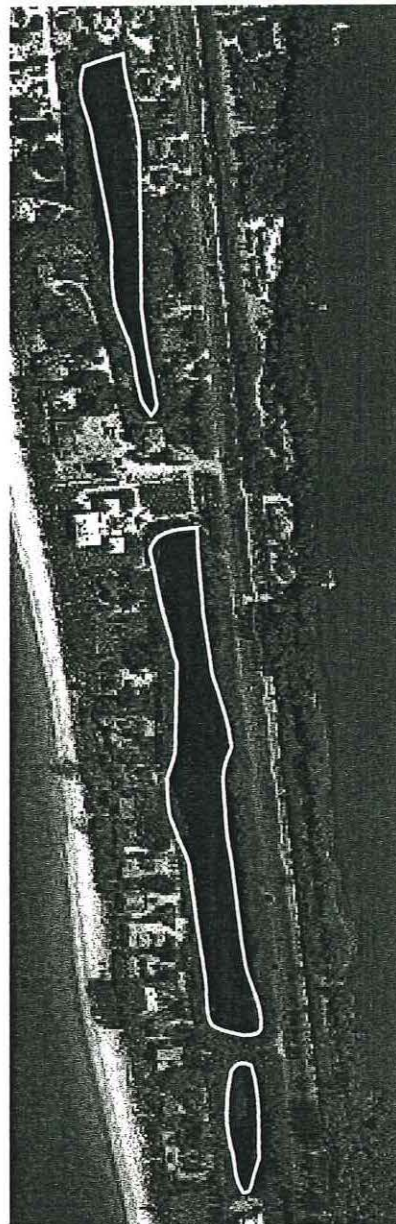
28. Three ponds from 40th Street to 27th
Street west of Gasparilla

Owner:

STRAP: Multiple Straps

Zoned: RS-1

FLUM: Urban Community



29. Ball Field Lake
(End of Wheeler Street)

Owner: Lee County

STRAP: 23-43-20-00-00007.1000

Zoned: AG-2

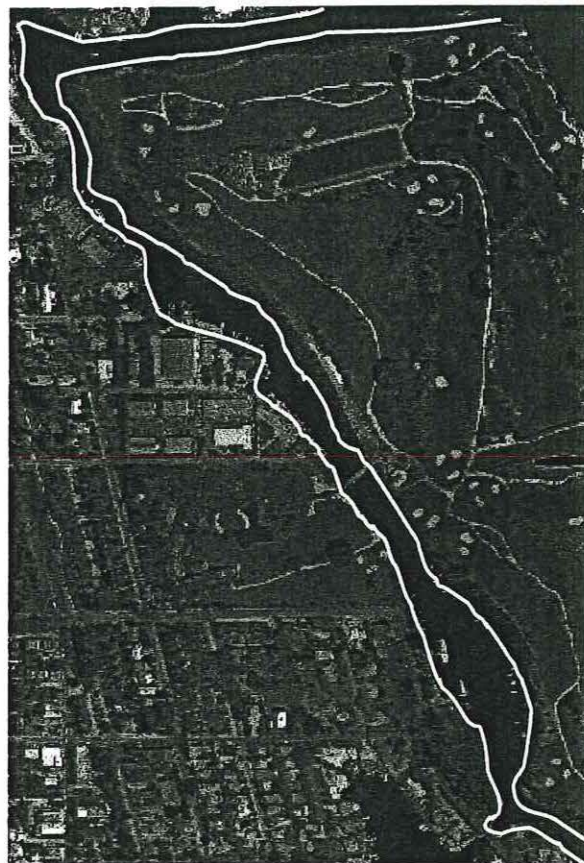
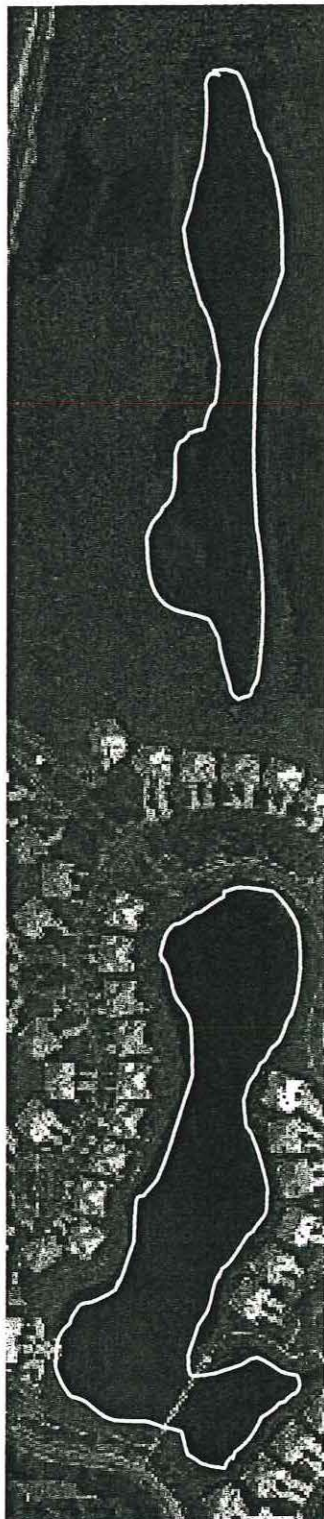
FLUM: Conservation Uplands
Conservation Wetlands

30. Cutlass Lake
(End of Pilot Street)
Owner: TIFT State of Florida
STRAP: 23-43-20-00-00008.0000
Zoned: RS-1
FLUM: Public Facilities



31. Gasparilla Lake
FLUM: Preservation



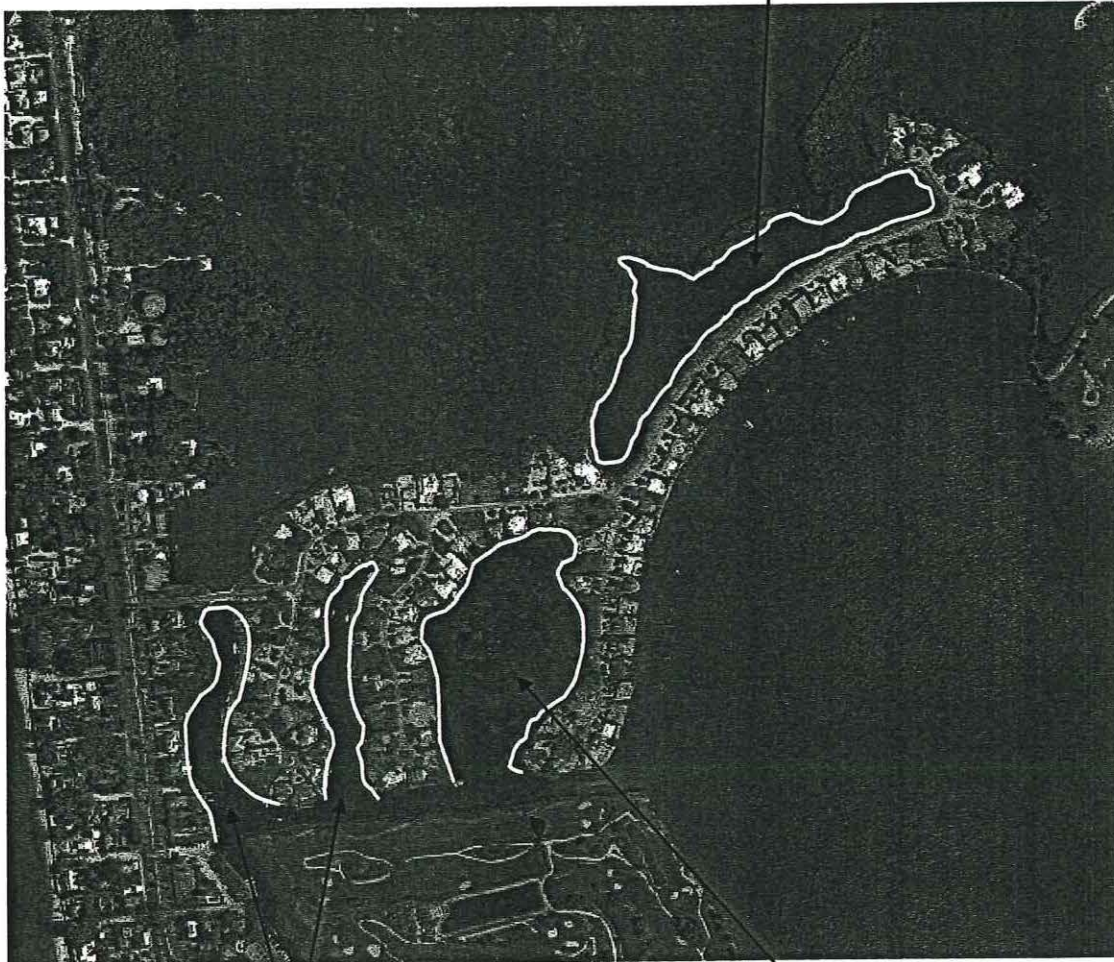


32. Grand Bayou starting at channel at Charlotte Harbor extending north past the Gasparilla Inn Golf Course into Boca Grande Isles and divides to run north to Loomis Flats and east to Charlotte Harbor.

