

# DIVISION OF PLANNING

## MEMORANDUM



# LEE COUNTY

SOUTHWEST FLORIDA

**to:** Board of County Commissioners  
**from:** Paul O'Connor, <sup>POC</sup> AICP, Director  
**subject:** Evaluation and Appraisal Report and Smart Growth Comprehensive Plan Amendments  
**date:** Friday, December 1, 2006

Attached is your packet for the December 13<sup>th</sup> Comprehensive Plan Amendment Transmittal Hearing. This packet contains the amendments that were: recommended by the 2004 Evaluation and Appraisal Report (EAR); recommended by the Smart Growth Committee; initiated by the Board of County Commissioners; and, privately initiated. The agenda has been divided into a Consent Agenda and an Administrative Agenda.

The Consent Agenda contains those amendments which have both Staff and Local Planning Agency recommendations for transmittal to the Department of Community Affairs (DCA). These proposed amendments are minor, technical, or non-controversial in nature. There was little or no public participation on most of these items. Staff will follow this memorandum with a memorandum explaining the nature and intent of each of the Consent Agenda items.

The Administrative Agenda contains those amendments that have different recommendations between Staff and the Local Planning agency, contain unresolved issues, may receive additional public comment, or are privately initiated.

In addition to blocking out your calendars for Wednesday, December 13<sup>th</sup>, staff has reserved all day Thursday, December 14<sup>th</sup> as a backup day should the additional time be needed.

If you would like a briefing on the packet, I am more than happy to meet with you at your convenience.

cc: without attachments

Donald Stilwell, County Manager

David Owen, County Attorney

Mary Gibbs, Director, Department of Community Development

**2005/2006 EVALUATION AND APPRAISAL REPORT AND SMART GROWTH  
INITIATIVE LEE PLAN AMENDMENTS  
ADOPTION HEARING**

**COMMISSION CHAMBERS, 2120 MAIN STREET  
APRIL 11, 2007  
9:30 A.M.**

**AGENDA**

- 1. Call to order; Certification of Affidavit of Publication**
- 2. Consent Agenda:**
  - **Public comment on Consent Agenda**
  - **Items to be pulled for discussion by the Board**
  - **Motion to approve the balance of items**
  - **Consideration of items pulled for discussion**
- A. CPA2005-08 - Caloosahatchee Shores Community Plan**

Adopt a new Policy 21.1.4. directing the Caloosahatchee Shores Community to draft enhanced code enforcement standards for possible inclusion in the Land Development Code.  
**Sponsor:** Board of County Commissioners/The East Lee County Council.
- B. CPA2005-09 - Palm Beach Community Plan**

Amend the Future Land Use Element to add a Goal, Objectives, and Policies specific to the Palm Beach Community.  
**Sponsor:** Board of County Commissioners/The East Lee County Council
- C. CPA2005-10 – Airport Noise Boundaries and Number of Gas Pumps**

Amend the Future Land Use Element Policies 1.2.2., 1.7.1., and 5.1.4. and the Community Facilities and Services Element Policy 66.3.11., and the Future Land Use Map Series, Map 1, Page 5 of 5, to reflect the revised FAR Part 150 Noise Study for the Southwest Florida International Airport. In addition, amend Table 5, Southwest Florida International Airport Proposed Development Schedule, to increase the number of gas pumps allowed from twelve (12) to twenty-four (24).  
**Sponsor:** Board of County Commissioners/Port Board.
- D. CPA2005-11 - Greenways Recreational Trail Master Plan**

Incorporate the Lee County Multi-Propose Recreational Trails and Greenways Master Plan into the Lee Plan. Revise Goal 85, Objective 85.1., Policy 85.1.2., Policy 85.1.3., Policy 85.1.4., Policy 85.1.5., and Policy 107.1.1.(4)(d). Incorporate proposed new Policy 40.4.6., Policy 40.4.7., Policy 40.4.8., Policy 77.3.6., Policy 77.3.7., new Objective 85.4., Policy 85.4.1., Policy 85.4.2., new Goal 80, new Objective 80.1., Policy 80.1.1., Policy 80.1.2., new Objective 125.3., and Policy 125.3.1. Incorporate proposed new Map 22 (Lee County Greenways Multi-Purpose Recreational Trails Master Plan Map).  
**Sponsor:** Board of County Commissioners.

