



**LOCAL PLANNING AGENCY
ADMINISTRATION EAST BUILDING
2201 SECOND STREET, FORT MYERS, FL 33901
ROOM 118 (FIRST FLOOR)
MONDAY, DECEMBER 9, 2024
9:00 AM**

AGENDA

1. Call to Order/Review of Affidavit of Publication/Pledge of Allegiance
2. Public Forum
3. Approval of Minutes – September 23, 2024
4. Lee Plan Amendments
 - A. CPA2024-00008 Airport Master Plan Update

Amend Lee Plan Policy 1.1.12 to update references to the Airport Master Plan as required by Florida Statute 163.3177(1)(b) and 163.3177(6)(b)4, and Policy 47.3.3 to update references to the Board of Port Commissioners.
 - B. CPA2024-00005 Florida Gulf Coast Business Center

Amend Lee Plan Policy 1.3.4 describing the Industrial Commercial Interchange future land use category to remove the requirement that light industrial uses comprise a minimum of 50% of the total floor area within areas added to this future land use category after January 1, 2007.
 - C. CPA2024-00007 House Bill 1379 (2023) Update

Amend Lee Plan to implement House Bill 1379. House Bill 1379 is a wide-ranging amendment to Florida Statutes related to environmental protection in the areas of wastewater management, septic systems, sanitary sewer services and planning, Basin Management Action Plans (BMAP), and the wastewater grant program. Amendments to the Lee Plan are required to maintain consistency with Florida Statutes. Additional minor amendments have also been identified to update cross-references to various County ordinances and plans.

5. Land Development Code Amendments

- A. Food Truck Parks
- B. Fences and Walls
- C. Pools, Pool Decks, and Screen Enclosures
- D. Entrance Gates and Gatehouses
- E. Density Calculations
- F. Planting Requirements in Airport Wildlife Hazard Protection Zones
- G. General Provisions for Surface Water Management
- H. Required Street Access
- I. Development Order Review of Capital Improvement Projects

Other Business

6. Adjournment

This meeting is open to the public. Interested parties may appear at the meeting and be heard. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

Lee County will not discriminate against individuals with disabilities. To request an accommodation, contact Joan LaGuardia, (239) 533-2314, Florida Relay Service 711, or ADArequests@leegov.com at least five business days in advance. To receive agendas by e-mail, contact jmiller@leegov.com.

CPA2024-00007

**House Bill 1379
(2023) Update**

STAFF REPORT FOR CPA2024-00007: House Bill 1379 Amendments

County Initiated Text Amendments to the Lee Plan



Amendment Type:

County Initiated
Direction: 05/07/2024

Recommendation:

Transmit

Applicant:

Lee County Board of
County Commissioners
(Publicly Initiated)

Representative:

Lee County Department of
Community Development
and Lee County Utilities

Amended Element(s):

- Future Land Use
- Community Facilities and Services
- Conservation and Coastal Management

Hearing Dates:

LPA: 12/09/2024
BoCC #1: TBD
BoCC #2: TBD

Attachments:

1: Proposed Text
Amendments

PURPOSE

Amend the Lee Plan to implement the changes in Florida Statutes as amended by House Bill 1379 (2023). The proposed changes include the following amendments:

- Amend Objective 18.3
- Amend Policies 1.4.1, 1.4.3, 2.1.1, 18.3.1 and 20.3.1.
- Amend Standard 4.1.2
- Add Policies 56.1.8, 56.1.9, 56.2.2, 56.2.3, and 125.9.
- Add Table 6, "10-Year Sanitary Sewer Service Feasibility Plan"

These amendments are discussed in detail in the "Amendments" section of this report.

SUMMARY

House Bill 1379 from Florida's 2023 Legislative Session is related to environmental protection. It includes amendments to existing State Statutes addressing wastewater treatment, septic systems, sanitary sewer services and planning, Basin Management Action Plans (BMAPs), and the wastewater grant program. The proposed amendments update the Lee Plan consistent with the legislation.