Held by GICIA.

33. Two South Bayou lakes
Owner: THTF State of Florida
STRAP: 26-43-20-00-00100.0000
FLUM: Conservation Uplands

34. Treasure Lake
Owner: Boca Grande Isles Owner Association
STRAP: 12-43-20-05-0000A.00CE
Zoned: N/A
FLUM: N/A



35. Waterways between Jose Gaspar Drive and Jean LaFitte, also north arm of canal entering into Loomis Flats

36. Hole in the Wall Bay between Jean LaFitte, Jose Gaspar Drive and Treasure Lane

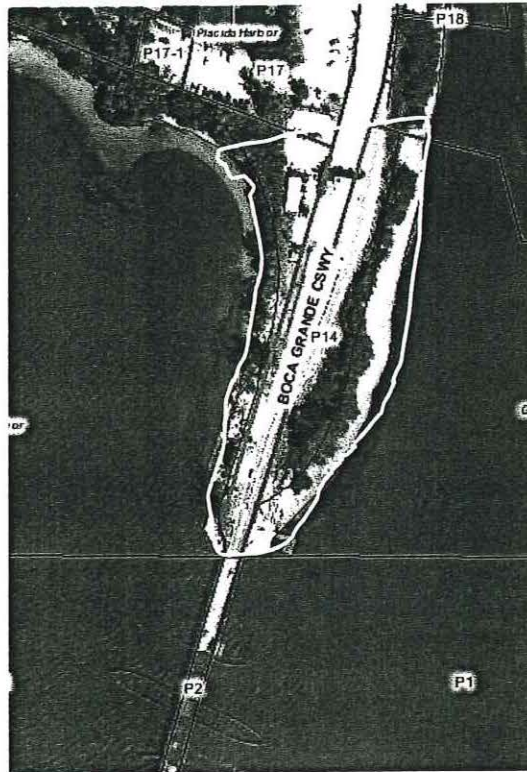
37. Waterways commencing under the bridge for Harbor Drive and Bradley Ave



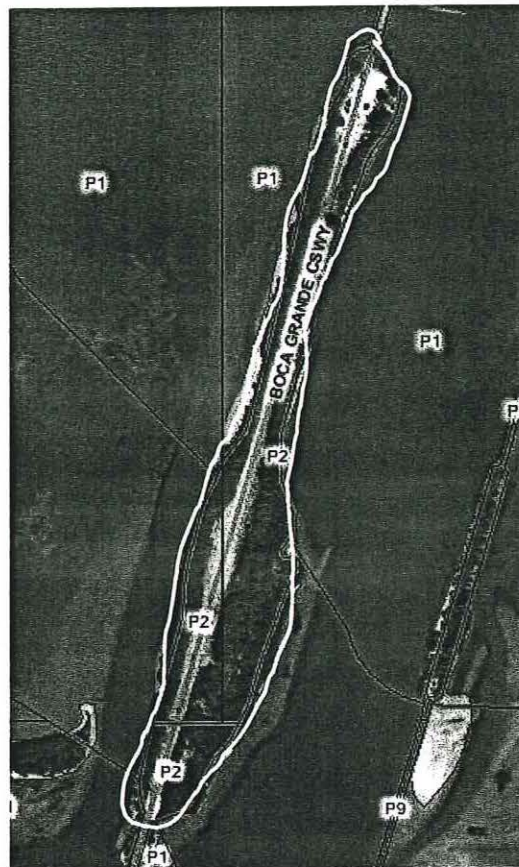
38. Ponds located in Boca Bay North Development

39. Waterways beside Harbor Drive, Whidden's Marina and the three Dam-if-I Streets

40. Mainland of the GIBA
Owner: Gasparilla Island Bridge
Authority (GIBA)
STRAP: 0070343-000200-7
Zoned: CT
FLUM: Multiple Codes



41. North Island of the GIBA
Owner: GIBA
STRAP: 0070343-000000-9
Zoned: CT
FLUM: Multiple Codes



Additional Open Space Areas

42. Pocket Park (Sam Murphy Park), beautifully landscaped with seating areas, lighting and fountain (50x100 feet). Located in center of Historic District.
43. 7 single residence lots donated by Mr. Edmund Pratt.
44. 5 beach parks
 Sand Spur at Range Light
 Sea Grape
 Sea Wall
 Dunes
 Lighthouse
45. Approximately 5.56 mile of golf cart and jogging path north of 5th Street, also with agreement between GIBA and GICIA, built and maintained bike path extension to the north end of bridge to Cole Island. Total area approximately 35 acres.
46. Conservation Easements:
 a. Property that runs along the bayou at the end of a lot on the east side of 18th Street
 b. Property that runs less than a mile along Charlotte Harbor, behind Boca Bay's North Bay Development (50 x 3,100 feet)
 c. Property that runs from the east side of the building pad to the mean high water line on the old Pratt lot on East Railroad, north of the GIWA property
47. Town Park with bike path, highly landscaped, running from 5th to 3rd Street in Historic District

Boca Grande Community Plan

Element VI – Historic Preservation Lee County

Goal 6: To protect, preserve, and enhance the historic resources and heritage of the Boca Grande community.

Objective 6.1: Lee County will seek to preserve the historic resources of Boca Grande through the adoption of policies and regulations that recognize the unique community characteristics, a tranquil residential community, with an historic village center, and abundant open space and preservation areas, and that also recognize the local sensitivity of the community's architecture, history and legacy as an old railroad town.

Policy 6.1.1: Lee County will establish a Boca Grande Historic Preservation Board with the powers and duties found in Lee County Land Development Code Chapter 22, Section 22-74, which includes the ability to designate historic resources and to approve or deny applications for Special Certificates of Appropriateness. The Boca Grande Historic Preservation Board will be comprised of seven members from the categories found in the Lee County Land Development Code, Section 22-72, except that whenever possible the members will be residents, or property or business owners of the Boca Grande community. Members shall serve as described in Section 22-72 and will be appointed by the Lee County Board of County Commissioners.

Policy 6.1.2: Lee County will provide copies of applications for historic designations and of all Special Certificates of Appropriateness, as well as administrative variances, to the Document Clearing House as established pursuant to Policy 1.1.4, and will send notices to all property owners within 500 feet of the subject property, consistent with the notification requirements used for land use public hearings, in order that the community may be better informed and have the opportunity to participate in the process to preserve its historic resources.

Policy 6.1.3: Lee County will work with the community of Boca Grande in updating its inventory of contributing and non-contributing structures as part of its efforts to preserve the historic resources of Gasparilla Island. Lee County will assist in efforts to create a record of the historic features of the Island in order to sustain a legacy for future generations.

Policy 6.1.4: Lee County will work with the Boca Grande Historic Preservation Board and the community of Boca Grande in reviewing the design parameters applicable to the Historic District of Boca Grande to ascertain whether additions, modifications, or deletions need to be considered.

Policy 6.1.5: Lee County will investigate the designation of Banyan Street as an historic resource and assist with the implementation of additional recommendations found in the *Banyan Tree Assessment Report, Banyan Street-Boca Grande, Florida*, completed by the Lee County Division of Environmental Sciences, as recommended by the Boca Grande Historic Preservation Board.

Policy 6.1.6: Lee County will investigate additional fiscal and tax incentives to preserve the economic viability of the Historic District of Boca Grande.

Policy 6.1.7: Lee County will preserve the historic village character of the commercial sector of Boca Grande through the prohibition within the Boca Grande Historic District of formula fast food restaurants and other similar franchise operations, formula commercial signage, and other design components or uses that are not in keeping with the historic elements of the existing community character on Gasparilla Island.

Policy 6.1.8: Lee County will work with the Boca Grande Historic Preservation Board and the community to review the build-back regulations to ascertain whether modifications need to be undertaken in order to restore historic features in the event of catastrophe. If necessary, regulations to allow designated historic resources to be reconstructed will be adopted.

Boca Grande Community Plan

Element VI – Historic Preservation Charlotte County

Goal 6: To protect, preserve, and enhance the historic resources and heritage of the Boca Grande community.

Objective 6.1: Charlotte County will seek to preserve the historic resources of Boca Grande through the adoption of policies and regulations that recognize the unique community characteristics, a tranquil residential community, with an historic village center, and abundant open space and preservation areas, and that also recognize the local sensitivity of the community's architecture, history and legacy as an old railroad town.

Historic Preservation

The Boca Grande Historic District was created by adoption of Lee County Resolution HD-90-05-01, on June 18, 1990. The Historic District is located in the center of Gasparilla Island and begins at 20th Street and extends south to 1st Street. Structures within the district are categorized as either contributing or non-contributing. Contributing structures are described by Lee County as those that are historic, exceptionally designed, or are directly associated with the historical period of the district. Remaining structures within the district are designated as non-contributing structures. The adopting resolution designated 131 properties as contributing structures. Lee County's publication Design Guidelines Manual for the Boca Grande Historic District in Lee County, Florida is the best resource for information on the district. The Guide describes the different architectural styles represented by the contributing structures and establishes the guidelines for rehabilitation of contributing structures, new construction and remodeling of non-contributing structures.