- E. CPA2005-12 – Captiva Community Plan**  
Amend Goal 13, Policy 6.1.2, Chapter XIII Single-Family Residence Provision and the definition of Density specific to the Captiva Community to incorporate the recommendations of the Captiva Island Community Planning effort.  
**Sponsor:** Board of County Commissioners/Captiva Community Planning Panel.
- F. CPA2005-13 – Community Planning**  
Amend the Future Land Use Element to evaluate incorporating community planning policies into the Lee Plan.  
**Sponsor:** Board of County Commissioners/Smart Growth Committee.
- G. CPA2005-16 – San Carlos/Estero Community Boundary**  
Amend the Future Land Use Map Series, Map 16, Lee County Planning Communities, to adjust the boundary between the Estero and San Carlos Planning Communities west of U.S. 41.  
**Sponsor:** Board of County Commissioners.
- H. CPA2005-18 – LOS Standards For SIS/FIHS/TRIP Funded Roads**  
Amend the Transportation Element to update Policy 37.1.1. to reflect new State LOS standards for SIS/FIHS/TRIP-funded roads.  
**Sponsor:** Board of County Commissioners.
- I. CPA2005-19 – FDOT Quality LOS Handbook**  
Amend the Transportation Element to update Policy 37.1.4. to refer to the 2002 FDOT Quality LOS Handbook.  
**Sponsor:** Board of County Commissioners.
- J. CPA2005-20 – Deletion of Policy 38.2.3**  
Amend the Transportation Element to delete Policy 38.2.3.  
**Sponsor:** Board of County Commissioners.
- K. CPA2005-21 – Update Reference to the LeeScape Master Plan**  
Amend the Transportation Element to update Objective 40.3. to refer to the latest version of the LeeScape (Lee County Roadway Landscape) Master Plan.  
**Sponsor:** Board of County Commissioners.
- L. CPA2005-22 – Mass Transit Update**  
Amend the Transportation Element Mass Transit Sub-Element's Goals, Objectives and Policies as identified in the most recent Evaluation and Appraisal Report.  
**Sponsor:** Board of County Commissioners.

- M. CPA2005-23 – Ports, Aviation and Related Facilities Update**  
Amend the Transportation Element Ports, Aviation and Related Facilities Sub-Element's Goals, Objectives and Policies as identified in the most recent Evaluation and Appraisal Report.  
**Sponsor:** Board of County Commissioners.
- N. CPA2005-24 - Update Transportation Concurrency Policies**  
Amend the Transportation Element to update transportation concurrency related Objectives and Policies to reflect current County policy and recent changes in State law.  
**Sponsor:** Board of County Commissioners
- O. CPA2005-28 – Conservation Lands Update**  
Amend the Future Land Use Map Series, Map 1, by updating the Conservation Lands land use categories.  
**Sponsor:** Board of County Commissioners.
- P. CPA2005-29 – Public Facilities Update**  
Amend the Future Land Use Map Series, Map 1, the Future Land Use Map, to update the mapped Public Facilities future land use category by adding and/or removing lands to more accurately identify publicly owned lands.  
**Sponsor:** Board of County Commissioners.
- Q. CPA2005-33 – Police and Justice Sub-Element Update**  
Amend the Community Facilities and Services Element Police and Justice Sub-Element Objective 69.1 to delete the referenced date and to acknowledge the ongoing nature of the objective. In addition, amend Policies 69.2.2. and 69.2.3. to reflect the existing status of substation facilities.  
**Sponsor:** Board of County Commissioners.
- R. CPA2005-39 – Commercial FLUM Category**  
Amend Goal 1 of the Future Land Use Element, the Future Land Use Map Series, Map 1, and Table1(a), by adding a new "commercial only" future land use category.  
**Sponsor:** Board of County Commissioners.
- S. CPA2005-40 – Sub-Outlying Suburban FLUM Category**  
Amend Goal 1 of the Future Land Use Element, the Future Land Use Map series, Map 1, and Table 1(a) and Table1(b), Summary of Residential Densities, by adding a new future land use category having a maximum density of 2 dwelling units per acre.  
**Sponsor:** Board of County Commissioners.