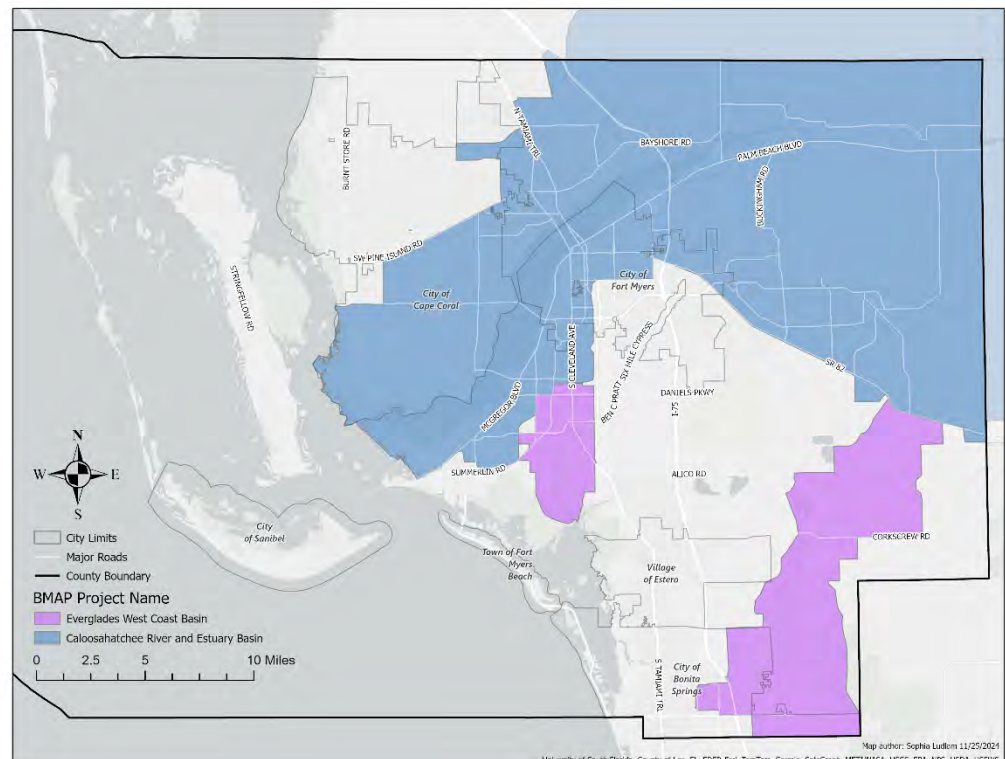


Figure 1 – BMAP boundaries in Lee County

RECOMMENDATION

Staff recommends that the Board of County Commissioners **transmit** the amendments based on the analysis and findings provided in this staff report.

PART 1

BACKGROUND

The Florida Legislature passed House Bill (HB) 1379 on May 3, 2023, which went into effect July 1, 2023. The Bill amended several sections of the State Statutes related to environmental protection, which include the identifying the feasibility of providing sanitary sewer services to certain areas, prioritizing upgrades to existing treatment facilities, identifying projects to meet pollution reduction milestones, specifying Florida requirements for advanced septic systems within a Basin Management Action Plan (BMAP), creating minimum nutrient removal standards, planning for advanced water treatment to meet future requirements, and annual reporting on the status of sewer services in areas subject to a BMAP.

Lee County is subject to the Caloosahatchee River and Estuary Basin Management Action Plan (BMAP) and Everglades West Coast BMAP. The boundaries of those BMAPs are shown in Figure 1 on page 1 of this report. HB 1379 directly impacts areas of the county that are within a protected BMAP by requiring advanced wastewater treatment, advanced septic systems and annual reporting of the feasibility of providing sewer services.

The requirements in HB 1379 conflict with several requirements of the Lee Plan. The Board of County Commissioners directed staff to amend the Lee Plan to maintain consistency with State Statutes, as amended by HB 1379, on May 7, 2024.

AMENDMENTS

HB 1379 resulted in eight (8) changes to State Statutes that require amendments to the Lee Plan. The amended statutes, staff analysis, and proposed Lee Plan amendments are provided below.

