



**CPA2000-17
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Adoption Document

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

January 10, 2002

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2000-17**

☒

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: April 16, 2001

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

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

2. REQUEST:

Amend the Future Land Use Element by evaluating for removal Goal 13, Bonita Springs, and consider relocating policies which should continue to apply to the remaining unincorporated areas of Bonita Springs.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the proposed amendment as provided under Part II.C. of this report.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Bonita Springs became incorporated on December 31, 1999.
- Bonita Springs is no longer one of Lee County's unincorporated population centers.
- Due to the incorporation of Bonita Springs Goal 13 and many of its Objectives and Policies no longer apply to unincorporated Lee County. Those that do not apply should be removed from the Lee Plan and those that do apply to the areas in south Lee County outside of the city limits should be retained and relocated.
- Bonita Springs is now incorporated with its own planning and permitting rights and responsibilities.

C. BACKGROUND INFORMATION

On December 31, 1999, the City of Bonita Springs became the fifth incorporated municipality in Lee County. The city now oversees planning and permitting within its jurisdictional boundaries. This amendment was initiated by the Board of County Commissioners on September 19, 2000.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Due to the incorporation of Bonita Springs, planning staff has evaluated Goal 13 and its Objectives and Policies for removal or relocation in the Lee Plan. Following are the proposed changes in strikethrough and underline format. Language that does not apply to unincorporated Lee County is being removed from the Lee Plan and language that applies to the areas outside of the city limits in south Lee County are being relocated under the appropriate Goals in the Lee Plan. In addition staff has evaluated references made to Bonita Springs throughout the Lee Plan under the same consideration.

Goal 13 itself is being removed from the Future Land Use Element of the Lee Plan. The balance of the goal no longer applies given that the city has its own planning and permitting rights and responsibilities.

GOAL 13: [RESERVED] ~~BONITA SPRINGS.~~ To maintain and improve the existing quality of life in Bonita Springs by providing essential public facilities in cooperation with other service providers and Collier County to the extent required by present and prospective residents. (Amended by Ordinance No. 94-30)

The following language is being recommended for removal from the Lee Plan. Objective 13.1 and Policies 13.1.1, 13.1.2 and 13.1.3 pertain to intergovernmental coordination between Lee County and Collier County in regards to transportation planning. Goal 27, Intergovernmental Coordination, of the Transportation Element provides language on intergovernmental coordination pertaining to all adjoining counties, therefore the relocation of the objective and policies are unnecessary. The reference made to the CRA plan for Bonita Springs in Policy 13.1.1 no longer applies. Economic development staff have concurred that this language no longer applies, all projects have been completed.

~~OBJECTIVE 13.1: TRAFFIC CIRCULATION.~~ The 2020 traffic circulation maps will contain all of the road segments that are necessary to accommodate both local traffic within the Bonita Springs

~~area and traffic crossing the Collier County line at the minimum levels of service in this plan.
(Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.1.1:** Amendments to the Traffic Circulation Plan Map(s) will give particular attention to the CRA plan for Bonita Springs and to the road plans for Collier County. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.1.2:** All future computer modeling used for transportation planning must be designed to fully recognize Bonita Springs' location at the county line. (Amended by Ordinance No. 00-22)~~

~~**POLICY 13.1.3:** The county will actively pursue the execution of interlocal agreements with Collier County for planning, design, and construction of roads along and crossing the county line. (Amended by Ordinance No. 00-22)~~

The following Objective no longer applies to unincorporated Lee County. The Policies under Objective 13.2 are either being removed or are being relocated.

~~**OBJECTIVE 13.2: COMMUNITY FACILITIES.** Within funding constraints, the county will attempt, during 1995, to incorporate the following recommendations of the ad-hoc Bonita Study Group into the planning process for public facilities. (Amended by Ordinance No. 94-30, 00-22)~~

Policy 13.2.1 no longer applies to the unincorporated areas outside of the City of Bonita Springs and is being removed. Currently the urban areas outside of the city limits are within the Lee County Utilities franchise area or are in the process of being acquired by Lee County Utilities.

~~**POLICY 13.2.1: POTABLE WATER.** The county will grant franchise expansions to the Bonita Springs Utilities (BSU) to serve all areas designated as Future Urban Areas by the Lee Plan. In addition, the county deems it to be in the public interest to encourage:~~

- ~~• other private water systems in the BSU service area to be consolidated with the BSU; and~~
 - ~~• new development near a BSU line to hook into the system.~~
- ~~(Amended by Ordinance No. 94-30, 00-22)~~

Policy 13.2.2 is being proposed for relocation under Objective 1.7, Special Treatment Areas. The policy applies to the unincorporated areas of southern Lee County. Staff is proposing added language to the policy specifying unincorporated Bonita Springs and is adding a map to the Future Land Use Map Series representing unincorporated Bonita Springs. The proposed map, Map 13 - the Irrigation Well Overlay map, is attached to this staff report as Attachment 1. Lee County Utilities staff has concurred with the proposed map and relocation of the language.

POLICY 13.27.29: IRRIGATION WELLS: The Irrigation Well overlay in Bonita Springs (as defined in this plan) is hereby declared a critical area for future potable water supply, based on evidence that withdrawals from the main potable aquifer, the lower Tamiami aquifer, are approaching or exceeding the maximum safe yield. In response to this designation, the county will maintain current regulations to provide that new irrigation well permits in Bonita Springs the Irrigation Well overlay may not utilize the main potable water source. For the purposes of this

plan, the boundaries of the Irrigation Well overlay are indicated on Map 13 of the Future Land Use Map series. (Also see Policy 34.1.9 for new permit requirements for wells in Lehigh Acres, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.) (Amended by Ordinance No. 94-30, 00-22)

Policy 13.2.3 no longer applies to unincorporated Lee County.

~~**POLICY 13.2.3: WASTEWATER.** The county will continue to assist the Bonita Springs Utilities in its efforts to provide a central sewer system in the Bonita Springs area. (Amended by Ordinance No. 94-30, 00-22)~~

Policy 13.2.4 is being relocated under the Surface Water Management section of the Community Facilities and Services Element. Lee County will continue monitoring water quality in the Imperial River as well as access and tidal flushing through New Pass and Big Hickory Pass.

~~**POLICY 13.2.4: SURFACE WATER MANAGEMENT.** The County will continue to monitor water quality in the Imperial River and navigational access and tidal flushing through New Pass and Big Hickory Pass. (Amended by Ordinance No. 94-30)~~

The following Objectives and Policies no longer apply to unincorporated Lee County. Due to incorporation, Parks and Recreation and Historic Resources fall under the responsibility of the City of Bonita Springs and are being removed from the Lee Plan.

~~**OBJECTIVE 13.3: PARKS AND RECREATION.** Decisions on park acquisitions and improvements will continually reflect the unique opportunities and needs of the Bonita Springs area. (Amended by Ordinance No. 00-22)~~

~~**POLICY 13.3.1:** The county will improve access to the Gulf beaches by providing public parking, landscaping, boardwalks, and dune walkovers. (Amended by Ordinance No. 00-22)~~

~~**OBJECTIVE 13.4: HISTORIC RESOURCES.** Lee County will continue to designate historic structures in Bonita Springs in accordance with the Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.4.1:** In conjunction with the Bonita Springs CRA, the county will cooperate with and aid local efforts to redevelop the old downtown area (including identifying funding mechanisms) in order to build community pride, attract tourism, and improve the area's economic condition. (Amended by Ordinance No. 94-30, 00-22)~~

Additional references

Future Land Use:

Policy 1.1.3 and 1.1.4, the descriptor policies for the Central Urban and Urban Community future land use categories, both include areas of Bonita Springs. Staff is clarifying the references to Bonita Springs. These future land use categories are designated on the Future Land Use Map within the city limits of Bonita Springs.

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30)

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30)

Changes to Policy 2.4.2 and 34.1.9 reflect the relocation of Policy 13.2.2 noted above.

POLICY 2.4.2: All proposed changes to the Future Land Use Map in critical areas for future potable water supply (Bonita Springs as described in Policy 13.27.29; Lehigh Acres as described in Policy 34.1.9; and all land in the Density Reduction/ Groundwater Resource land use category) will be subject to a special review by the staff of Lee County. This review will analyze the proposed land uses to determine the short-term and long-term availability of irrigation and domestic water sources, and will assess whether the proposed land uses would cause any significant impact on present or future water resources. If the Board of County Commissioners wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change. (Amended by Ordinance No. 92-47) (Amended by Ordinance No. 94-30, 00-22)

Community Facilities and Services:

POLICY 34.1.9: Lehigh Acres (as defined by outer boundaries of its Privately Funded Infrastructure overlay on the Future Land Use Map) is hereby declared a critical area for future potable water supply due to fluctuating water levels in the Sandstone aquifer. In response to this designation, the county will amend current regulations to provide that new wells in Lehigh Acres must be constructed to accommodate submersible pumps. (Also see Policy 13.27.29 for new permit requirements for irrigation wells in Bonita Springs, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.) (Amended by Ordinance No. 94-30, 00-22)

Conservation and Coastal Management

Policy 83.3.1 remains unchanged. Beach and dune management plans will continue to be prepared by Lee County for the north end of Bonita Beach through an interlocal agreement.

POLICY 83.3.1: The Division of Natural Resources Management, or successor agency, will be responsible for the beach and dune management program. This program will include:

1. Preparing beach and dune management plans, with priority to the critical erosion areas:
 - a. south-central and southern portion of Gasparilla Island.
 - b. northern North Captiva Island.
 - c. all of Captiva Island.
 - d. north end of Bonita Beach.

B. CONCLUSIONS

Due to the incorporation of Bonita Springs, staff is proposing the removal of Goal 13 and its subsequent objectives and policies. Those that remain effective for the unincorporated areas of Bonita Springs are being relocated under similar language in the Lee Plan.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners transmit the proposed plan amendment. This recommendation is based upon the previously discussed issues and conclusions of this report. Planning staff recommends the following language modifications as well as the proposed map, Map 13, be transmitted:

Delete the following from the Lee Plan.

~~**GOAL 13: BONITA SPRINGS.** To maintain and improve the existing quality of life in Bonita Springs by providing essential public facilities in cooperation with other service providers and Collier County to the extent required by present and prospective residents. (Amended by Ordinance No. 94-30)~~

~~**OBJECTIVE 13.1: TRAFFIC CIRCULATION.** The 2020 traffic circulation maps will contain all of the road segments that are necessary to accommodate both local traffic within the Bonita Springs area and traffic crossing the Collier County line at the minimum levels of service in this plan. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.1.1:** Amendments to the Traffic Circulation Plan Map(s) will give particular attention to the CRA plan for Bonita Springs and to the road plans for Collier County. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.1.2:** All future computer modeling used for transportation planning must be designed to fully recognize Bonita Springs' location at the county line. (Amended by Ordinance No. 00-22)~~

~~**POLICY 13.1.3:** The county will actively pursue the execution of interlocal agreements with Collier County for planning, design, and construction of roads along and crossing the county line. (Amended by Ordinance No. 00-22)~~

~~**OBJECTIVE 13.2: COMMUNITY FACILITIES.** Within funding constraints, the county will attempt, during 1995, to incorporate the following recommendations of the ad-hoc Bonita Study Group into the planning process for public facilities. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.2.1: POTABLE WATER.** The county will grant franchise expansions to the Bonita Springs Utilities (BSU) to serve all areas designated as Future Urban Areas by the Lee Plan. In addition, the county deems it to be in the public interest to encourage:~~

- ~~• other private water systems in the BSU service area to be consolidated with the BSU; and~~
 - ~~• new development near a BSU line to hook into the system.~~
- ~~(Amended by Ordinance No. 94-30, 00-22)~~

Modify Policy 13.2.2 and relocate it to Policy 1.7.9. The policy refers to Map 13 which can be found as Attachment 1 of this report.

~~**POLICY 13.27.29: IRRIGATION WELLS.** The Irrigation Well overlay in Bonita Springs (as defined in this plan) is hereby declared a critical area for future potable water supply, based on evidence that withdrawals from the main potable aquifer, the lower Tamiami aquifer, are approaching or exceeding the maximum safe yield. In response to this designation, the county will maintain current regulations to provide that new irrigation well permits in Bonita Springs the Irrigation Well overlay may not utilize the main potable water source. For the purposes of this plan, the boundaries of the Irrigation Well overlay are indicated on Map 13 of the Future Land Use Map series. (Also see Policy 34.1.9 for new permit requirements for wells in Lehigh Acres, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.) (Amended by Ordinance No. 94-30, 00-22)~~

Delete Policy 13.2.3 from the Lee Plan.

~~**POLICY 13.2.3: WASTEWATER.** The county will continue to assist the Bonita Springs Utilities in its efforts to provide a central sewer system in the Bonita Springs area. (Amended by Ordinance No. 94-30, 00-22)~~

Modify Policy 13.2.4 and relocate it to Policy 39.1.8.

~~**POLICY 13.21.48: SURFACE WATER MANAGEMENT.** The County will continue to monitor water quality in the Imperial River and navigational access and tidal flushing through New Pass and Big Hickory Pass. (Amended by Ordinance No. 94-30)~~

Delete the following from the Lee Plan.

~~**OBJECTIVE 13.3: PARKS AND RECREATION.** Decisions on park acquisitions and improvements will continually reflect the unique opportunities and needs of the Bonita Springs area. (Amended by Ordinance No. 00-22)~~

~~**POLICY 13.3.1:** The county will improve access to the Gulf beaches by providing public parking, landscaping, boardwalks, and dune walkovers. (Amended by Ordinance No. 00-22)~~

~~**OBJECTIVE 13.4: HISTORIC RESOURCES.** Lee County will continue to designate historic structures in Bonita Springs in accordance with the Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.4.1:** In conjunction with the Bonita Springs CRA, the county will cooperate with and aid local efforts to redevelop the old downtown area (including identifying funding mechanisms) in order to build community pride, attract tourism, and improve the area's economic condition. (Amended by Ordinance No. 94-30, 00-22)~~

Update the following future land use descriptor policies.

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30)

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30)

Modify Policy 2.4.2 and 34.1.9 to reflect the relocation of Policy 13.2.2 to Policy 1.7.9 noted above.

POLICY 2.4.2: All proposed changes to the Future Land Use Map in critical areas for future potable water supply (Bonita Springs as described in Policy 13.27.29; Lehigh Acres as described in Policy 34.1.9; and all land in the Density Reduction/ Groundwater Resource land use category) will be subject to a special review by the staff of Lee County. This review will analyze the proposed land uses to determine the short-term and long-term availability of irrigation and domestic water sources, and will assess whether the proposed land uses would cause any significant impact on present or future water resources. If the Board of County Commissioners

wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change. (Amended by Ordinance No. 92-47) (Amended by Ordinance No. 94-30, 00-22)

POLICY 34.1.9: Lehigh Acres (as defined by outer boundaries of its Privately Funded Infrastructure overlay on the Future Land Use Map) is hereby declared a critical area for future potable water supply due to fluctuating water levels in the Sandstone aquifer. In response to this designation, the county will amend current regulations to provide that new wells in Lehigh Acres must be constructed to accommodate submersible pumps. (Also see Policy ~~13.27.29~~ for new permit requirements for irrigation wells in Bonita Springs, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.) (Amended by Ordinance No. 94-30, 00-22)

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

DATE OF PUBLIC HEARING: April 23, 2001

A. LOCAL PLANNING AGENCY REVIEW

Staff presented this amendment before the LPA on April 23, 2001. Staff explained that in addition to the proposed text changes staff is also recommending adding a map depicting an irrigation well overlay to the future land use map series. One member of the LPA asked for further explanation on what the overlay is. Staff explained the relocation of Policy 13.2.2 under Objective 1.7 Special Treatment Areas and the need for the relocated policy to continue to apply to the area shown on the proposed map. Staff noted that the policy stemmed from a judgement made in the late 1980's determining that water in the Lower Tamiami aquifer was to be used for potable water and not for irrigation due to limited supply and saltwater intrusion in the area. The entire area, including incorporated Bonita Springs, depicted on the proposed overlay map was declared critical for potable water supply. This continues to be the policy with the South Florida Water Management District today. Currently the District has a permitting threshold of a six inch well. Anything below this threshold would require permitting through the County. The proposed overlay will continue the preservation of the potable water supply for the area.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit this amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by the staff.

C. VOTE:

NOEL ANDRESS	AYE
SUSAN BROOKMAN	AYE
BARRY ERNST	ABSENT
RONALD INGE	AYE
GORDON REIGELMAN	AYE
VIRGINIA SPLITT	AYE
GREG STUART	AYE

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

DATE OF TRANSMITTAL HEARING: August 29, 2001

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

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION:** The Board of County Commissioners voted to transmit the proposed plan amendment.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact advanced by staff and the LPA.

C. VOTE:

JOHN ALBION	<u>AYE</u>
ANDREW COY	<u>AYE</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
DOUG ST. CERNY	<u>AYE</u>

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

DATE OF ORC REPORT: November 21, 2001

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The DCA had no objections, recommendations, or comments concerning this amendment.

B. STAFF RECOMMENDATION

Adopt the amendment as transmitted.

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

DATE OF ADOPTION HEARING: January 10, 2002

A. BOARD REVIEW: The Board provided no discussion on this amendment. This item was approved on the consent agenda.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board voted to adopt the amendment.

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

C. VOTE:

JOHN ALBION

AYE

ANDREW COY

ABSENT

BOB JANES

AYE

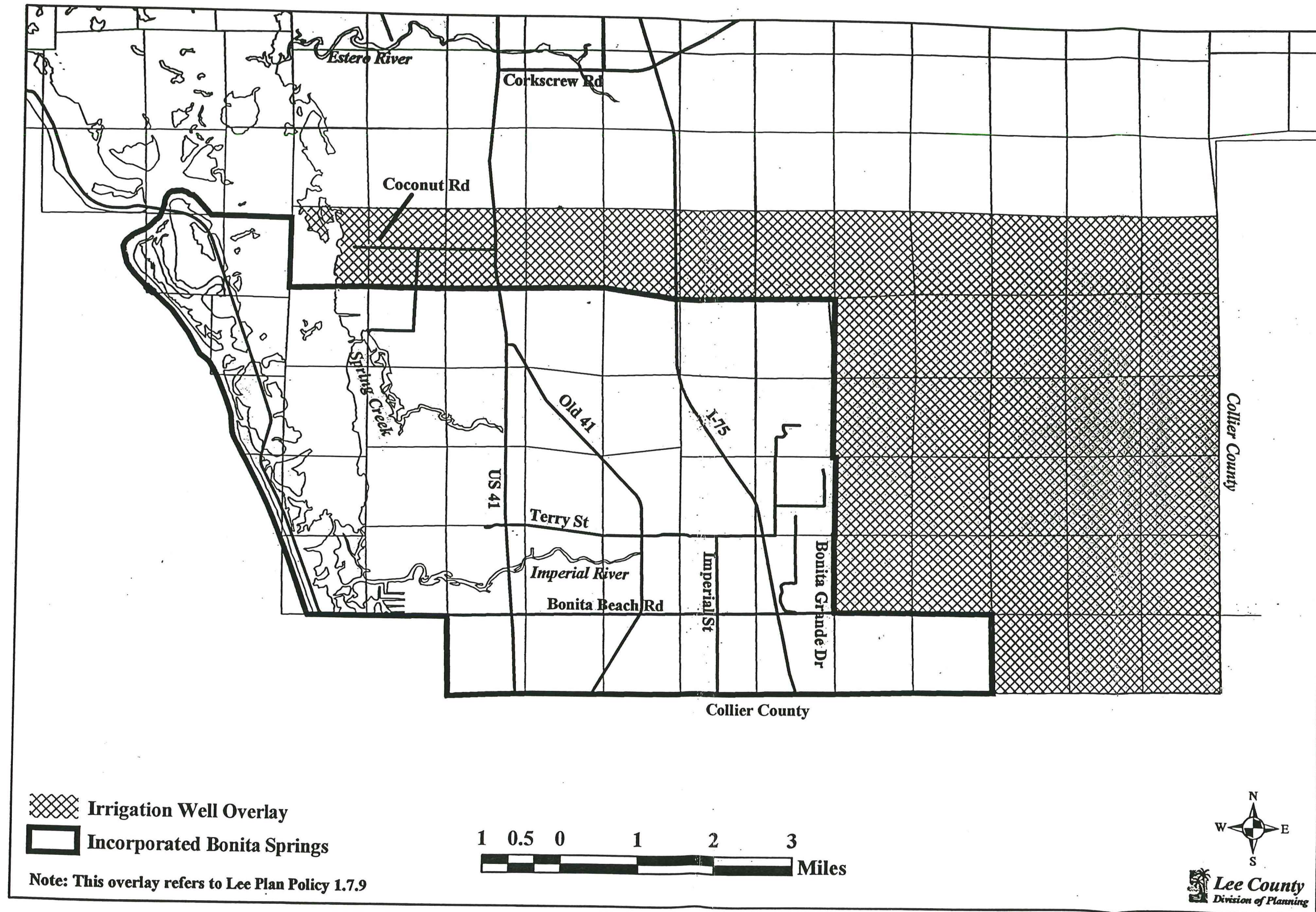
RAY JUDAH

AYE

DOUG ST. CERNY

AYE

IRRIGATION WELL OVERLAY



**CPA2000-17
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Public Hearing Document
for the
January 10th Adoption Hearing

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

November 21, 2001

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2000-17**

☒

Text Amendment

☒

Map Amendment

<input checked="" type="checkbox"/>	This Document Contains the Following Reviews:
<input checked="" type="checkbox"/>	Staff Review
<input checked="" type="checkbox"/>	Local Planning Agency Review and Recommendation
<input checked="" type="checkbox"/>	Board of County Commissioners Hearing for Transmittal
<input checked="" type="checkbox"/>	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
<input type="checkbox"/>	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: April 16, 2001

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

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

2. REQUEST:

Amend the Future Land Use Element by evaluating for removal Goal 13, Bonita Springs, and consider relocating policies which should continue to apply to the remaining unincorporated areas of Bonita Springs.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the proposed amendment as provided under Part II.C. of this report.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Bonita Springs became incorporated on December 31, 1999.
- Bonita Springs is no longer one of Lee County's unincorporated population centers.
- Due to the incorporation of Bonita Springs Goal 13 and many of its Objectives and Policies no longer apply to unincorporated Lee County. Those that do not apply should be removed from the Lee Plan and those that do apply to the areas in south Lee County outside of the city limits should be retained and relocated.
- Bonita Springs is now incorporated with its own planning and permitting rights and responsibilities.