- T. CPA2005-41 – Manatee Protection Plan**  
Amend the Conservation and Coastal Management Element and the Future Land Use Element to incorporate the "boating facility siting element" of the Manatee Protection Plan required by F.S. 370.12.(2)(t)(3).  
**Sponsor:** Board of County Commissioners.
- U. CPA2005-42 – Economic Element Update**  
Amend the Lee Plan, Economic Element, for general updates as the element has not been updated since its creation in 1993.  
**Sponsor:** Board of County Commissioners.
- V. CPA2005-43 – Single Family Residence Provision Update**  
Amend the Procedures and Administration Element by updating the Single-Family Residence Provision.  
**Sponsor:** Board of County Commissioners.
- W. CPA2005-45 – Beach and Dune Management Plans**  
Amend Policy 113.3.1 in order to update the list of critical erosion areas under Beach and Dune Management Plans.  
**Sponsor:** Board of County Commissioners.
- X. Adopt the following Ordinance, which incorporates the substance of the items on the consent agenda into the Lee Plan:**

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE LAND USE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENTS APPROVED ON THE CONSENT AGENDA DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT, MAPS AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT; GEOGRAPHICAL APPLICABILITY, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

**3. Administrative Agenda – Adoption of Lee Plan Amendments**

- A. CPA2005-05 – Three Oaks North**  
Amend the Future Land Use Map Series, Map 1, for 83+/- acres in the northwest quadrant of I-75 and Alico Road, Section 3, Township 46 South, Range 25 East, Lee County, Florida, lying west of I-75 from "Industrial Development" to "Industrial Commercial Interchange."  
**Sponsor:** Paul H. Freeman, Trustee.

- B. Adopt the following Ordinance, which incorporates the contents of CPA2005-05 into the Lee Plan:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2005-05 (PERTAINING TO THE FUTURE LAND USE MAP CHANGE FOR AN 83±-ACRE PARCEL NORTH OF ALICO ROAD FROM INDUSTRIAL DEVELOPMENT TO INDUSTRIAL COMMERCIAL INTERCHANGE) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

- C. CPA2005-07 – Riverhall (fka Hawk's Haven)

Amend the Future Land Use Map Series for specified parcel (approximately 1,727 acres) located in Sections 25, 26, 27, 34, 35, and 36, Township 43 South, Range 26 East, to change the Future Land Use classification shown on Map 1 from "Rural" and "Suburban" to "Outlying Suburban" and "Public Facilities." Amend Table 1(a), Footnote 6, to limit development in the plan amendment area to two units per acre and place a specific cap on residential development of 2,800 dwelling units on the specified property.

**Sponsor:** Hawks Haven Investment, LLC.

- D. Adopt the following Ordinance, which incorporates the contents of CPA2005-07 into the Lee Plan:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2005-07 (PERTAINING TO AN AMENDMENT TO THE FUTURE LAND USE MAP SERIES FOR A PARCEL OF 1,727 ACRES TO CHANGE THE FUTURE LAND USE CLASSIFICATION SHOWN ON MAP 1 FROM "RURAL" AND "SUBURBAN" TO "OUTLYING SUBURBAN" AND "PUBLIC FACILITIES" AND ALSO AMENDING TABLE 1(a), FOOTNOTE 6, TO RESTRICT PERMISSIBLE DENSITY AND UNITS) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT, MAPS, AND

**TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

**E. CPA2005-17 – Long Range Transportation Plan**

Amend the Transportation Element to update Policy 36.1.1. and the Transportation Map Series, Map 3, to reflect the new 2030 MPO Long Range Transportation Plan.