The district includes a variety of land uses and architectural styles. Uses include single family homes, churches, the Boca Grande Community Center, the Health Clinic, the Gasparilla Inn, the train depot and the commercial village. Residential architectural styles include Frame Vernacular, Colonial Revival, four types of Bungalow, Mediterranean Revival, and Mission. Commercial architectural styles include Commercial Vernacular, Art Deco, and Mediterranean Revival. The churches and community center also incorporate a mixture of these architectural styles.

Prior to the issuance of a building permit for any property within the district, a Certificate of Appropriateness must be issued. A Regular Certificate of Appropriateness (RCA) is issued for ordinary maintenance and repair on a designated property. RCAs are issued administratively by Lee County staff. A Special Certificate of Appropriateness (SCA) is required for any alteration, demolition, relocation, reconstruction, excavation or new construction which would result in a change to the original appearance of the resource. SCAs must be approved by the Lee County Historic Preservation Board.

Figure 26. contains a listing of all of the contributing structures as listed in the Lee County adopting Resolution HD 90-05-01. In addition to the contributing structures in the Historic District, there are three other properties which are designated as Historic. They are the Amory Chapel State Park, the Boca Grande Lighthouse, and the Power House at Boca Bay's Community House.

Boca Grande Community Plan

Figure 26. Boca Grande Historic District Contributing Structures

	Lee County STRAP	Property Address
1	11-43-20-01-00043.A250	1800 18TH ST W
2	11-43-20-01-00044.0010	1841 18TH ST W
3	11-43-20-01-00045.0010	1945 19TH ST W
4	11-43-20-00-00002.0000	Submerged land, Government Lot
5	14-43-20-00-00003.0030	433 4TH ST W
6	14-43-20-01-00001.0050	245 GILCHRIST AVE
7	14-43-20-01-00001.0080	300 3RD ST W
8	14-43-20-01-00001.0130	241 GILCHRIST AVE
9	14-43-20-01-00001.0140	251 GILCHRIST AVE
10	14-43-20-01-00002.0010	121 GILCHRIST AVE
11	14-43-20-01-00002.0060	Combined with 14-43-20-01-00002.0150 161 GILCHRIST AVE
12	14-43-20-01-00002.0100	101 GILCHRIST AVE
13	14-43-20-01-00002.0130	141 GILCHRIST AVE
14	14-43-20-01-00002.0150	161 GILCHRIST AVE
15	14-43-20-01-00003.0010	121 1ST ST W
16	14-43-20-01-00003.0050	150 GILCHRIST AVE
17	14-43-20-01-00003.0090	141 PARK AVE
18	14-43-20-01-00003.0100	151 PARK AVE
19	14-43-20-01-00003.0110	220 BANYAN ST
20	14-43-20-01-00003.0140	224 BANYAN ST
21	14-43-20-01-00003.0160	171 PARK AVE
22	14-43-20-01-00004.0040	225 BANYAN ST
23	14-43-20-01-00004.0050	231 PARK AVE
24	14-43-20-01-00004.0080	260 GILCHRIST AVE
25	14-43-20-01-00004.0120	251 PARK AVE
26	14-43-20-01-00004.0140	271 PARK AVE
27	14-43-20-01-00004.0150	281 PARK AVE
28	14-43-20-01-00004.0160	291 PARK AVE
29	14-43-20-01-00005.0010	131 1ST ST W
30	14-43-20-01-00006.0010	233 BANYAN ST
31	14-43-20-01-00006.0020	220 PARK AVE
32	14-43-20-01-00006.0060	261 WEST RAILROAD AVE
33	14-43-20-01-00007.0060	260 EAST RAILROAD AVE
34	14-43-20-01-00007.0090	261 PALM AVE
35	14-43-20-01-00007.0110	271 PALM AVE
36	14-43-20-01-00007.0120	291 PALM AVE
37	14-43-20-01-00008.0010	350 3RD ST E
38	14-43-20-01-00008.0020	280 PALM AVE
39	14-43-20-01-00008.0040	260 PALM AVE
40	14-43-20-01-00008.0050	261 TARPON AVE
41	14-43-20-01-00008.0060	271 TARPON AVE

Boca Grande Community Plan

	Lee County STRAP	Property Address
42	14-43-20-01-00008.0070	354 3RD ST E
43	14-43-20-01-00009.0010	290 TARPON AVE
44	14-43-20-01-00009.0020	270 TARPON AVE
45	14-43-20-01-00009.0040	260 TARPON AVE
46	14-43-20-01-00012.0010	460 4TH ST E
47	14-43-20-01-00012.0020	380 TARPON AVE
48	14-43-20-01-00012.0030	370 TARPON AVE
49	14-43-20-01-00012.0040	360 TARPON AVE
50	14-43-20-01-00012.0050	350 TARPON AVE
51	14-43-20-01-00012.0060	340 TARPON AVE
52	14-43-20-01-00012.0070	330 TARPON AVE
53	14-43-20-01-00012.0080	320 TARPON AVE
54	14-43-20-01-00012.0090	361 3RD ST E
55	14-43-20-01-00012.0100	365 3RD ST E
56	14-43-20-01-00012.0110	321 LEE AVE
57	14-43-20-01-00012.0130	341 LEE AVE
58	14-43-20-01-00012.0160	371 LEE AVE
59	14-43-20-01-00012.0170	381 LEE AVE
60	14-43-20-01-00013.0010	450 4TH ST E
61	14-43-20-01-00013.0020	380 PALM AVE
62	14-43-20-01-00013.0030	370 PALM AVE
63	14-43-20-01-00013.0060	340 PALM AVE
64	14-43-20-01-00013.0090	310 PALM AVE
65	14-43-20-01-00013.0100	311 TARPON AVE
66	14-43-20-01-00013.0120	331 TARPON AVE
67	14-43-20-01-00013.0130	341 TARPON AVE
68	14-43-20-01-00013.0140	351 TARPON AVE
69	14-43-20-01-00013.0150	361 TARPON AVE
70	14-43-20-01-00013.0160	371 TARPON AVE
71	14-43-20-01-00014.0030	384 EAST RAILROAD AVE
72	14-43-20-01-00014.0040	380 EAST RAILROAD AVE
73	14-43-20-01-00014.0050	combined with 14-43-20-01-00014.0040 380 EAST RAILROAD AVE
74	14-43-20-01-00014.0060	370 EAST RAILROAD AVE
75	14-43-20-01-00014.0120	340 EAST RAILROAD AVE
76	14-43-20-01-00014.0140	330 EAST RAILROAD AVE
77	14-43-20-01-00014.0150	320 EAST RAILROAD AVE
78	14-43-20-01-00014.0190	311 PALM AVE
79	14-43-20-01-00014.0210	341 PALM AVE
80	14-43-20-01-00014.0260	381 PALM AVE
81	14-43-20-01-00015.0010	390 PARK AVE
82	14-43-20-01-00015.0050	370 PARK AVE
83	14-43-20-01-00015.0090	350 PARK AVE
84	14-43-20-01-00015.0110	340 PARK AVE
85	14-43-20-01-00016.0010	390 GILCHRIST AVE

Boca Grande Community Plan

	Lee County STRAP	Property Address
86	14-43-20-01-00016.0020	380 GILCHRIST AVE
87	14-43-20-01-00016.0070	323 3RD ST W
88	14-43-20-01-00016.0120	311 PARK AVE
89	14-43-20-01-00016.0160	333 PARK AVE
90	14-43-20-01-00016.0240	375 PARK AVE
91	14-43-20-01-00016.0250	428 4TH ST W
92	14-43-20-01-00017.0010	400 4TH ST W
93	14-43-20-01-00017.0030	361 GILCHRIST AVE
94	14-43-20-01-00017.0060	341 GILCHRIST AVE
95	14-43-20-01-00017.0080	301 3RD ST W
96	14-43-20-01-00021.0010	480 EAST RAILROAD AVE
97	14-43-20-01-00021.0160	420 EAST RAILROAD AVE
98	14-43-20-01-00021.0230	451 PALM AVE
99	14-43-20-01-00022.0010	490 PALM AVE
100	14-43-20-01-00023.0010	490 TARPON AVE
101	14-43-20-01-00033.0010	801 GASPARILLA RD
102	14-43-20-01-00035.0020	1040 10TH ST W
103	14-43-20-01-00035.0090	921 9TH ST W
104	14-43-20-01-00035.0120	Combined with 14-43-20-01-00035.0210 901 9TH ST W
105	14-43-20-01-00035.0210	901 9TH ST W
106	14-43-20-01-00036.0010	1041 10TH ST W
107	14-43-20-01-00036.0020	1140 11TH ST W
108	14-43-20-01-00036.0060	1120/26 11TH ST W
109	14-43-20-01-00036.0070	1021 10TH ST W
110	14-43-20-01-00036.0080	1110 11TH ST W
111	14-43-20-01-00037.0010	1141 11TH ST W
112	14-43-20-01-00037.0050	1121 11TH ST W
113	14-43-20-01-00037.0080	Combined with 14-43-20-01-00037.0100 1210 12TH ST W
114	14-43-20-01-00037.0210	1111 11TH ST W
115	14-43-20-01-00038.0070	1221 12TH ST W
116	14-43-20-01-00038.0080	1300 13TH ST W
117	14-43-20-01-00040.0020	Combined with 14-43-20-01-00040.0070 1501 GASPARILLA RD
118	14-43-20-01-00058.0130	891 8TH ST E
119	14-43-20-01-00060.0010	920 PALM AVE
120	14-43-20-01-00061.0120	1190 11TH ST E
121	14-43-20-01-00062.0010	1100 EAST RAILROAD AVE
122	14-43-20-02-00024.0060	208 HARBOR DR
123	14-43-20-02-00024.0090	216 HARBOR DR
124	14-43-20-03-00019.0080	421 4TH ST W
125	14-43-20-03-00019.0130	421 PARK AVE
126	14-43-20-03-00019.0140	431 PARK AVE
127	14-43-20-03-00019.0160	441 PARK AVE
128	14-43-20-03-00019.0210	471-477 PARK AVE
129	23-43-20-00-00005.0000	190 1ST ST E