C. BACKGROUND INFORMATION

On December 31, 1999, the City of Bonita Springs became the fifth incorporated municipality in Lee County. The city now oversees planning and permitting within its jurisdictional boundaries. This amendment was initiated by the Board of County Commissioners on September 19, 2000.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Due to the incorporation of Bonita Springs, planning staff has evaluated Goal 13 and its Objectives and Policies for removal or relocation in the Lee Plan. Following are the proposed changes in strikethrough and underline format. Language that does not apply to unincorporated Lee County is being removed from the Lee Plan and language that applies to the areas outside of the city limits in south Lee County are being relocated under the appropriate Goals in the Lee Plan. In addition staff has evaluated references made to Bonita Springs throughout the Lee Plan under the same consideration.

Goal 13 itself is being removed from the Future Land Use Element of the Lee Plan. The balance of the goal no longer applies given that the city has its own planning and permitting rights and responsibilities.

GOAL 13: [RESERVED] ~~BONITA SPRINGS~~. To maintain and improve the existing quality of life in Bonita Springs by providing essential public facilities in cooperation with other service providers and Collier County to the extent required by present and prospective residents. (Amended by Ordinance No. 94-30)

The following language is being recommended for removal from the Lee Plan. Objective 13.1 and Policies 13.1.1, 13.1.2 and 13.1.3 pertain to intergovernmental coordination between Lee County and Collier County in regards to transportation planning. Goal 27, Intergovernmental Coordination, of the Transportation Element provides language on intergovernmental coordination pertaining to all adjoining counties, therefore the relocation of the objective and policies are unnecessary. The reference made to the CRA plan for Bonita Springs in Policy 13.1.1 no longer applies. Economic development staff have concurred that this language no longer applies, all projects have been completed.

~~OBJECTIVE 13.1: TRAFFIC CIRCULATION.~~ The 2020 traffic circulation maps will contain all of the road segments that are necessary to accommodate both local traffic within the Bonita Springs

~~area and traffic crossing the Collier County line at the minimum levels of service in this plan. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.1.1:** Amendments to the Traffic Circulation Plan Map(s) will give particular attention to the CRA plan for Bonita Springs and to the road plans for Collier County. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.1.2:** All future computer modeling used for transportation planning must be designed to fully recognize Bonita Springs' location at the county line. (Amended by Ordinance No. 00-22)~~

~~**POLICY 13.1.3:** The county will actively pursue the execution of interlocal agreements with Collier County for planning, design, and construction of roads along and crossing the county line. (Amended by Ordinance No. 00-22)~~

The following Objective no longer applies to unincorporated Lee County. The Policies under Objective 13.2 are either being removed or are being relocated.

~~**OBJECTIVE 13.2: COMMUNITY FACILITIES.** Within funding constraints, the county will attempt, during 1995, to incorporate the following recommendations of the ad-hoc Bonita Study Group into the planning process for public facilities. (Amended by Ordinance No. 94-30, 00-22)~~

Policy 13.2.1 no longer applies to the unincorporated areas outside of the City of Bonita Springs and is being removed. Currently the urban areas outside of the city limits are within the Lee County Utilities franchise area or are in the process of being acquired by Lee County Utilities.

~~**POLICY 13.2.1: POTABLE WATER.** The county will grant franchise expansions to the Bonita Springs Utilities (BSU) to serve all areas designated as Future Urban Areas by the Lee Plan. In addition, the county deems it to be in the public interest to encourage:~~

- ~~• other private water systems in the BSU service area to be consolidated with the BSU; and~~
 - ~~• new development near a BSU line to hook into the system.~~
- ~~(Amended by Ordinance No. 94-30, 00-22)~~

Policy 13.2.2 is being proposed for relocation under Objective 1.7, Special Treatment Areas. The policy applies to the unincorporated areas of southern Lee County. Staff is proposing added language to the policy specifying unincorporated Bonita Springs and is adding a map to the Future Land Use Map Series representing unincorporated Bonita Springs. The proposed map, Map 13 - the Irrigation Well Overlay map, is attached to this staff report as Attachment 1. Lee County Utilities staff has concurred with the proposed map and relocation of the language.

POLICY 13.27.29: IRRIGATION WELLS. The Irrigation Well overlay in Bonita Springs (as defined in this plan) is hereby declared a critical area for future potable water supply, based on evidence that withdrawals from the main potable aquifer, the lower Tamiami aquifer, are approaching or exceeding the maximum safe yield. In response to this designation, the county will maintain current regulations to provide that new irrigation well permits in Bonita Springs the Irrigation Well overlay may not utilize the main potable water source. For the purposes of this

plan, the boundaries of the Irrigation Well overlay are indicated on Map 13 of the Future Land Use Map series. (Also see Policy 34.1.9 for new permit requirements for wells in Lehigh Acres, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.) (Amended by Ordinance No. 94-30, 00-22)

Policy 13.2.3 no longer applies to unincorporated Lee County.

~~**POLICY 13.2.3: WASTEWATER.** The county will continue to assist the Bonita Springs Utilities in its efforts to provide a central sewer system in the Bonita Springs area. (Amended by Ordinance No. 94-30, 00-22)~~

Policy 13.2.4 is being relocated under the Surface Water Management section of the Community Facilities and Services Element. Lee County will continue monitoring water quality in the Imperial River as well as access and tidal flushing through New Pass and Big Hickory Pass.

~~**POLICY 13.2.4: SURFACE WATER MANAGEMENT.** The County will continue to monitor water quality in the Imperial River and navigational access and tidal flushing through New Pass and Big Hickory Pass. (Amended by Ordinance No. 94-30)~~

The following Objectives and Policies no longer apply to unincorporated Lee County. Due to incorporation, Parks and Recreation and Historic Resources fall under the responsibility of the City of Bonita Springs and are being removed from the Lee Plan.

~~**OBJECTIVE 13.3: PARKS AND RECREATION.** Decisions on park acquisitions and improvements will continually reflect the unique opportunities and needs of the Bonita Springs area. (Amended by Ordinance No. 00-22)~~

~~**POLICY 13.3.1:** The county will improve access to the Gulf beaches by providing public parking, landscaping, boardwalks, and dune walkovers. (Amended by Ordinance No. 00-22)~~

~~**OBJECTIVE 13.4: HISTORIC RESOURCES.** Lee County will continue to designate historic structures in Bonita Springs in accordance with the Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.4.1:** In conjunction with the Bonita Springs CRA, the county will cooperate with and aid local efforts to redevelop the old downtown area (including identifying funding mechanisms) in order to build community pride, attract tourism, and improve the area's economic condition. (Amended by Ordinance No. 94-30, 00-22)~~

Additional references

Future Land Use:

Policy 1.1.3 and 1.1.4, the descriptor policies for the Central Urban and Urban Community future land use categories, both include areas of Bonita Springs. Staff is clarifying the references to Bonita Springs. These future land use categories are designated on the Future Land Use Map within the city limits of Bonita Springs.

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30)

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30)

Changes to Policy 2.4.2 and 34.1.9 reflect the relocation of Policy 13.2.2 noted above.

POLICY 2.4.2: All proposed changes to the Future Land Use Map in critical areas for future potable water supply (Bonita Springs as described in Policy 13.27.29; Lehigh Acres as described in Policy 34.1.9; and all land in the Density Reduction/ Groundwater Resource land use category) will be subject to a special review by the staff of Lee County. This review will analyze the proposed land uses to determine the short-term and long-term availability of irrigation and domestic water sources, and will assess whether the proposed land uses would cause any significant impact on present or future water resources. If the Board of County Commissioners wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change. (Amended by Ordinance No. 92-47) (Amended by Ordinance No. 94-30, 00-22)

Community Facilities and Services:

POLICY 34.1.9: Lehigh Acres (as defined by outer boundaries of its Privately Funded Infrastructure overlay on the Future Land Use Map) is hereby declared a critical area for future potable water supply due to fluctuating water levels in the Sandstone aquifer. In response to this designation, the county will amend current regulations to provide that new wells in Lehigh Acres must be constructed to accommodate submersible pumps. (Also see Policy 13.27.29 for new permit requirements for irrigation wells in Bonita Springs, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.) (Amended by Ordinance No. 94-30, 00-22)

Conservation and Coastal Management

Policy 83.3.1 remains unchanged. Beach and dune management plans will continue to be prepared by Lee County for the north end of Bonita Beach through an interlocal agreement.

POLICY 83.3.1: The Division of Natural Resources Management, or successor agency, will be responsible for the beach and dune management program. This program will include:

1. Preparing beach and dune management plans, with priority to the critical erosion areas:
 - a. south-central and southern portion of Gasparilla Island.
 - b. northern North Captiva Island.
 - c. all of Captiva Island.
 - d. north end of Bonita Beach.

B. CONCLUSIONS

Due to the incorporation of Bonita Springs, staff is proposing the removal of Goal 13 and its subsequent objectives and policies. Those that remain effective for the unincorporated areas of Bonita Springs are being relocated under similar language in the Lee Plan.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners transmit the proposed plan amendment. This recommendation is based upon the previously discussed issues and conclusions of this report. Planning staff recommends the following language modifications as well as the proposed map, Map 13, be transmitted:

Delete the following from the Lee Plan.

~~**GOAL 13: BONITA SPRINGS.** To maintain and improve the existing quality of life in Bonita Springs by providing essential public facilities in cooperation with other service providers and Collier County to the extent required by present and prospective residents. (Amended by Ordinance No. 94-30)~~

~~**OBJECTIVE 13.1: TRAFFIC CIRCULATION.** The 2020 traffic circulation maps will contain all of the road segments that are necessary to accommodate both local traffic within the Bonita Springs area and traffic crossing the Collier County line at the minimum levels of service in this plan. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.1.1:** Amendments to the Traffic Circulation Plan Map(s) will give particular attention to the CRA plan for Bonita Springs and to the road plans for Collier County. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.1.2:** All future computer modeling used for transportation planning must be designed to fully recognize Bonita Springs' location at the county line. (Amended by Ordinance No. 00-22)~~

~~**POLICY 13.1.3:** The county will actively pursue the execution of interlocal agreements with Collier County for planning, design, and construction of roads along and crossing the county line. (Amended by Ordinance No. 00-22)~~

~~**OBJECTIVE 13.2: COMMUNITY FACILITIES.** Within funding constraints, the county will attempt, during 1995, to incorporate the following recommendations of the ad-hoc Bonita Study Group into the planning process for public facilities. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.2.1: POTABLE WATER.** The county will grant franchise expansions to the Bonita Springs Utilities (BSU) to serve all areas designated as Future Urban Areas by the Lee Plan. In addition, the county deems it to be in the public interest to encourage:~~

- ~~• other private water systems in the BSU service area to be consolidated with the BSU; and~~
 - ~~• new development near a BSU line to hook into the system.~~
- ~~(Amended by Ordinance No. 94-30, 00-22)~~

Modify Policy 13.2.2 and relocate it to Policy 1.7.9. The policy refers to Map 13 which can be found as Attachment 1 of this report.

~~**POLICY 13.27.29: IRRIGATION WELLS.** The Irrigation Well overlay in Bonita Springs (as defined in this plan) is hereby declared a critical area for future potable water supply, based on evidence that withdrawals from the main potable aquifer, the lower Tamiami aquifer, are approaching or exceeding the maximum safe yield. In response to this designation, the county will maintain current regulations to provide that new irrigation well permits in Bonita Springs the Irrigation Well overlay may not utilize the main potable water source. For the purposes of this plan, the boundaries of the Irrigation Well overlay are indicated on Map 13 of the Future Land Use Map series. (Also see Policy 34.1.9 for new permit requirements for wells in Lehigh Acres, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.) (Amended by Ordinance No. 94-30, 00-22)~~

Delete Policy 13.2.3 from the Lee Plan.

~~**POLICY 13.2.3: WASTEWATER.** The county will continue to assist the Bonita Springs Utilities in its efforts to provide a central sewer system in the Bonita Springs area. (Amended by Ordinance No. 94-30, 00-22)~~

Modify Policy 13.2.4 and relocate it to Policy 39.1.8.

~~**POLICY 1339.21.48: SURFACE WATER MANAGEMENT.** The County will ~~continue~~ to monitor water quality in the Imperial River and navigational access and tidal flushing through New Pass and Big Hickory Pass. (Amended by Ordinance No. 94-30)~~

Delete the following from the Lee Plan.

~~**OBJECTIVE 13.3: PARKS AND RECREATION.** Decisions on park acquisitions and improvements will continually reflect the unique opportunities and needs of the Bonita Springs area. (Amended by Ordinance No. 00-22)~~

~~**POLICY 13.3.1:** The county will improve access to the Gulf beaches by providing public parking, landscaping, boardwalks, and dune walkovers. (Amended by Ordinance No. 00-22)~~

~~**OBJECTIVE 13.4: HISTORIC RESOURCES.** Lee County will continue to designate historic structures in Bonita Springs in accordance with the Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.4.1:** In conjunction with the Bonita Springs CRA, the county will cooperate with and aid local efforts to redevelop the old downtown area (including identifying funding mechanisms) in order to build community pride, attract tourism, and improve the area's economic condition. (Amended by Ordinance No. 94-30, 00-22)~~

Update the following future land use descriptor policies.

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30)

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30)

Modify Policy 2.4.2 and 34.1.9 to reflect the relocation of Policy 13.2.2 to Policy 1.7.9 noted above.

POLICY 2.4.2: All proposed changes to the Future Land Use Map in critical areas for future potable water supply (Bonita Springs as described in Policy 13.27.29; Lehigh Acres as described in Policy 34.1.9; and all land in the Density Reduction/ Groundwater Resource land use category) will be subject to a special review by the staff of Lee County. This review will analyze the proposed land uses to determine the short-term and long-term availability of irrigation and domestic water sources, and will assess whether the proposed land uses would cause any significant impact on present or future water resources. If the Board of County Commissioners

wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change. (Amended by Ordinance No. 92-47) (Amended by Ordinance No. 94-30, 00-22)

POLICY 34.1.9: Lehigh Acres (as defined by outer boundaries of its Privately Funded Infrastructure overlay on the Future Land Use Map) is hereby declared a critical area for future potable water supply due to fluctuating water levels in the Sandstone aquifer. In response to this designation, the county will amend current regulations to provide that new wells in Lehigh Acres must be constructed to accommodate submersible pumps. (Also see Policy 13.27.29 for new permit requirements for irrigation wells in Bonita Springs, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.) (Amended by Ordinance No. 94-30, 00-22)

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: April 23, 2001

A. LOCAL PLANNING AGENCY REVIEW

Staff presented this amendment before the LPA on April 23, 2001. Staff explained that in addition to the proposed text changes staff is also recommending adding a map depicting an irrigation well overlay to the future land use map series. One member of the LPA asked for further explanation on what the overlay is. Staff explained the relocation of Policy 13.2.2 under Objective 1.7 Special Treatment Areas and the need for the relocated policy to continue to apply to the area shown on the proposed map. Staff noted that the policy stemmed from a judgement made in the late 1980's determining that water in the Lower Tamiami aquifer was to be used for potable water and not for irrigation due to limited supply and saltwater intrusion in the area. The entire area, including incorporated Bonita Springs, depicted on the proposed overlay map was declared critical for potable water supply. This continues to be the policy with the South Florida Water Management District today. Currently the District has a permitting threshold of a six inch well. Anything below this threshold would require permitting through the County. The proposed overlay will continue the preservation of the potable water supply for the area.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit this amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by the staff.

C. VOTE:

NOEL ANDRESS	<u>AYE</u>
SUSAN BROOKMAN	<u>AYE</u>
BARRY ERNST	<u>ABSENT</u>
RONALD INGE	<u>AYE</u>
GORDON REIGELMAN	<u>AYE</u>
VIRGINIA SPLITT	<u>AYE</u>
GREG STUART	<u>AYE</u>

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

DATE OF TRANSMITTAL HEARING: August 29, 2001

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

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION:** The Board of County Commissioners voted to transmit the proposed plan amendment.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact advanced by staff and the LPA.

C. VOTE:

JOHN ALBION	<u>AYE</u>
ANDREW COY	<u>AYE</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
DOUG ST. CERNY	<u>AYE</u>

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

DATE OF ORC REPORT: November 21, 2001

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The DCA had no objections, recommendations, or comments concerning this amendment.

B. STAFF RECOMMENDATION

Adopt the amendment as transmitted.

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

DATE OF ADOPTION HEARING: January 10, 2002

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

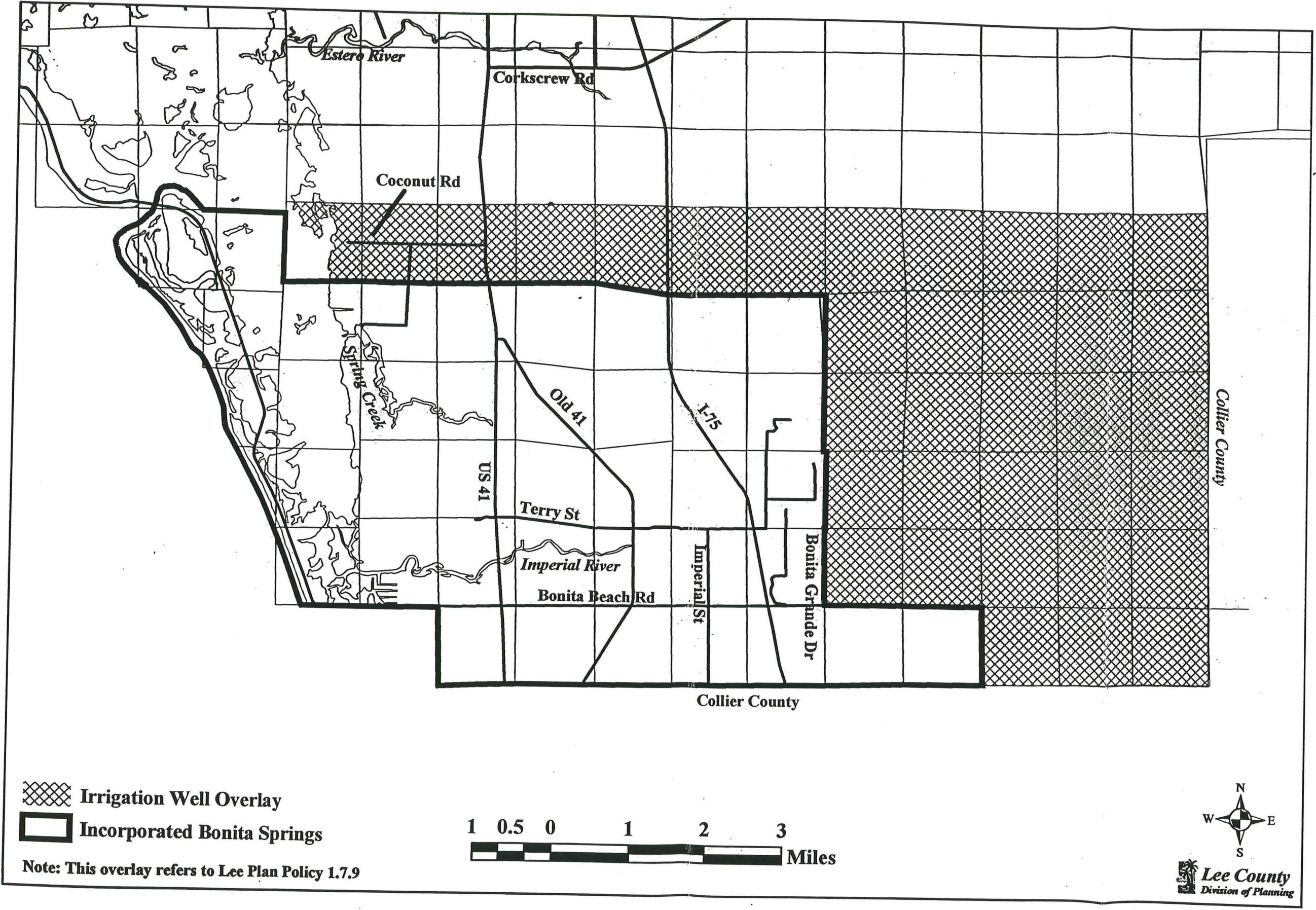
ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

IRRIGATION WELL OVERLAY



**CPA2000-17
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

DCA Transmittal Document

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

August 29, 2001

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2000-17**

☒

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: April 16, 2001

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

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

2. REQUEST:

Amend the Future Land Use Element by evaluating for removal Goal 13, Bonita Springs, and consider relocating policies which should continue to apply to the remaining unincorporated areas of Bonita Springs.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the proposed amendment as provided under Part II.C. of this report.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Bonita Springs became incorporated on December 31, 1999.
- Bonita Springs is no longer one of Lee County's unincorporated population centers.
- Due to the incorporation of Bonita Springs Goal 13 and many of its Objectives and Policies no longer apply to unincorporated Lee County. Those that do not apply should be removed from the Lee Plan and those that do apply to the areas in south Lee County outside of the city limits should be retained and relocated.
- Bonita Springs is now incorporated with its own planning and permitting rights and responsibilities.

