

DIVISION OF PLANNING

MEMORANDUM



LEE COUNTY

SOUTHWEST FLORIDA

to: Board of County Commissioners
from: Paul O'Connor, ^{POC} 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 13th 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 13th, staff has reserved all day Thursday, December 14th 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

CPA2005-47

**HOUSING ELEMENT
UPDATE**

CPA2005-47
UPDATE HOUSING ELEMENT (TO
REFLECT FINDINGS IN THE HOUSING
NEEDS ASSESSMENT)
BoCC SPONSORED AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BOCC PUBLIC HEARING DOCUMENT
FOR THE
APRIL 11th, 2007 PUBLIC HEARING

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

April 6, 2007

LEE COUNTY
 DIVISION OF PLANNING
 STAFF REPORT FOR
 COMPREHENSIVE PLAN AMENDMENT
 CPA2005-47



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 09, 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 update the Housing Element reflecting the findings of the Housing Needs Assessment:

B. STAFF AND AFFORDABLE HOUSING COMMITTEE RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Planning staff recommends the Board of County Commissioners adopt the proposed amendments to the Housing Element as shown in Part V B of this report.

OBJECTIVE 135.1: HOUSING AVAILABILITY. Work with private and public housing providers to ensure that the approximately 48,562 additional dwellings needed by 2010 2025 are provided in types, costs, and locations to meet the needs of the Lee County population. It is estimated that by 2025, 114,927 additional dwelling units will be needed in all of Lee County and 39,637

~~will be needed in unincorporated Lee County. Lee County will update this forecast of additional dwelling units using state mandated methodologies during the next update of this Housing Element, which will occur no later than the next scheduled Evaluation and Appraisal Report. (Amended by Ordinance No. 94-30, 98-09)~~

POLICY 135.1.2: The county will continue efforts to form public-private partnerships to produce affordable housing for very-low, low and moderate-income households with local private non-profit housing agencies, local for profit developers, local lenders, the Lee County Housing Authority, and the Lee County Housing Finance Authority. (Amended by Ordinance No. 00-22)

POLICY 135.1.4: Provide for housing bonus density as set forth in the Land Development Code (LDC), Sections 34-1511 to 34-1520, to stimulate the construction of very-low, low and moderate income affordable housing in Lee County. Amend the Housing Density Bonus Ordinance by April, 1999 to increase its effectiveness in providing affordable housing. Revisions will be consistent with affordability and income guidelines for very low and low income households as defined by the Local Housing Assistance Plan. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 135.1.6: Implement ways to achieve ongoing affordability for subsidized homeowner and rental housing by encouraging the establishment of one or more community land trust(s) and/or encouraging housing providers to design mechanisms to assure ongoing affordability of subsidized units and implement mechanisms to monitor and enforce such ongoing affordability mechanisms. Continue the operation of the publicly owned land bank with the purpose of providing land for affordable housing for low and moderate income households in conjunction with local private non-profit and for profit housing providers. (Amended by Ordinance No. 94-30)

POLICY 135.1.7: Site selection criteria will be used in the location of housing for special needs populations as defined in Rule 67-37.002(30) ~~the elderly, transitional housing for the homeless, and institutional housing~~ which will consider accessibility, convenience, and infrastructure availability. Favorable sites include one or more of the following characteristics:

1. Located within the Intensive Development, Central Urban, Urban Community, or New Community categories on the Lee Plan's Future Land Use Map;
 - ~~2. Located in a designated Community Redevelopment Area;~~
 - 2.3. Located where central water/sewer service is available and within comfortable walking distance of mass transit;
 - ~~3.4.~~ Located on land previously converted for urban purposes; and
 - 4.5. For farm worker housing, a rural site located near active cropland or groves is also acceptable.
- (Amended by Ordinance No. 94-30, 00-22)

POLICY 135.1.8: The county will provide through the rezoning process for the location of adequate sites for very-low, low- and moderate-income residential development including mobile homes, and housing for special needs populations as defined in Rule 67-37.002(30)

~~migrant worker housing, and transitional housing for the homeless. (Amended by Ordinance No. 00-22)~~

~~**POLICY 135.1.11:** The Lee County will cooperate with the Office of Equal Opportunity will be responsible for compliance with the county's Fair Housing Ordinance to assure compliance with the Lee County Fair Housing Ordinance. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 135.1.12:** The county will coordinate its activities and cooperate with other affected public and private interests, including consumers and producers of housing, and the Affordable Housing Committee, Community Action Agency, and the Neighborhood District Committee(s) and the ~~Housing and Community Development Committee~~, to ensure effective public participation in the housing planning process. (Amended by Ordinance No. 94-30, 98-09, 00-22)~~

~~**POLICY 135.1.13:** Lee County will implement initiatives to assist the homeless. ~~The county will provide adequate staff support for the Department of Human Service's Homeless Coalition and for a new service, an affordable housing hotline.~~ (Amended by Ordinance No. 98-09, 00-22)~~

OBJECTIVE 135.2: RURAL AND FARMWORKER HOUSING SEASONAL AND MIGRATORY HOUSING NEEDS. By the year ~~2025~~ 2005, Lee County will ~~provide~~ have an additional 619 units of affordable housing that is suitable and affordable for rural and farm worker farm labor housing by increasing the stock of standard affordable housing and the removal of substandard conditions. (Amended by Ordinance No. 94-30, 98-09)

POLICY 135.2.1: Assist private agricultural businesses to develop and manage housing for rural and farm workers ~~migrant farm workers~~ through information, technical assistance, and financial incentives programs.

POLICY 135.2.2: Assist non-profit agencies and other support groups to plan and coordinate arrangements for low-cost rental housing and other non-housing support services for rural and farm workers and their families through the Lee County Housing Authority.

POLICY 135.2.4: Lee County will set aside 10% of its SHIP housing subsidy for funding the development of special needs housing, which will include rural and farm worker housing. (Added by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

POLICY 135.2.5: Lee County will promote the location of rural and farm worker housing close to needed services such as transportation to and from employment, medical facilities, social services, schools and shopping. Lee County will evaluate proximity to these services when county funds are requested for farmworker housing and during any rezoning process. (Added by Ordinance No. 98-09)

~~**POLICY 135.2.6:** By January, 1999, Lee County will form partnerships with local vocational training schools and other appropriate agencies to foster job training and economic development opportunities which would enable migrant farmworkers to find employment off-season and therefore become year-round employees. (Added by Ordinance No. 98-09)~~

POLICY 135.3.2: ~~The Lee County Community Improvement Office~~ will continue to identify homes eligible for various housing rehabilitation programs. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 135.3.4: The county will ~~vigorously~~ enforce its housing code to assure that housing will remain habitable. (Amended by Ordinance No. 00-22)

POLICY 135.3.5: The county will continue to enforce minimum standards of housing and sanitation and require prompt action in the identification of abandoned or dilapidated property which may need demolition, including mobile homes and rural and farm worker housing. (Amended by Ordinance No. 00-22)

POLICY 135.3.8: Lee County will coordinate efforts to perform restoration and replacement of damaged housing during the aftermath of natural disasters such as hurricanes. ~~Continue to operate the Urban Homesteading program.~~