Boca Grande Community Plan

	Lee County STRAP	Property Address
130	23-43-20-00-00005.0010	168 1ST ST E
131	23-43-20-00-00005.0020	172 1ST ST E

Since the inception of the Historic District, the Lee County Historic Preservation Board has reviewed and approved a significant number of SCAs. Since the creation of the Historic District in 1990, a total of 203 SCAs have been issued. One of the benefits a property is eligible for when designated an Historic Resource is Administrative Approval of variances from the Land Development Regulations. These are usually reviewed in conjunction with a SCA. Since 1990, a total of 145 Administrative variances have been granted. The majority of variances are from property development regulations such as minimum setbacks for structures and fences, and lot coverage.

The number of properties which have been preserved and rehabilitated demonstrates the success of the Preservation Program and the Boca Grande Historic District. It also demonstrates the importance of engaging the Boca Grande community as much as possible. Currently, the Lee County Historic Preservation Board meets in downtown Fort Myers and surrounding property owners are not notified of SCAs, which often include an Administrative Approval of a variance. Lee County staff recently began sending copies of SCA requests to the Boca Grande Community Center, but the community desires an opportunity for more direct involvement with this wonderful resource. The creation of a Boca Grande Historic Preservation Board, comprised of local residents, with meetings held in Boca Grande, is the best opportunity for Lee County to engage as many of the residents of Boca Grande in the Historic Preservation process as possible.

Boca Grande Historic District Boundary Map



CHECKED BY: DWF		AERIAL (Flown March 2002) HISTORIC DISTRICT BOUNDARY (APPROXIMATE)	REVISIONS:
DATE: 9/7/04	DESIGNED BY: AZ		
SHEET: 1		BOCA GRANDE COMMUNITY PLAN Gasparilla Island, Lee County Florida	



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ENGINEERS * PLANNERS * SURVEYORS & MAPPERS
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Boca Grande Community Plan

Element VII – Economics

Lee County

Goal 7: To identify and preserve the elements of the Gasparilla Island economy that contribute to the quality of life for the residents and stakeholders, including the restaurants, shops, fishing guides, art galleries, real estate companies, and existing commercial businesses which combine to make Boca Grande a unique village economy.

Objective 7.1: Lee County will work with all of the interests that make up the economy of Boca Grande to preserve and promote the economic health of the Boca Grande community while not expanding the amount of commercial property on the Island in accordance with the Gasparilla Island Conservation District Act (GICDA).

Policy 7.1.1: Lee County will support efforts by the Gasparilla Island Bridge Authority (GIBA) to secure funding for the repair and maintenance of the bridges connecting Gasparilla Island to the mainland.

Policy 7.1.2: Lee County will support efforts to preserve, maintain, and enhance the beaches of Gasparilla Island, exploring alternate funding mechanisms such as the Tourist Development Tax, establishment of a Municipal Service Benefit Unit or a Florida Erosion Control District, or establishment of some alternative cross-jurisdictional funding mechanism. Funded programs will include, but are not limited to, beach restoration and renourishment, erosion control, beach acquisition, beach access maintenance, support of existing beach facilities, and beach clean-up.

Policy 7.1.3: Lee County will support, preserve, protect, and seek to enhance the tarpon and game fishing industry as a vital element of the Boca Grande economy. Support should include appointing Boca Grande representatives of the tarpon and game fishing industry to the Tourist Development Council, identifying and securing funding to study and implement policies to ensure the continued health of the tarpon and game fish population and habitat, and assisting in clean-up operations aimed at removing debris from areas in Charlotte Harbor where tarpon and game fish congregate.

Policy 7.1.4: Lee County will work with the Boca Grande community to review and ensure adopted levels of service for the provision of water,

Boca Grande Community Plan

sewer, roadway capacity, and parks and recreation are consistent with the Goals, Objectives and Policies adopted in the Comprehensive Plan.

Policy 7.1.5: To ensure the continued economic health of Boca Grande, Lee County will seek to maximize the efficiency and the functionality of existing parking facilities and review existing parking standards for their consistency with the historic and environmental constraints found in the community.

Policy 7.1.6: Lee County will coordinate with the Lee County School District to ensure adequate educational opportunities are available to the residents and stakeholders of Boca Grande.

Policy 7.1.7: Lee County will give preference to businesses and contractors located on Gasparilla Island when awarding bids for public works projects in order to reduce the amount of off-Island traffic and limit impacts to the infrastructure.

Policy 7.1.8: To ensure Boca Grande's economic health, Lee County will support the preservation of historic businesses and commercial structures by providing tax and other financial incentives for existing businesses. The Gasparilla Inn is an example.

Boca Grande Community Plan

Boca Grande Economic Profile

Figure 27. Regional Population, Per Capita Income and Home Ownership

Jurisdiction	2000 population	Population > 65 years of age	Per Capita Income	Percent Home Ownership
Boca Grande	975		\$85,204	
Lee County	440,888	25%	\$24,542	76.5%
Charlotte County	141,627	34%	\$21,806	83.7%

Source: US Census Bureau

As of the 2000 census, Charlotte County has a population of 141,627 people with over 34% of the population at 65 years of age and older. Almost 70% of the workforce is employed in Retail Trade, Transportation, Utilities, Services, Education and Health fields, with an unemployment rate of 4.1%. Charlotte County has a home ownership rate of 83.7%. Lee County has a population of 440,888 with over 25% at age 65 and older. Charlotte County's average per capita income for 1999 was \$21,806 annually compared with Lee County's \$24,542 annually and a state average of \$21,557 annually. Lee County has a home ownership rate of 76.5%.

As of 2000, Boca Grande had a population total of 975 people residing in 414 households (998 total housing units). The average per capita income is \$85,204 annually and the average household income is \$154,630, with approximately 500 of its residents in the work force. Based on these numbers, the residents of Boca Grande have an average per capita income four times that of the average Floridian.

Boca Grande Community Plan

Boca Grande Property Values and Taxes Levied

All data was obtained from the Lee County Property Appraiser's office. Values were generated on August 6, 2004. Just Value is the total parcel assessment less any consideration for the cost of a sale. It is closest value to Fair Market Value the Property Appraiser produces. The Assessed Value is based on the *Highest and Best Use Standard* or the *Present Use Standard*. The Taxable Value is the value after the Save Our Homes cap has been applied and any personal exemptions, such as the \$25,000 Homestead Exemption.

Figure 28. Lee County Boca Grande Taxing District

Property Description	Number of Parcels	Just Value	Assessed Value	Taxable Value
Vacant Residential	200	136,743,630	136,743,630	136,743,630
Single Family Residential	995	1,240,638,780	1,076,908,270	1,063,188,110
Mobile Home	4	1,730,510	1,730,510	1,730,510
Multi-Family 10 or More	2	0	0	0
Condominium	134	105,486,000	102,197,440	101,445,940
Multi-Family Less than 10	7	3,706,170	3,469,200	3,418,200
Vacant Commercial	7	2,309,040	2,309,040	2,309,040
Stores, One Story	10	4,651,890	4,651,890	4,651,890
Commercial, Mixed Use	11	8,398,590	8,398,390	8,348,390
Community Shopping Center	1	818,730	818,730	818,730
Office, One Story	7	3,194,460	3,194,460	3,194,460
Airports, Terminals, Piers	2	3,832,550	3,832,550	3,832,550
Restaurants, Cafeterias	3	3,768,170	3,768,170	3,768,170
Hotels, Motels	2	10,180,200	10,180,200	10,180,200
Vacant Industrial	2	593,200	593,200	593,200
Ornamentals, Misc AG	4	7,553,760	7,553,760	7,553,760
Churches, Temples	5	5,168,270	5,168,270	0
Privately Owned Hospitals	1	541,540	541,540	0
Orphanages, Non-Profit Services	2	1,828,490	1,828,490	0
Cultural Organizations, Facilities	24	9,364,500	9,364,500	117,280
Forest, Parks, Recreational	19	18,155,420	18,155,420	0
Hospitals	2	1,556,440	1,556,440	0
Counties, Other	6	4,710,860	4,710,860	0
Federal, Other	2	6,599,510	6,599,510	0
Utility	5	6,635,170	6,635,170	4,413,390
Right-Of-Way	1	500	500	500
Rivers, Lakes, Submerged Land	57	31,840	31,840	31,840
Sewage Disposal, Waste Lands	1	1,650	1,650	1,650
Grand Totals	1,516	\$1,588,199,870	\$1,414,915,550	\$1,350,263,360

Boca Grande Community Plan

The Lee County portion of Boca Grande has a taxable value of \$1,350,263,360.