C. BACKGROUND INFORMATION

On December 31, 1999, the City of Bonita Springs became the fifth incorporated municipality in Lee County. The city now oversees planning and permitting within its jurisdictional boundaries. This amendment was initiated by the Board of County Commissioners on September 19, 2000.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Due to the incorporation of Bonita Springs, planning staff has evaluated Goal 13 and its Objectives and Policies for removal or relocation in the Lee Plan. Following are the proposed changes in strikethrough and underline format. Language that does not apply to unincorporated Lee County is being removed from the Lee Plan and language that applies to the areas outside of the city limits in south Lee County are being relocated under the appropriate Goals in the Lee Plan. In addition staff has evaluated references made to Bonita Springs throughout the Lee Plan under the same consideration.

Goal 13 itself is being removed from the Future Land Use Element of the Lee Plan. The balance of the goal no longer applies given that the city has its own planning and permitting rights and responsibilities.

GOAL 13: [RESERVED] ~~BONITA SPRINGS.~~ ~~To maintain and improve the existing quality of life in Bonita Springs by providing essential public facilities in cooperation with other service providers and Collier County to the extent required by present and prospective residents. (Amended by Ordinance No. 94-30)~~

The following language is being recommended for removal from the Lee Plan. Objective 13.1 and Policies 13.1.1, 13.1.2 and 13.1.3 pertain to intergovernmental coordination between Lee County and Collier County in regards to transportation planning. Goal 27, Intergovernmental Coordination, of the Transportation Element provides language on intergovernmental coordination pertaining to all adjoining counties, therefore the relocation of the objective and policies are unnecessary. The reference made to the CRA plan for Bonita Springs in Policy 13.1.1 no longer applies. Economic development staff have concurred that this language no longer applies, all projects have been completed.

~~OBJECTIVE 13.1: TRAFFIC CIRCULATION.~~ ~~The 2020 traffic circulation maps will contain all of the road segments that are necessary to accommodate both local traffic within the Bonita Springs~~

~~area and traffic crossing the Collier County line at the minimum levels of service in this plan.
(Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.1.1:** Amendments to the Traffic Circulation Plan Map(s) will give particular attention to the CRA plan for Bonita Springs and to the road plans for Collier County. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.1.2:** All future computer modeling used for transportation planning must be designed to fully recognize Bonita Springs' location at the county line. (Amended by Ordinance No. 00-22)~~

~~**POLICY 13.1.3:** The county will actively pursue the execution of interlocal agreements with Collier County for planning, design, and construction of roads along and crossing the county line. (Amended by Ordinance No. 00-22)~~

The following Objective no longer applies to unincorporated Lee County. The Policies under Objective 13.2 are either being removed or are being relocated.

~~**OBJECTIVE 13.2: COMMUNITY FACILITIES.** Within funding constraints, the county will attempt, during 1995, to incorporate the following recommendations of the ad-hoc Bonita Study Group into the planning process for public facilities. (Amended by Ordinance No. 94-30, 00-22)~~

Policy 13.2.1 no longer applies to the unincorporated areas outside of the City of Bonita Springs and is being removed. Currently the urban areas outside of the city limits are within the Lee County Utilities franchise area or are in the process of being acquired by Lee County Utilities.

~~**POLICY 13.2.1: POTABLE WATER.** The county will grant franchise expansions to the Bonita Springs Utilities (BSU) to serve all areas designated as Future Urban Areas by the Lee Plan. In addition, the county deems it to be in the public interest to encourage:~~

- ~~• other private water systems in the BSU service area to be consolidated with the BSU; and~~
 - ~~• new development near a BSU line to hook into the system.~~
- ~~(Amended by Ordinance No. 94-30, 00-22)~~

Policy 13.2.2 is being proposed for relocation under Objective 1.7, Special Treatment Areas. The policy applies to the unincorporated areas of southern Lee County. Staff is proposing added language to the policy specifying unincorporated Bonita Springs and is adding a map to the Future Land Use Map Series representing unincorporated Bonita Springs. The proposed map, Map 13 - the Irrigation Well Overlay map, is attached to this staff report as Attachment 1. Lee County Utilities staff has concurred with the proposed map and relocation of the language.

POLICY 13.27.29: IRRIGATION WELLS. The Irrigation Well overlay in Bonita Springs (as defined in this plan) is hereby declared a critical area for future potable water supply, based on evidence that withdrawals from the main potable aquifer, the lower Tamiami aquifer, are approaching or exceeding the maximum safe yield. In response to this designation, the county will maintain current regulations to provide that new irrigation well permits in Bonita Springs the Irrigation Well overlay may not utilize the main potable water source. For the purposes of this

plan, the boundaries of the Irrigation Well overlay are indicated on Map 13 of the Future Land Use Map series. (Also see Policy 34.1.9 for new permit requirements for wells in Lehigh Acres, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.) (Amended by Ordinance No. 94-30, 00-22)

Policy 13.2.3 no longer applies to unincorporated Lee County.

~~**POLICY 13.2.3: WASTEWATER.** The county will continue to assist the Bonita Springs Utilities in its efforts to provide a central sewer system in the Bonita Springs area. (Amended by Ordinance No. 94-30, 00-22)~~

Policy 13.2.4 is being relocated under the Surface Water Management section of the Community Facilities and Services Element. Lee County will continue monitoring water quality in the Imperial River as well as access and tidal flushing through New Pass and Big Hickory Pass.

~~**POLICY 13.2.4: SURFACE WATER MANAGEMENT.** The County will continue to monitor water quality in the Imperial River and navigational access and tidal flushing through New Pass and Big Hickory Pass. (Amended by Ordinance No. 94-30)~~

The following Objectives and Policies no longer apply to unincorporated Lee County. Due to incorporation, Parks and Recreation and Historic Resources fall under the responsibility of the City of Bonita Springs and are being removed from the Lee Plan.

~~**OBJECTIVE 13.3: PARKS AND RECREATION.** Decisions on park acquisitions and improvements will continually reflect the unique opportunities and needs of the Bonita Springs area. (Amended by Ordinance No. 00-22)~~

~~**POLICY 13.3.1:** The county will improve access to the Gulf beaches by providing public parking, landscaping, boardwalks, and dune walkovers. (Amended by Ordinance No. 00-22)~~

~~**OBJECTIVE 13.4: HISTORIC RESOURCES.** Lee County will continue to designate historic structures in Bonita Springs in accordance with the Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.4.1:** In conjunction with the Bonita Springs CRA, the county will cooperate with and aid local efforts to redevelop the old downtown area (including identifying funding mechanisms) in order to build community pride, attract tourism, and improve the area's economic condition. (Amended by Ordinance No. 94-30, 00-22)~~

Additional references

Future Land Use:

Policy 1.1.3 and 1.1.4, the descriptor policies for the Central Urban and Urban Community future land use categories, both include areas of Bonita Springs. Staff is clarifying the references to Bonita Springs. These future land use categories are designated on the Future Land Use Map within the city limits of Bonita Springs.

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30)

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30)

Changes to Policy 2.4.2 and 34.1.9 reflect the relocation of Policy 13.2.2 noted above.

POLICY 2.4.2: All proposed changes to the Future Land Use Map in critical areas for future potable water supply (Bonita Springs as described in Policy 13.27.29; Lehigh Acres as described in Policy 34.1.9; and all land in the Density Reduction/ Groundwater Resource land use category) will be subject to a special review by the staff of Lee County. This review will analyze the proposed land uses to determine the short-term and long-term availability of irrigation and domestic water sources, and will assess whether the proposed land uses would cause any significant impact on present or future water resources. If the Board of County Commissioners wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change. (Amended by Ordinance No. 92-47) (Amended by Ordinance No. 94-30, 00-22)

Community Facilities and Services:

POLICY 34.1.9: Lehigh Acres (as defined by outer boundaries of its Privately Funded Infrastructure overlay on the Future Land Use Map) is hereby declared a critical area for future potable water supply due to fluctuating water levels in the Sandstone aquifer. In response to this designation, the county will amend current regulations to provide that new wells in Lehigh Acres must be constructed to accommodate submersible pumps. (Also see Policy 13.27.29 for new permit requirements for irrigation wells in Bonita Springs, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.) (Amended by Ordinance No. 94-30, 00-22)

Conservation and Coastal Management

Policy 83.3.1 remains unchanged. Beach and dune management plans will continue to be prepared by Lee County for the north end of Bonita Beach through an interlocal agreement.

POLICY 83.3.1: The Division of Natural Resources Management, or successor agency, will be responsible for the beach and dune management program. This program will include:

1. Preparing beach and dune management plans, with priority to the critical erosion areas:
 - a. south-central and southern portion of Gasparilla Island.
 - b. northern North Captiva Island.
 - c. all of Captiva Island.
 - d. north end of Bonita Beach.

B. CONCLUSIONS

Due to the incorporation of Bonita Springs, staff is proposing the removal of Goal 13 and its subsequent objectives and policies. Those that remain effective for the unincorporated areas of Bonita Springs are being relocated under similar language in the Lee Plan.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners transmit the proposed plan amendment. This recommendation is based upon the previously discussed issues and conclusions of this report. Planning staff recommends the following language modifications as well as the proposed map, Map 13, be transmitted:

Delete the following from the Lee Plan.

~~**GOAL 13: BONITA SPRINGS.** To maintain and improve the existing quality of life in Bonita Springs by providing essential public facilities in cooperation with other service providers and Collier County to the extent required by present and prospective residents. (Amended by Ordinance No. 94-30)~~

~~**OBJECTIVE 13.1: TRAFFIC CIRCULATION.** The 2020 traffic circulation maps will contain all of the road segments that are necessary to accommodate both local traffic within the Bonita Springs area and traffic crossing the Collier County line at the minimum levels of service in this plan. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.1.1:** Amendments to the Traffic Circulation Plan Map(s) will give particular attention to the CRA plan for Bonita Springs and to the road plans for Collier County. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.1.2:** All future computer modeling used for transportation planning must be designed to fully recognize Bonita Springs' location at the county line. (Amended by Ordinance No. 00-22)~~

~~**POLICY 13.1.3:** The county will actively pursue the execution of interlocal agreements with Collier County for planning, design, and construction of roads along and crossing the county line. (Amended by Ordinance No. 00-22)~~

~~**OBJECTIVE 13.2: COMMUNITY FACILITIES.** Within funding constraints, the county will attempt, during 1995, to incorporate the following recommendations of the ad-hoc Bonita Study Group into the planning process for public facilities. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.2.1: POTABLE WATER.** The county will grant franchise expansions to the Bonita Springs Utilities (BSU) to serve all areas designated as Future Urban Areas by the Lee Plan. In addition, the county deems it to be in the public interest to encourage:~~

- ~~• other private water systems in the BSU service area to be consolidated with the BSU; and~~
 - ~~• new development near a BSU line to hook into the system.~~
- ~~(Amended by Ordinance No. 94-30, 00-22)~~

Modify Policy 13.2.2 and relocate it to Policy 1.7.9. The policy refers to Map 13 which can be found as Attachment 1 of this report.

~~**POLICY 13.27.29: IRRIGATION WELLS.** The Irrigation Well overlay in Bonita Springs (as defined in this plan) is hereby declared a critical area for future potable water supply, based on evidence that withdrawals from the main potable aquifer, the lower Tamiami aquifer, are approaching or exceeding the maximum safe yield. In response to this designation, the county will maintain current regulations to provide that new irrigation well permits in Bonita Springs the Irrigation Well overlay may not utilize the main potable water source. For the purposes of this plan, the boundaries of the Irrigation Well overlay are indicated on Map 13 of the Future Land Use Map series. (Also see Policy 34.1.9 for new permit requirements for wells in Lehigh Acres, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.) (Amended by Ordinance No. 94-30, 00-22)~~

Delete Policy 13.2.3 from the Lee Plan.

~~**POLICY 13.2.3: WASTEWATER.** The county will continue to assist the Bonita Springs Utilities in its efforts to provide a central sewer system in the Bonita Springs area. (Amended by Ordinance No. 94-30, 00-22)~~

Modify Policy 13.2.4 and relocate it to Policy 39.1.8.

~~**POLICY 13.21.48: SURFACE WATER MANAGEMENT.** The County will continue to monitor water quality in the Imperial River and navigational access and tidal flushing through New Pass and Big Hickory Pass. (Amended by Ordinance No. 94-30)~~

Delete the following from the Lee Plan.

~~**OBJECTIVE 13.3: PARKS AND RECREATION.** Decisions on park acquisitions and improvements will continually reflect the unique opportunities and needs of the Bonita Springs area. (Amended by Ordinance No. 00-22)~~

~~**POLICY 13.3.1:** The county will improve access to the Gulf beaches by providing public parking, landscaping, boardwalks, and dune walkovers. (Amended by Ordinance No. 00-22)~~

~~**OBJECTIVE 13.4: HISTORIC RESOURCES.** Lee County will continue to designate historic structures in Bonita Springs in accordance with the Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.4.1:** In conjunction with the Bonita Springs CRA, the county will cooperate with and aid local efforts to redevelop the old downtown area (including identifying funding mechanisms) in order to build community pride, attract tourism, and improve the area's economic condition. (Amended by Ordinance No. 94-30, 00-22)~~

Update the following future land use descriptor policies.

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30)

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30)

Modify Policy 2.4.2 and 34.1.9 to reflect the relocation of Policy 13.2.2 to Policy 1.7.9 noted above.

POLICY 2.4.2: All proposed changes to the Future Land Use Map in critical areas for future potable water supply (Bonita Springs as described in Policy 13.27.29; Lehigh Acres as described in Policy 34.1.9; and all land in the Density Reduction/ Groundwater Resource land use category) will be subject to a special review by the staff of Lee County. This review will analyze the proposed land uses to determine the short-term and long-term availability of irrigation and domestic water sources, and will assess whether the proposed land uses would cause any significant impact on present or future water resources. If the Board of County Commissioners

wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change. (Amended by Ordinance No. 92-47) (Amended by Ordinance No. 94-30, 00-22)

POLICY 34.1.9: Lehigh Acres (as defined by outer boundaries of its Privately Funded Infrastructure overlay on the Future Land Use Map) is hereby declared a critical area for future potable water supply due to fluctuating water levels in the Sandstone aquifer. In response to this designation, the county will amend current regulations to provide that new wells in Lehigh Acres must be constructed to accommodate submersible pumps. (Also see Policy 13.27.29 for new permit requirements for irrigation wells in Bonita Springs, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.) (Amended by Ordinance No. 94-30, 00-22)

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: April 23, 2001

A. LOCAL PLANNING AGENCY REVIEW

Staff presented this amendment before the LPA on April 23, 2001. Staff explained that in addition to the proposed text changes staff is also recommending adding a map depicting an irrigation well overlay to the future land use map series. One member of the LPA asked for further explanation on what the overlay is. Staff explained the relocation of Policy 13.2.2 under Objective 1.7 Special Treatment Areas and the need for the relocated policy to continue to apply to the area shown on the proposed map. Staff noted that the policy stemmed from a judgement made in the late 1980's determining that water in the Lower Tamiami aquifer was to be used for potable water and not for irrigation due to limited supply and saltwater intrusion in the area. The entire area, including incorporated Bonita Springs, depicted on the proposed overlay map was declared critical for potable water supply. This continues to be the policy with the South Florida Water Management District today. Currently the District has a permitting threshold of a six inch well. Anything below this threshold would require permitting through the County. The proposed overlay will continue the preservation of the potable water supply for the area.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit this amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by the staff.

C. VOTE:

NOEL ANDRESS	<u>AYE</u>
SUSAN BROOKMAN	<u>AYE</u>
BARRY ERNST	<u>ABSENT</u>
RONALD INGE	<u>AYE</u>
GORDON REIGELMAN	<u>AYE</u>
VIRGINIA SPLITT	<u>AYE</u>
GREG STUART	<u>AYE</u>

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

DATE OF TRANSMITTAL HEARING: August 29, 2001

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

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION:** The Board of County Commissioners voted to transmit the proposed plan amendment.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact advanced by staff and the LPA.

C. VOTE:

JOHN ALBION

AYE

ANDREW COY

AYE

BOB JANES

AYE

RAY JUDAH

AYE

DOUG ST. CERNY

AYE

DATE OF ORC REPORT: _____

- August 29, 2001
PAGE 13 OF 14

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

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

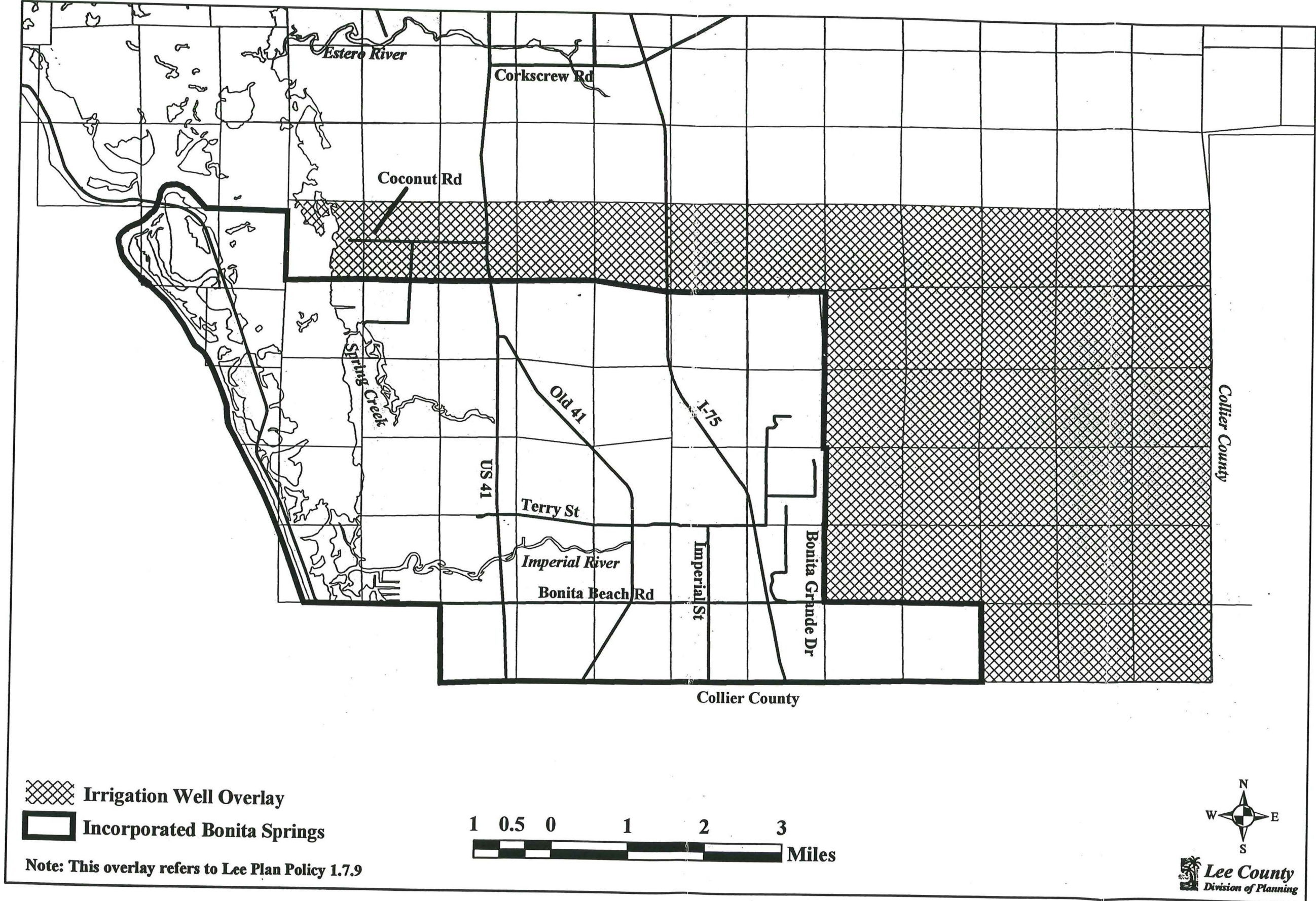
ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

IRRIGATION WELL OVERLAY



**CPA2000-17
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**BoCC Public Hearing Document
for the
August 29, 2001 Public Hearing**

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

August 1, 2001

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2000-17**

☒

Text Amendment

☒

Map Amendment

<input checked="" type="checkbox"/>	This Document Contains the Following Reviews:
<input checked="" type="checkbox"/>	Staff Review
<input checked="" type="checkbox"/>	Local Planning Agency Review and Recommendation
<input type="checkbox"/>	Board of County Commissioners Hearing for Transmittal
<input type="checkbox"/>	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
<input type="checkbox"/>	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: April 16, 2001

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

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

2. REQUEST:

Amend the Future Land Use Element by evaluating for removal Goal 13, Bonita Springs, and consider relocating policies which should continue to apply to the remaining unincorporated areas of Bonita Springs.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the proposed amendment as provided under Part II.C. of this report.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Bonita Springs became incorporated on December 31, 1999.
- Bonita Springs is no longer one of Lee County's unincorporated population centers.
- Due to the incorporation of Bonita Springs Goal 13 and many of its Objectives and Policies no longer apply to unincorporated Lee County. Those that do not apply should be removed from the Lee Plan and those that do apply to the areas in south Lee County outside of the city limits should be retained and relocated.
- Bonita Springs is now incorporated with its own planning and permitting rights and responsibilities.