OBJECTIVE 135.4: AFFORDABLE HOUSING. Additional locations for housing for very-low, low- and moderate-income persons will be available to meet their housing needs. Very low and low income housing needs will be a priority. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 135.4.1: Support the efforts of the Lee County Housing Finance Authority, Florida Housing Finance Corporation, Lee County Housing Authority, the Lee County Department of Human Services, ~~the Lee County Community Redevelopment Agency~~, the Lee County Department of Community Development, and local private for profit and private non-profit agencies, and assist in their efforts to determine and develop sites and programs for housing for very-low, low and moderate-income persons, including the homeless, through referrals and staff support. (Amended by Ordinance No. 94-30, 98-09)

POLICY 135.4.2: Publicly assisted housing will be provided in a dispersed rather than a concentrated manner so that, to the maximum extent feasible, all geographic areas will provide very-low, low-and moderate-income housing opportunities. (Amended by Ordinance No. 94-30)

POLICY 135.4.4: Support the Lee County Department of Human Services, and the Human Services Information Network ~~the Lee County Coalition of Emergency Assistance Providers, and the Homeless Coalition~~ in assisting very-low, low- and moderate-income persons, including the homeless, to find adequate housing and support services such as day care, emergency shelter, food and clothing, and coordination with employment services. (Amended by Ordinance No. 98-09)

POLICY 135.4.5: ~~The cCounty Department of Human Services~~ will provide counseling services to very-low, low and moderate-income participants in any of the Department's housing programs, including the homeless. The counseling may include financial guidance, housing maintenance information, and consumer advice to assist households seeking affordable, standard housing. Lee County will continue to offer home buyer training to program beneficiaries. (Amended by Ordinance No. 98-09, 00-22)

POLICY 135.4.8: The county will participate in state and federal housing assistance programs to aid special needs populations as defined in Rule 67-37.002(30), ~~the elderly, developmentally disabled, physically disabled, mentally ill, substance abusers, large families, farmworker,~~ and other very-low, low and moderate-income households to secure suitable, affordable housing, housing rehabilitation, home buyer training, down payment and closing cost assistance, rental assistance, and new construction home ownership programs. (Amended by Ordinance No. 98-09, 00-22)

POLICY 135.4.9: Give priority to special needs populations as defined in Rule 67-37.002(30) ~~the homeless, elderly, disabled and large families~~ with inadequate housing in recognition of the even greater problems faced by the private sector in providing this needed type of housing. (Amended by Ordinance No. 98-09)

POLICY 135.4.10: Seek to stimulate the production of housing affordable for very-low, low and moderate-income households through the creation of such institutions as a Community Land Trust which provide ongoing affordability. ~~an affordable housing trust fund, an independent private non-profit local housing development corporation, land banking and land acquisition.~~

POLICY 135.4.11: In order to facilitate the provision of affordable housing for workers and maintain a viable economy, Lee County will develop a workforce housing initiative. ~~to strengthen the family unit, and to provide increased opportunities for housing for the elderly,~~ accessory apartments will be provided for in the Land Development Code by the end of 1993. (Added by Ordinance No. 93-25, Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 135.5: MOBILE HOMES MANUFACTURED HOUSING. The county will provide adequate locations and standards for ~~manufactured housing and mobile homes,~~ which are defined as residential units constructed to standards promulgated by HUD, through implementation of Chapter 34 of the Land Development Code. (Amended by Ordinance No. 94-30, 00-22)

POLICY 135.5.1: The Land Development Code will continue to designate zoning categories for mobile home parks and to implement the requirements set forth in F.S. 773.083 Governmental Action Affecting the Removal of Mobile Home Owners. ~~and manufactured housing parks and subdivisions sufficient to meet the future land requirements for manufactured housing.~~ (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 135.6: SPECIAL NEEDS. Locations for housing for special needs populations as defined in Rule 67-37.002(30) ~~group homes or homeless shelters or transitional housing for the homeless~~ will be available at suitable sites to ensure that the needs of persons requiring such housing are met.

POLICY 135.6.1: The Lee County Office of Equal Opportunity will continue to enforce nondiscriminatory standards and criteria addressing community residential homes (e.g. group homes or foster care facilities) or assisted living facilities for persons and households with special needs. ~~The county will continue to enforce non-discriminatory standards and criteria~~

~~addressing the location of group homes and foster care facilities. (Amended by Ordinance No. 00-22)~~

POLICY 135.6.2: In order to serve persons with special needs, disabilities, or handicaps, the county will provide for the location of adequate sites for community residential homes (e.g. group homes or foster care facilities) ~~group homes and foster care facilities through the approval of appropriate zoning districts dispersed among the residential neighborhoods of Lee County.~~ (Amended by Ordinance No. 00-22)

POLICY 135.6.3: Other community-based residential care service providers facilities needed to assist residents living in community residential homes (e.g. group homes or foster care facilities) ~~serve group homes~~ and the clients of other programs will be encouraged to locate, ~~through the zoning process,~~ at convenient, adequate, and non-isolated sites throughout within the residential areas of the county. (Amended by Ordinance No. 94-30, 00-22)

POLICY 135.6.5: The county will monitor the development and distribution of publicly-assisted community residential homes (e.g. group homes or foster care facilities) ~~group homes~~ and residential care facilities to insure that adequate sites and infrastructure are provided and that over-concentration in any residential area is avoided. (Amended by Ordinance No. 94-30, 00-22)

POLICY 135.6.6: Lee County will provide competitive local funding opportunities to non-profit organizations to ensure that scattered site housing is provided for persons and households with special needs. ~~The county will institute local programs providing assistance to private and non-profit sponsors to insure that adequate group homes, transitional homeless housing, and foster care facilities are developed.~~ (Amended by Ordinance No. 00-22)

POLICY 135.6.7: The county will cooperate with appropriate agencies in order to provide adequate sites for community residential homes (e.g. group homes or foster care facilities), ~~congregate living facilities, including group and foster care homes and homeless shelters and transitional housing,~~ to meet the requirements of persons with special needs as defined in Rule 67-37.002(30). ~~, disabilities, and handicaps for a community residential environment and de-institutionalization.~~ (Amended by Ordinance No. 00-22)

OBJECTIVE 135.7: DISPLACEMENT. Uniform and equitable treatment for persons and businesses displaced by state and local government programs will be provided. Complaints that such efforts and/or assistance were administered in a discriminatory manner may be filed with the Lee County Office of Equal Opportunity, through the Department of Human Relations. (Amended by Ordinance No. 98-09)

POLICY 135.7.1: Lee County will ensure that reasonably located standard housing at affordable costs is available to persons displaced through public action prior to their displacement and will follow all obligations imposed by law or county policy, including those relating to equal provision of services, through the county's Voluntary Relocation Program.

~~**POLICY 135.7.2:** The county will support the efforts of local private non-profit agencies to provide standard, affordable housing for Lee County's homeless through staff support, referrals, and financial assistance where applicable. (Amended by Ordinance No. 00-22)~~

POLICY 135.8.1: Assist the rehabilitation and adaptive use of historically significant housing through technical and economic assistance programs such as Community Development Block Grant and HOME funding, State Housing Initiatives Partnership eligibility, and emergency weatherization. ~~Consider the incentives of property tax relief or abatement, transfer of development rights, and below market interest rate loans, consistent with the Historic Preservation element.~~ (Amended by Ordinance No. 94-30, 98-09)

~~**POLICY 135.8.2:** The county will assist property owners of historically significant housing in applying for and utilizing state and federal assistance programs. (Amended by Ordinance No. 00-22)~~

POLICY 135.9.2: Designate appropriate areas of the county as Neighborhood Districts ~~CDBG Target areas and Neighborhood Strategy Areas~~, and carry out the Department of Human Services Neighborhood District program activities in a timely and efficient manner.