**Sponsor:** Board of County Commissioners.

**F. Adopt the following Ordinance, which incorporates the contents of CPA 2005-17 into the Lee Plan:**

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2005-17 (PERTAINING TO THE LONG RANGE TRANSPORTATION PLAN) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

**G. CPA2005-25 – Change Lee Plan Horizon to the year 2030**

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

**Sponsor:** Board of County Commissioners.

**H. Adopt the following Ordinance, which incorporates the contents of CPA2005-25 into the Lee Plan:**

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2005-25(PERTAINING TO CHANGING THE LEE PLAN HORIZON YEAR TO 2030) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

- I. **CPA2005-26 – Update BEBR Population Projections**  
Amend the Lee Plan text and tables to reflect the latest BEBR population projections. Amend Map 16 to reflect current City boundaries and amend Map 8 to reflect updated potable wellfield cones of influence.  
**Sponsor:** Board of County Commissioners.

- J. **Adopt the following Ordinance, which incorporates the contents of CPA2005-26 into the Lee Plan:**

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2005-26 (PERTAINING TO THE BEBR POPULATION PROJECTION AND MAPS 8 AND 16 UPDATE) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

- K. **CPA2005-27 – Update Capital Improvement Element (CIE) Tables 3 and 4**  
Amend the Capital Improvement Element (Tables 3 and 4) to reflect the latest adopted Capital Improvement Program.  
**Sponsor:** Board of County Commissioners.

- L. **Adopt the following Ordinance, which incorporates the contents of CPA2005-27 into the Lee Plan:**

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2005-27 (PERTAINING TO TABLES 3 AND 4 OF THE CAPITAL IMPROVEMENT ELEMENT) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.



**M. CPA2005-35 – New Urbanism Definitions**

Amend the Lee Plan Glossary to add new, and amend existing, definitions to incorporate the principles of New Urbanism.

**Sponsor:** Board of County Commissioners.

**N. Adopt the following Ordinance, which incorporates the contents of CPA2005-35 into the Lee Plan:**

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2005-35 (PERTAINING TO THE INCORPORATION OF THE PRINCIPLES OF NEW URBANISM INTO THE LEE PLAN GLOSSARY) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

**O. CPA2005-37 – New Urbanism**

Amend the Future Land Use Element to include and revise Goals, Objectives, and Policies to incorporate the concepts and principles of New Urbanism, Traditional Neighborhood Design, and Transit Oriented Development. Amend the Future Land Use Map Series to include an overlay depicting areas where mixed use development will be allowed to calculate residential density from commercial property when smart growth principles are applied.

**Sponsor:** Board of County Commissioners.

**P. Adopt the following Ordinance, which incorporates the contents of CPA2005-37 into the Lee Plan:**

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2005-37 (PERTAINING TO NEW URBANISM) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

**Q. CPA2005-46 – Smart Growth Recommendations**

Amend the Lee Plan to incorporate the recommendations from the County's Smart Growth Initiative into the Lee Plan

**R. Adopt the following Ordinance, which incorporates the contents of CPA2005-46 into the Lee Plan:**

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2005-46 (PERTAINING TO THE RECOMMENDATIONS FROM THE SMART GROWTH INITIATIVE) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

**S. CPA2005-47 – Housing Element Update**

Amend the Housing Element to reflect the findings of the most current Housing Needs Assessment.

**Sponsor:** Board of County Commissioners.

**T. Adopt the following Ordinance, which incorporates the contents of CPA2005-47 into the Lee Plan:**

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2005-47 (PERTAINING TO THE HOUSING ELEMENT UPDATE) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to all proposed actions. Pursuant to Florida Statutes Section 163.3184(7), persons participating in the Comprehensive Plan Amendment process, who provide their name and address on the record, will receive a courtesy informational statement from the Department of Community Affairs prior to the publication of the Notice of Intent to find a plan amendment in compliance.

If a person decides to appeal a decision made by the Board with respect to any matter considered at this hearing, he or she will need a record of the proceedings, and, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Further information may be obtained by contacting the Lee County Division of Planning at 479-8585.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Janet Miller at 479-8583.