The following Millage Rates were obtained from a 2003 Lee County tax bill for a property on Boca Grande. The taxes levied are based on the total taxable value of the Lee County portion of Boca Grande, \$1,350,263,360.

Figure 29. 2003 Lee County Boca Grande Taxing District Millage Rates and Taxes Levied

Taxing Authority	Millage Rate	Taxes Levied
Boca Grande Fire District	1.4173	\$1,913,728
Public School-By Local Board	2.5890	\$3,495,831
Public School-By State Law	5.7570	\$7,773,466
Lee County Capital IMP	1.0124	\$1,367,006
Lee Co Unincorp-MSTU	1.2114	\$1,635,709
Lee County General Revenue	4.3277	\$5,843,534
Lee County Hyacinth Control	0.0295	\$39,832
Lee County Library Fund	0.9630	\$1,300,303
Lee County Mosquito Control	0.2984	\$402,918
SFL Water MGMT-Everglade Const	0.1000	\$135,026
West Coast inland Waterway	0.0400	\$54,011
Lee County All Hazards-UNINC	0.0733	\$98,974
SFL Water MGMT-District/ Okeechobee Levy	0.5970	\$725,091
Total	18.3987	\$24,843,090

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 335-2236

Bob Janes
District One

Facsimile (239) 335-2118

Douglas R. St. Cerny
District Two

April 19, 2006

Ray Judah
District Three

RECEIVED
APR 20 2006

Tammy Hall
District Four

Mr. Edward Hoopes
Boca Grande Community Planning Association, Inc.
1712 Jose Gaspar Drive
P. O. Box 1451
Boca Grande, FL 33921

COMMUNITY DEVELOPMENT

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Re: Boca Grande Community Plan
LU-06-03-2090.A.9.e.

Diana M. Parker
County Hearing
Examiner

Dear Mr. Hoopes:

Enclosed is a fully executed and certified copy of the Community Planning Agreement between the Board of County Commissioners and Boca Grande Community Planning Association, Inc., which was approved at the BOCC meeting on Tuesday, April 4, 2006. Also enclosed is a copy of Bluesheet #20060333.

If you have any questions, please do not hesitate to contact me.

Kind regards, ,



Ann Polito
Administrative Legal Secretary to
Donna Marie Collins
Assistant County Attorney

DMC/amp
Enclosures: Community Planning Agreement
Bluesheet #20060333

cc: James Mudd, Planning Division w/enclosures

S:\LU\DMC\DMCLTR\Boca Grande Comm Plan - Hoopes.wpd

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20060333

To: J. Mudd

1. ACTION REQUESTED/PURPOSE:

Approve an agreement with the Boca Grande Community Planning Association, Inc. to provide financial support up to \$50,000 for the drafting of Land Development Code regulations to further implement the Boca Grande Community Plan.

2. WHAT ACTION ACCOMPLISHES:

Sets forth requirements for the issuance of Sector Planning funds to the Boca Grande Community Planning Association, Inc. for the drafting of Land Development Code regulations.

3. MANAGEMENT RECOMMENDATION:

Approval of the community planning agreement.

4. Departmental Category: 04
04

A 4 A

5. Meeting Date: 04-04-2006

6. Agenda:

☐ Consent
☒ **Administrative**
☐ Appeals
☐ Public
☐ Walk-On

7. Requirement/Purpose: (specify)

☐ Statute
☐ Ordinance
☒ Admin. Code **AC 13-3**
☐ Other

8. Request Initiated:

Commissioner Commissioner Janes
Department Community Development
Division Planning
By: Paul O'Connor, AICP, Director
POC 3/21/06

9. Background:

The Boca Grande Community Planning Association, Inc. has requested \$50,000 for the drafting of land development regulations necessary to implement several policies of their recently adopted Lee Plan amendment. The Board adopted CPA 2004-12, Boca Grande, on October 12, 2005. That amendment was a direct result of the Boca Grande Community Plan that was financed, in part, with \$25,000 of sector plan funds.

On June 28, 2005, prior to the adoption of the Boca Grande plan amendment, the Board amended Administrative Code 13-3, Administrative Procedures Governing Community Planning Efforts Receiving Financial Support from the BOCC. That amendment to AC 13-3 increased the amount of available funding for the development of community plans from \$25,000 to \$50,000 and made each community panel eligible to receive up to an additional \$50,000 for the preparation of land development regulations necessary to implement the community plan.

This request by the Boca Grande Community Planning Association, Inc. is consistent with the recent amendment to AC 13-3.

Funds are available in account: LB5150715500.508309.05 (Community Development /Planning/Unincorporated MSTU/Other Grants & Aids/Sector Planning)

Attachments:

Grant Contract
Funding Request
Administrative Code 13-3

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
<i>M. G. G. 3/22/06</i>	N/A	N/A	N/A	<i>DWC 3/22/06</i>	Analyst <i>3/22/06</i>	Risk <i>3/22/06</i>	Grants <i>3/22/06</i>	Mgr. <i>3/23/06</i>	<i>3-24-06</i>

11. Commission Action:

☒ **Approved** *Janes 3/25*
☐ Deferred
☐ Denied
☐ Other

RECEIVED BY
COUNTY ADMIN:
3-22-06
9:12
COUNTY ADMIN
FORWARDED TO:
3/22/06
9 AM

CO. ATTY.
FORWARDED
TO CO. ADMIN.
3/22/06 9:15

SECOND COMMUNITY PLANNING AGREEMENT
BETWEEN LEE COUNTY AND BOCA GRANDE
COMMUNITY PLANNING ASSOCIATION, INC.

RECITALS

- A. The Board of County Commissioners recognizes that unincorporated Lee County consists of many diverse communities with various visions on how their community should develop.
- B. The residents of the Boca Grande community prepared and submitted a community plan that included proposed Lee Plan goals, objectives, and policies applicable to the Boca Grande community.
- C. The Board of County Commissioners adopted many of those goals, objectives, and policies into the Lee Plan in 2005.
- D. Several of the adopted policies direct the community to develop land development regulations specific to the Boca Grande community.
- E. The Boca Grande Community Planning Association, Inc. (BGCPA) has requested planning funds to defray the costs incurred to prepare and submit changes to the Lee County Land Development Code specific to the Boca Grande community.
- F. Lee County Administrative Code 13-3 requires communities seeking planning funds from the County to enter into a contract to govern the disbursement and use of public money on community planning efforts.

NOW, THEREFORE, THE PARTIES HERETO AGREE as follows:

- 1. Geographic Area. This agreement pertains to the grant of public funds to defray the cost of preparing land development regulations for a geographical area known as Boca Grande. Boca Grande is generally described as follows:
 - a. All of Gasparilla Island (located primarily in Lee County, but also in Charlotte County) including Boca Grande Isles, Three Sisters Island, Hoagen's Key, Loomis Island, and the Gasparilla Inn Historic Resort Area; and

- b. All other lands lying between the toll booth operated by the Gasparilla Island Bridge Authority and Gasparilla Island, including Cole Island and the Boca Grande Causeway.

The geographic area has been illustrated in Exhibit A hereto.

2. Deliverables. The Boca Grande Community Planning Panel (the "Panel") is responsible for the preparation of proposed amendments to the Land Development Code to be applicable to Boca Grande. A detailed description of deliverables is attached hereto as Exhibit B.

3. Eligibility for Public Funds. The parties agree that Lee County will disburse up to \$50,000 in funds that will be used solely for expenditures incurred by the Panel in the preparation and submission of proposed amendments to the Land Development Code. Total disbursements from the County for this purpose will not exceed \$50,000.

4. Applicability of Lee County Administrative Code. The parties agree that the Boca Grande community planning effort will be governed by the regulations set forth in Lee County Administrative Code 13-3 entitled "Administrative Procedures Governing Community Planning Efforts Receiving Financial Support From the BOCC." Lee County Administrative Code 13-3 is attached hereto as Exhibit C.

5. Applicability of Florida's Public Records and Open Meetings Laws.

A. Open Government

1. The parties agree that the community planning effort is subject to Florida laws on Open Government. Accordingly, all meetings of the Panel and its subcommittees will be open to the public. Moreover, the Panel will provide an adequate opportunity for public participation in the Boca Grande community planning effort. In addition, the Panel will encourage and allow the participation of residents, property owners, the school district, and other interested parties at all meetings and workshops on the community planning effort.
2. The Panel will provide reasonable notice of all meetings pertaining to the community planning effort.