1. *F.S. 163.3177(3)(a)(4)(b) – The Capital Improvement Plan must be revised to include a list of projects necessary to achieve pollutant load reductions, attributable to the local government, as established, in a basin management actions plan.*

Staff coordinated with the Lee County Division of Natural Resources and reviewed Lee Plan Table 3(a) – Capital Improvement Program Detailed Report and compared that to ongoing and planned projects. The Division of Natural Resources currently has four projects planned or underway that were partially grant funded for the purpose of reducing nutrient loading in BMAP areas that, when completed, will result in pollutant load reductions as well as achieving other environmental benefits. These projects include Lakes Park Phase III, Sunniland/Nine Mile Run Drainage Improvements, Bob Janes Restoration and Palm Creek Lower Filter Marsh. Table 3(a) – Capital Improvements Detail Report FY23/24 – FY27/28 currently includes those projects. Additionally, the “Caloosahatchee Estuary BMAP 5-Year Review (2022)” shows a total reduction of 249% of the total nitrogen (TN Required Reduction (lbs/yr)) attributable to Lee County was achieved as of December 31, 2021. **No additional action to amend the Lee Plan is required.**

2. *F.S. 163.3177(3)(a)(6)(c)(2) - The element must address coordinating the extension of, increase in the capacity of, or upgrade in treatment of facilities to meet future needs; prioritizing advanced waste treatment.*

Policy 56.1.3 in the Community Services and Facilities Element encourages all utilities to construct and install sufficient treatment facilities and collections systems that meet or exceed the minimum LOS standards and FDEP requirements. As part of this amendment, staff proposes adding additional language to this policy to prioritize advanced waste treatment.

POLICY 56.1.3: All utilities are encouraged to construct and install sufficient treatment facilities and collection systems that will meet or exceed the minimum acceptable service standards. These facilities will have capacity to service the demand so generated and will meet or exceed the minimum requirements of the Florida Department of Environmental Protection (DEP), Florida Department of Health, U.S. Environmental Protection Agency (USEPA), or local ordinances that exceed those requirements with priority given to advanced waste treatment. All utilities will advise the County of system expansions or modification to ensure coordination. (Ord. No. 92-35, 94-30, 17-19, 21-09)

3. *F.S. 163.31773(a)(6)(c)(3) - Within the local government's jurisdiction, for any development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system per 1 acre, the element must consider the feasibility of providing sanitary sewer services within a 10-year planning horizon and must identify the name and location of the wastewater facility that could receive sanitary sewer flows after connection; the capacity of the facility and any associated transmission facilities; the projected wastewater flow at that facility for the next 20 years, including expected future new construction and connections of onsite sewage treatment and disposal systems to sanitary sewer; and a timeline for the construction of the sanitary sewer system. An onsite sewage treatment and disposal system is presumed to exist on a parcel if sanitary sewer services are not available at or adjacent to the parcel boundary...*

Staff is proposing amendments to existing Objective 18.3 and Policies 1.4.1, 1.4.3, 2.1.1, 18.3.1, 20.3.1 and Objective 18.3 to accommodate possible expansion of central sewer systems in accordance with the Statutes as amended by HB 1379. The current language does not prohibit public water and sewer facilities, but states that urban-type capital improvements are not anticipated or programmed in these areas. The proposed amendments strike that language to accommodate the possibility that, in the future, the County may be required to convert portions of these areas from septic to centralized sewer. The strikethrough and underline of these policies are shown below.

POLICY 1.4.1: The Rural future land use category are areas that 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. Natural resource extraction may be permitted in accordance with Policy 10.1.4. ~~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 future land use category is one dwelling unit per acre (1 du/acre). See Policy 123.2.17 for a potential density incentive resulting from preservation and/or restoration of Rare and Unique Upland Habitat. (Ord. No. [97-17](#), [98-09](#), [00-22](#), [07-12](#), [10-20](#), [22-25](#), [22-29](#))