C. BACKGROUND INFORMATION

On December 31, 1999, the City of Bonita Springs became the fifth incorporated municipality in Lee County. The city now oversees planning and permitting within its jurisdictional boundaries. This amendment was initiated by the Board of County Commissioners on September 19, 2000.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Due to the incorporation of Bonita Springs, planning staff has evaluated Goal 13 and its Objectives and Policies for removal or relocation in the Lee Plan. Following are the proposed changes in strikethrough and underline format. Language that does not apply to unincorporated Lee County is being removed from the Lee Plan and language that applies to the areas outside of the city limits in south Lee County are being relocated under the appropriate Goals in the Lee Plan. In addition staff has evaluated references made to Bonita Springs throughout the Lee Plan under the same consideration.

Goal 13 itself is being removed from the Future Land Use Element of the Lee Plan. The balance of the goal no longer applies given that the city has its own planning and permitting rights and responsibilities.

GOAL 13: [RESERVED] ~~BONITA SPRINGS.~~ To maintain and improve the existing quality of life in ~~Bonita Springs~~ by providing essential public facilities in cooperation with other service providers and Collier County to the extent required by present and prospective residents. (Amended by Ordinance No. 94-30)

The following language is being recommended for removal from the Lee Plan. Objective 13.1 and Policies 13.1.1, 13.1.2 and 13.1.3 pertain to intergovernmental coordination between Lee County and Collier County in regards to transportation planning. Goal 27, Intergovernmental Coordination, of the Transportation Element provides language on intergovernmental coordination pertaining to all adjoining counties, therefore the relocation of the objective and policies are unnecessary. The reference made to the CRA plan for Bonita Springs in Policy 13.1.1 no longer applies. Economic development staff have concurred that this language no longer applies, all projects have been completed.

~~OBJECTIVE 13.1: TRAFFIC CIRCULATION.~~ The 2020 traffic circulation maps will contain all of the road segments that are necessary to accommodate both local traffic within the Bonita Springs

~~area and traffic crossing the Collier County line at the minimum levels of service in this plan.
(Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.1.1:** Amendments to the Traffic Circulation Plan Map(s) will give particular attention to the CRA plan for Bonita Springs and to the road plans for Collier County. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.1.2:** All future computer modeling used for transportation planning must be designed to fully recognize Bonita Springs' location at the county line. (Amended by Ordinance No. 00-22)~~

~~**POLICY 13.1.3:** The county will actively pursue the execution of interlocal agreements with Collier County for planning, design, and construction of roads along and crossing the county line. (Amended by Ordinance No. 00-22)~~

The following Objective no longer applies to unincorporated Lee County. The Policies under Objective 13.2 are either being removed or are being relocated.

~~**OBJECTIVE 13.2: COMMUNITY FACILITIES.** Within funding constraints, the county will attempt, during 1995, to incorporate the following recommendations of the ad-hoc Bonita Study Group into the planning process for public facilities. (Amended by Ordinance No. 94-30, 00-22)~~

Policy 13.2.1 no longer applies to the unincorporated areas outside of the City of Bonita Springs and is being removed. Currently the urban areas outside of the city limits are within the Lee County Utilities franchise area or are in the process of being acquired by Lee County Utilities.

~~**POLICY 13.2.1: POTABLE WATER.** The county will grant franchise expansions to the Bonita Springs Utilities (BSU) to serve all areas designated as Future Urban Areas by the Lee Plan. In addition, the county deems it to be in the public interest to encourage:~~

- ~~• other private water systems in the BSU service area to be consolidated with the BSU; and~~
 - ~~• new development near a BSU line to hook into the system.~~
- ~~(Amended by Ordinance No. 94-30, 00-22)~~

Policy 13.2.2 is being proposed for relocation under Objective 1.7, Special Treatment Areas. The policy applies to the unincorporated areas of southern Lee County. Staff is proposing added language to the policy specifying unincorporated Bonita Springs and is adding a map to the Future Land Use Map Series representing unincorporated Bonita Springs. The proposed map, Map 13 - the Irrigation Well Overlay map, is attached to this staff report as Attachment 1. Lee County Utilities staff has concurred with the proposed map and relocation of the language.

POLICY 13.27.29: IRRIGATION WELLS: The Irrigation Well overlay in Bonita Springs (as defined in this plan) is hereby declared a critical area for future potable water supply, based on evidence that withdrawals from the main potable aquifer, the lower Tamiami aquifer, are approaching or exceeding the maximum safe yield. In response to this designation, the county will maintain current regulations to provide that new irrigation well permits in Bonita Springs the Irrigation Well overlay may not utilize the main potable water source. For the purposes of this

plan, the boundaries of the Irrigation Well overlay are indicated on Map 13 of the Future Land Use Map series. (Also see Policy 34.1.9 for new permit requirements for wells in Lehigh Acres, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.) (Amended by Ordinance No. 94-30, 00-22)

Policy 13.2.3 no longer applies to unincorporated Lee County.

~~**POLICY 13.2.3: WASTEWATER.** The county will continue to assist the Bonita Springs Utilities in its efforts to provide a central sewer system in the Bonita Springs area. (Amended by Ordinance No. 94-30, 00-22)~~

Policy 13.2.4 is being relocated under the Surface Water Management section of the Community Facilities and Services Element. Lee County will continue monitoring water quality in the Imperial River as well as access and tidal flushing through New Pass and Big Hickory Pass.

~~**POLICY 13.2.4: SURFACE WATER MANAGEMENT.** The County will continue to monitor water quality in the Imperial River and navigational access and tidal flushing through New Pass and Big Hickory Pass. (Amended by Ordinance No. 94-30)~~

The following Objectives and Policies no longer apply to unincorporated Lee County. Due to incorporation, Parks and Recreation and Historic Resources fall under the responsibility of the City of Bonita Springs and are being removed from the Lee Plan.

~~**OBJECTIVE 13.3: PARKS AND RECREATION.** Decisions on park acquisitions and improvements will continually reflect the unique opportunities and needs of the Bonita Springs area. (Amended by Ordinance No. 00-22)~~

~~**POLICY 13.3.1:** The county will improve access to the Gulf beaches by providing public parking, landscaping, boardwalks, and dune walkovers. (Amended by Ordinance No. 00-22)~~

~~**OBJECTIVE 13.4: HISTORIC RESOURCES.** Lee County will continue to designate historic structures in Bonita Springs in accordance with the Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.4.1:** In conjunction with the Bonita Springs CRA, the county will cooperate with and aid local efforts to redevelop the old downtown area (including identifying funding mechanisms) in order to build community pride, attract tourism, and improve the area's economic condition. (Amended by Ordinance No. 94-30, 00-22)~~

Additional references

Future Land Use:

Policy 1.1.3 and 1.1.4, the descriptor policies for the Central Urban and Urban Community future land use categories, both include areas of Bonita Springs. Staff is clarifying the references to Bonita Springs. These future land use categories are designated on the Future Land Use Map within the city limits of Bonita Springs.

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30)

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30)

Changes to Policy 2.4.2 and 34.1.9 reflect the relocation of Policy 13.2.2 noted above.

POLICY 2.4.2: All proposed changes to the Future Land Use Map in critical areas for future potable water supply (Bonita Springs as described in Policy 13.27.29; Lehigh Acres as described in Policy 34.1.9; and all land in the Density Reduction/ Groundwater Resource land use category) will be subject to a special review by the staff of Lee County. This review will analyze the proposed land uses to determine the short-term and long-term availability of irrigation and domestic water sources, and will assess whether the proposed land uses would cause any significant impact on present or future water resources. If the Board of County Commissioners wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change. (Amended by Ordinance No. 92-47) (Amended by Ordinance No. 94-30, 00-22)

Community Facilities and Services:

POLICY 34.1.9: Lehigh Acres (as defined by outer boundaries of its Privately Funded Infrastructure overlay on the Future Land Use Map) is hereby declared a critical area for future potable water supply due to fluctuating water levels in the Sandstone aquifer. In response to this designation, the county will amend current regulations to provide that new wells in Lehigh Acres must be constructed to accommodate submersible pumps. (Also see Policy 13.27.29 for new permit requirements for irrigation wells in Bonita Springs, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.) (Amended by Ordinance No. 94-30, 00-22)

Conservation and Coastal Management

Policy 83.3.1 remains unchanged. Beach and dune management plans will continue to be prepared by Lee County for the north end of Bonita Beach through an interlocal agreement.

POLICY 83.3.1: The Division of Natural Resources Management, or successor agency, will be responsible for the beach and dune management program. This program will include:

1. Preparing beach and dune management plans, with priority to the critical erosion areas:
 - a. south-central and southern portion of Gasparilla Island.
 - b. northern North Captiva Island.
 - c. all of Captiva Island.
 - d. north end of Bonita Beach.

B. CONCLUSIONS

Due to the incorporation of Bonita Springs, staff is proposing the removal of Goal 13 and its subsequent objectives and policies. Those that remain effective for the unincorporated areas of Bonita Springs are being relocated under similar language in the Lee Plan.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners transmit the proposed plan amendment. This recommendation is based upon the previously discussed issues and conclusions of this report. Planning staff recommends the following language modifications as well as the proposed map, Map 13, be transmitted:

Delete the following from the Lee Plan.

~~**GOAL 13: BONITA SPRINGS.** To maintain and improve the existing quality of life in Bonita Springs by providing essential public facilities in cooperation with other service providers and Collier County to the extent required by present and prospective residents. (Amended by Ordinance No. 94-30)~~

~~**OBJECTIVE 13.1: TRAFFIC CIRCULATION.** The 2020 traffic circulation maps will contain all of the road segments that are necessary to accommodate both local traffic within the Bonita Springs area and traffic crossing the Collier County line at the minimum levels of service in this plan. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.1.1:** Amendments to the Traffic Circulation Plan Map(s) will give particular attention to the CRA plan for Bonita Springs and to the road plans for Collier County. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.1.2:** All future computer modeling used for transportation planning must be designed to fully recognize Bonita Springs' location at the county line. (Amended by Ordinance No. 00-22)~~

~~**POLICY 13.1.3:** The county will actively pursue the execution of interlocal agreements with Collier County for planning, design, and construction of roads along and crossing the county line. (Amended by Ordinance No. 00-22)~~

~~**OBJECTIVE 13.2: COMMUNITY FACILITIES.** Within funding constraints, the county will attempt, during 1995, to incorporate the following recommendations of the ad-hoc Bonita Study Group into the planning process for public facilities. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.2.1: POTABLE WATER.** The county will grant franchise expansions to the Bonita Springs Utilities (BSU) to serve all areas designated as Future Urban Areas by the Lee Plan. In addition, the county deems it to be in the public interest to encourage:~~

- ~~• other private water systems in the BSU service area to be consolidated with the BSU; and~~
 - ~~• new development near a BSU line to hook into the system.~~
- ~~(Amended by Ordinance No. 94-30, 00-22)~~

Modify Policy 13.2.2 and relocate it to Policy 1.7.9. The policy refers to Map 13 which can be found as Attachment 1 of this report.

~~**POLICY 13.27.29: IRRIGATION WELLS.** The Irrigation Well overlay in Bonita Springs (as defined in this plan) is hereby declared a critical area for future potable water supply, based on evidence that withdrawals from the main potable aquifer, the lower Tamiami aquifer, are approaching or exceeding the maximum safe yield. In response to this designation, the county will maintain current regulations to provide that new irrigation well permits in Bonita Springs the Irrigation Well overlay may not utilize the main potable water source. For the purposes of this plan, the boundaries of the Irrigation Well overlay are indicated on Map 13 of the Future Land Use Map series. (Also see Policy 34.1.9 for new permit requirements for wells in Lehigh Acres, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.) (Amended by Ordinance No. 94-30, 00-22)~~

Delete Policy 13.2.3 from the Lee Plan.

~~**POLICY 13.2.3: WASTEWATER.** The county will continue to assist the Bonita Springs Utilities in its efforts to provide a central sewer system in the Bonita Springs area. (Amended by Ordinance No. 94-30, 00-22)~~

Modify Policy 13.2.4 and relocate it to Policy 39.1.8.

~~**POLICY 13.39.21.48: SURFACE WATER MANAGEMENT.** The County will continue to monitor water quality in the Imperial River and navigational access and tidal flushing through New Pass and Big Hickory Pass. (Amended by Ordinance No. 94-30)~~

Delete the following from the Lee Plan.

~~**OBJECTIVE 13.3: PARKS AND RECREATION.** Decisions on park acquisitions and improvements will continually reflect the unique opportunities and needs of the Bonita Springs area. (Amended by Ordinance No. 00-22)~~

~~**POLICY 13.3.1:** The county will improve access to the Gulf beaches by providing public parking, landscaping, boardwalks, and dune walkovers. (Amended by Ordinance No. 00-22)~~

~~**OBJECTIVE 13.4: HISTORIC RESOURCES.** Lee County will continue to designate historic structures in Bonita Springs in accordance with the Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.4.1:** In conjunction with the Bonita Springs CRA, the county will cooperate with and aid local efforts to redevelop the old downtown area (including identifying funding mechanisms) in order to build community pride, attract tourism, and improve the area's economic condition. (Amended by Ordinance No. 94-30, 00-22)~~

Update the following future land use descriptor policies.

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30)

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30)

Modify Policy 2.4.2 and 34.1.9 to reflect the relocation of Policy 13.2.2 to Policy 1.7.9 noted above.

POLICY 2.4.2: All proposed changes to the Future Land Use Map in critical areas for future potable water supply (Bonita Springs as described in Policy 13.27.29; Lehigh Acres as described in Policy 34.1.9; and all land in the Density Reduction/ Groundwater Resource land use category) will be subject to a special review by the staff of Lee County. This review will analyze the proposed land uses to determine the short-term and long-term availability of irrigation and domestic water sources, and will assess whether the proposed land uses would cause any significant impact on present or future water resources. If the Board of County Commissioners

wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change. (Amended by Ordinance No. 92-47) (Amended by Ordinance No. 94-30, 00-22)

POLICY 34.1.9: Lehigh Acres (as defined by outer boundaries of its Privately Funded Infrastructure overlay on the Future Land Use Map) is hereby declared a critical area for future potable water supply due to fluctuating water levels in the Sandstone aquifer. In response to this designation, the county will amend current regulations to provide that new wells in Lehigh Acres must be constructed to accommodate submersible pumps. (Also see Policy 13.27.29 for new permit requirements for irrigation wells in Bonita Springs, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.) (Amended by Ordinance No. 94-30, 00-22)

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: April 23, 2001

A. LOCAL PLANNING AGENCY REVIEW

Staff presented this amendment before the LPA on April 23, 2001. Staff explained that in addition to the proposed text changes staff is also recommending adding a map depicting an irrigation well overlay to the future land use map series. One member of the LPA asked for further explanation on what the overlay is. Staff explained the relocation of Policy 13.2.2 under Objective 1.7 Special Treatment Areas and the need for the relocated policy to continue to apply to the area shown on the proposed map. Staff noted that the policy stemmed from a judgement made in the late 1980's determining that water in the Lower Tamiami aquifer was to be used for potable water and not for irrigation due to limited supply and saltwater intrusion in the area. The entire area, including incorporated Bonita Springs, depicted on the proposed overlay map was declared critical for potable water supply. This continues to be the policy with the South Florida Water Management District today. Currently the District has a permitting threshold of a six inch well. Anything below this threshold would require permitting through the County. The proposed overlay will continue the preservation of the potable water supply for the area.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit this amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by the staff.

C. VOTE:

NOEL ANDRESS	AYE
SUSAN BROOKMAN	AYE
BARRY ERNST	ABSENT
RONALD INGE	AYE
GORDON REIGELMAN	AYE
VIRGINIA SPLITT	AYE
GREG STUART	AYE

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

DATE OF TRANSMITTAL HEARING: August 29, 2001

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

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

DATE OF ORC REPORT: _____

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

B. STAFF RESPONSE

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

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

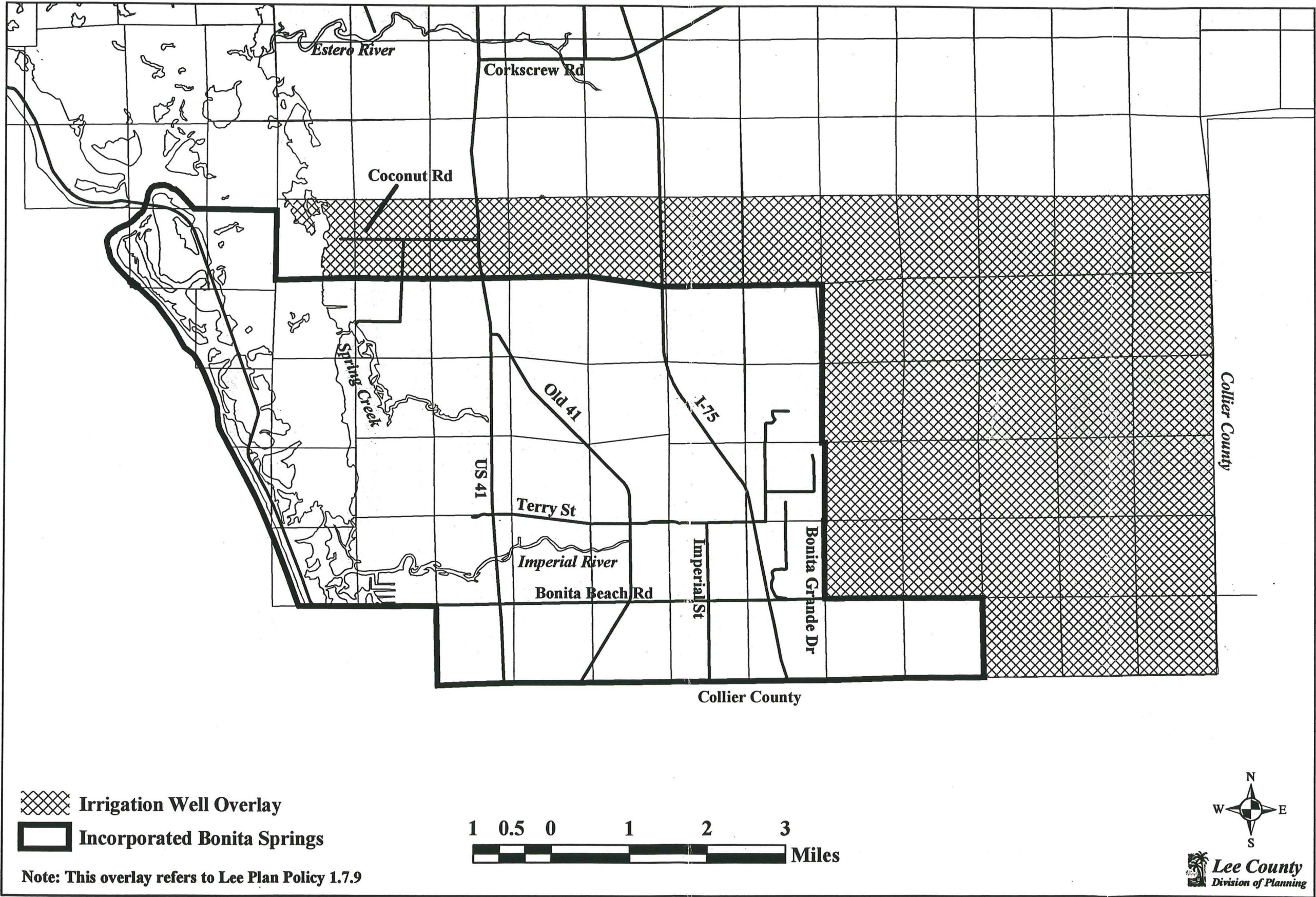
ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

IRRIGATION WELL OVERLAY



**CPA2000-17
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**LPA Public Hearing Document
for the
April 23rd, 2001 Public Hearing**

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

April 16, 2001

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2000-17**

☒

Text Amendment

☐

Map Amendment

<input checked="" type="checkbox"/>	This Document Contains the Following Reviews:
<input checked="" type="checkbox"/>	Staff Review
<input type="checkbox"/>	Local Planning Agency Review and Recommendation
<input type="checkbox"/>	Board of County Commissioners Hearing for Transmittal
<input type="checkbox"/>	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
<input type="checkbox"/>	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: April 16, 2001

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

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

2. REQUEST:

Amend the Future Land Use Element by evaluating for removal Goal 13, Bonita Springs, and consider relocating policies which should continue to apply to the remaining unincorporated areas of Bonita Springs.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the proposed amendment as provided under Part II.C. of this report.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Bonita Springs became incorporated on December 31, 1999.
- Bonita Springs is no longer one of Lee County's unincorporated population centers.
- Due to the incorporation of Bonita Springs Goal 13 and many of its Objectives and Policies no longer apply to unincorporated Lee County. Those that do not apply should be removed from the Lee Plan and those that do apply to the areas in south Lee County outside of the city limits should be retained and relocated.
- Bonita Springs is now incorporated with its own planning and permitting rights and responsibilities.