POLICY 135.9.3: Plan and implement safe neighborhood programs in designated ~~Neighborhood Improvement~~ Districts. (Added by Ordinance No. 94-30, 98-09)

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

- In August 2005, Lee County updated the 1997 Housing Needs Assessment. With the exception of two new Policies, these changes are based on the analysis of existing Goals, Objectives and Policies and further the recommendations submitted to DCA with the 2005 Housing Needs Assessment in the Lee County EAR.
- On August 29, 2006, the Affordable Housing Committee approved these changes.

C. **BACKGROUND INFORMATION**

The 2004 Lee County Evaluation and Appraisal Report (EAR) identified Affordable Housing as Major Issue #12. The County agreed to include the full housing needs assessment with the EAR-based amendment and to revise the Lee Plan based on the results of the assessment. The 2005 Housing Needs Assessment summarizes and compares housing data from The Shimberg Center's Florida Housing Data Clearinghouse (Shimberg), the 1990 and 2000 Census (as well as for more recent years when available) and locally generated data. A majority of the tables show a comparison from the data provided in the previous 1997 Housing Element Update to the most current data available, mostly from Shimberg. Data from the years 2000 and 2002 are the most current data available, and the 2005 Housing Needs Assessment used 2002 as the base year, with projections for the years 2005 to 2025.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

On August 29, 2006 the Affordable Housing Committee reviewed and voted to recommend approval of the amendments to the Housing element as shown in this document. Most of the proposed changes are summarized below:

Two new policies are proposed:

- Ongoing affordability for subsidized housing – Policy 135.1.6 calls for achieving ongoing affordability of subsidized housing by encouraging the establishment of one or more community land trusts(s) and/or encouraging housing providers to design alternative measures to assure ongoing affordability. This policy is already being implemented as the county is facilitating the establishment of a non-profit community land trust by providing funding and technical assistance.
- Workforce housing initiative-- Policy 135.4.11 calls for the development of a workforce housing initiative. This policy is already being implemented as the Local Housing Assistance Plan of the SHIP program has been amended to include a workforce housing strategy.

Three policies are proposed for elimination:

- Accessory apartments – Policy 135.4.11 called for the allowance of accessory apartments in the Land Development Code. This policy has been implemented and therefore no longer needed.
- Homelessness – Policy 135.7.2 is not relevant to its objective. Objective 135.7 deals with displacement by state and local programs but Policy 135.7.2 deals with all homeless persons not just displaced by public action.
- Historic buildings – Policy 135.8.2 calls for assisting owners of historically significant housing in applying for and utilizing state and federal assistance programs, however for the most part state and federal historic preservation programs, are not designed to provide assistance for the rehabilitation of privately held residential buildings.

Other changes proposed fall into the following broad categories:

- Changes identifying very low income households as a separate category – previously very low income households were not identified but just assumed to be part of the low income households category (Policies 135.1.2, 135.1.8, Objective 135.4, Policies 135.4.1, 135.4.2, 135.4.5, 135.4.8, 135.4.10)
- Changes updating terminology --changes have been made to delete organizations, programs and terminology that no longer exist and as appropriate replace them with the current terminology and organizational and program titles (Objective 135.1, Policies 135.1.7, 135.1.12, 135.1.13, 135.3.2, 135.3.4, 135.3.8, 135.4.1, 135.4.4, Objective 135.5, Policies 135.5.1, 135.6.2, 135.6.3, 135.6.7, 135.7.1, 135.9.2). Specific changes have been made to update the terminology referring to persons with special needs and special needs populations (Policies 135.1.8, 135.4.8, 135.4.9, Objective 135.6, Policy 135.6.7).
- Changes updating references of housing programs to make them more current (Policies 135.1.4, 135.1.6, 135.1.11, 135.4.5, 135.4.10, 135.6.1, 135.6.6, Objective 135.7, Policy 135.8.1).

Staff recommends transmitting the following Objectives and Policies as revised:

OBJECTIVE 135.1: HOUSING AVAILABILITY. Work with private and public housing providers to ensure that the ~~approximately 48,562~~ additional dwellings needed by ~~2010~~ 2025 are provided in types, costs, and locations to meet the needs of the Lee County population. It is estimated that by 2025, 114,927 additional dwelling units will be needed in all of Lee County and 39,637 will be needed in unincorporated Lee County. Lee County will update this forecast of additional dwelling units using state mandated methodologies during the next update of this Housing Element, which will occur no later than the next scheduled Evaluation and Appraisal Report. (Amended by Ordinance No. ~~94-30, 98-09~~)

Staff comments: Objective 135.1: Housing availability was changed to reflect the forecasted housing construction need in Lee County from 2010-2025, projecting an estimated 114,927 additional dwelling units will be need, and of that, 39,937 will be in unincorporated Lee County.

POLICY 135.1.2: The county will continue efforts to form public-private partnerships to produce affordable housing for very-low, low and moderate-income households with local private non-profit housing agencies, local for profit developers, local lenders, the Lee County Housing Authority, and the Lee County Housing Finance Authority. (Amended by Ordinance No. 00-22)

Staff comments: Scriveners correction

POLICY 135.1.4: Provide for housing bonus density as set forth in the Land Development Code (LDC), Sections 34-1511 to 34-1520, to stimulate the construction of very-low, low and moderate income affordable housing in Lee County. Amend the Housing Density Bonus Ordinance by April, 1999 to increase its effectiveness in providing affordable housing. Revisions will be consistent with affordability and income guidelines for very low and low income households as defined by the Local Housing Assistance Plan. (Amended by Ordinance No. ~~94-30, 98-09, 00-22~~)

Staff comments: Policy 135.1.4 was rewritten to show that the housing density bonus program has been amended and is consistent with the Local Housing Assistance Plan (LHAP). The Housing Density Bonus Program, Section 34-1511 to 34-1520 of the Lee County Land Development Code, provides increased densities for housing affordable housing. The program has two options: site built or cash. Under the site built option the developer is required to build the affordable units (for very-low and low-income households). Under the cash options the developer makes a cash contribution (currently in 2006 the cash contribution is \$11,429 per bonus units approved) to the affordable housing trust fund. In any given fiscal year, at least 75% of the bonus density portion of the affordable housing trust fund must be used to assist very-low and low-income families.

POLICY 135.1.6: Implement ways to achieve ongoing affordability for subsidized homeowner and rental housing by encouraging the establishment of one or more community land trust(s) and/or encouraging housing providers to design mechanisms to assure ongoing affordability of subsidized units and implement mechanisms to monitor and enforce such ongoing affordability mechanisms. ~~Continue the operation of the publicly owned land bank with the purpose of providing land for affordable housing for low and moderate income households in conjunction with local private non profit and for profit housing providers.~~ (Amended by Ordinance No. 94-30)

Staff comments: Policy 135.1.6 eliminated the public owned land bank because Lee County does not maintain a land bank of county owned properties. This policy was changed to reflect the County's Community Land Trust initiative.

POLICY 135.1.7: Site selection criteria will be used in the location of housing for special needs populations as defined in Rule 67-37.002(30) ~~the elderly, transitional housing for the homeless, and institutional housing~~ which will consider accessibility, convenience, and infrastructure availability. Favorable sites include one or more of the following characteristics:

1. Located within the Intensive Development, Central Urban, Urban Community, or New Community categories on the Lee Plan's Future Land Use Map;
- ~~2. Located in a designated Community Redevelopment Area;~~
- ~~2.3.~~ Located where central water/sewer service is available and within comfortable walking distance of mass transit;
- ~~3.4.~~ Located on land previously converted for urban purposes; and
- ~~4.5.~~ For farm worker housing, a rural site located near active cropland or groves is also acceptable.