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POLICY 1.4.3: The Rural Community Preserves future land use category requires special design approaches to maintain existing rural character, for example: conservation easements, flexible road design standards (including relocation of future arterials not serving the rural community), special fencing and commercial sign standards, and retention of historic rural uses. ~~These areas are not programmed to receive urban-type capital improvements.~~ Lands within this category are not to be converted to future urban or suburban areas; rather, they are to remain permanently rural in character and use. These areas are restricted to low density residential uses (with minimum lot size requirements), agricultural uses, and minimal non-residential uses that are needed to serve the rural

community. Property in this category may not be rezoned to any RV district. Maximum density is one dwelling unit per acre (1 du/acre). (Ord. No. [91-19](#), [94-30](#), [17-13](#), [18-14](#))

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POLICY 2.1.1: Most residential, commercial, ~~and industrial, and public~~ development is expected to occur within the designated future urban areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories.

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OBJECTIVE 18.3: SEWER AND WATER. Given the desire to maintain a low residential density, new central sewage service is not economically feasible and is discouraged north of Bayshore Road within the future non-urban land use categories unless required by State Statute. Central water service for enhanced fire protection will be encouraged where economically feasible. (Ord. No. [03-02](#), [18-18](#))

POLICY 18.3.1: No landowner will be required to connect to central sewer or water utilities or be assessed for same unless a threat to public health can be documented, or if a new development proposes an intensity that exceeds the thresholds in Standards 4.1.1 and 4.1.2, or if required by State Statute. (Ord. No. [03-02](#), [18-18](#))

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POLICY 20.3.1: ~~In order to discourage unwanted urban development, central sewer lines will not be extended into the Buckingham Community Plan area, except to the areas identified by Lee Plan Map 4 B as Future Sanitary Sewer Service Areas, the existing Resource Recovery Facility, the adjacent Lee County Parks and Recreation Facility, and any future public facility. Under no circumstances will the~~ The availability of central sewer lines will not be accepted as justification for a density or intensity increase, or reduction of lot size requirements (except as provided in Policy 20.1.5), within the Rural Community Preserve. (Ord. No. [10-15](#), [18-18](#))

Additionally, staff recommends new Policy 56.2.3 and Table 6, which addresses the feasibility of providing sanitary sewer services within a 10-year planning horizon. Table 6 identifies the required information in the amended statute. Additional discussion on the development of Table 6 and the process utilized to identify development meeting the amended statute's criteria and service feasibility is provided in more detail on page 6 through 8 of this report and proposed Policy 56.2.3 is on page 8.

- 4. F.S. 403.067(7)(a)(10) - The installation of new onsite sewage treatment and disposal systems constructed within a basin management action plan area adopted under this section, a reasonable assurance plan, or a pollution reduction plan is prohibited where connection to a publicly owned or investor-owned sewerage system is available as defined in s. 381.0065(2)(a). On lots of 1 acre or less within a basin management action plan adopted under this section, a reasonable assurance plan, or a pollution reduction plan where a publicly owned or investor-owned sewerage system is not available, the installation of enhanced nutrient-reducing onsite sewage treatment and disposal systems or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction is required.*

Proposed changes to Standard 4.1.2 will add numbers 7 and 8, to address this requirement. The standards recommended below are not new requirements by Lee County, but recognize requirements implemented and enforced by state agencies.

STANDARD 4.1.2: SEWER.

7. The installation of new onsite sewage treatment and disposal systems, as defined by State Statute, constructed within a basin management action plan area, a reasonable assurance plan, or a pollution reduction plan is prohibited where connection to a publicly owned or investor-owned sewerage system is available as defined in F.S. 381.0065 (2)(a).

8. On lots of one acre or less within a basin management action plan area, a reasonable assurance plan, or a pollution reduction plan, where a publicly owned or investor-owned sewerage system is not available, the installation of enhanced nutrient-reducing onsite sewage treatment and disposal systems, as defined by State Statute, or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction is required.

5. *F.S. 403.067(7)(a)(12) - Annually, local governments subject to a basin management action plan or located within the basin of a waterbody not attaining nutrient or nutrient-related standards must provide to the department an update on the status of construction of sanitary sewers to serve such areas, in a manner prescribed by the department.*

The proposed changes add Policy 56.2.2 address this requirement.