C. BACKGROUND INFORMATION

On December 31, 1999, the City of Bonita Springs became the fifth incorporated municipality in Lee County. The city now oversees planning and permitting within its jurisdictional boundaries. This amendment was initiated by the Board of County Commissioners on September 19, 2000.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Due to the incorporation of Bonita Springs, planning staff has evaluated Goal 13 and its Objectives and Policies for removal or relocation in the Lee Plan. Following are the proposed changes in strikethrough and underline format. Language that does not apply to unincorporated Lee County is being removed from the Lee Plan and language that applies to the areas outside of the city limits in south Lee County are being relocated under the appropriate Goals in the Lee Plan. In addition staff has evaluated references made to Bonita Springs throughout the Lee Plan under the same consideration.

Goal 13 itself is being removed from the Future Land Use Element of the Lee Plan. The balance of the goal no longer applies given that the city has its own planning and permitting rights and responsibilities.

GOAL 13: [RESERVED] ~~BONITA SPRINGS~~. To maintain and improve the existing quality of life in Bonita Springs by providing essential public facilities in cooperation with other service providers and Collier County to the extent required by present and prospective residents. (Amended by Ordinance No. 94-30)

The following language is being recommended for removal from the Lee Plan. Objective 13.1 and Policies 13.1.1, 13.1.2 and 13.1.3 pertain to intergovernmental coordination between Lee County and Collier County in regards to transportation planning. Goal 27, Intergovernmental Coordination, of the Transportation Element provides language on intergovernmental coordination pertaining to all adjoining counties, therefore the relocation of the objective and policies are unnecessary. The reference made to the CRA plan for Bonita Springs in Policy 13.1.1 no longer applies. Economic development staff have concurred that this language no longer applies, all projects have been completed.

~~OBJECTIVE 13.1: TRAFFIC CIRCULATION.~~ The 2020 traffic circulation maps will contain all of the road segments that are necessary to accommodate both local traffic within the Bonita Springs

~~area and traffic crossing the Collier County line at the minimum levels of service in this plan.
(Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.1.1:** Amendments to the Traffic Circulation Plan Map(s) will give particular attention to the CRA plan for Bonita Springs and to the road plans for Collier County. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.1.2:** All future computer modeling used for transportation planning must be designed to fully recognize Bonita Springs' location at the county line. (Amended by Ordinance No. 00-22)~~

~~**POLICY 13.1.3:** The county will actively pursue the execution of interlocal agreements with Collier County for planning, design, and construction of roads along and crossing the county line. (Amended by Ordinance No. 00-22)~~

The following Objective no longer applies to unincorporated Lee County. The Policies under Objective 13.2 are either being removed or are being relocated.

~~**OBJECTIVE 13.2: COMMUNITY FACILITIES.** Within funding constraints, the county will attempt, during 1995, to incorporate the following recommendations of the ad-hoc Bonita Study Group into the planning process for public facilities. (Amended by Ordinance No. 94-30, 00-22)~~

Policy 13.2.1 no longer applies to the unincorporated areas outside of the City of Bonita Springs and is being removed. Currently the urban areas outside of the city limits are within the Lee County Utilities franchise area or are in the process of being acquired by Lee County Utilities.

~~**POLICY 13.2.1: POTABLE WATER.** The county will grant franchise expansions to the Bonita Springs Utilities (BSU) to serve all areas designated as Future Urban Areas by the Lee Plan. In addition, the county deems it to be in the public interest to encourage:~~

- ~~• other private water systems in the BSU service area to be consolidated with the BSU; and~~
 - ~~• new development near a BSU line to hook into the system.~~
- ~~(Amended by Ordinance No. 94-30, 00-22)~~

Policy 13.2.2 is being proposed for relocation under Objective 1.7, Special Treatment Areas. The policy applies to the unincorporated areas of southern Lee County. Staff is proposing added language to the policy specifying unincorporated Bonita Springs and is adding a map to the Future Land Use Map Series representing unincorporated Bonita Springs. The proposed map, Map 13 - the Irrigation Well Overlay map, is attached to this staff report as Attachment 1. Lee County Utilities staff has concurred with the proposed map and relocation of the language.

POLICY 13.27.29: IRRIGATION WELLS. The Irrigation Well overlay in Bonita Springs (as defined in this plan) is hereby declared a critical area for future potable water supply, based on evidence that withdrawals from the main potable aquifer, the lower Tamiami aquifer, are approaching or exceeding the maximum safe yield. In response to this designation, the county will maintain current regulations to provide that new irrigation well permits in Bonita Springs the Irrigation Well overlay may not utilize the main potable water source. For the purposes of this

plan, the boundaries of the Irrigation Well overlay are indicated on Map 13 of the Future Land Use Map series. (Also see Policy 34.1.9 for new permit requirements for wells in Lehigh Acres, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.) (Amended by Ordinance No. 94-30, 00-22)

Policy 13.2.3 no longer applies to unincorporated Lee County.

~~**POLICY 13.2.3: WASTEWATER.** The county will continue to assist the Bonita Springs Utilities in its efforts to provide a central sewer system in the Bonita Springs area. (Amended by Ordinance No. 94-30, 00-22)~~

Policy 13.2.4 is being relocated under the Surface Water Management section of the Community Facilities and Services Element. Lee County will continue monitoring water quality in the Imperial River as well as access and tidal flushing through New Pass and Big Hickory Pass.

~~**POLICY 13.2.4: SURFACE WATER MANAGEMENT.** The County will continue to monitor water quality in the Imperial River and navigational access and tidal flushing through New Pass and Big Hickory Pass. (Amended by Ordinance No. 94-30)~~

The following Objectives and Policies no longer apply to unincorporated Lee County. Due to incorporation, Parks and Recreation and Historic Resources fall under the responsibility of the City of Bonita Springs and are being removed from the Lee Plan.

~~**OBJECTIVE 13.3: PARKS AND RECREATION.** Decisions on park acquisitions and improvements will continually reflect the unique opportunities and needs of the Bonita Springs area. (Amended by Ordinance No. 00-22)~~

~~**POLICY 13.3.1:** The county will improve access to the Gulf beaches by providing public parking, landscaping, boardwalks, and dune walkovers. (Amended by Ordinance No. 00-22)~~

~~**OBJECTIVE 13.4: HISTORIC RESOURCES.** Lee County will continue to designate historic structures in Bonita Springs in accordance with the Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.4.1:** In conjunction with the Bonita Springs CRA, the county will cooperate with and aid local efforts to redevelop the old downtown area (including identifying funding mechanisms) in order to build community pride, attract tourism, and improve the area's economic condition. (Amended by Ordinance No. 94-30, 00-22)~~

Additional references

Future Land Use:

Policy 1.1.3 and 1.1.4, the descriptor policies for the Central Urban and Urban Community future land use categories, both include areas of Bonita Springs. Staff is clarifying the references to Bonita Springs. These future land use categories are designated on the Future Land Use Map within the city limits of Bonita Springs.

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30)

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30)

Changes to Policy 2.4.2 and 34.1.9 reflect the relocation of Policy 13.2.2 noted above.

POLICY 2.4.2: All proposed changes to the Future Land Use Map in critical areas for future potable water supply (Bonita Springs as described in Policy 13.27.29; Lehigh Acres as described in Policy 34.1.9; and all land in the Density Reduction/ Groundwater Resource land use category) will be subject to a special review by the staff of Lee County. This review will analyze the proposed land uses to determine the short-term and long-term availability of irrigation and domestic water sources, and will assess whether the proposed land uses would cause any significant impact on present or future water resources. If the Board of County Commissioners wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change. (Amended by Ordinance No. 92-47) (Amended by Ordinance No. 94-30, 00-22)

Community Facilities and Services:

POLICY 34.1.9: Lehigh Acres (as defined by outer boundaries of its Privately Funded Infrastructure overlay on the Future Land Use Map) is hereby declared a critical area for future potable water supply due to fluctuating water levels in the Sandstone aquifer. In response to this designation, the county will amend current regulations to provide that new wells in Lehigh Acres must be constructed to accommodate submersible pumps. (Also see Policy 13.27.29 for new permit requirements for irrigation wells in Bonita Springs, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.) (Amended by Ordinance No. 94-30, 00-22)

Conservation and Coastal Management

Policy 83.3.1 remains unchanged. Beach and dune management plans will continue to be prepared by Lee County for the north end of Bonita Beach through an interlocal agreement.

POLICY 83.3.1: The Division of Natural Resources Management, or successor agency, will be responsible for the beach and dune management program. This program will include:

1. Preparing beach and dune management plans, with priority to the critical erosion areas:
 - a. south-central and southern portion of Gasparilla Island.
 - b. northern North Captiva Island.
 - c. all of Captiva Island.
 - d. north end of Bonita Beach.

B. CONCLUSIONS

Due to the incorporation of Bonita Springs, staff is proposing the removal of Goal 13 and its subsequent objectives and policies. Those that remain effective for the unincorporated areas of Bonita Springs are being relocated under similar language in the Lee Plan.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners transmit the proposed plan amendment. This recommendation is based upon the previously discussed issues and conclusions of this report. Planning staff recommends the following language modifications as well as the proposed map, Map 13, be transmitted:

Delete the following from the Lee Plan.

~~**GOAL 13: BONITA SPRINGS.** To maintain and improve the existing quality of life in Bonita Springs by providing essential public facilities in cooperation with other service providers and Collier County to the extent required by present and prospective residents. (Amended by Ordinance No. 94-30)~~

~~**OBJECTIVE 13.1: TRAFFIC CIRCULATION.** The 2020 traffic circulation maps will contain all of the road segments that are necessary to accommodate both local traffic within the Bonita Springs area and traffic crossing the Collier County line at the minimum levels of service in this plan. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.1.1:** Amendments to the Traffic Circulation Plan Map(s) will give particular attention to the CRA plan for Bonita Springs and to the road plans for Collier County. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.1.2:** All future computer modeling used for transportation planning must be designed to fully recognize Bonita Springs' location at the county line. (Amended by Ordinance No. 00-22)~~

~~**POLICY 13.1.3:** The county will actively pursue the execution of interlocal agreements with Collier County for planning, design, and construction of roads along and crossing the county line. (Amended by Ordinance No. 00-22)~~

~~**OBJECTIVE 13.2: COMMUNITY FACILITIES.** Within funding constraints, the county will attempt, during 1995, to incorporate the following recommendations of the ad-hoc Bonita Study Group into the planning process for public facilities. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.2.1: POTABLE WATER.** The county will grant franchise expansions to the Bonita Springs Utilities (BSU) to serve all areas designated as Future Urban Areas by the Lee Plan. In addition, the county deems it to be in the public interest to encourage:~~

- ~~• other private water systems in the BSU service area to be consolidated with the BSU; and~~
 - ~~• new development near a BSU line to hook into the system.~~
- ~~(Amended by Ordinance No. 94-30, 00-22)~~

Modify Policy 13.2.2 and relocate it to Policy 1.7.9. The policy refers to Map 13 which can be found as Attachment 1 of this report.

~~**POLICY 13.27.29: IRRIGATION WELLS.** The Irrigation Well overlay in Bonita Springs (as defined in this plan) is hereby declared a critical area for future potable water supply, based on evidence that withdrawals from the main potable aquifer, the lower Tamiami aquifer, are approaching or exceeding the maximum safe yield. In response to this designation, the county will maintain current regulations to provide that new irrigation well permits in Bonita Springs the Irrigation Well overlay may not utilize the main potable water source. For the purposes of this plan, the boundaries of the Irrigation Well overlay are indicated on Map 13 of the Future Land Use Map series. (Also see Policy 34.1.9 for new permit requirements for wells in Lehigh Acres, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.) (Amended by Ordinance No. 94-30, 00-22)~~

Delete Policy 13.2.3 from the Lee Plan.

~~**POLICY 13.2.3: WASTEWATER.** The county will continue to assist the Bonita Springs Utilities in its efforts to provide a central sewer system in the Bonita Springs area. (Amended by Ordinance No. 94-30, 00-22)~~

Modify Policy 13.2.4 and relocate it to Policy 39.1.8.

~~**POLICY 1339.21.48: SURFACE WATER MANAGEMENT.** The County will continue to monitor water quality in the Imperial River and navigational access and tidal flushing through New Pass and Big Hickory Pass. (Amended by Ordinance No. 94-30)~~

Delete the following from the Lee Plan.

~~**OBJECTIVE 13.3: PARKS AND RECREATION.** Decisions on park acquisitions and improvements will continually reflect the unique opportunities and needs of the Bonita Springs area. (Amended by Ordinance No. 00-22)~~

~~**POLICY 13.3.1:** The county will improve access to the Gulf beaches by providing public parking, landscaping, boardwalks, and dune walkovers. (Amended by Ordinance No. 00-22)~~

~~**OBJECTIVE 13.4: HISTORIC RESOURCES.** Lee County will continue to designate historic structures in Bonita Springs in accordance with the Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 13.4.1:** In conjunction with the Bonita Springs CRA, the county will cooperate with and aid local efforts to redevelop the old downtown area (including identifying funding mechanisms) in order to build community pride, attract tourism, and improve the area's economic condition. (Amended by Ordinance No. 94-30, 00-22)~~

Update the following future land use descriptor policies.

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30)

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30)

Modify Policy 2.4.2 and 34.1.9 to reflect the relocation of Policy 13.2.2 to Policy 1.7.9 noted above.

POLICY 2.4.2: All proposed changes to the Future Land Use Map in critical areas for future potable water supply (Bonita Springs as described in Policy 13.27.29; Lehigh Acres as described in Policy 34.1.9; and all land in the Density Reduction/ Groundwater Resource land use category) will be subject to a special review by the staff of Lee County. This review will analyze the proposed land uses to determine the short-term and long-term availability of irrigation and domestic water sources, and will assess whether the proposed land uses would cause any significant impact on present or future water resources. If the Board of County Commissioners

wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change. (Amended by Ordinance No. 92-47) (Amended by Ordinance No. 94-30, 00-22)

POLICY 34.1.9: Lehigh Acres (as defined by outer boundaries of its Privately Funded Infrastructure overlay on the Future Land Use Map) is hereby declared a critical area for future potable water supply due to fluctuating water levels in the Sandstone aquifer. In response to this designation, the county will amend current regulations to provide that new wells in Lehigh Acres must be constructed to accommodate submersible pumps. (Also see Policy 13.27.29 for new permit requirements for irrigation wells in Bonita Springs, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.) (Amended by Ordinance No. 94-30, 00-22)

**LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: April 23, 2001

A. LOCAL PLANNING AGENCY REVIEW

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

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS

SUSAN BROOKMAN

BARRY ERNST

RONALD INGE

GORDON REIGELMAN

VIRGINIA SPLITT

GREG STUART

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

DATE OF TRANSMITTAL HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

DATE OF ORC REPORT: _____

- April 16, 2001
PAGE 13 OF 14

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

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

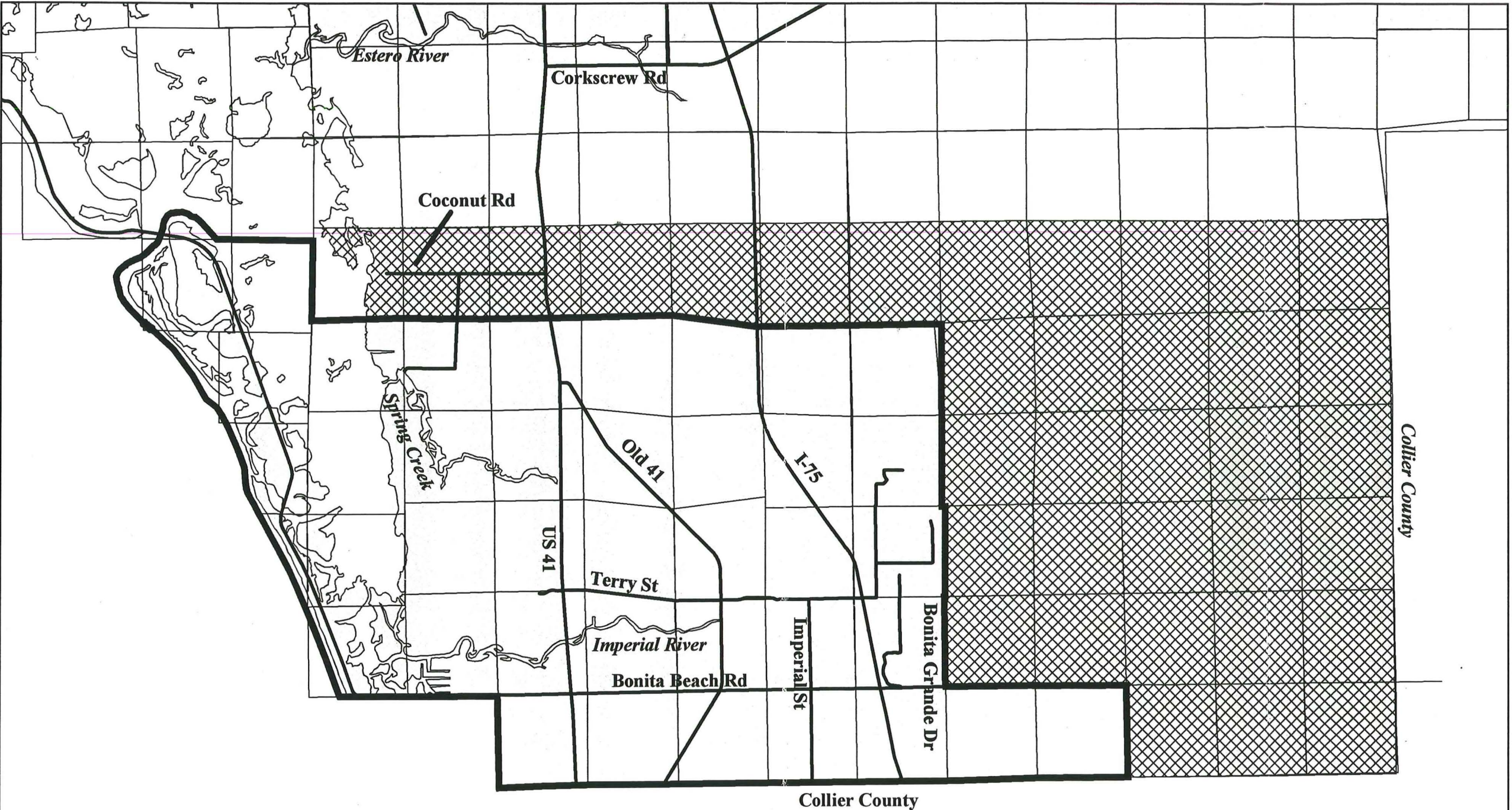
ANDREW COY

BOB JANES

RAY JUDAH

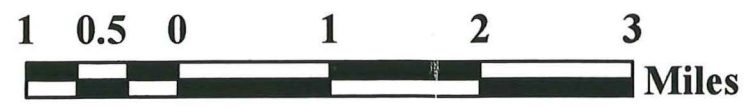
DOUG ST. CERNY

IRRIGATION WELL OVERLAY



-  Irrigation Well Overlay
-  Incorporated Bonita Springs

Note: This overlay refers to Lee Plan Policy 1.7.9





STUART AND ASSOCIATES
Planning & Design Services

April 11, 2001

Paul O'Connor
Lee Co. Department of Community Development
P.O. Box 398
Ft. Myers, FL 33902

Re: Goal 13 & The April LPA Hearing

Dear Paul,

To serve as a follow-up regarding last months LPA Hearing, the intent of this letter is to respond to Staff's Goal 13 amendment request. It is my understanding that you are requesting ideas to identify policies and improvements to be incorporated into the Lee Plan based upon the soon to be vacated Bonita Springs Goal 13. Consequently, I would like to request that the policies and standards embedded in Map 3A, The 2020 Financially Feasible Transportation Plan be restated and incorporated into other portions of the Lee Plan so as to be more specific.