3. Notification of meetings and workshops will include the posting of meeting date, time, and location of the meeting/workshop in accordance with Section 5, Lee County Administrative Code 13-3.
4. The parties agree that subcommittees consisting of members of the Panel and other community members may meet for the purpose of information gathering, information sharing, and the exploration of common concerns. Subcommittee meetings are also required to be publicly noticed. Common concerns explored by the subcommittees must be presented to the full community panel during a properly noticed public meeting consistent with Section 5 of Lee County Administrative Code 13-3.
5. The Panel must maintain minutes of its meetings in accordance with Section 5, Lee County Administrative Code 13-3.

B. Public Records

All records created in connection with the community planning effort must be retained by the Panel for three years following the date of submission of completed amendments to the Land Development Code. The records will be considered public records as defined by Chapter 119, Florida Statutes.

6. Record Keeping. The Panel must retain all financial, supporting documentation, and other records necessary to document the community planning effort and expenditures during the term of this agreement. If any litigation, claim, negotiation, audit, or other action involving the records are initiated prior to the expiration of a three-year period, the records must be retained for an additional one year after the final resolution of the action and final resolution of all issues that arise from the action.

7. Assurance, certification, and compliance. The Panel agrees that:

- A. It will comply with Chapter 760, Florida Statutes, and Lee County Ordinance 00-18 that prohibit discrimination in employment on the basis of race, color, national origin, sex, religion, disability, or marital status.
- B. Products or materials purchased with public funds will be procured in accordance with the provisions of 403.7065, Florida Statutes, which refers to the procurement of products or materials with recycled content.

- C. It will comply with the Americans with Disabilities Act of 1990, P.L. 101-336, which prohibits discrimination on the basis of disability and requires reasonable accommodation for persons with disabilities.
- D. It will notify Lee County of any significant change in the organization of the Panel.

8. Disbursement of Public Funds.

- A. Lee County will disburse up to \$50,000 to the Boca Grande Community Planning Panel during the term of this agreement, subject to the provisions pertaining to return of funds and suspension and termination of the agreement. (See paragraph 11.) The Panel agrees to spend the public funds only on items set forth in the Request for Implementation Funding & Proposed Budget set forth in the document attached as Exhibit B. The County will disburse money upon the receipt and approval of a completed payment request report. Disbursements may be made in installments based on the completion of items contemplated in the deliverables. The payment request report must include documents to support the expenditures. If the Panel fails to submit a payment request report, disbursements will be delayed until the receipt of a report. The County reserves the right to approve or disapprove payment requests.

Copies of supporting documentation must be attached to the payment request report. The County may require additional supporting documentation before agreeing to disburse money.

- B. Unsupported/unallowable costs. The County has the option to defer payment to the Panel during the period of a County audit or monitoring due to questionable items. If, as a result of the audit or monitoring, unallowable or unsupported costs are found, no further disbursements will be made until the full amount of overpayment is remitted to Lee County or the County accepts a repayment agreement.

9. Audits, Monitoring, and Records.

- A. Monitoring. The Panel agrees to permit County employees to inspect records, papers, and documents to be assured of satisfactory performance with the terms and conditions of this agreement. The monitoring is a limited

scope of review and does not relieve the Panel of its obligation to manage the public monies disbursed by the County in accordance with Lee County Administrative Code 13-3 and sound management practices.

Following this monitoring, the County may deliver to the Panel a written report regarding the status of compliance with the terms and conditions of the agreement. The panel must rectify all noted deficiencies within the specified period of time indicated in the monitoring report or provide the County with a reasonable and acceptable justification for not correcting the noted shortcomings. The Panel's failure to correct or justify the deficiencies within the time specified by the County may result in the withholding of future disbursements or termination of the agreement.

- B. Audit and Inspections. The Panel will make all records and items included on financial statements available for audit or inspection purposes during normal business hours and as often as County deems necessary. The Clerk of Courts internal audit division and Lee County have the right of timely and unrestricted access to books, documents, papers, and other records of the panel that are pertinent to the agreement in order to make audits, examinations, excerpts, transcripts, and copies of those documents.
10. Risk Management. The Panel will defend, hold harmless, and indemnify the County from and against all liability, loss, claims, damages, costs, attorneys fees, and expenses that the County may sustain, incur, or be required to pay either by reason of the loss of or improper use of money disbursed or to be disbursed hereunder including, but not limited to, fraud, embezzlement, or dishonesty on the part of any person represented or employed by the Panel, or by reason of the intentional or negligent act of the Panel or its agents, representatives, or employees.
11. Suspension/Termination. The County reserves the right to suspend the disbursement of money for failure to comply with this agreement. The County may cancel this agreement by giving 24 hours written notice to the Panel by certified mail following a determination by the Board of County Commissioners that the cancellation is in the best interest of the people of Lee County. Neither party will have further obligations under this agreement as of the date of cancellation unless specified otherwise in the termination notice. The Panel may cancel this agreement by giving 72 hours prior written notice to the County by certified mail. The County's obligation to make further disbursements under this agreement will cease as of the effective date of termination.

12. Reports.

- A. The Panel agrees to prepare a report outlining the progress of the Boca Grande community planning effort and deliver the report to the County with each request for disbursement of funds.
- B. A closeout report is due 60 days after the termination of the agreement or upon the submission of proposed amendments to the Land Development Code.
- C. If the required reports are not sent to the County or not completed in a manner acceptable to the County, the County may withhold further disbursements until the reports are completed.

13. Duration of agreement. Parties agree that the Panel will deliver proposed amendments to the Land Development Code for consideration by the Lee County Planning Division no later than December 2007 unless this agreement is terminated beforehand as specified in Paragraph 11.

14. Notice. The parties agree all notices provided under or pursuant to this agreement will be in writing either by hand delivery or first class certified mail, return receipt requested, to the representative identified below and at the address set forth below. The name and address of the County representative is: Paul O'Connor, Director, Planning Division, Department of Community Development, 1500 Monroe Street, P. O. Box 398, Fort Myers, Florida 33902-0398. The name and address of the representative of the Boca Grande Community Planning Association, Inc., responsible for the administration of this agreement is: Edward Hoopes, 1712 Jose Gaspar Drive, P. O. Box 1451, Boca Grande, Florida 33921. In the event different representatives or addresses are designated by either party after the execution of this agreement, notice of the new information will be provided in accordance with this section.

15. Applicable Law. This agreement will be construed under the laws of the State of Florida and the venue for any actions arising out of this agreement will lie in Lee County.

In witness thereof, Lee County and the Boca Grande Community Planning Association, Inc., have executed this agreement:

Attest: Clerk of Court

By: 

Deputy Clerk

Lee County

By: 

Tamara Hall, Chairwoman
Board of County Commissioners

Date: 4/4/2006

APPROVED AS TO FORM:



Donna Marie Collins
Assistant County Attorney

Approved by BOCC
4/4/06, A4(A)

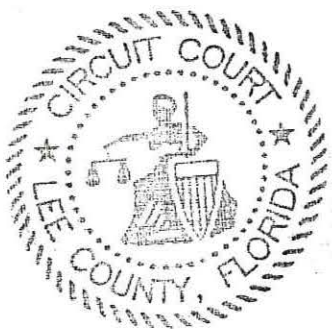
State of Florida
County of Lee

I Charlie Green, Clerk of the Circuit Court
for Lee County, Florida, do hereby certify
this document to be a true and correct copy
of the original document filed in the
Minutes Department.

Given under my hand and official seal at
Fort Myers, Florida, this 19th day of
April, A.D. 2006

CHARLIE GREEN, CLERK

By: 
Deputy Clerk



Boca Grande Community Planning
Association, Inc., A Florida Not-for-Profit
Corporation