(Amended by Ordinance No. 94-30, 00-22)

Staff comments: Policy 135.1.7 eliminated reference to a "designated Community Redevelopment Area" since the county no longer has CRA designations.

POLICY 135.1.8: The county will provide through the rezoning process for the location of adequate sites for very-low, low- and moderate-income residential development including mobile homes, and housing for special needs populations as defined in Rule 67-37.002(30) ~~migrant worker housing, and transitional housing for the homeless.~~ (Amended by Ordinance No. 00-22)

Staff comments: Policy 135.1.8 was changed to reference persons with special needs as defined in F.A.C. 67-37.002(30) since special needs is defined in Rule 67-37.002(30) Florida Administrative Code as persons with developmental disabilities, persons with mental illness/substance abuse, persons with AIDS and HIV disease, runaway and abandoned youth, farm workers, the homeless, the elderly and persons with disabilities.

POLICY 135.1.11: The Lee County will cooperate with the Office of Equal Opportunity will be responsible for compliance with the county's Fair Housing Ordinance to assure compliance with the Lee County Fair Housing Ordinance. (Amended by Ordinance No. 94-30, 00-22)

Staff comments: Policy 135.1.11 was rewritten to show that the Lee County Office of Equal Opportunity is responsible for conducting an Analysis of Impediments to fair housing choices in communities that are direct recipients of HUD Community Development Block Grant (CDBG) funds in compliance with the county's fair housing ordinance.

POLICY 135.1.12: The county will coordinate its activities and cooperate with other affected public and private interests, including consumers and producers of housing, ~~and the Affordable Housing Committee, Community Action Agency, and the Neighborhood District Committee(s) and the Housing and Community Development Committee,~~ to ensure effective public participation in the housing planning process. (Amended by Ordinance No. 94-30, 98-09, 00-22)

Staff comments: Policy 135.1.12 has been changed to update the names of committees with current information.

POLICY 135.1.13: Lee County will implement initiatives to assist the homeless. ~~The county will provide adequate staff support for the Department of Human Service's Homeless Coalition and for a new service, an affordable housing hotline.~~ (Amended by Ordinance No. 98-09, 00-22)

Staff comments: Policy 135.1.13 has been changed to clarify the county's intent to assist the homeless without limiting itself to one program.

OBJECTIVE 135.2: RURAL AND FARMWORKER HOUSING SEASONAL AND MIGRATORY HOUSING NEEDS. By the year 2025 ~~2005~~, Lee County will provide ~~have an additional 619 units of~~ affordable housing that is suitable and affordable for rural and farm worker ~~farm labor~~ housing by increasing the stock of standard affordable housing and the removal of substandard conditions. (Amended by Ordinance No. 94-30, 98-09)

Staff comments: Objective 135.2 was changed to show there is an increasing need for year-round farm workers, and references to seasonal, migratory or migrant farm worker was changed to rural and farm worker.

POLICY 135.2.1: Assist private agricultural businesses to develop and manage housing for rural and farm workers ~~migrant farm workers~~ through information, technical assistance, and financial incentives programs.

POLICY 135.2.2: Assist non-profit agencies and other support groups to plan and coordinate arrangements for low-cost rental housing and other non-housing support services for rural and farm workers and their families through the Lee County Housing Authority.

POLICY 135.2.4: Lee County will set aside 10% of its SHIP housing subsidy for funding the development of special needs housing, which will include rural and farm worker housing. (Added by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

POLICY 135.2.5: Lee County will promote the location of rural and farm worker housing close to needed services such as transportation to and from employment, medical facilities,

social services, schools and shopping. Lee County will evaluate proximity to these services when county funds are requested for farmworker housing and during any rezoning process. (Added by Ordinance No. 98-09)

Staff comments: Policies 135.2.1 - 135.2.2 and 135.2.4 - 135.2.5 references to seasonal, migratory or migrant farm worker was changed to rural and farm worker.

~~**POLICY 135.2.6:** By January, 1999, Lee County will form partnerships with local vocational training schools and other appropriate agencies to foster job training and economic development opportunities which would enable migrant farmworkers to find employment off-season and therefore become year-round employees. (Added by Ordinance No. 98-09)~~

Staff comments: Policy 135.2.6 was deleted because agriculture has become a year-round activity.

~~**POLICY 135.3.2:** The Lee County Community Improvement Office will continue to identify homes eligible for various housing rehabilitation programs. (Amended by Ordinance No. 94-30, 98-09, 00-22)~~

Staff comments: The name of the department has been deleted as this responsibility is shared with several departments within the County.

~~**POLICY 135.3.4:** The county will vigorously enforce its housing code to assure that housing will remain habitable. (Amended by Ordinance No. 00-22)~~

Staff Comment: Policy 135.3.4 removed "vigorously" from the policy since it is a priority of the county's to keep housing habitable and that Lee County Code Enforcement has a dedicated staff person working with home owners to rectify issues on a proactive basis.

~~**POLICY 135.3.5:** The county will continue to enforce minimum standards of housing and sanitation and require prompt action in the identification of abandoned or dilapidated property which may need demolition, including mobile homes and rural and farm worker housing. (Amended by Ordinance No. 00-22)~~

Staff Comment: Reference to seasonal, migratory or migrant farm worker was changed to rural and farm worker.

~~**POLICY 135.3.8:** Lee County will coordinate efforts to perform restoration and replacement of damaged housing during the aftermath of natural disasters such as hurricanes. ~~Continue to operate the Urban Homesteading program.~~~~

Staff Comment: Policy 135.3.8 has been rewritten since the Urban Homestead program no longer exists to reflect restoring or replacing damaged housing after a natural disaster such as a hurricane.

OBJECTIVE 135.4: AFFORDABLE HOUSING. Additional locations for housing for very-low, low- and moderate-income persons will be available to meet their housing needs. Very low and low income housing needs will be a priority. (Amended by Ordinance No. 94-30, 98-09, 00-22)

Staff Comment: Scriveners correction

POLICY 135.4.1: Support the efforts of the Lee County Housing Finance Authority, Florida Housing Finance Corporation, Lee County Housing Authority, the Lee County Department of Human Services, ~~the Lee County Community Redevelopment Agency~~, the Lee County Department of Community Development, and local private for profit and private non-profit agencies, and assist in their efforts to determine and develop sites and programs for housing for very-low, low and moderate-income persons, including the homeless, through referrals and staff support. (Amended by Ordinance No. 94-30, 98-09)

Staff Comment: Policy 135.4.1 was changed to eliminate the Community Redevelopment Agency since the county no longer has CRA designations.

POLICY 135.4.2: Publicly assisted housing will be provided in a dispersed rather than a concentrated manner so that, to the maximum extent feasible, all geographic areas will provide very-low, low-and moderate-income housing opportunities. (Amended by Ordinance No. 94-30)

Staff Comment: Scriveners correction

POLICY 135.4.4: Support the Lee County Department of Human Services, and the Human Services Information Network ~~the Lee County Coalition of Emergency Assistance Providers, and the Homeless Coalition~~ in assisting very-low, low- and moderate-income persons, including the homeless, to find adequate housing and support services such as day care, emergency shelter, food and clothing, and coordination with employment services. (Amended by Ordinance No. 98-09)

Staff Comment: Policy 135.4.4 was changed to update the names of committees with current information.