Derived from Policy 13.1.1, I request that Planning Staff rewrite the policy and incorporate it within the Transportation Circulation Objective 21.1 Transportation Map. My suggestion is --

By the year 2003 Lee County shall evaluate alternate corridor alignments for the County Road 951/Bonita Grande extension from the South Lee County line to Corkscrew Road. The alternate corridor alignment evaluation process shall place equal emphasis on traffic carrying capacity, wetland and other environmental impacts, surface water management considerations and the potential for urban sprawl and related costs. The alternative corridor evaluation shall at a minimum include but not be limited to the following alternate corridor alignments.

- 1) The CR951 Extension north from Bonita Beach Road corridor;*
- 2) The CR951 to Bonita Beach Road west to Bonita Grande Road north corridor;*
- 3) The CR951 Extension north from Bonita Beach Road as a no access high-speed toll road from Bonita Beach Rd. to Corkscrew Road corridor.*

To: M. Noble

LEE COUNTY
RECEIVED

01 APR 13 AM 9:52

COMM. DEV/
PUB. WORKS. CNTR.
SECOND FLOOR

Derived from the Map 3A policy statement pertaining to access prohibition north of Section 18, Township 47S, Range 26E, I request that Planning Staff restate and add to that policy a new policy within Objective 2.1 Development Location. My suggestion is –

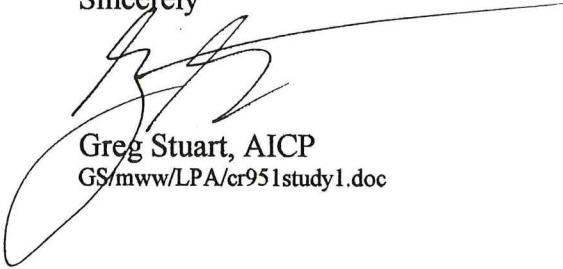
By the year 2003 Lee County shall evaluate the adequacy of the County Road 951/Bonita Grande extension corridor's access prohibitions and specifically examine shifting the Section 18 prohibition line southward. This evaluation will be based upon growth management and environmental impact considerations including their secondary in cumulative effects on wildlife wetlands water management systems and urban sprawl potential. The evaluation will include analyzing the feasibility of combining an access prohibition line with a Bonita Grande Extension Urban Service Line.

Derived from the Map 3A policy statement pertaining to access prohibition north of Section 18, and its inherent understanding of restricted access, I request that Planning Staff add a new policy within Objective 2.1 Development Location. My suggestion is –

The county will not accept right-of way donations in exchange for access connections for any County Road 951/Bonita Grande Extension corridor.

I hope that this correspondence presents a direction for staff to pursue with regard to the Fall 2001 amendment process. I look forward to discussing this issue at the April LPA Hearing.

Sincerely



Greg Stuart, AICP

GS/mww/LPA/cr951study1.doc

CPA 2000-17

Goals, Objectives, and Policies for Discussion

VISION STATEMENT

3. Bonita - This Community is located in south Lee County from the Estero River and the northern boundary of the Brooks of Bonita development south to the Collier County line. It is generally west of I-75 except south of Bonita Beach Road where it extends to the east county line. The Community contains all the islands south of the Town of Fort Myers Beach including those in the area of Mound Key. This community has a wide variety of Future Land Use designations from Rural to Central Urban. It includes Industrial Development areas and a General Interchange area. The General Interchange, Outlying Suburban, and Rural lands east of I-75 are included because they do not have the same characteristics as the other lands within the Southeast Lee County community described below which is almost entirely Density Reduction/Groundwater Resource.

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

The pressure to incorporate Bonita Springs will continue and will likely succeed during the life of this plan. If the boundaries of the new city are different than this community's, the Bonita Planning Community should be amended to reflect the corporate limits of Bonita Springs. (Added by Ordinance No. 99-15)

FUTURE LAND USE

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30)

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant

portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30)

POLICY 1.3.8: The following access control standards will apply to the interstate interchange areas of Luckett Road, Alico Road, Corkscrew Road, and Bonita Beach Road. Access control issues for Daniels Parkway west of I-75 are governed by the controlled access resolution adopted by the Board of County Commissioners on October 4, 1989, as may be amended from time to time. The other interchange areas are state roads where access is controlled by the Florida Department of Transportation under the provisions of Rule 14-97.003, FAC. The standard is a strict requirement during the rezoning and development order processes for cases after the effective date of this policy.

Access Control Standards for Luckett Road, Alico Road and Bonita Beach Road

- The distance to the first connection will be at least 880 feet, provided such location is outside the federal limited access right-of-way line. A connection is generally defined as a driveway or roadway, limited to right-in/right-out movements, but can include a directional median opening. This distance will be measured from the end of the upstream interchange ramp or the beginning of the downstream interchange ramp, whichever is farther from the centerline of the interstate. A single connection per property not meeting this connection spacing standard may be provided, pursuant to the connection permit process, if no reasonable access to the property exists, and if permitting authority review of the connection permit application provided by the applicant determines that the connection does not create a safety, operational or weaving hazard.
- The minimum distance to the first full movement median opening will be at least 1760 feet as measured from the end of the upstream interchange ramp or the beginning of the downstream interchange ramp, whichever is farther from the centerline of the interstate.
- Connections and median openings consistent with the above spacing standards may still be denied in the location requested when the Lee County Traffic Engineer determines, based on the engineering and traffic information provided in the permit application, that the safety or operation of the interchange or the limited access highway would be adversely affected.
- Connections and median openings existing prior to 1998 that do not meet the standards are allowed to remain (unless they need to be closed for operational safety reasons), but cannot expand movements, except in the case of County roadway extensions.

Access Control Standards for Corkscrew Road

The access on Corkscrew Road is limited to the following movements and locations, from west to east and excluding the area within the interstate limited access right-of-way:

STATION	DISTANCE ⁽¹⁾	MEDIAN OPENING?	MOVEMENT	CONNECTION
172+84	n/a	Yes	All	Three Oaks Parkway
179+44	660 ft.	Yes	EB to NB Left-in ⁽²⁾ Rt-in/Rt-out from N&S	Corkscrew Crossings (#1)
185+29	585 ft.	Yes	All	Corkscrew Crossings (#2)
187+83	254 ft.	No	Rt-in/Rt-out from N ⁽³⁾	Pic-N-Run Entrance
190+34	253 ft.	Yes	EB to NB Left-in Rt-in/Rt-out from N	Esterio Int. Com. Park (#3)
194+29	395 ft.	Yes	WB to SB Left-in NB to WB Left-out Rt-in/Rt-out from S	Corkscrew Woodlands
221+47	n/a	Yes	U-turns only	None
230+14	867 ft.	Yes	EB to NB Left -in Rt-in/Rt-out from N&S ⁽⁴⁾	Miromar Outlet Mall
236+73	660 ft.	Yes	All	Ben Hill Griffin Pkwy.

⁽¹⁾Distance measured from next connection to the west.

⁽²⁾A WB to SB left-in may be allowed at this location if necessary.

⁽³⁾The previously-approved driveway for the Pic-N-Run may remain provided there is not other access; however, if Pic-N-Run establishes a connection to the frontage road system and other access locations, the driveway must be removed.

⁽⁴⁾The Right-in/Right-out from the south already exists at Station 230+65. This connection may be shifted west to any point between Stations 226+30 and 230+65 if proven not to be a traffic safety hazard.

POLICY 1.4.1: The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre). (Amended by Ordinance No. 98-09)

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

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

POLICY 2.4.2: All proposed changes to the Future Land Use Map in critical areas for future potable water supply (Bonita Springs as described in Policy 13.2.2; Lehigh Acres as described in Policy 34.1.9; and all land in the Density Reduction/ Groundwater Resource land use category) will be subject to a special review by the staff of Lee County. This review will analyze the proposed land uses to determine the short-term and long-term availability of irrigation and domestic water sources, and will assess whether the proposed land uses would cause any significant impact on present or future water resources. If the Board of County Commissioners wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present

or future water resources will result from the change. (Amended by Ordinance No. 92-47, 94-30, 00-22)

GOAL 13: BONITA SPRINGS. To maintain and improve the existing quality of life in Bonita Springs by providing essential public facilities in cooperation with other service providers and Collier County to the extent required by present and prospective residents. (Amended by Ordinance No. 94-30)

OBJECTIVE 13.1: TRAFFIC CIRCULATION. The 2020 traffic circulation maps will contain all of the road segments that are necessary to accommodate both local traffic within the Bonita Springs area and traffic crossing the Collier County line at the minimum levels of service in this plan. (Amended by Ordinance No. 94-30, 00-22)

POLICY 13.1.1: Amendments to the Traffic Circulation Plan Map(s) will give particular attention to the CRA plan for Bonita Springs and to the road plans for Collier County. (Amended by Ordinance No. 94-30, 00-22)

POLICY 13.1.2: All future computer modeling used for transportation planning must be designed to fully recognize Bonita Springs' location at the county line. (Amended by Ordinance No. 00-22)

POLICY 13.1.3: The county will actively pursue the execution of interlocal agreements with Collier County for planning, design, and construction of roads along and crossing the county line. (Amended by Ordinance No. 00-22)

OBJECTIVE 13.2: COMMUNITY FACILITIES. Within funding constraints, the county will attempt, during 1995, to incorporate the following recommendations of the ad-hoc Bonita Study Group into the planning process for public facilities. (Amended by Ordinance No. 94-30, 00-22)

POLICY 13.2.1: POTABLE WATER. The county will grant franchise expansions to the Bonita Springs Utilities (BSU) to serve all areas designated as Future Urban Areas by the Lee Plan. In addition, the county deems it to be in the public interest to encourage:

- other private water systems in the BSU service area to be consolidated with the BSU; and
- new development near a BSU line to hook into the system.

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

POLICY 13.2.2: IRRIGATION WELLS. Bonita Springs (as defined in this plan) is hereby declared a critical area for future potable water supply, based on evidence that withdrawals from the main potable aquifer, the lower Tamiami aquifer, are approaching or exceeding the maximum safe yield. In response to this designation, the county will maintain current regulations to provide that new irrigation well permits in Bonita Springs may not utilize the main potable water source. (Also see Policy 34.1.9 for new permit requirements for wells in Lehigh Acres, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.) (Amended by Ordinance No. 94-30, 00-22)

POLICY 13.2.3: WASTEWATER. The county will continue to assist the Bonita Springs Utilities in its efforts to provide a central sewer system in the Bonita Springs area. (Amended by Ordinance No. 94-30, 00-22)

POLICY 13.2.4: SURFACE WATER MANAGEMENT. Continue to monitor water quality in the Imperial River and navigational access and tidal flushing through New Pass and Big Hickory Pass. (Amended by Ordinance No. 94-30)

OBJECTIVE 13.3: PARKS AND RECREATION. Decisions on park acquisitions and improvements will continually reflect the unique opportunities and needs of the Bonita Springs area. (Amended by Ordinance No. 00-22)

POLICY 13.3.1: The county will improve access to the Gulf beaches by providing public parking, landscaping, boardwalks, and dune walkovers. (Amended by Ordinance No. 00-22)

OBJECTIVE 13.4: HISTORIC RESOURCES. Lee County will continue to designate historic structures in Bonita Springs in accordance with the Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)

POLICY 13.4.1: In conjunction with the Bonita Springs CRA, the county will cooperate with and aid local efforts to redevelop the old downtown area (including identifying funding mechanisms) in order to build community pride, attract tourism, and improve the area's economic condition. (Amended by Ordinance No. 94-30, 00-22)

COMMUNITY FACILITIES AND SERVICES

POLICY 34.1.9: Lehigh Acres (as defined by outer boundaries of its Privately Funded Infrastructure overlay on the Future Land Use Map) is hereby declared a critical area for future potable water supply due to fluctuating water levels in the Sandstone aquifer. In response to this designation, the county will amend current regulations to provide that new wells in Lehigh Acres must be constructed to accommodate submersible pumps. (Also see Policy 13.2.2 for new permit requirements for irrigation wells in Bonita Springs, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.) (Amended by Ordinance No. 94-30, 00-22)

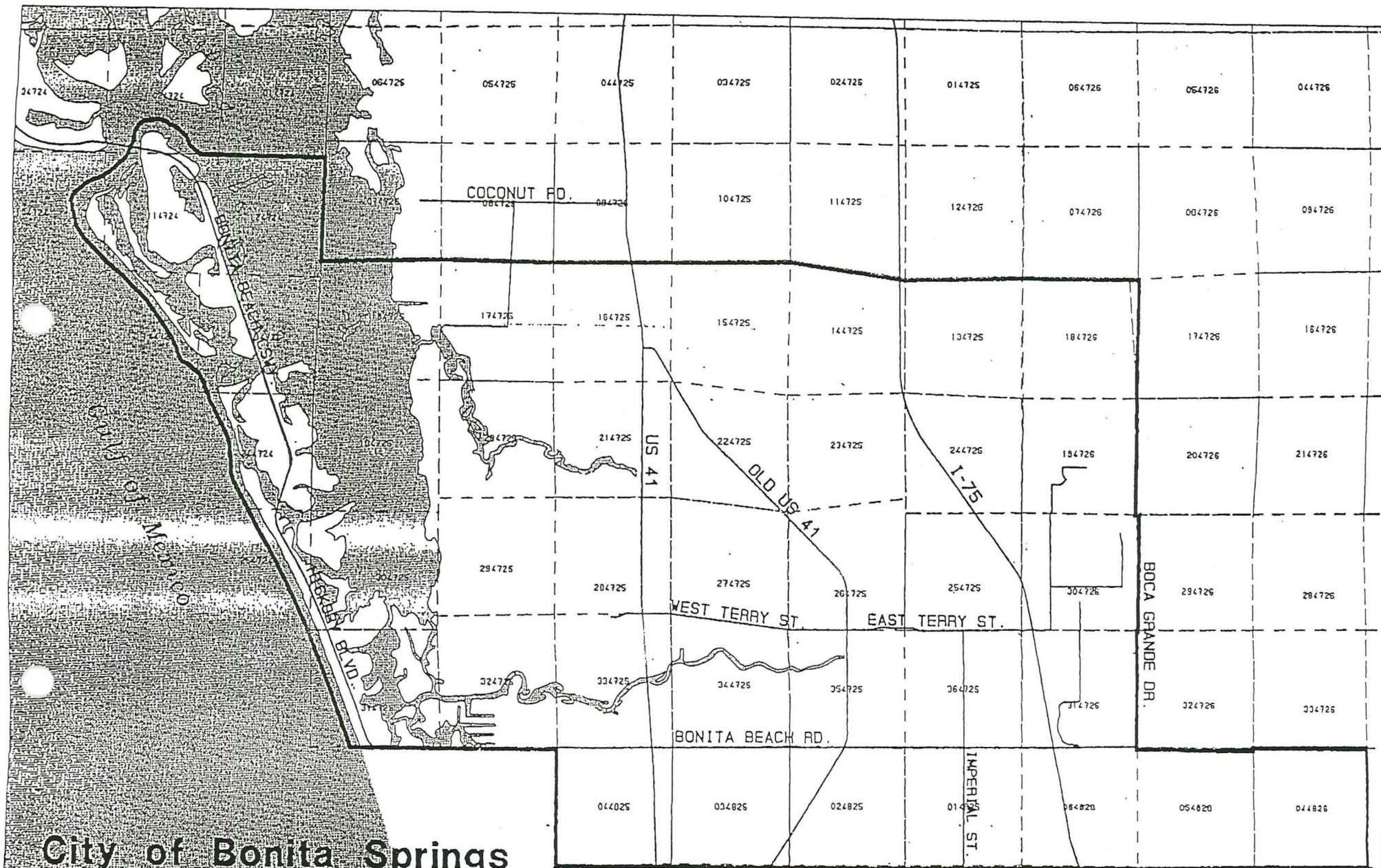
j. Police and Justice

POLICY 49.2.3: The county will expand as necessary the existing substation facilities located in Bonita Springs, Fort Myers Beach, and North Fort Myers.

CONSERVATION AND COASTAL MANAGEMENT

POLICY 83.3.1: The Division of Natural Resources Management, or successor agency, will be responsible for the beach and dune management program. This program will include:

1. Preparing beach and dune management plans, with priority to the critical erosion areas:
 - a. south-central and southern portion of Gasparilla Island.
 - b. northern North Captiva Island.
 - c. all of Captiva Island.
 - d. north end of Bonita Beach.



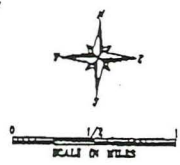
City of Bonita Springs

~~PROPOSED BOUNDARIES~~

Nov. 2, 1970

City Lim

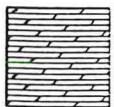
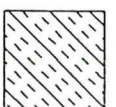

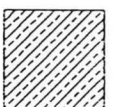
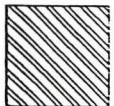
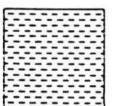
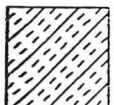
COLLIER COUNTY



FUTURE LAND USE MAP

AS ADOPTED
SEPTEMBER 1990


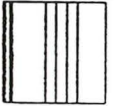
PORTION OF ENTIRE MAP

- FUTURE URBAN AREAS:**
- | | | | |
|---|--------------------------|---|---------------------------|
|  | INTENSIVE
DEVELOPMENT |  | OUTLYING
SUBURBAN |
|  | CENTRAL
URBAN |  | INDUSTRIAL
DEVELOPMENT |
|  | URBAN
COMMUNITY |  | PUBLIC
FACILITIES |
|  | SUBURBAN | | |


INTERCHANGE AREAS

- | | |
|--|--------------------------|
|  | GENERAL |
|  | INDUSTRIAL
COMMERCIAL |

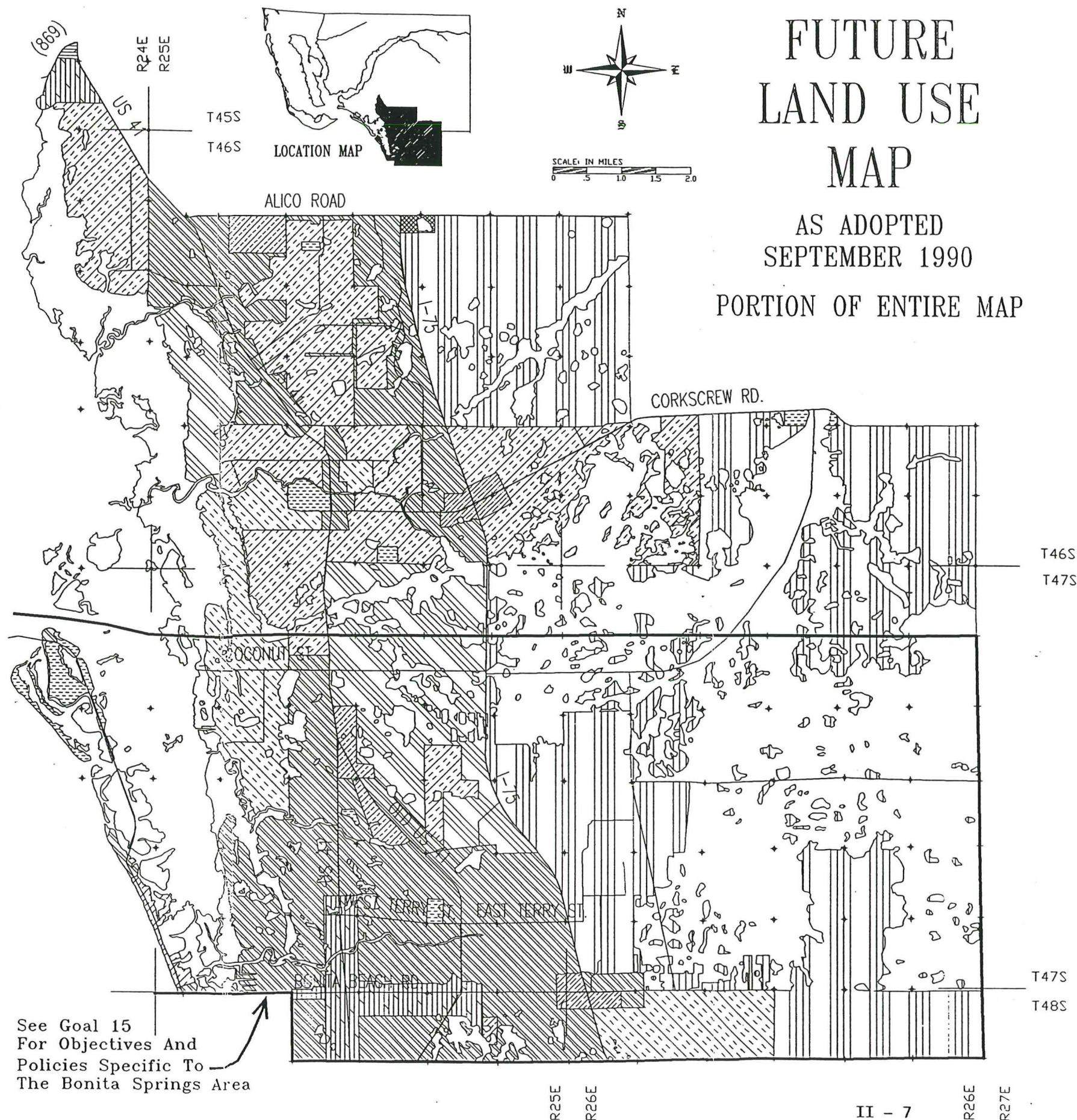
NON-URBAN AREAS:

- | | |
|---|--|
|  | RURAL |
|  | DENSITY REDUCTION/
GROUNDWATER RESOURCE |

ENVIRONMENTALLY CRITICAL AREAS (WETLANDS):

- | | |
|---|--|
|  | RESOURCE PROTECTION AREAS
AND
TRANSITION ZONES |
|---|--|

Chapter XIII of this plan contains an administrative process, including a field check, to precisely define the boundary between a Resource Protection Area and a Transition Zone, and to correct any such boundaries that are based on a clear factual error.