POLICY 56.2.2: The County will, annually, provide to the Florida Department of Environmental Protection a status of the construction of sanitary sewers within basin management action plans (BMAP) or within the basin of a waterbody not attaining nutrient or nutrient-related standards as defined by State Statute.

6. *F.S. 403.086(1)(c)(1)(c) - By January 1, 2033, waterbodies that are currently not attaining nutrient or nutrient-related standards or that are subject to a nutrient or nutrient-related basin management action plan adopted pursuant to s. 403.067 or adopted reasonable assurance plan.*

HB 1379 amended parts of F.S. 403.086 which addresses sewage disposal facilities by requiring the use of advanced waste treatment prior to disposal in certain waterbodies. The effected waterbodies included those that are not currently attaining nutrient or nutrient-related standards or are subject to a nutrient-related basin management plan. The proposed changes add Policy 56.1.8 addresses this requirement.

POLICY 56.1.8: Sewage disposal facilities that dispose of waste into waterbodies that are currently not attaining nutrient or nutrient-related standards, as defined by State Statute, or that are subject to a nutrient or nutrient-related basin management plan will provide advanced waste treatment by January 1, 2033.

7. *F.S. 403.086(1)(c)(2) - For any waterbody determined not to be attaining nutrient or nutrient-related standards after July 1, 2023, or subject to a nutrient or nutrient-related basin management action plan adopted pursuant to s. 403.067 or adopted reasonable assurance plan after July 1, 2023, sewage disposal facilities are prohibited from disposing any wastes into such waters without providing advanced waste treatment, as defined in subsection (4), as approved by the department within 10 years after such determination or adoption.*

The proposed changes add Policy 56.1.9 address this requirement.

POLICY 56.1.9: Sewage disposal facilities that dispose of waste into waterbodies determined not to be attaining nutrient or nutrient-related standards, as defined by State Statute, after July 1, 2023, or subject to a nutrient or nutrient-related basin management plan, or adopted reasonable assurance plan after July 1, 2023, will provide advance water treatment within 10 years after such determination or adoption.

8. *F.S. 403.0673 - Water quality improvement grant program.—A grant program is established within the Department of Environmental Protection to address wastewater, stormwater, and agricultural sources of nutrient loading to surface water or groundwater.*

HB 1379 amended F.S. 403.0673 to rename the wastewater grant program as the water quality improvement program, revised the program's purpose, and provided specificity regarding the types of projects eligible for grants. Staff recommends adding Policy 125.1.9 in the Conservation and Coastal Management Element to encourage the use of the grant.

POLICY 125.1.9: Encourage the use of the water quality improvement grant established within the Department of Environmental Protection to address wastewater, stormwater, and agricultural sources of nutrient loading to fund projects that will improve the quality of waterbodies.

TABLE 6

As required by F.S. 163.31773(a)(6)(c)(3), Lee County must identify any development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system per one acre to determine the feasibility of providing sanitary sewer services within a 10-year planning horizon. Staff is proposing to add Table 6: 10-Year Sanitary Sewer Service Availability to the appendices of the Lee Plan.

The development of Table 6 involved the following detailed mapping and identification process to locate areas within the county subject to the Statute, identify the data required by the State, and determine the feasibility of providing sanitary sewer services to the subject areas:

1. Identify all parcels within County jurisdiction of less than 1 acre utilizing ArcGIS and parcel data.
2. Identify areas with existing or potential residential development of more than 50 lots on parcels of less than 1 acre each. All other parcels were removed.
3. Identify areas serviced by Lee County Utilities and Florida Governmental Utility Authority wastewater infrastructure. Areas currently serviced by central sewer were removed from the map.
4. Review development order and zoning files to determine if any planned or recently approved development would meet the Statute requirements. Any areas meeting Statute criteria were added to the map.
5. All FDEP permits that approved on-site domestic WWTPs were reviewed, and the areas served by these WWTPs were removed from the map.
6. Estimated septic permit and well permit locations based on State and local data were mapped to identify additional areas and used to cross-check previously identified areas.
7. All Ordinance #86-36 mobile home sites were mapped to verify that sewer service was available. Although these sites did not meet the strict criteria of the statute (i.e., parcels of less than 1 acre as most are a single parcel with multiple mobile home sites), the density of the mobile homes on these sites, if serviced by septic, would exceed one septic system per acre for more than 50 residential units. Ordinance #86-36 changed the lot of record requirements for mobile home and recreational vehicle (RV) parks that existed prior to certain dates but which failed to conform to minimum lot size