POLICY 135.4.5: The ~~cCounty Department of Human Services~~ will provide counseling services to very-low, low- and moderate-income participants in any of the Department's housing programs, including the homeless. The counseling may include financial guidance, housing maintenance information, and consumer advice to assist households seeking affordable, standard housing. Lee County will continue to offer home buyer training to program beneficiaries. (Amended by Ordinance No. 98-09, 00-22)

Staff Comment: Policy 135.4.5 was changed to show that the county coordinates with non-profit housing developers to provide counseling services to participants in any of the county's housing programs.

POLICY 135.4.8: The county will participate in state and federal housing assistance programs to aid special needs populations as defined in Rule 67-37.002(30), ~~the elderly, developmentally~~

~~disabled, physically disabled, mentally ill, substance abusers, large families, farmworker, and other very-low, low and moderate-income households to secure suitable, affordable housing, housing rehabilitation, home buyer training, down payment and closing cost assistance, rental assistance, and new construction home ownership programs. (Amended by Ordinance No. 98-09, 00-22)~~

POLICY 135.4.9: Give priority to special needs populations as defined in Rule 67-37.002(30) ~~the homeless, elderly, disabled and large families~~ with inadequate housing in recognition of the even greater problems faced by the private sector in providing this needed type of housing. (Amended by Ordinance No. 98-09)

Staff Comment: Policies 135.4.8 and 135.4.9 were amended to include the term “special needs populations” as defined in Rule 67-37.002(30) Florida Administrative Code, which characterizes special needs as persons with developmental disabilities, persons with mental illness and substance abuse, persons with AIDS and HIV disease, runaway and abandoned youth, farm workers, the homeless, the elderly and persons with disabilities.

POLICY 135.4.10: Seek to stimulate the production of housing affordable for very-low, low and moderate-income households through the creation of such institutions as a Community Land Trust which provide ongoing affordability. ~~an affordable housing trust fund, an independent private non-profit local housing development corporation, land banking and land acquisition.~~

Staff Comment: Policy 135.4.10 reflects the county’s support for the establishment of a local non-profit Community Land Trust.

POLICY 135.4.11: In order to facilitate the provision of affordable housing for workers and maintain a viable economy, Lee County will develop a workforce housing initiative. ~~to strengthen the family unit, and to provide increased opportunities for housing for the elderly, accessory apartments will be provided for in the Land Development Code by the end of 1993. (Added by Ordinance No. 93-25, Amended by Ordinance No. 94-30, 00-22)~~

Staff Comment: Policy 135.4.11 has been rewritten to direct the development of a workforce housing initiative. The original intent was deleted since Section 34-1177 of the Lee County Land Development Code (LDC) allows accessory apartments by right in certain areas, e.g. permissible by right in duplex-zoned areas where bonus units are allowed, or in RS-1 zoned areas by special exception.

OBJECTIVE 135.5: MOBILE HOMES MANUFACTURED HOUSING. The county will provide adequate locations and standards for ~~manufactured housing and mobile homes, which are defined as residential units constructed to standards promulgated by HUD,~~ through implementation of Chapter 34 of the Land Development Code. (Amended by Ordinance No. 94-30, 00-22)

POLICY 135.5.1: The Land Development Code will continue to designate zoning categories for mobile home parks and to implement the requirements set forth in F.S. 773.083 Governmental Action Affecting the Removal of Mobile Home Owners. ~~and manufactured~~

~~housing parks and subdivisions sufficient to meet the future land requirements for manufactured housing. (Amended by Ordinance No. 94-30, 00-22)~~

Staff Comments: Objective 135.5 and Policy 135.5.1 were changed to refer only to mobile homes, which are defined as residential units constructed to standards promulgated by HUD. According to data from the 2005 update for the Housing Element, the number of spaces in mobile home and RV parks has declined since 1997. A mixture of more stringent building regulations in coastal high hazard areas and rising land prices has led to a decreasing number of mobile homes.

OBJECTIVE 135.6: SPECIAL NEEDS. Locations for housing for special needs populations as defined in Rule 67-37.002(30) ~~group homes or homeless shelters or transitional housing for the homeless~~ will be available at suitable sites to ensure that the needs of persons requiring such housing are met.

Staff Comment: Objective 135.6: Special Needs was changed to reference persons with special needs as defined in F.A.C. 67-37.002(30).

POLICY 135.6.1: The Lee County Office of Equal Opportunity will continue to enforce nondiscriminatory standards and criteria addressing community residential homes (e.g. group homes or foster care facilities) or assisted living facilities for persons and households with special needs. ~~The county will continue to enforce non-discriminatory standards and criteria addressing the location of group homes and foster care facilities. (Amended by Ordinance No. 00-22)~~

Staff Comment: Policy 135.6.1 was changed to reflect the county's Fair Housing Ordinance to provide for equal housing opportunity throughout Lee County and to show that the Lee County Office of Equal Opportunity takes complaints regarding this type of discrimination.

POLICY 135.6.2: In order to serve persons with special needs, disabilities, or handicaps, the county will provide for the location of adequate sites for community residential homes (e.g. group homes or foster care facilities) ~~group homes and foster care facilities through the approval of appropriate zoning districts dispersed among the residential neighborhoods of Lee County.~~ (Amended by Ordinance No. 00-22)

POLICY 135.6.3: Other community-based residential care service providers facilities needed to assist residents living in community residential homes (e.g. group homes or foster care facilities) ~~serve group homes~~ and the clients of other programs will be encouraged to locate, through the zoning process, at convenient, adequate, and non-isolated sites throughout within ~~the residential areas of the county.~~ (Amended by Ordinance No. 94-30, 00-22)

POLICY 135.6.5: The county will monitor the development and distribution of publicly-assisted community residential homes (e.g. group homes or foster care facilities) ~~group homes~~ and residential care facilities to insure that adequate sites and infrastructure are provided and that over-concentration in any residential area is avoided. (Amended by Ordinance No. 94-30, 00-22)

Staff Comment: Policy 135.6.2, Policy 135.6.3, and Policy 135.6.5 use the term “community residential homes” (rather than congregate living facilities, group homes or foster care facilities) which are dwelling units licensed to serve clients of the state department of rehabilitative services to provide a living environment for one to six unrelated resident who operate as the functional equivalent of a family, including supervision and care by a supportive staff as may be necessary to meet the physical, emotional and social needs of the residents (to include the aged, physically disabled, developmentally disabled, mentally ill or children).

POLICY 135.6.6: Lee County will provide competitive local funding opportunities to non-profit organizations to ensure that scattered site housing is provided for persons and households with special needs. ~~The county will institute local programs providing assistance to private and non-profit sponsors to insure that adequate group homes, transitional homeless housing, and foster care facilities are developed. (Amended by Ordinance No. 00-22)~~

Staff Comment: Policy 135.6.6 was changed to providing competitive local funding for non-profits to reflect the 10% of SHIP funds set aside by the county for special needs housing and the Continuum of Care program that assists non-profits that create transitional and other housing for the homeless.