Next beach renourishment project to be joint effort

Naples Daily
by DEREK REDD 3-24-01
isredd@naplesnews.com

The beach in Bonita Springs is widely considered to be one of the city's top resources. A joint agreement with the city, Lee County and the state will make sure that sections of the beach will not be lost.

The Lee County Commission is expected to vote soon to pay for the design services for the next Bonita Beach renourishment project. A meeting on the matter scheduled for Tuesday has been postponed so county officials can meet with the top three candidates, said Lee County Natural Resources Director Roland Ottolini.

The cost of the project may not exceed \$425,000. Once the top candidate is chosen, it will

Area property owners paid for most of the \$3 million project in 1995 but this time funding will come from state, Lee County and city coffers.

begin the first step in restoring part of Bonita's beach that has had problems in the past.

The county renourished the beach on the north end of Little Hickory Island in 1995. Workers placed approximately 217,000 cubic yards of sand in a 4,100-foot area and constructed two terminal groins. The upcoming project will occur in the same area.

The beach's past woes were substantial, Ottolini said.

"That is an area with a

critical amount of erosion," he said. "The waves were breaking up against the sea walls. There was essentially no dry beach there."

The total 1995 project, including planning, designing, surveying and construction costs, cost more than \$3 million to complete. Ottolini said he hoped the next project would come in near the same cost.

Most of the 1995 costs were shouldered by property owners in the area. City Councilman Bob Wagner said

that won't be the case for the upcoming project. The state will kick in around \$941,000. The city and Lee County will also shoulder a lion's share of the costs. The rest, Wagner said, will be picked up by the Lee County Tourist Development Council, since some of the sand will be placed near the Little Hickory Beach Park.

"The property owners helped with the cost before, but I don't know if it will even be necessary now," Wagner said.

Once the top candidate is selected for the design job, a lot of work will need to be done, Ottolini said. The firm will look at the effects of the 1995 project and how the

See BEACH, Page 3D

Beach

Continued from 1D

shoreline has changed and research the environmental impacts of the new project and what it could do to area seagrass and wetlands. The firm will also look at the borrow site, the area where the fill sand will come from.

The sand from the 1995 project came from near New Pass, Ottolini said, but the borrow site for the upcoming project may be pushed farther offshore. Wagner said the 1995 project only used one-third of the sand allotted. If the New Pass site could be used again, the project cost could be nailed down quickly. Ottolini said the project should be completed in 2002, but Wagner said he would like the project finished sooner.

Some residents are worried about what the Little Hickory Island renourishment project could do to other beaches in the area.

Marge and Dave Ward, who head the Citizens Association of Bonita Beach, said they hope the project uses sand from another inland area. Taking sand from another part of the coastline would only hurt that area.

"It would be robbing Peter to pay Paul," Dave Ward said.

over

PAM/T 96-27
BoCC SPONSORED
EAR ADDENDUM AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Adoption Document

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

June 3, 1998

LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR

**COMPREHENSIVE PLAN AMENDMENT
PAM/T 96-27**

✓	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

ORIGINAL STAFF REPORT PREPARATION DATE: May 20, 1997

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

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

2. REQUEST:

Amend the Future Land Use Map, Map 1 and Goal 16 and its subsequent objectives and policies, to reflect the effect of the incorporation of the Town of Fort Myers Beach.

B. BACKGROUND INFORMATION

This amendment was initiated by the Evaluation and Appraisal Report Addendum Report as adopted by the Board of County Commissioners on February 1, 1996. This report contained the following:

Goal 16: Fort Myers Beach

Fort Myers Beach became incorporated on December 31, 1995. Goal 16 of the Lee Plan was adopted to "manage growth, development and redevelopment throughout the Fort Myers Beach Plan area which includes the entire Fort Myers Fire District". The Town of Fort Myers Beach contains the majority of the property affected by this goal and its objectives and policies. A review of Goal 16 and its subsequent objectives and policies is needed to determine their applicability to the portions of the Fort Myers Beach Fire District that have not been incorporated into the Town of Fort Myers Beach. An amendment to the Future Land Use Map, Map 1, will also be required to remove the Town of Fort Myers Beach from the areas affected by Goal 16.

***Recommendation:** Amend, in the 1996 amendment cycle, the Future Land Use Map 1, Goal 16 and subsequent objectives and policies, to reflect the effect of the incorporation of the Town of Fort Myers Beach.*

C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Planning staff recommends that the Board of County Commissioners transmit to the Department of Community Affairs the proposed deletion of the Fort Myers Beach planning area boundary from Map 1 of the Lee Plan (see Attachment I) and the proposed following text amendments to the Future Land Use Element, Community Facilities and Services Element; the Conservation and Coastal Management Element; and the Ports, Aviation and Related Facilities Element:

~~**GOAL 16: FORT MYERS BEACH:** To manage growth, development, and redevelopment throughout the Fort Myers Beach plan area, which includes the entire Fort Myers Beach Fire District, the boundaries of which are indicated upon the Future Land Use Map. To maintain and enhance the area's unique natural resources, quality of life, public and private infrastructure (including roads, public transit, wastewater treatment facilities, potable water transmission system, surface water management system, beach accesses, historic resources, and other community facilities). To ensure that residents and visitors will have adequate protection or evacuation opportunities in the event of a hurricane or other natural disaster and to ensure the ability to reconstruct all necessary facilities, public and private, in the event that a disaster occurs. (In the event of conflicts between policies contained under Goal 16 and policies contained elsewhere in this plan, the most restrictive shall apply, except for the buildback policy.) (This Goal and its Objectives and Policies were Added by Ordinance 91-19) (Amended by Ordinance No. 94-30)~~

~~**OBJECTIVE 16.1: NATURAL RESOURCES.** The county shall review its regulations and policies and administrative actions to insure that they preserve and enhance the estuarine, upland, scenic, and wetland resources of Estero Bay, Hurricane Bay, Ostego Bay, San Carlos Island, Matanzas Pass, Black Island, Little Estero Island, and any area of the mainland which drain into Estero Bay, Hurricane Bay, or Ostego Bay. No further functional degradation of estuarine and wetland resources shall take place. tThe county shall attempt to improve the water quality of Estero Bay to Class II [shellfish standards as defined in Florida Administrative Code (F.A.C.) 17-3] by the year 2000 and shall accomplish the improvement by 2005. (Amended by Ordinance 92-35) (Amended by Ordinance No. 94-30)~~

~~**POLICY 16.1.1:** By 1997 the county shall, with recommendations from an advisory committee, affected elements of county government, and other affected persons, further develop and implement a Matanzas Harbor Management Plan. The scope of this plan shall include the designation of a managed mooring area; the regulation of trash and wastewater disposal; and establishment of a research facility designed to meet the needs of marine environmental sciences, marine education, marine research and study of the estuarine and intertidal environment of waters unique to Lee County, specifically, Estero Bay, Ostego Bay and Hurricane Bay. This plan will provide mechanisms and standards for the strict enforcement of health, safety and welfare regulations throughout the Estero Bay and~~

Matanzas Harbor area, regulations for the protection of marine resources; and the initiation and operation of a marine research/educational facility that would provide public access as determined by a final master plan. (Amended by Ordinance 92-35) (Amended by Ordinance No. 94-30)

POLICY 16.1.2.: ~~The county shall enforce and strengthen regulations prohibiting those discharges that will degrade the water quality so as to improve the water quality of Estero Bay to Class II (shellfish standards as defined in F.A.C. 17-3) by the year 2005 through the acquisition of wetlands, monitoring of water quality, enforcement of adopted standards, careful control of development, and eliminating those discharges into the Estero Bay watershed which presently or potentially degrade water quality. (Amended by Ordinance No. 94-30)~~

POLICY 16.1.3. 94.1.3: The county shall, with recommendations from a ~~Fort Myers Beach advisory committee~~ the Waterways Advisory Committee (or successor agency) and other affected agencies and persons, on an as needed basis, make application to the Army Corps of Engineers, and all other agencies as required, to maintain, where environmentally and economically feasible, existing channels and passes to the Gulf of Mexico at their authorized and/or historic depths. The county shall support the efforts of private individuals or groups to maintain established depths in private canals and waterways through the establishment of Municipal Service Benefit Units (MSBUs) to fund such private efforts, unless the county has determined such efforts to be detrimental to the environment.

POLICY 16.1.4 83.3.3: The county shall support the renourishment of ~~the~~ beaches of Estero Island through the use of environmentally responsible methods. ~~Funding mechanisms for the renourishment may include but are not limited to the use of parks impact fees, public metered parking proceeds, tourist development taxes, Municipal Service Benefit Units (MSBUs), and beachfront property assessments, as long as the title to accreted lands remains public. The county shall study the use of and attempt to utilize dredge spoil from any channel maintenance projects as renourishment material.~~

POLICY 83.3.2: The costs of beach renourishment programs shall be borne by the beneficiaries of those programs. Funding mechanisms for the renourishment may include but are not limited to the use of parks impact fees, public metered parking proceeds, tourist development taxes, Municipal Service Benefit Units (MSBUs), and beachfront property assessments, as long as the title to accreted lands remains public. (Amended by Ordinance No. 94-30)

POLICY 16.1.5: ~~The county shall support the establishment of a bottom fishing restriction zone, extending from the mean high water line to the statutory limit, in order to protect endangered, threatened, or species of special concern which utilize the beach areas for mating and/or nesting.~~

POLICY 16.1.6 74.2.1: The county shall study the costs and benefits of extending the Estero Bay Aquatic Preserve to include major inland tributaries (Hendry, Mullock, and Spring Creeks, and the Estero and Imperial Rivers) by 1995 2005. (Amended by Ordinance No. 94-30)

POLICY 16.1.7: ~~New transportation and parking facilities and improvements to existing transportation and parking facilities shall be designed and built to prevent the runoff of stormwater into the water of the Fort Myers Beach area without proper treatment.~~

~~**OBJECTIVE 16.2: LAND USES.** County regulations, policies, enforcement activities, and discretionary actions shall recognize the unique characteristics of Fort Myers Beach with regard to existing residential, commercial and resort development, vehicular access, seasonal infrastructure demands, and proposed future development/ redevelopment in the Fort Myers Beach Fire District. Future land uses shall conform to the Future Land Use Map.~~

~~**POLICY 16.2.1:** Within the Urban Community land use category the following restrictions to shall apply:~~

- ~~• Commercial development shall not expand or intrude into residential neighborhoods.~~
- ~~• All commercial rezonings shall be required to rezone to the Commercial Planned Development zoning category.~~
- ~~• Residential density shall be limited to 6 units per acre except as allowed by footnote 10 of Table 1, Summary of Residential Densities.~~
- ~~• The county shall develop a zoning plan for the district;~~
 - ~~a. To address non-conforming and incompatible land uses.~~
 - ~~b. To eliminate or correct outdated zoning classifications.~~
 - ~~c. To address traffic circulation and parking problems.~~
 - ~~d. To achieve economic revitalization through elimination of blight.~~
 - ~~e. To protect adjacent residential neighborhoods.~~
 - ~~f. To provide for affordable housing.~~

~~Until that zoning plan is adopted, property which has existing commercial zoning can be developed or redeveloped consistent with that zoning and the Lee Plan. (Amended by Ordinance No. 94-30)~~

- ~~— **POLICY 16.2.2:** Within the Suburban land use category, in order to protect neighborhood character, no rezonings to commercial shall be allowed.~~
- ~~— **POLICY 16.2.3:** The county shall study amending the Zoning Regulations by December 31, 1995 to limit the height of new buildings in the area to 35 feet above flood elevation level. The amendment may exempt certain non-habitable public safety or communications structures, and shall not be applied in a manner contrary to the buildback policy. (Amended by Ordinance No. 94-30)~~
- ~~— **POLICY 16.2.4:** Future amendments to this plan shall be evaluated according to the standard in Policy 79.2.1 to ensure that existing and planned shelter and evacuation facilities can be provided. (Amended by Ordinance No. 94-30)~~
- ~~— **OBJECTIVE 16.3: TRANSPORTATION.** The county shall prepare and approve plans for transportation improvements and incorporate these improvements in the capital facilities plan; such improvements to be completed by 1995. (Amended by Ordinance No. 94-30)~~
- ~~— **POLICY 16.3.1:** The Fort Myers Beach CRA Plan shall include plans for the undergrounding of utilities, where financially feasible. (Amended by Ordinance No. 94-30)~~
- ~~— **POLICY 16.3.2:** As part of the transit design process, the county shall consider ways to establish pull-overs and turn-offs for the pick-up and discharge of passengers from all trolley and mass transit vehicles and requiring that such pick-up and discharge be done only at specified transit stops.~~
- ~~— **POLICY 16.3.3:** The Fort Myers Beach CRA Plan will be amended by 1995 to include service delivery plans. (Amended by Ordinance No. 94-30)~~
- ~~— **POLICY 16.3.4:** The county shall continue to make and implement specific recommendations for the improvement and enhancement of traffic movement throughout the Fort Myers Beach area. (Added by Ordinance No. 94-30)~~
- ~~— **POLICY 16.3.5:** Lee County shall implement the following interim improvements to help alleviate traffic congestion in the plan area:
 - ~~1. Accelerate the widening of San Carlos Boulevard to 5 lanes from the Pine Ridge Road area to Main Street, possibly by using county funds, with reimbursement by the FDOT at a later date.~~
 - ~~2. Work with FDOT to have right turn deceleration lanes and tapers constructed on San Carlos Boulevard when San Carlos Boulevard is widened to 5 lanes.~~
 - ~~3. When San Carlos Boulevard is widened, retain and signalize through access between San Carlos Drive and San Carlos Boulevard.~~~~

~~4. Limit vacations of rights-of-way and easements to preserve future access and to provide future areas for water retention and storm water filtration necessary for road widening.~~

~~5. Removing encroachments and hazards on the public rights of way. (Amended by Ordinance No. 94-30)~~

~~**POLICY 16.3.6:** Under no circumstances shall the four laning of Estero Boulevard be considered as a desirable means of improving traffic circulation on Estero Island.~~

~~**POLICY 16.3.7:** Prior to the expenditure of public funds for the construction of new parking facilities within the Ft. Myers Beach Study Area, an analysis of the relationship of the facility to the level-of-service on constrained and backlogged roads shall be undertaken, in order to determine if the location, size and function of the facility is appropriate and consistent with the adopted CRA plan and the Traffic Circulation element of the Lee Plan. (Amended by Ordinance 92-35) (Amended by Ordinance No. 94-30)~~

~~**OBJECTIVE 16.4: COMMUNITY FACILITIES.** Lee County Utilities shall continue to improve its service to the Fort Myers Beach plan area. (Amended by Ordinance No. 94-30)~~

~~**POLICY 16.4.1 34.1.9:** By 1994, the county shall Lee Utilities will continue to identify those properties within the Fort Myers Beach Fire Control District that are not fully connected to the wastewater collection system and require them to connect. (Amended by Ordinance No. 94-30)~~

~~**POLICY 16.4.2 32.1.11:** Continue to encourage new and existing developments in the Fort Myers Beach Plan area to utilize the Fort Myers Beach/Iona-McGregor sewer system's dual water system. (Amended by Ordinance No. 94-30)~~

GOAL 34: SANITARY SEWER INFRASTRUCTURE. To protect the public health and environmental quality by encouraging and ensuring the provision of sanitary sewer service and wastewater treatment and disposal throughout the future urban areas of the unincorporated county and to Fort Myers Beach.

~~**OBJECTIVE 16.5: RECREATION AND BEAUTFICATION.** County regulations, policies and discretionary actions shall preserve and enhance the scenic, historic, and recreational values existing with the Fort Myers Beach plan area.~~

~~**POLICY 16.5.1:** By 1995, the county shall develop and implement a plan for the identification and acquisition of remaining vacant or otherwise available beachfront properties and environmentally critical areas for public use. (Amended by Ordinance No. 94-30)~~

- ~~—— **POLICY 16.5.2:** The county shall establish and fund a continuous program for the removal of trash and debris from the beachfront and bay accesses within the Fort Myers Beach plan area.~~
- ~~—— **POLICY 16.5.3:** The county shall continue its ambitious program of surveying and reconstructing beach access points on Estero Island.~~
- ~~—— **POLICY 16.5.3:** The county shall work with the Florida Department of Environmental Protection to insure that the development of Black Island/Lovers Key State Park will preserve its natural setting to the fullest extent possible by maintaining the passive nature of existing and planned park facilities in keeping with neighboring Carl Johnson Park. The county shall provide mass transit to these parks. (Amended by Ordinance No. 94-30)~~
- ~~—— **POLICY 16.5.5:** The county, in cooperation with the Beach CRA, shall strive to improve the appearance of Fort Myers Beach by landscaping public property and rights-of-way with native vegetation and by encouraging private participation through technical assistance and matching grants. (Amended by Ordinance No. 94-30)~~
- ~~—— **POLICY 16.5.6:** The county shall, by 1995, propose acceptable alternatives to asphalt/concrete paving for public/private driveway and parking lot areas and landscaped areas, to provide better percolation and less run-off of stormwater. (Amended by Ordinance No. 94-30)~~
- ~~—— **POLICY 16.5.7:** The county shall, as part of its Historic Preservation program, inventory historic resources and designate those historic resources pursuant to Lee County's Historic Preservation Ordinance.~~
- ~~—— **POLICY 16.5.8:** Continue to maintain and enforce boating speed restrictions in Estero Bay and along the beachfront. (Amended by Ordinance No. 94-30)~~
- ~~—— **POLICY 16.5.9:** Park planning shall match less-intensive recreational and open space uses to environmentally sensitive and pristine resources; and match user-based facilities to less sensitive or more urbanized land.~~
- ~~—— **POLICY 16.5.10:** Maximum conservation of native vegetation, land forms, wetlands, native habitats, bay water quality, marine grass beds, shellfish beds, and mangroves shall be a priority in providing access to these resources and in the development of parks or recreation facilities.~~
- ~~—— **POLICY 16.5.11:** Recreation areas shall have a minimum of impervious surfaces.~~
- ~~—— **POLICY 16.5.12:** Sidewalks, bike paths and mass transit routes shall be designed to provide convenient and safe access to all recreational facilities in the area.~~

~~**POLICY 16.5.13:** The Beach CRA will consider funding the position of Fort Myers Beach Code Enforcement Coordinator, whose responsibility shall be the prompt enforcement of all applicable building and zoning codes, life and safety codes, and all other applicable ordinances, policies, and codes necessary for the protection of the public health, safety and welfare. (Amended by Ordinance No. 94-30)~~

~~**OBJECTIVE 16.6: INTERGOVERNMENTAL COORDINATION AND CITIZEN PARTICIPATION.** For the purposes of gathering information regarding Fort Myers Beach and making policy recommendations to the County Commission, Lee County shall maintain the active participation of a Fort Myers Beach advisory committee.~~

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

Fort Myers Beach on Estero Island is no longer one of Lee County's unincorporated population centers but an incorporated town with its own planning and permitting rights and responsibilities. It is important to note that in accordance with the town charter, the Town of Fort Myers Beach has jurisdiction over 1,000 feet of bay and gulf waters and as a result would have jurisdiction over areas proposed for natural resource protection under Goal 16. The charter of the Town of Fort Myers Beach describes the town's boundaries as follows:

A corporate limit lying offshore from Estero Island, which line is described as follows: all that part of Lee County that is located and situated within Estero Island, including a corporate limit line offshore 1,000 feet in the Gulf of Mexico and 1,000 feet in the inland bays, and parallel with the shore line of said Estero Island, excluding all of San Carlos Island, Black Island and structures exclusively attached thereto.

Objective 16.1 and its policies deal with natural resource protection issues. This objective and some of its policies are applicable outside the jurisdiction of the Town of Fort Myers Beach. All other objectives and policies apply solely within the jurisdiction of the Town of Fort Myers Beach. These objectives and policies are no longer appropriate in the Lee Plan which applies only to the unincorporated portions of the county, except for Policy 16.4.1 which should be added to the policies of Objective 34.1 and Policy 16.4.2 which should be added to the policies of Objective 32.1.