**2005/2006 EVALUATION AND APPRAISAL REPORT  
AND SMART GROWTH INITIATIVE LEE PLAN AMENDMENTS  
ADOPTION HEARING**

**COMMISSION CHAMBERS, 2120 MAIN STREET**

**CONTINUED FROM APRIL 11, 2007 TO  
MAY 16, 2007  
9:30 A.M.**

**AGENDA**

**1. Call to order; Certification of Affidavit of Publication**

**2. ADMINISTRATIVE AGENDA CONTINUED ITEMS**

**A. CPA2005-07 – Riverhall (fka Hawk’s Haven)**

Amend the Future Land Use Map Series for specified parcel (approximately 1,727 acres) located in Sections 25, 26, 27, 34, 35, and 36, Township 43 South, Range 26 East, to change the Future Land Use classification shown on Map 1 from “Rural” and “Suburban” to “Outlying Suburban” and “Public Facilities.” Amend Table 1(a), Footnote 6, to limit development in the plan amendment area to two units per acre and place a specific cap on residential development of 2,800 dwelling units on the specified property.

**Sponsor:** Hawks Haven Investment, LLC.

**B. Adopt the following Ordinance, which incorporates the contents of CPA2005-07 into the Lee Plan:**

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “LEE PLAN,” ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2005-07 (PERTAINING TO AN AMENDMENT TO THE FUTURE LAND USE MAP SERIES FOR A PARCEL OF 1,727 ACRES TO CHANGE THE FUTURE LAND USE CLASSIFICATION SHOWN ON MAP 1 FROM “RURAL” AND “SUBURBAN” TO “OUTLYING SUBURBAN” AND “PUBLIC FACILITIES” AND ALSO AMENDING TABLE 1(a), FOOTNOTE 6, TO RESTRICT PERMISSIBLE DENSITY AND UNITS) APPROVED DURING THE COUNTY’S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT, MAPS, AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF “THE LEE PLAN”; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.**

**C. CPA2005-27 – Update Capital Improvement Element (CIE) Tables 3 and 4**

Amend the Capital Improvement Element (Tables 3 and 4) to reflect the latest adopted Capital Improvement Program.

**Sponsor:** Board of County Commissioners.

**D. Adopt the following Ordinance, which incorporates the contents of CPA2005-27 into the Lee Plan:**

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2005-27 (PERTAINING TO TABLES 3 AND 4 OF THE CAPITAL IMPROVEMENT ELEMENT) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

**3. MOTION TO FINIALIZE ALL ACTIONS TAKEN AT THE APRIL 11, 2007 ANDTHE MAY 16, 2007 ADOPTION HEARINGS**

**4. ADJOURN**

This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to all proposed actions. Pursuant to Florida Statutes Section 163.3184(7), persons participating in the Comprehensive Plan Amendment process, who provide their name and address on the record, will receive a courtesy informational statement from the Department of Community Affairs prior to the publication of the Notice of Intent to find a plan amendment in compliance.

If a person decides to appeal a decision made by the Board with respect to any matter considered at this hearing, he or she will need a record of the proceedings, and, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Further information may be obtained by contacting the Lee County Division of Planning at 479-8585.

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# ADMINISTRATIVE AGENDA ITEMS

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

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LEE COUNTY COMPREHENSIVE PLAN

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**THE LEE PLAN**

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BoCC Public Hearing Document  
For the  
April 11<sup>th</sup> Adoption Hearing

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

April 4, 2007

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

Text Amendment

Map Amendment

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

STAFF REPORT PREPARATION DATE: November 16, 2006

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT/REPRESENTATIVE:**

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

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

**B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

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



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

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

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

There are no changes proposed for the remaining section.

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

**1. Alva –**

There are no changes proposed for the first paragraph.

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

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

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

## 2. *Gasparilla Island/Boca Grande* –

There are no changes proposed for the first four paragraphs

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

There are no changes proposed for the remaining paragraphs.

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

## 3. *Bonita* –

There are no changes proposed for the first paragraph.

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

There are no changes proposed for the remaining paragraphs.