POLICY 135.6.7: The county will cooperate with appropriate agencies in order to provide adequate sites for community residential homes (e.g. group homes or foster care facilities), ~~congregate living facilities, including group and foster care homes and~~ homeless shelters and transitional housing, to meet the requirements of persons with special needs as defined in Rule 67-37.002(30). ~~, disabilities, and handicaps for a community residential environment and de-institutionalization.~~ (Amended by Ordinance No. 00-22)

Staff Comment: Policy 135.6.7 uses the term “community residential homes” (rather than congregate living facilities, group homes or foster care facilities) which are dwelling units licensed to serve clients of the state department of rehabilitative services to provide a living environment for one to six unrelated resident who operate as the functional equivalent of a family, including supervision and care by a supportive staff as may be necessary to meet the physical, emotional and social needs of the residents (to include the aged, physically disabled, developmentally disabled, mentally ill or children). Policy 135.6.7 was also amended to include the term “special needs populations” as defined in Rule 67-37.002(30) Florida Administrative Code, which characterizes special needs as persons with developmental disabilities, persons with mental illness and substance abuse, persons with AIDS and HIV disease, runaway and abandoned youth, farm workers, the homeless, the elderly and persons with disabilities.

OBJECTIVE 135.7: DISPLACEMENT. Uniform and equitable treatment for persons and businesses displaced by state and local government programs will be provided. Complaints that such efforts and/or assistance were administered in a discriminatory manner may be filed with the Lee County Office of Equal Opportunity. ~~through the Department of Human Relations. (Amended by Ordinance No. 98-09)~~

Staff Comments: Objective 135.7: Displacement was changed to show the Lee County Office of Equal Opportunity will investigate an allegation of displacement made by persons and businesses displaced by state and local government in an advisory capacity.

POLICY 135.7.1: Lee County will ensure that reasonably located standard housing at affordable costs is available to persons displaced through public action prior to their displacement and will follow all obligations imposed by law or county policy, including those relating to equal provision of services, through the county's Voluntary Relocation Program.

Staff Comments: Policy 135.7.1 was changed because there is no Voluntary Relocation Program in Lee County.

~~**POLICY 135.7.2:** The county will support the efforts of local private non profit agencies to provide standard, affordable housing for Lee County's homeless through staff support, referrals, and financial assistance where applicable. (Amended by Ordinance No. 00-22)~~

Staff Comments: Policy 135.7.2 was removed because it is not relevant to its objective. Objective 135.7 deals with displacement by state and local programs but Policy 135.7.2 deals with all homeless persons not just those displaced by public action.

POLICY 135.8.1: Assist the rehabilitation and adaptive use of historically significant housing through technical and economic assistance programs such as Community Development Block Grant and HOME funding, State Housing Initiatives Partnership eligibility, and emergency weatherization. ~~Consider the incentives of property tax relief or abatement, transfer of development rights, and below market interest rate loans, consistent with the Historic Preservation element. (Amended by Ordinance No. 94-30, 98-09)~~

Staff Comments: In Policy 135.8.1, the county continues to provide technical and financial assistance through its HOME, CDBG and the historic preservation grant assistance programs, and historic preservation grant assistance is also available through the municipalities of Ft. Myers Beach and Bonita Springs. With regard to the last sentence in Policy 135.8.1, the Historic Preservation Board (HPB) has discussed the possibility of a tax relief or abatement program for historic properties that are rehabilitated. However, the HPB decided against the implementation of such a program as it is most successfully implemented in an area with larger historic buildings that need massive rehabilitation, such as downtown Ft. Myers or the Art Deco District in Miami Beach.

~~**POLICY 135.8.2:** The county will assist property owners of historically significant housing in applying for and utilizing state and federal assistance programs. (Amended by Ordinance No. 00-22)~~

Staff Comments: Policy 134.8.2 was removed as state and federal historic preservation programs, for the most part, are not designed to provide assistance for the rehabilitation of privately held residential buildings.

POLICY 135.9.2: Designate appropriate areas of the county as Neighborhood Districts ~~CDBG Target areas and Neighborhood Strategy Areas~~, and carry out the Department of Human Services Neighborhood District program activities in a timely and efficient manner.

POLICY 135.9.3: Plan and implement safe neighborhood programs in designated Neighborhood Improvement Districts. (Added by Ordinance No. 94-30, 98-09)

Staff Comments: Policy 135.9.2 – 135.9.3 were changed to update the names of programs and district titles with current information.

CONCLUSIONS

Based on the information in Lee County's 2005 Housing Needs Assessment, it is recommended to change selected objectives and policies in the Housing Element to reflect current conditions as delineated in Section A, above.

B. STAFF RECOMMENDATION

Planning staff recommends the Board of County Commissioners transmit these proposed amendments to Objectives and Policies of the Housing Element of the comprehensive plan.

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

PUBLIC HEARING DATE: November 27, 2006

A. LOCAL PLANNING AGENCY REVIEW: Staff provided a brief overview concerning the proposed amendments. One member of the LPA questioned why the projections in the Housing Element only went to the year 2025 when the Plan horizon is proposed to go to the year 2030. Staff explained that the Housing Element is required to use projections provided by the Shimberg Center for Affordable Housing which only go to the year 2025. These figures have been reviewed by DCA as part of the EAR and found to be sufficient.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit the proposed amendments to the Housing Element.
- 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
CARLETON RYFFELL	ABSENT
RAYMOND SCHUMANN, ESQ	AYE
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 accepted the findings of fact advanced by staff and the LPA.

C. VOTE:

BRIAN BIGELOW	<u>AYE</u>
TAMMARA HALL	<u>AYE</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
FRANK MANN	<u>AYR</u>

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

DATE OF ORC REPORT: March 02, 2007

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

The Department of Community Affairs provided the following objections and recommendations:

6. *Objective 135.4, regarding affordable housing is proposed to be revised to add the term “very-low”. The Objective states: “additional locations for housing for very-low, low and moderate-income persons will be available to meet their housing needs. Very-low and low-income housing needs will be a priority.” This objective does not establish the specific intermediate ends to be accomplished during the planning period to address the location of affordable housing in the County.*

According to the housing needs assessment that was conducted as part of the EAR, it is estimated that of the 312,047 projected households in the County by 2025, 76,798 will pay more than 30 percent of their income for housing and that the majority, 54,960 will be very-low and low-income households. Furthermore, according to the Report, of the very-low and low-income households, 25,781 are projected to be severely cost-burdened, i.e., will pay more than 50 percent of their income for housing. The proposed EAR-based amendment is expected to take this changing condition of affordable housing in the County into account and revise the plan accordingly to address the issue.

[Chapter 163.3177(6)(f)d., F.S., and 9J5-010(3)(b)3, and (3)(c)5., F.A.C.]

Recommendation: *Revise the plan to establish in Objective 135.4, a meaningful and specific intermediate end to be accomplished with respect to the provision of adequate sites for the location of affordable housing that will help reduce the problem of affordable housing in the county.*

7. *Objectives 135.5 and 135.6 do not ensure the provision of adequate sites for the location of mobile homes and group homes. Rule 9J-5.010(3)(b)4, F.A.C. calls for an objective which provides for “adequate sites in residential areas or areas of residential character for group homes and foster care facilities; and the associated policy requirement calls for the “establishment of principles and criteria guiding the location of housing for very-low income, low-income, moderate-income households, mobile homes, manufactured homes, group and foster care facilities and households with special housing needs including rural and farmworker households”. The policies established in the plan do not provide meaningful and predictable guidelines and principles for the location of these housing types. For example, Policy 135.4.9 states that the County will give priority to special needs population as defined in Rule 67-37.002(30) with inadequate housing....”; but does not specify how and what will be done. Policy 135.5.1 defers to the land development regulation the identification of land use categories for the location of mobile homes instead of identifying them in the plan as required. Policies 135.6.1 and 135.6.2 state that the County will continue to enforce non-discriminatory standards and criteria, and*

provide for adequate sites for the location of group homes and foster care facilities, but do not indicate how it will be done.