Map 1 of the Lee Plan contains the planning boundary line for Fort Myers Beach as referenced in Goal 16. References to Fort Myers Beach now refer to the jurisdictional boundaries of the newly incorporated Town of Fort Myers Beach. Since the text for Goal 16 is either being deleted or reworded to apply to the county, this boundary line is no longer necessary or relevant in the Lee Plan.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

In 1991, Goal 16 and its Objectives and Policies were added to the Future Land Use Element of the Lee Plan to address the special concerns of Fort Myers Beach. On December 31, 1995, the Town of Fort Myers Beach became the fourth incorporated municipality in Lee County. Goal 16 and its Objectives and Policies which apply to the new jurisdiction of the Town of Fort Myers Beach are no longer appropriate in the Lee Plan and should be considered by the Town of Fort Myers Beach for inclusion in their comprehensive plan. The Fort Myers Beach planning boundary on Map 1 of the Lee Plan should be deleted as it would no longer be relevant. Goal 16 objectives and policies which are applicable countywide should be relocated to other appropriate goals of the Lee Plan. Goal 16 objectives and policies are discussed individually below:

1. Objectives and Policies Which Apply Only to Ft. Myers Beach

- a. **Policies 16.1.5 and 16.1.7** are natural resource policies which are specific to the jurisdiction of the Town of Fort Myers Beach and should be deleted from the Lee Plan.
- b. **Objective 16.2 and Associated Policies** provide for land use regulations, policies, enforcement activities, and discretionary actions specific to Ft. Myers Beach. These duties are now the responsibility of the Town of Ft. Myers Beach.
- c. **Objective 16.3 and Associated Policies** requires Lee County to plan for transportation improvements for incorporation into the Lee County Capital Improvement Plan. This duty is now the responsibility of the Town of Ft. Myers Beach.
- d. **Objective 16.5 and Associated Policies** require Lee County to provide for regulations, policies, and discretionary actions related to recreation and beautification within the jurisdiction of Ft. Myers Beach. These duties are now the responsibility of the Town of Fort Myers Beach.
- e. **Objective 16.6** requires that Lee County maintain a Fort Myers Beach citizen advisory committee for intergovernmental coordination and citizen participation. This duty is now the responsibility of the Town of Ft. Myers Beach. Lee County's role is shifted to participating in intergovernmental efforts with municipalities as addressed in the Intergovernmental Coordination Element of the Lee Plan.

2. Objectives and Policies Which Apply County-wide

Natural resource policies which are applicable in the unincorporated county and which are not addressed elsewhere in the Lee Plan should be retained. These include Policies 16.1.3, 16.1.4 (portion), and 16.1.6. These policies should be updated, revised as necessary for county-wide application, and relocated under appropriate natural resource objectives in other elements of the Plan as follows:

a. **Policy 16.1.3** should be renumbered as Policy 94.1.3 and added to the Ports, Aviation and Related Facilities Element under Objective 94.1 - Channel Dredging which states: *"The county shall maintain the support facility and service systems of existing ports."*

b. **Policy 16.1.4**, as currently written, contains three related but distinct policy statements:

The first sentence is partially addressed by Policies 83.3.1:1 and 83.3.1:4, which state that the county will provide beach renourishment plans for Estero Island. The first sentence should delete the specific reference to Estero Island and be renumbered as Policy 83.3.3.

The second sentence of Policy 16.1.4 regarding funding mechanisms should be added to the end of Policy 83.3.2 which states *"The costs of beach renourishment programs shall be borne by the beneficiaries of those programs"*.

The third and last sentence of Policy 16.1.4, *"The county shall study the use of and attempt to utilize dredge spoil from any channel maintenance projects as renourishment material."*, is addressed in the following Lee Plan policies and therefore should be deleted:

POLICY 83.3.1: The Division of Natural Resources Management, or successor agency, shall be responsible for the beach and dune management program. This program shall include:..

3. Collecting information on available sources of beach-quality sand for renourishment, concentrating on areas which will have minimal impacts on the county's fisheries; and
8. Preparing a sand preservation plan that emphasizes the importance of maintaining beach quality sand within the littoral system and discourages ocean dumping of usable sand from channel dredging.

POLICY 94.1.1: The county shall monitor the maintenance of support facility and service systems of existing ports, with responsibility for:

- Coordination between the U.S. Army Corps of Engineers and Lee County on the timing of maintenance dredging on federally maintained channels.
- Coordination with the U.S. Army Corps of Engineers on the location and placement of the spoil material that result from maintenance dredging activities, with use of this material for beach renourishment where needed and financially feasible.
- Assessing the possibility of instituting a private channel maintenance assessment on properties benefiting from the channels.

3. **Duplicated Objectives and Policies**

Objective 16.1, Policy 16.1.1, and Policy 16.1.2 deal with natural resource issues which apply to the unincorporated county. These issues are addressed in other objectives and policies of the Lee Plan and are therefore recommended to be deleted. The duplicated objectives and policies are presented below:

- a. **Objective 16.1: Natural Resources:** The content of this objective is addressed in the following existing objectives and policies of the Conservation and Coastal Management Element:

OBJECTIVE 77.1: RESOURCE MANAGEMENT PLAN. The county shall continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydroecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape. (Amended by Ordinance No. 94-30)

POLICY 77.2.10: Development adjacent to aquatic and other nature preserves, wildlife refuges, and recreation areas shall protect the natural character and public benefit of these areas including, but not limited to, scenic values for the benefit of future generations.

OBJECTIVE 78.1: WATER QUALITY MONITORING. Establish baseline conditions in all estuarine systems, including pollutant and freshwater loadings by 2000, and maintain an ongoing water quality monitoring program. Maintain communication with other local, state, and federal estuarine water quality studies to ensure that the latest data and recommendations are available. (Amended by Ordinance No. 94-30)

POLICY 78.1.1: The Lee County Division of Natural Resources Management (or its successor) shall monitor estuarine water quality and be responsible for...(4.) Recommending actions that are intended to maintain or improve water quality in the estuaries to meet the Department of Environmental Protection's criteria for the appropriate class water body and preserve the "approved for shellfish harvesting" classification where applicable, while attempting to return viable "closed" (due to water quality) shellfishing areas to an "approved" status.(Amended by Ordinance No. 94-30)

OBJECTIVE 78.2: WATERSHED MANAGEMENT PLANS. By 1996, establish procedures for reviewing all new upland development in terms of its impacts on estuarine systems. Prepare estuarine watershed management plans which maximize stormwater retention and treatment, with priority to the Estero Bay watershed. (Amended by Ordinance No. 94-30)

- b. **Policy 16.1.1:** This policy is duplicated in Policy 94.6.3 of the Ports, Aviation and Related Facilities Element as follows:

POLICY 94.6.3: By 1997, the county shall, with recommendations from an advisory committee, affected elements of county government and other affected persons, further develop and implement a Matanzas Harbor Management Plan. The scope of this plan shall include the designation of a managed mooring area; the regulation of trash and wastewater disposal; and establishment of a research facility designed to meet the needs of marine environmental sciences, marine education, marine research and study of the estuarine and intertidal environment of waters unique to Lee County, specifically, Estero Bay, Ostego Bay and Hurricane Bay. This plan will provide mechanisms and standards for the strict enforcement of health, safety and welfare regulations throughout the Estero Bay and Matanzas Harbor area, regulations for the protection of marine resources; and the initiation and operation of a marine research/educational facility that would provide public access as determined by a final master plan. (Added by Ordinance No. 94-30)

- c. **Policy 16.1.2:** The content of this policy is addressed in Policy 78.1.1.4 of the Conservation and Coastal Management Element. Policy 78.1.1.4 is presented under Objective 16.1 above.
- d. **Objective 16.4 and Policy 16.4.2:** The incorporation of the Town of Fort Myers Beach does not change the service responsibilities of Lee County Utilities for the Fort Myers Beach/Iona sewer system service area. The intent of Objective 16.4 and Policy 16.4.2 is addressed generally in Goal 34 of Section b., Sanitary Sewer, of the Community Facilities and Services Element. Policy 34.1.1 specifically addresses the service area for the Fort Myers Beach/Iona sewer system. The words "and Ft. Myers Beach" should be added to the end of Goal 34 to recognize the continued responsibility of Lee County Utilities to provide sewer service to Ft. Myers Beach. With this change, Objective 16.4 and Policy 16.4.2 are unnecessary duplication and should therefore be deleted.

Goal 34 and its attendant objectives and policies are presented below.

GOAL 34: SANITARY SEWER INFRASTRUCTURE. *To protect the public health and environmental quality by encouraging and ensuring the provision of sanitary sewer service and wastewater treatment and disposal throughout the future urban areas of the unincorporated county.*

OBJECTIVE 34.1: *The county shall ensure the provision of acceptable levels of sanitary sewer service throughout the future urban areas of the unincorporated county, either directly by Lee County Utilities or a utility authority, or indirectly through franchised utility companies.*

POLICY 34.1.1: *The Board of County Commissioners hereby establishes service areas for the Fort Myers Beach/Iona sewer system, the South Fort Myers sewer system, the East Lee County sewer system, and the Matlacha sewer system throughout which it will provide standard service as required by demand, and within which it will challenge applications by private sanitary sewer utilities to obtain a Certificate of Operation from the Florida Public Service Commission and reject all applications for a county franchise therein. These service areas are illustrated in Map 7. Within the Fort Myers urban reserve area, the service areas shown on the map are subject to modifications in accordance with existing and future interlocal agreements. (Amended by Ordinance No. 93-25)*

POLICY 34.1.2: *The minimum acceptable level-of-service standard (see Policy 70.1.3) for sanitary sewer connections to Lee County Utilities shall be: (Amended by Ordinance 92-35)*

- *available basic facility capacity (see glossary) to treat and dispose of a volume of wastewater equal to 200 gallons per day per equivalent residential connection (ERC) for the peak month, except that facilities serving only mobile home residential structures shall have a capacity of 150 gallons per day and facilities serving only travel trailer residential structures shall have a capacity of 120 gallons per day.*

POLICY 34.1.3: *The Board of County Commissioners encourages all private utilities to set a minimum acceptable level of service to be adopted herein for use in the concurrency management system within their respective franchised or certificated areas. After the effective date of this plan or September 1, 1989, whichever is later, if the county has not adopted such standards into this plan, the standards adopted for Lee County Utilities' sanitary sewer systems shall apply in those certificated or franchised areas and will be used in enforcing concurrency regulations (see Policy 70.1.3).*

After the deadline set above any private utility that cannot meet the Level-of-Service standards set forth for Lee County Utilities shall have the opportunity to petition for a Plan Amendment for a revised Level-of-Service requirement for the specific private utility plant if it can be proved that such utility has sufficient plant and system capacity to properly service it's franchised or certificated area. The proof shall be in the form of properly documented daily flow reports, occupancy rates or related statistical information, and any other necessary information that may be pertinent to the justification of the requested action, to establish a new individual Level-Of-Service standard. This data should be for a period covering at least the last two prior years. (Amended by Ordinance 92-35)

POLICY 34.1.4: *The Board of County Commissioners urges all utilities to construct and install sufficient treatment facilities and collection systems that will meet or*

exceed the minimum acceptable service standards and with the capacity to service the demand so generated and will meet or exceed the minimum requirements of the Department of Environmental Protection, the Department of Health and Rehabilitative Services, U.S. Environmental Protection Agency, or any local ordinances which exceeds the foregoing. Each utility is encouraged to advise the planning and utility engineering staffs of the county regarding system expansions or modification to ensure coordination with other utilities and with all other issues of public interest and to prevent duplication of facilities and services. (Amended by Ordinance 92-35) (Amended by Ordinance No. 94-30)

POLICY 34.1.5: *County development regulations shall be amended to specify that no county development order under the Development Standards Ordinance for a residential development more intense than 2.5 dwelling units per gross acre, or for any commercial or industrial development that generates more than 5,000 gallons of sewage per day, shall be issued in any franchised or certificated sanitary sewer service area, without a connection to such service if capacity is available at the minimum acceptable level of service anywhere within 1/4 mile of the development. This policy shall in no way exempt any development of any size from meeting the levels of service required for concurrency under Policies 34.1.2 and 70.1.3. (Amended by Ordinance No. 93-25)*

POLICY 34.1.6: *No permit shall be issued allowing any utility to use a public right-of-way or to cut a pavement in a public right-of-way to extend service outside of its certificated or franchised area or to extend service into an area allocated to another utility, unless the other utility concurs in writing. This shall be enforced along municipal and state rights-of-way by interlocal agreement and memorandum of agreement as required.*

POLICY 34.1.7: *In allocating Industrial Development Revenue Bond capacity, the county shall give highest priority to private sanitary sewer utilities proposing to construct basic facilities and/or to provide or upgrade infrastructure serving developed areas and antiquated subdivision undergoing redevelopment.*

POLICY 34.1.8: *County development regulations shall be amended to specify that any change in use or intensity in an approved development order shall be subject to compliance with Policy 34.1.5. (Added by Ordinance No. 93-25)*

OBJECTIVE 34.2: *The county shall maintain and enforce such ordinances as are necessary to require the connection of commercial and larger residential establishments to such public or private central utility systems when those systems are available for service. (Amended by Ordinance No. 94-30)*

POLICY 34.2.1: *It is hereby declared that in the interests of preserving public health and of preserving and enhancing environmental quality, it is in the public interest to abate and cease use of septic tanks and wastewater treatment package plants where and when central sewer is available.*

POLICY 34.2.2: *With the cooperation of the respective utility firms or agencies, the county shall maintain a program for the abatement of septic tanks and package plants in areas in which sewer is presently available and in areas encompassed by assessment districts established for upgrading sewer availability. (Amended by Ordinance No. 94-30)*

POLICY 34.2.3: *The county shall encourage utilities to maintain or plan sufficient treatment capacity for near-term (2 years) availability to provide capacity for unserved development surrounded by existing areas with sewer service.*

OBJECTIVE 34.3: *The county shall ensure that the disposal of grease and septage are either recycled as a beneficial product or disposed of properly. (Amended by Ordinance No. 94-30)*

POLICY 34.3.1: *The county shall maintain regulations that prohibit the disposal of grease and septage by landspreading or other means without first being properly treated to ensure that these products are either recycled as a beneficial product or disposed of properly. (Amended by Ordinance No. 94-30)*

Policy 16.4.2 is also addressed on a county-wide basis by Community Facilities & Services Element Policy 32.1.6 as follows:

POLICY 32.1.6: *Development regulations shall continue to require that any development shall pay the appropriate fees and connect to a re-use water system if such system is near or adjacent to the development and has sufficient surplus to supply the development. Development regulations shall be amended further as follows: (Amended by Ordinance 91-19)*

4. Other

Policy 16.4.1 should be revised to recognize that the policy is being implemented on a continuing basis by Lee County Utilities. The most appropriate place to relocate this policy is to add it to the policies under Objective 34.1 as "Policy 34.1.9".

B. CONCLUSIONS

Due to the incorporation of Fort Myers Beach, it is appropriate to delete from the Lee Plan Goal 16, its attendant Objectives and all Policies except Policies 16.1.3, 16.1.4, 16.1.6, and 16.4.1. Objectives 16.1 and 16.4 and Policies 16.1.1, 16.1.2, 16.4.2, and the last sentence of Policy 16.1.4 are addressed elsewhere in the Lee Plan and should be deleted. Policies 16.1.3, 16.1.4

(portion), and 16.1.6 can be applied county-wide and should be retained in the Lee Plan. Policies 16.4.1 and 16.4.2 should be updated and relocated with similar policies under Objectives 34.1. and 32.1, respectively. The delineation of the Fort Myers Beach planning area should be removed from Map 1 of the Lee Plan.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners transmit this plan amendment to the Department of Community Affairs.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARINGS: May 29, 1997 and June 12, 1997

A. LOCAL PLANNING AGENCY REVIEW

On May 29, 1997, the LPA reviewed staff's recommendation to eliminate the Fort Myers Beach goal in its entirety. Several LPA members stated that some of the policies, such as the natural resource policies, could be applied to the unincorporated parts of the county if placed elsewhere in the plan. In particular, Objective 16.1 and Policies 16.1.3, 16.1.4, and 16.1.6 should be retained elsewhere. Several LPA members discussed concerns about keeping Policy 16.1.2 due to the lack of supporting data and the feasibility of implementing the policy. Staff reviewed a variety of study efforts underway which may provide the data needed to determine if and when Policy 16.1.2 could be feasible. The LPA directed staff to restudy the natural resource policies to determine which ones should be retained and to revise dates and policies as necessary to refer to the county as a whole.

On June 12, 1997, staff presented recommended revisions to the staff report for PAM/T 96-27 in response to the direction given at the May 29th hearing (See Attachment 2). Objectives and policies of Goal 16 which could only apply to Fort Myers Beach or which are duplicated elsewhere in the Lee Plan are still recommended to be deleted. Others are recommended to be reworded as necessary and relocated to appropriate sections of the plan. In addition to the natural resource policies, staff recommended that Policy 16.4.1 pertaining to utility service be retained under Objective 34.1. One LPA member stated that Policy 16.4.2 should be modified by deleting the term "In the Fort Myers Beach plan area," and putting it as a new, separate policy under Lee Plan Objective 34.1. Staff suggested placing it under Objective 32.1 which addresses reuse. The Chairman suggested that staff could handle the change internally and bring these revisions directly to the Board.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit this amendment with modifications suggested by the LPA.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by the staff and as modified by the LPA on June 12, 1997.

C. VOTE:

CARRON DAY	ABSENT
RICHARD DURLING	AYE
EARL HAMILTON	AYE
RONALD INGE	AYE
BILL SPIKOWSKI	AYE
GREG STUART	AYE
MATT UHLE	AYE

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

DATE OF TRANSMITTAL HEARING: November 5, 1997

A. BOARD REVIEW: Public testimony was received which objected to the removal of certain policies from Goal 16. The speaker stated that some of the objectives and policies proposed for deletion because of the incorporation of Fort Myers Beach could still apply to San Carlos island. The Planning Director stated that a small portion of the Fort Myers Beach planning area, including San Carlos island, is located outside the boundaries of the Town of Fort Myers Beach. Under the staff recommendation, GOPs which are being deleted because they only apply to the planning area would no longer apply to this area. The Planning Director offered to work with the San Carlos CRA to resolve their concerns. Staff pointed out a correction to the staff report: Objective 16.5 on page 6 should be struck out.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION:** The Board voted to transmit the staff report as corrected. The Board directed staff to work with the San Carlos Community Redevelopment Agency to review deleted policies which may be appropriate to continue to apply to San Carlos.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board concurred with the staff findings of fact as modified by the LPA.

C. VOTE:

JOHN ALBION	AYE
ANDREW COY	AYE
RAY JUDAH	AYE
JOHN MANNING	AYE
DOUG ST. CERNY	AYE

D. SUBSEQUENT STAFF REVIEW AND REVISED RECOMMENDATIONS:

Following this Board hearing, staff met with representatives of the San Carlos Local Redevelopment Planning Committee. These meetings were conducted to review proposed deleted policies to determine which ones may be appropriate to retain so that they continue to apply to the San Carlos Island portion of the Fort Myers Beach Planning Area. It was

determined from these meetings that Policies 16.3.2, 16.3.7, 16.5.11 and 16.5.12 would be appropriate to keep in the Lee Plan for San Carlos Island. These policies should be relocated from Goal 16 to the existing Goal 12 for San Carlos Island.

The staff recommendation is revised accordingly. The amendment should be adopted as transmitted except to NOT delete Policies 16.3.2, 16.3.7, 16.5.11, and 16.5.12 as originally proposed. Instead, these policies should be relocated under a new Objective in Goal 12: SAN CARLOS ISLAND. The proposed text amendments to create Objective 12.2 and to relocate these policies under this new objective should be revised in Part I.,C.,1. of this staff report as follows:

OBJECTIVE 12.2: To manage growth, development, and redevelopment on San Carlos Island. To maintain and enhance the area's quality of life and public and private infrastructure.

POLICY 16.3.2 12.2.1: As part of the transit design process, the county shall consider ways to establish pull-overs and turn-offs for the pick-up and discharge of passengers from all trolley and mass transit vehicles and requiring that such pick-up and discharge be done only at specified transit stops.

POLICY 16.3.7 12.2.2: Prior to the expenditure of public funds for the construction of new parking facilities within ~~the Ft. Myers Beach Study Area~~ San Carlos Island, an analysis of the relationship of the facility to the level-of-service on constrained and backlogged roads shall be undertaken, in order to determine if the location, size and function of the facility is appropriate and consistent with the adopted CRA plan and the ~~Traffic Circulation~~ Transportation ~~e~~Element of the Lee Plan.

Note: PAM/T 96-30 combines the Traffic Circulation Element into a new Transportation Element.

POLICY 16.5.11 12.2.3: Recreation areas shall have a minimum of impervious surfaces.

POLICY 16.5.12 12.2.4: Sidewalks, bike paths and mass transit routes shall be designed to provide convenient and safe access to all recreational facilities in the area.

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

DATE OF ORC REPORT: February 5, 1998

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The DCA had no objections, recommendations, or comments concerning this amendment.

B. STAFF RECOMMENDATION

Adopt the amendment as transmitted.

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

DATE OF ADOPTION HEARING: May 27, 1998

A. BOARD REVIEW: The Board provided no discussion on this amendment and there was no public input. This item was approved on the administrative agenda.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION: The Board voted to adopt this amendment.

2. BASIS AND RECOMMENDED FINDINGS OF FACT: The Board accepted the findings of fact as advanced by staff.

C. VOTE:

JOHN ALBION	<u>AYE</u>
ANDREW COY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
JOHN MANNING	<u>AYE</u>
DOUG ST. CERNY	<u>ABSENT</u>