requirements established by the Land Development Code. Because of the age of these mobile homes and RV parks, the use of septic systems was a concern for staff due to a variety of factors, including, but not limited to, site location (i.e. separation from water resources) and long-term maintenance.

8. Reviewed the Countywide Wastewater Management Plan priority ranking of potential areas for septic conversion to ensure all areas meeting State criteria were captured and represented in the map.

At the conclusion of the process, eighty-four (84) areas were identified as meeting the Statute requirements and are identified in Table 6. Table 6 also includes the name and location of the wastewater facility that could receive sanitary sewer flows after connection, the capacity of the facility, the projected wastewater flow at that facility for the next 20 years, including expected future new construction and connections of onsite sewage treatment and disposal systems to a sanitary sewer, and a timeline for the construction of the sanitary sewer system, if feasible, consistent with the requirements of F.S. 163.31773(a)(6)(c)(3).

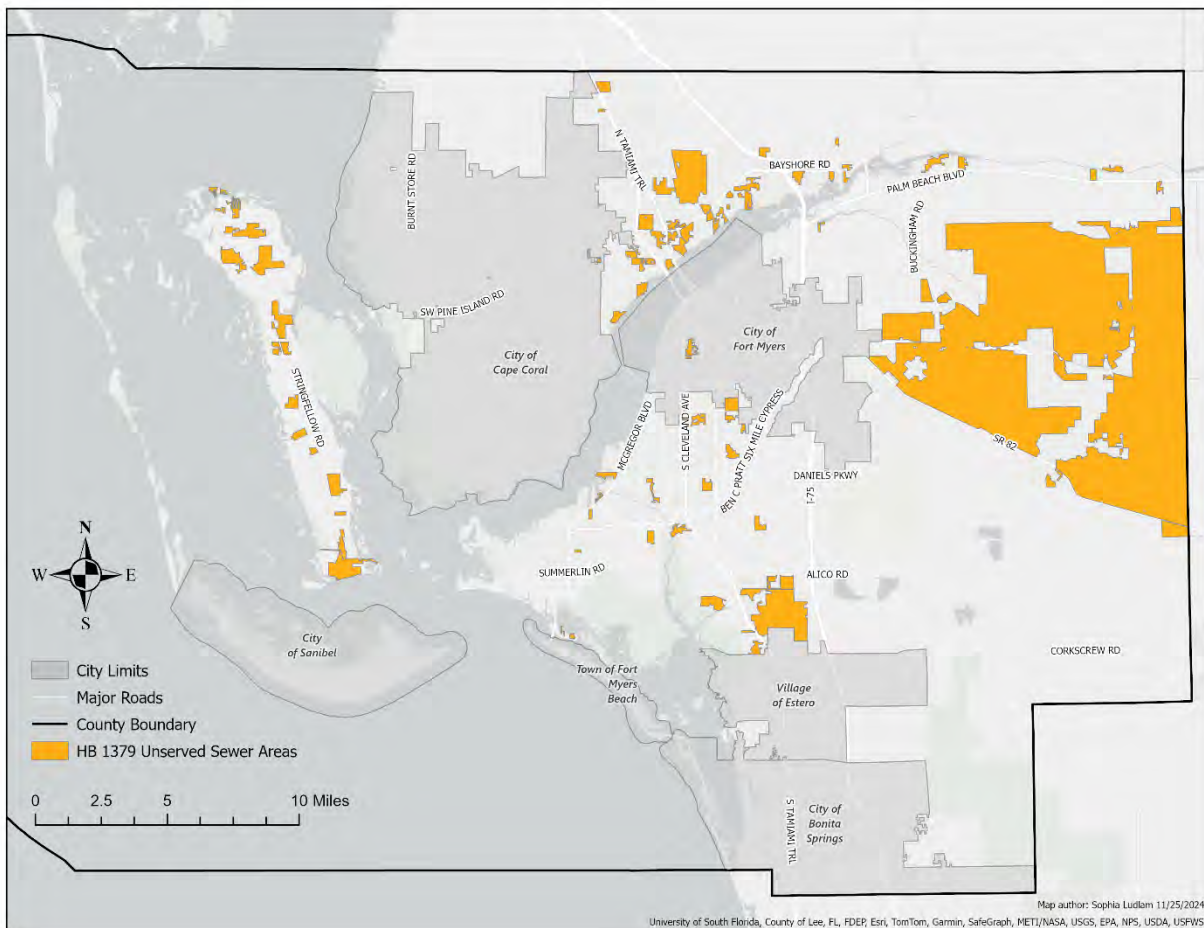


Figure 2 – Developments or potential developments of more than 50 residential lots on less than 1 acre not served by central sanitary sewer service.

Staff is also proposing Policy 56.2.3 which identifies the statutory requirement for Table 6 and the criteria for inclusion on the table.

POLICY 56.2.3: The County will assess the feasibility of providing central sewer service to areas on septic when more than 50 onsite sewage treatment or disposal systems are located at more than 1 per acre within the unincorporated areas consistent with F.S. 163.31773(a)(6)(c)(3). These areas are identified in Table 6, 10-Year Sanitary Sewer Service Feasibility.

CONCLUSIONS

HB 1379 amended several State Statutes and revised the required components of the local government comprehensive plan capital improvement element, general sanitary sewer, solid waste, drainage, potable water, and groundwater recharge elements. The proposed amendments:

- maintain consistency with State Statute.
- are internally consistent with other requirements of the Lee Plan.
- provide additional planning and coordination with other agencies to strengthen protections in BMAPs.
- provide planning tools for future expansion of sanitary sewer service aimed at protecting and Improving water quality in Lee County.