By: Edward Hoopes
Edward Hoopes, President

Date: April 12, 2006

STATE OF FLORIDA
COUNTY OF LEE

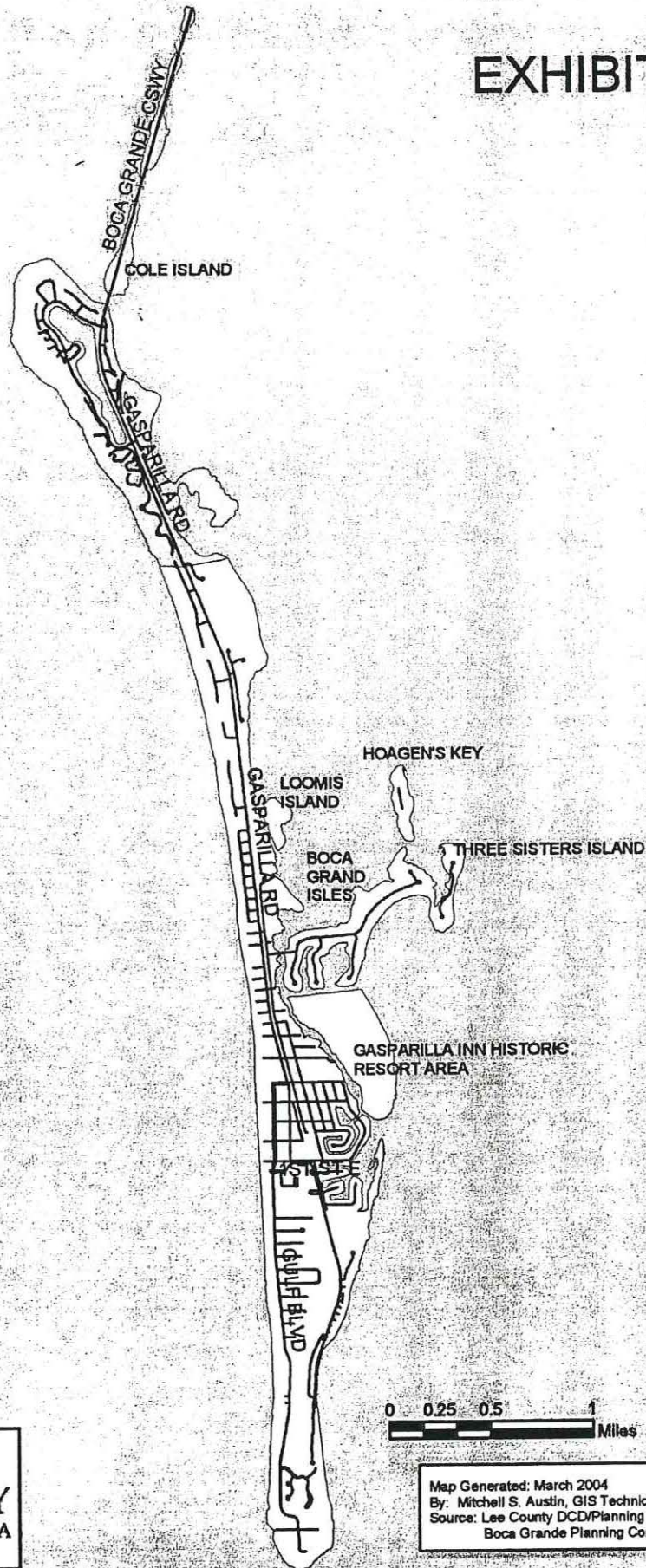
The foregoing instrument was acknowledged before me this 4-12-06 by
(date)
Edward Hoopes, President of the Boca Grande Community Planning Association, Inc.,
a Florida Not-for-Profit corporation, on behalf of the corporation. He is personally known
to me or has produced H120-220-32-443-0
FL Drivers License as identification.
(type of identification)

Tina L. Boone
(Signature of person taking acknowledgment)
Tina L. Boone
My Commission DD245993
Expires September 01 2007
(Name typed, printed, or stamped)
(Title or Rank)
(Serial Number, if any)

Exhibits:

- A: Map of Geographic Areas subject to the Community Planning effort
- B: Deliverables
- C: Lee County Administrative Code 13-3

EXHIBIT A



LEGEND

- Charlotte County Roads
- Charlotte County
- Lee County
- Lee County Roads

 **LEE COUNTY**
SOUTHWEST FLORIDA
DIVISION OF PLANNING

0 0.25 0.5 1 Miles



Map Generated: March 2004
By: Mitchell S. Austin, GIS Technician
Source: Lee County DCD/Planning
Boca Grande Planning Community Map

EXHIBIT B

BOCA GRANDE COMMUNITY PLANNING ASSOCIATION, INC.

P.O. BOX 2404

BOCA GRANDE, FL 33921

DRAFT

February 1, 2006

Jim Mudd, AICP
Principal Planner
Lee County Department of Community Development
Division of Planning
1500 Monroe Street, Fort Myers FL 33901

**Re: Boca Grande Community Plan
Request for Implementation Funding & Proposed Budget**

Dear Jim,

The BGCPA, by this letter is requesting \$50,000 in additional funding for 2006 to assist with implementation of the Boca Grande Community Plan. As you are aware, Staff recommended that the Boca Grande Community undertake certain of the studies and develop some of the regulations and standards called for in our Community Plan. The Planning Panel agreed with the staff recommendation with the understanding that there would be funding available from Lee County to accomplish this.

The following are some of the policies that require additional action by the Boca Grande Community in order to implement our Community Plan:

Policy 1.1.1: Boating and marine facility site location standards and regulations

Policy 1.1.2: Commercial design guidelines, parking, signage standards, etc.

Policy 1.1.3: Regulations to better manage rental and tour businesses

Policy 1.1.7: Standards for permit requests for Cistern Feasibility Studies.

Policy 1.1.8: Regulations to preserve light space and air and discourage "mansionization"

Policy 1.1.11: Investigate and/or propose Zoning Overlay District and/or Marine Zoning District

Objective 2.2: Parking and traffic study to address multiple issues identified in **Policy 2.2.1 & 2.2.7**

The following is our estimate for the work and studies

1. Consultants, Parking & Traffic, Studies (Research & Reports)	\$22,000
Consultants, Public Meetings	7,000
2. Consultants, Design Guidelines, Commercial Standards	
Marina Standards, Zoning Overlay Research & Reports	\$25,000
Consultants, Public Meetings	7,500
3. a. Zoning Ordinance Drafting Research & Reports	\$14,000
b. Ordinance Adoption Hearings	\$15,000
Sub-Total	<u>\$90,500</u>

BOCA GRANDE COMMUNITY PLANNING ASSOCIATION, INC.

P.O. BOX 2404

BOCA GRANDE, FL 33921

Jim Mudd, AICP

Februry 1, 2006

Page 2

In addition, we anticipate costs for our public meetings, public notices, website postings, office and miscellaneous expenses, as follows:

Recording Secretary/Clerical	\$280	
Website posting	220	
Supplies, copies, postage, misc.	25	
Public Notices	<u>100</u>	
<u>Estimated Cost Per Public Meeting</u>	\$625	
X 12 meetings 2006 -2007		\$ 7,500
Legal& Misc.		<u>\$ 5,000</u>
Sub Total		\$12,500
<u>Total</u>		<u>\$103,000</u>

We anticipate the implementation process will take two more years to complete, possibly longer. We also anticipate raising some funds within our community, but as you can see, we are looking at a costs for implementation of over \$100,000.

As there are time requirements on some of these policies, we will be most grateful for an early and favorable response to our request for implementation funds.

Please do not hesitate to call or email me with any questions you may have.

Very truly yours,

Lynne M. Seibert, Treasurer
Boca Grande Community Planning Association, Inc.
(941) 964-2547

ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS

CATEGORY: Development/Planning/Zoning	CODE NUMBER: 13-3
TITLE: Administrative Procedures Governing Community Planning Efforts Receiving Financial Support from the BOCC	ADOPTED: 6/26/01
	AMENDED: 6/28/05
	ORIGINATING DEPARTMENT: Department of Community Development

Purpose/Scope: To provide procedures and criteria for community planning effort and to establish the minimum acceptable criteria for community plans in order to be eligible for public financial support.

Policy/Procedure: The Board of County Commissioners recognizes that unincorporated Lee County consists of many diverse communities with various visions of how their community should develop. The intent of a community plan is to propose goals, objectives, and policies applicable to a specific area of the County that may ultimately be incorporated into the Lee Plan. Upon completion of a community planning effort the information gathered and the common concerns identified will be considered for a formal amendment to the Lee Plan.

The following procedures are established by the Board of County Commissioners to assure public confidence in the grass root planning effort when public funds are provided to encourage the development of community plans by the residents of a community:

Section 1. Definitions:

- 1.1. "Community Panel" means the collection of community residents who volunteer to act as the group responsible for coordinating and overseeing the community planning effort. The Community Panel is encouraged to represent a wide variety of the community, including citizens, local business people, landowners, developers, and civic leaders. The Community Panel initiating a community planning effort must be a legal entity, either already existing or established expressly for the purpose of conducting the planning effort. The Community Panel may also be a committee or subset of a legal entity. If the Community Panel receives public funds from the Board of County Commissioners, they will be responsible for the financial accountability of the public funds granted for use in the community planning effort. The Community Panel is not an advisory body to the Board of County Commissioners. Their planning product is a compilation of the common concerns of the community containing suggested amendments to the Lee Plan and/or the Land Development Code to address those concerns.
- 1.2. "Planning Funds" means a grant that will be used for certain expenditures incurred by the Community Panel in the preparation of and the submission of: (a) a community plan, (b) land development regulations to implement a community plan, or (c) update a previously adopted community plan.
- 1.3. "Seed Money" means an initial grant of public money, authorized by the Board of County Commissioners, to be used to: (a) initiate a community plan, (b) pursue the development of land development regulations to implement a community plan, or (c) update a community plan. Seed money will be disbursed only after the Community Panel has entered into a written grant agreement

with the County describing the scope of the community plan and the limitations on the use of the grant.