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

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

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

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

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

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

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

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

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

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

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

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

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

**10. Gateway/Airport -**

There are no changes proposed for the first paragraph.

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

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

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

There are no changes proposed for the remaining paragraphs.

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

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

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

**12. Iona/McGregor** –

There are no changes proposed for the first paragraph.

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

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

There are no changes proposed for the fourth paragraph.

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

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

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

There are no changes proposed for the second paragraph.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Glossary**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

100% of the University Community has been rezoned.

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Surface Water Management Master Plan has been completed.

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

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

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

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

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

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

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

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

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

This plant is currently operating and will be expanded.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**POLICY 110.1.3:** ~~By 1995, a~~ *All new residential development of more than 50 units will be required to provide continuing information to residents concerning hurricane evacuation and shelters, through the establishment of a homeowners' or residents' association. (Amended by Ordinance No. 94-30, 00-22)*

The LDC has been amended and now addresses this issue.

**POLICY 110.1.4:** ~~By 1995, a~~ *All new residential development of more than 100 units will be required to formulate an emergency hurricane preparedness plan; this plan is subject to the approval of the Lee County Division of Public Safety. (Amended by Ordinance No. 94-30, 00-22)*

The LDC has been amended and now addresses this issue.

**POLICY 110.1.5:** ~~By 1995, the county will prepare and adopt a flood plain management plan.~~ *The County will maintain the flood plain management plan and will analyze the flooding problem of the unincorporated areas of Lee County, inventory the flood hazard area, review possible activities to remedy identified flooding problems, select appropriate alternatives, and formulate a schedule for implementation. (Amended by Ordinance No. 92-35, 94-30, 00-22)*

This has been completed and has been implemented.

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

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

**OBJECTIVE 111.2: POST-DISASTER ORDINANCE.** *Maintain an ordinance that implements (where necessary) the Post-Disaster Strategic Plan, and provides regulations that may be needed following a natural or technological disaster. ~~By 1995,~~ The Recovery Task Force will recommend amendments as needed to the Post-Disaster Strategic Plan. (Amended by Ordinance No. 94-30, 00-22)*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

## **2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

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

### **C. BACKGROUND INFORMATION**

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

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

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

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

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

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

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

**B. CONCLUSIONS**

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

**C. STAFF RECOMMENDATION**

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

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

PUBLIC HEARING DATE. November 27, 2006

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

There were no comments provided by LPA members.

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

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

**C. VOTE:**

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

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

**DATE OF TRANSMITTAL HEARING:** December 13, 2006

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

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

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

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

**C. VOTE:**

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

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

**DATE OF ORC REPORT:**

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:**

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

**OBJECTION:**

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

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

**B. STAFF RESPONSE:**

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

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

**DATE OF ADOPTION HEARING:**

**D. BOARD REVIEW:**

**E. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**F. VOTE:**

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

**LEE COUNTY ORDINANCE NO. \_\_\_\_\_**  
(Lee Plan Horizon 2030)  
(CPA2005-25)

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2005-25(PERTAINING TO CHANGING THE LEE PLAN HORIZON YEAR TO 2030) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") Policy 2.4.1. and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held public hearings on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on October 23, 2006 and November 27, 2006; and,

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



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

WHEREAS, at a public hearing on April 11, 2007, the Board moved to adopt the proposed amendment to the Lee Plan set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:**

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "2005/2006 Regular Comprehensive Plan Amendment Cycle CPA2005-25 Lee Plan Horizon Update Ordinance."**

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

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, as revised by the Board on April 11, 2007, known as CPA2005-25. CPA2005-25 amends the Lee Plan to change references to the planning horizon from the year 2020 to the year 2030 and to update the Vision Statements to the year 2030.

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

### SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

### SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

### SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

### SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance

may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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

Robert P. Janes

Brian Bigelow

Ray Judah

Tammy Hall

Frank Mann

DONE AND ADOPTED this 11<sup>th</sup> day of April 2007.

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Robert P. Janes, Chair

DATE: \_\_\_\_\_

Approved as to form by:

\_\_\_\_\_  
Donna Marie Collins  
County Attorney's Office