[Chapter 163.3177(6)(a) & (f)d., F.S., and 9J-5.010(3)(b)3, and (3)(c)5., F.A.C.]

Recommendation: *Revise the plan to establish criteria for the location of adequate sites for mobile homes, group homes and special needs housing. The County should identify the land use categories where these housing types are allowed and provide policy directives to guide the site selection to ensure that public facilities as well as other amenities are available to support them.*

B. STAFF RESPONSE:

As a practical matter, the County does not in of itself provide the actual sites for affordable housing. The Lee County comprehensive plan does not, however, restrict the location of affordable housing. The Future Land Use Map identifies the land that is available for development. Affordable housing units are permitted in all of the residential future land use categories. This includes Intensive Development; Central Urban; Urban Community; University Community; Suburban; Outlying-Suburban; Sub-Outlying-Suburban; New Community; Rural; Rural Community Preserve; Coastal Rural; Outer Island; Open Lands; Density Reduction/Groundwater Resource; and, Wetlands. Housing types are also not restricted by the plan. Single family; duplex; two-family attached; townhomes; multi family; zero lot line; group homes; and, mobile homes are all allowed in any residential future land use category.

The development of affordable housing tends to locate in the higher density urban categories where the increased densities make affordable units more viable given increasing land and construction costs. The three most intense urban categories, Intensive Development, Central Urban and Urban Community, have provisions for bonus densities; see the policy descriptions and Table 1(a) contained in the plan. Two methods for attaining this bonus density are outlined in the Lee County Land Development Code (LDC). The first method is by making the bonus density units affordable as on site units. The additional density above the standard density is required to be affordable to very low and low income households with contractual restrictions that assure eligible families remain in the units for 10 years. The second method for attaining bonus density is to pay into the County's Affordable Housing Trust Fund. A fee is assessed for each market rate unit above the standard density. The bonus units, once the contribution has been paid, can be sold at a market rate. The current fee for these market rate bonus units is \$11,429 per unit. That money is then used as grant money to leverage affordable housing projects in various locations around the County. These existing methods for attaining bonus density units should be included in the Lee Plan.

Lee County is also investigating the impact of development on affordable housing. A consultant has been hired to quantify what the impact on affordable housing by both residential and non-residential development. The study enumerates the number of affordable housing units that are generated by the development and then places a dollar figure on that need. The study was originally commissioned to determine the impact that Developments of Regional Impact had on affordable housing. The methodology usually used to determine this impact was inadequate and usually showed there was no impact on affordable housing. This new methodology, along with a policy options document has been reviewed by the County's Affordable Housing Committee and will be reviewed by the Board of County Commissioners later this year. Policies options discussed by the study include: linkage fees; inclusionary zoning; expedited permit processing; refinement of the bonus density program; and, establishment of a dedicated funding source.

Lee County requested proposals for the establishment of a Community Land Trust whose mission is to provide affordable housing that remains affordable through time. Lee County has earmarked one million dollars to establish and incubate this land trust. Working with 2 local housing development corporations, Lee County now has a contract to provide 110 affordable dwelling units.

Affordable housing is an important issue and Lee County is taking several approaches to ensure that this housing can be located in various places through the county. As recommended in the ORC Report, staff is proposing the following changes to revisions to the Housing Element: to assure the provision of adequate sites for the location of affordable housing; to establish criteria for the location of adequate sites for mobile homes, group homes and special needs housing; to identify the land use categories where these housing types are allowed; and, to provide policy directives to guide the site selection to ensure that public facilities as well as other amenities are available to support them. New language added after the transmittal is shown in italics.

OBJECTIVE 135.4: AFFORDABLE HOUSING. *The County will provide adequate ~~Additional~~ locations for housing for very-low, low- and moderate-income persons ~~will be available~~ to meet their housing needs. Increasing the supply of affordable housing for very-Very low and low income housing needs will be a priority. In combination with allowing varied types of housing, the County will examine opportunities to expand affordable housing to mitigate the affordable housing needs identified in the Affordable Housing Needs Assessment.*

POLICY 135.4.1: Support the efforts of the Lee County Housing Finance Authority, Florida Housing Finance Corporation, Lee County Housing Authority, the Lee County Department of Human Services, ~~the Lee County Community Redevelopment Agency,~~ the Lee County Department of Community Development, and local private for profit and private non-profit agencies, and assist in their efforts to determine and develop sites and programs for housing for very-low, low and moderate-income persons, including the homeless, through referrals and staff support.

POLICY 135.4.2: Publicly assisted housing will be provided in a dispersed rather than a concentrated manner so that, to the maximum extent feasible, all geographic areas will provide very-low, low-and moderate-income housing opportunities.

POLICY 135.4.3: Pursue federal sources of funding earmarked for housing that will be affordable for very-low- and low- income housing for programs designed to provide sound, safe, and healthful housing and related community services and facilities.

POLICY 135.4.4: Support the Lee County Department of Human Services, and the Human Services Information Network ~~the Lee County Coalition of Emergency Assistance Providers, and the Homeless Coalition~~ in assisting very-low, low- and moderate-income persons, including the homeless, to find adequate housing and support services such as day care, emergency shelter, food and clothing, and coordination with employment services.

POLICY 135.4.5: The ~~cCounty Department of Human Services~~ will provide counseling services to very-low, low and moderate-income participants in any of the Department's housing programs, including the homeless. The counseling may include financial guidance, housing maintenance information, and consumer advice to assist households seeking affordable, standard housing. Lee County will continue to offer home buyer training to program beneficiaries.

POLICY 135.4.6: The county will continue to assist community based organizations and community housing development organizations with technical support and funding.

POLICY 135.4.7: The county will maintain an ongoing research and information effort on housing and related issues, including state and federal legislation affecting housing, county-wide housing needs, and the provision of advice regarding assistance programs.

POLICY 135.4.8: The county will participate in state and federal housing assistance programs to aid special needs populations as defined in Rule 67-37.002(30), ~~the elderly, developmentally disabled, physically disabled, mentally ill, substance abusers, large families, farmworker,~~ and other very-low, low and moderate-income households to secure suitable, affordable housing, housing rehabilitation, home buyer training, down payment and closing cost assistance, rental assistance, and new construction home ownership programs.

POLICY 135.4.9: Give priority to special needs populations as defined in Rule 67-37.002(30) ~~the homeless, elderly, disabled and large families~~ with inadequate housing in recognition of the even greater problems faced by the private sector in providing this needed type of housing.

POLICY 135.4.10: Seek to stimulate the production of housing affordable for very-low, low and moderate-income households through the creation of such institutions as a Community Land Trust which provide ongoing affordability, ~~an affordable housing trust fund, an independent private non-profit local housing development corporation, land banking and land acquisition.~~

POLICY 135.4.11: In order to facilitate the provision of affordable housing for workers and maintain a viable economy, Lee County will develop a workforce housing initiative, ~~to strengthen the family unit, and to provide increased opportunities for housing for the elderly,~~ accessory apartments will be provided for in the Land Development Code by the end of 1993.

POLICY 135.4.12: The county will encourage proposals for affordable housing that are consistent with the use and density provisions of this Plan and associated land development regulations that encourage affordable housing proposals provided such locations:

Avoid concentrations of very-low and low-income households;
Are provided full urban services and facilities;
Are environmentally sensitive; and,
Would create a livable and supportive environment.