Section 2. Initiation of a Community Planning Effort:

- 2.1. Residents wishing to serve as a Community Panel that is eligible to receive financial support from the County, must have at least one preliminary meeting with Planning Division staff to discuss the proposed community planning effort.
- 2.2. Following initial discussion with the Planning Division, the Community Panel must develop a written Community Planning Proposal that must contain, at a minimum:
 - a. The proposed name of the Community Panel including a list of the people who will act as the initial Community Panel, and information regarding its organization and composition, including, if applicable, a copy of its current budget and a list of its board of directors. (The membership of the Community Panel may be increased thereafter);
 - b. Copies of completed Form 1 "Statement of Financial Interests" for the previous year and, when applicable: Form 2 "Quarterly Client Disclosure" for the previous four quarters from those people wishing to act as the Community Panel and from any consultants that have been retained by the Community Panel to assist in the community planning effort;
 - c. A preliminary boundary description or a map of the area of the unincorporated County that the plan intends to cover;
 - d. An overview of the main issues that the planning effort intends to address and the expected resources needed to address the issues;
 - e. A preliminary timetable for the planning effort including target dates for project milestones such as completion of a visioning effort, completion of the data and analysis, workshops and public meetings, compilation of a draft study, and study completion date;
 - f. A description of the methods and procedures to be used to foster the maximum amount of public participation in the planning process;
 - g. A good faith estimate of the expected full cost of the planning effort;
 - h. A statement indicating the percentage of the projected costs that will be provided through the County funds; and,
 - i. A tangible demonstration that the planning effort will operated in a financially sound manner.
- 2.3. Planning staff will review and comment on the Community Planning Proposal to determine if it is sufficient for presentation to the Board of County Commissioners. Planning staff may require additional information, clarifications, or revisions to assure that the minimum requirements of this code have been met. Planning Staff will make a recommendation as to whether a Community Planning Proposal is sufficient to proceed before the Board of County Commissioners.

Section 3. Obtaining Seed Money and Planning Funding:

- 3.1 Once a Community Planning Proposal is determined by Planning staff to be sufficient, staff will initiate a blue sheet to bring the proposal, which includes a proposed grant agreement requesting the use of public funds, to a Public Hearing at a regularly scheduled Board of County Commissioner meeting. The grant agreement will set forth the terms and conditions that must be fulfilled prior to obtaining the Planning Funds and the seed money, if included in the request.
- 3.2 At the Public Hearing the Board of County Commissioners will solicit input from members of the community and the public in general.
- 3.3 Following public comment, the Board of County Commissioners will consider by motion whether to enter into the contract with the Community Panel.

Section 4. Seed Money, Planning Funds and Additional Grant Funding Assistance:

- 4.1. The Board of County Commissioners may initially authorize a grant of up to \$5,000 ("seed money"); to facilitate a community planning effort. No money will be disbursed by the Board until the required grant agreement is approved. The "seed money" will be disbursed pursuant to the written grant agreement between the County and the Community Panel. All disbursements of "seed money" will be deducted from the maximum amount of funds for which the Community Panel may be eligible.
- 4.2. Subsequent disbursements of public money for Planning Funds will be available in accordance with the terms and conditions of the grant agreement. The County grant will be based on the size and scope of the planning effort and the Community Panel's ability to complete the effort.
- 4.3 Each Community Panel may be eligible to receive a grant of up to \$50,000 for the development of a community plan and up to an additional \$50,000 for the preparation of land development regulations necessary to implement the community plan. The maximum amount of funds disbursed for each phase of the planning effort may not exceed \$50,000.
- 4.4. Community Panels may update community plans and the land development regulations necessary to implement the plan after five years. The County may authorize a grant of up to \$50,000 to defray the cost of the update.
- 4.5. All grants of public funds must be used solely for the creation of, or update to, the community plan and the preparation of land development regulations necessary to implement the plan. Acceptable uses of these public funds will include: payment of professional consulting services; advertising of public meetings/workshops; and copying of draft and final documents. Public funds may not be used for the rental of office space, purchase of supplies such as computers and software, or phone service. Before receiving any funds, the Community Panel must document how the funds will be utilized to the Lee County Department of Community Development, Planning Division.
- 4.6. The County will have unrestricted access to all records of the Community Panel pertaining to the community planning effort. The County may conduct audits of the financial records of the Community Panel. Before disbursing a grant of Planning Funds, the County must independently ensure that the proposed expenditure is in accordance with the regulatory requirements set forth in this Code and may enlist the Clerk of the Courts to perform an audit of the Community Panel. The head of the Community Panel must attest that the entity has complied with the provisions of the grant agreement and this Code.

- 4.7. County Planning Staff will assist the Community Panel in identifying additional funding sources to support the community planning efforts such as state or philanthropic grants.

Section 5. Public Participation:

- 5.1. The Community Planning effort is subject to the Florida laws on Open Government. Therefore, there must be an adequate opportunity for public participation in the community planning effort, the Community Panel must encourage and allow the participation of residents, property owners, the school district, and other interested parties. In order to effectuate this purpose, reasonable notice of all meetings pertaining to the community planning effort must be provided to the public. All meetings of the Community Panel must be open to the public.
- 5.2. Proper notification of meetings of the full Community Panel will include the posting of the meeting date and time in several public places including, but not limited to local libraries, post offices, banks, supermarkets, chambers of commerce, civic associations, and community recreation areas. In addition, these public meetings must be noticed in a local paper that is published daily or weekly. All posted and published notices must provide the date, time, and location of the public meeting. In lieu of a display advertisement, the notice could take the form of an article in a similar publication that provides the date, time, and location of the public meeting.
- 5.3. The Community Panel must maintain both recorded and written minutes of all of its full meetings. All records of the Community Panel pertaining to the community planning effort will be deemed public records and open for personal inspection by any person.
- 5.4. The Community Panel may establish sub-committees consisting of members of the Community Panel and/or other community members for the purpose of information gathering, information sharing, and the exploration of common concerns. The sub-committee meetings are required to be publicly noticed and recorded. The common concerns explored by the sub-committees must be presented to the full Community Panel at an informational sharing session during a properly noticed public meeting as outlined in section 5.2 above.

Section 6. Minimum Community Plan Requirements.

- 6.1. The Community Panel's suggested additions or revisions to the Lee Plan must be based on sufficient data and analysis to support the proposed amendments. Original data collection by the Community Panel to support the vision and unique character of a community is encouraged but not required.
- 6.2. Where data augmentation, updates, or special studies or surveys are deemed necessary by the Community Panel, appropriate methodologies must be clearly described or referenced and must meet professionally accepted standards for those methodologies.
- 6.3. The Community Panel's suggested additions or revisions to the Lee Plan must be based on resident and seasonal population estimates and projections. Resident and seasonal population estimates and projections must be those provided by the Planning Division, or can be generated by the Community Panel. If the local Community Panel chooses to base its community plan on its own projections, a detailed description of the rationale for this choice must be included in the Plan.
- 6.4. If a community plan includes suggested new Capital Expenditures or mandates County actions that will require additional or new public expenditure, the community plan must identify the funding source to achieve these expenditures.

- 6.5. County staff may make suggestions to the Community Panel regarding issues, upcoming projects, and other needs relevant to the community. The Community Panel is not obligated to incorporate those suggestions into the plan, but will recognize the suggestions as public input into the planning process.

Section 7. Submittal Requirements:

- 7.1. A completed Lee Plan Amendment Application form. (applicable comprehensive plan amendment fees will not be required.)
- 7.2. All text and maps submitted with a community plan must be in a format and size that is easily reproduced.
- 7.3. All maps included in the community plan must include major natural and man-made geographic features, and city and county lines, when applicable, and must contain a legend indicating a north arrow, map scale, and date.
- 7.4. As part of any proposed Comprehensive Plan Amendment, the Community Panel must provide a written summary on the extent of citizen participation in the planning effort. At a minimum, the citizen participation report must include the following information:
- a. Details of methods the Community Panel used to notify and involve the public. The dates, location, and attendance of all meetings and workshops where citizens were invited to discuss the planning effort;
 - b. Copies of all published and posted notices for meetings. A copy of the letters used for mailings, as well as the dates the letters were mailed and numbers of intended recipients. Copies of newspaper articles and newsletters discussing the community planning efforts.
 - c. Copies of all Agency Minutes for all meetings and workshops;
 - d. Copies of notices, newsletters, or other written materials distributed during the community planning effort;
 - e. A tally of the number of people who participated in the process, and if possible, the names of those who attended meetings and workshops;
 - f. A summary of the issues and concerns expressed by the participants in the planning effort;
 - g. The substance of the issues and concerns;
 - h. A description of how the agency has addressed or intends to address the issues and concerns expressed during the planning effort;
 - i. A description of the issues and concerns the Community Panel does not intend to address and why;
 - j. Copies of correspondence, including e-mail and facsimile transmittals; and
 - k. The names and addresses of the members of the Community Panel and all consultants retained to assist the Community Panel, and their additional Form 1 and Form 2 disclosures

for the time periods through the date of submittal of the Community Panel's suggested additions or revisions to the Lee Plan.

Section 8. Community Plan Amendment Review Process:

- 8.1 Following submittal of suggested amendments to the Lee Plan, Planning Division staff will conduct a complete evaluation and analysis of the proposal.
- 8.2 Lee County will consider comprehensive plan amendments suggested in community plans as part of the regular yearly amendment process. Those amendments will be reviewed, evaluated and considered in the same manner as any other proposed Lee Plan amendment. This review will follow the procedures and public notification required by Florida Statutes section 163.3187 and Lee County Administrative Code 13-6: Annual Plan Amendment Procedure to the Lee Plan.
- 8.3 The Board of County Commissioners reserves the right to adopt, not adopt or modify any and all of the community plan's suggestions.