POLICY 135.4.13: Lee County will set aside 30% of its SHIP housing subsidy for funding the development of affordable housing for very-low income households.

POLICY 135.4.14: Lee County will set aside 30% of its SHIP housing subsidy for funding the development of affordable housing for low income households.

POLICY 135.4.15: Lee County will examine opportunities to increase the availability of affordable housing and provide adequate sites for affordable housing through options such as:

- a) Alternative Use, Density, and Dimensional Standards;*
- b) Expedited Permit Processing;*
- c) Dedicated funding source;*
- d) Inclusionary Housing Mitigation programs;*

- e) Linkage Fee programs;
- f) Community Land Trusts; and,
- g) Resale Controls and Equity Sharing

POLICY 135.4.16: Lee County will maintain the Affordable Housing Bonus Density program which provides bonus density for the provision of on site affordable dwelling units and provides bonus density for fee in lieu payments into the Lee County Affordable Housing Trust Fund. (See also Policy 135.1.4).

OBJECTIVE 135.5: MOBILE HOMES MANUFACTURED HOUSING. The county will provide adequate locations and standards for ~~manufactured housing and~~ mobile homes, which are defined as residential units constructed to standards promulgated by HUD, through implementation of Chapter 34 of the Land Development Code.

POLICY 135.5.1: Mobile Homes are permitted in all land use categories that permit residential development: Intensive Development, Central Urban, Urban Community, Suburban, Outlying Suburban, Sub-Outlying Suburban, Rural, Outer Islands, Rural Community Preserve, Coastal Rural, Open Lands, Density Reduction/Groundwater Recharge, Wetlands, New Community, and University Community.

POLICY 135.5.2 1: The Land Development Code will continue to designate zoning categories for mobile home parks and to implement the requirements set forth in F.S. 773.083 Governmental Action Affecting the Removal of Mobile Home Owners, and ~~manufactured housing parks and subdivisions sufficient to meet the future land requirements for manufactured housing.~~

OBJECTIVE 135.6: SPECIAL NEEDS. Locations for housing for special needs populations as defined in Rule 67-37.002(30) ~~group homes or homeless shelters or transitional housing for the homeless~~ will be available at suitable sites to ensure that the needs of persons requiring such housing are met.

POLICY 135.6.1: Housing for special needs is permitted in all land use categories that permit residential development: Intensive Development, Central Urban, Urban Community, Suburban, Outlying Suburban, Sub-Outlying Suburban, Rural, Outer Islands, Rural Community Preserve, Coastal Rural, Open Lands, Density Reduction/Groundwater Recharge, Wetlands, New Community, and University Community.

POLICY 135.6.2 1: The Lee County Office of Equal Opportunity will continue to enforce nondiscriminatory standards and criteria addressing community residential homes (e.g. group homes or foster care facilities) or assisted living facilities for persons and households with special needs. ~~The county will continue to enforce non-discriminatory standards and criteria addressing the location of group homes and foster care facilities.~~

POLICY 135.6.3 2: In order to serve persons with special needs, disabilities, or handicaps, the county will provide for the location of adequate sites for community residential homes (e.g. group homes or foster care facilities) ~~group homes and foster care facilities through the~~

~~approval of appropriate zoning districts dispersed among the residential neighborhoods of Lee County.~~

POLICY 135.6.4 3: Other community-based residential care service providers facilities needed to assist residents living in community residential homes (e.g. group homes or foster care facilities) ~~serve group homes~~ and the clients of other programs will be encouraged to locate, ~~through the zoning process,~~ at convenient, adequate, and non-isolated sites throughout within the residential areas of the county.

POLICY 135.6.5 4: Supporting infrastructure and public facilities necessary for the support and encouragement of independent living for the clients of relevant programs will be provided.

POLICY 135.6.6 5: The county will monitor the development and distribution of publicly-assisted community residential homes (e.g. group homes or foster care facilities) ~~group homes~~ and residential care facilities to insure that adequate sites and infrastructure are provided and that over-concentration in any residential area is avoided. Homes of six or fewer residents which otherwise meet the definition of a community residential home will be deemed a single-family unit and a noncommercial, residential use. Homes of six or fewer residents which otherwise meet the definition of a community residential home will be allowed in single-family or multifamily zoning, provided that such homes must not be located within a radius of 1,000 feet of another existing such home with six or fewer residents. Lee County will only deny the siting of a community residential home if the site selected:

1. Does not otherwise conform to existing zoning regulations applicable to other multifamily uses in the area;
2. Does not meet applicable licensing criteria established and determined by the licensing entity, including requirements that the home be located to assure the safe care and supervision of all clients in the home;
3. Would result in such a concentration of community residential homes in the area in proximity to the site selected, or would result in a combination of such homes with other residences in the community, such that the nature and character of the area would be substantially altered;
4. A home that is located within a radius of 1,200 feet of another existing community residential home in a multifamily zone will be an over-concentration of such homes that substantially alters the nature and character of the area;
5. A home that is located within a radius of 500 feet of an area of single-family zoning substantially alters the nature and character of the area; or,
6. All distance requirements in this section must be measured from the nearest point of the existing home or area of single-family zoning to the nearest point of the proposed home.

POLICY 135.6.7 6: Lee County will provide competitive local funding opportunities to non-profit organizations to ensure that scattered site housing is provided for persons and households with special needs. The county will institute local programs providing assistance to private and non-profit sponsors to insure that adequate group homes, transitional homeless housing, and foster care facilities are developed.

POLICY 135.6.8 7: The county will cooperate with appropriate agencies in order to provide adequate sites for community residential homes (e.g. group homes or foster care facilities),

~~congregate living facilities, including group and foster care homes and~~ homeless shelters and transitional housing, to meet the requirements of persons with special needs as defined in Rule 67-37.002(30), ~~disabilities, and handicaps for a community residential environment and de-institutionalization.~~

POLICY 135.6.9: Lee County will set aside 10% of its SHIP housing subsidy for funding the development of special needs housing.

C. RECOMMENDATION:

Staff recommends that the revised language shown above be adopted and incorporated into the Housing Element of the Lee Plan.

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

DATE OF ADOPTION HEARING: April 11, 2007

D. BOARD REVIEW:

E. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

F. VOTE:

BRIAN BIGELOW

TAMMARA HALL

BOB JANES

RAY JUDAH

FRANK MANN

LEE COUNTY ORDINANCE NO. _____
(Housing Element Update)
(CPA2005-47)

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.

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 amendments in accordance with Florida Statutes and the Lee County Administrative Code on September 25, 2006, and October 23, 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 CPA2005-47 pertaining to the update of the Housing Element to reflect the findings of the most current Housing Needs Assessment to the 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 CPA2005-47 Housing Element 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 CPA2005-47. CPA2005-47 amends the Housing Element of the Lee Plan to reflect the findings of the most current Housing Needs Assessment.

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

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

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

SECTION FOUR: GEOGRAPHIC APPLICABILITY

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

SECTION FIVE: SEVERABILITY

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

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

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

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

SECTION SEVEN: EFFECTIVE DATE

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

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

Robert P. Janes

Brian Bigelow

Ray Judah

Tammy Hall

Frank Mann

DONE AND ADOPTED this 11th day of April 2007.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: _____
Deputy Clerk

BY: _____
Robert P. Janes, Chair

DATE: _____

Approved as to form by:

Donna Marie Collins
County Attorney's Office