- encourage the use of the Wastewater Grant Program for projects in Lee County.

Staff recommends that the Local Planning Agency **transmit** the proposed amendment as shown in Attachment 1.

ATTACHMENT 1

- **Text Amendment Language**
- **Table 6**

Text Amendments:

II Future Land Use Element

POLICY 1.4.1: The Rural future land use category are areas that 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. Natural resource extraction may be permitted in accordance with Policy 10.1.4. ~~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 future land use category is one dwelling unit per acre (1 du/acre). See Policy 123.2.17 for a potential density incentive resulting from preservation and/or restoration of Rare and Unique Upland Habitat. (Ord. No. [97-17](#), [98-09](#), [00-22](#), [07-12](#), [10-20](#), [22-25](#), [22-29](#))

- Delete language prohibiting capital improvements in the Rural future land use category. Capital improvements may be necessary in the future to comply with F.S. 163.3177(3)(a)(6)(c)(3), as amended in HB 1379, which requires local governments to provide a timeline for the construction of sanitary sewer systems for any development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system (septic system) per 1 acre.

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POLICY 1.4.3: The Rural Community Preserves future land use category requires special design approaches to maintain existing rural character, for example: conservation easements, flexible road design standards (including relocation of future arterials not serving the rural community), special fencing and commercial sign standards, and retention of historic rural uses. ~~These areas are not programmed to receive urban type capital improvements.~~ Lands within this category are not to be converted to future urban or suburban areas; rather, they are to remain permanently rural in character and use. These areas are restricted to low density residential uses (with minimum lot size requirements), agricultural uses, and minimal non-residential uses that are needed to serve the rural community. Property in this category may not be rezoned to any RV district. Maximum density is one dwelling unit per acre (1 du/acre). (Ord. No. [91-19](#), [94-30](#), [17-13](#), [18-14](#))

- Delete language prohibiting capital improvements in the Rural Community Preserve future land use category. Capital improvements may be necessary in the future to comply with F.S. 163.3177(3)(a)(6)(c)(3), as amended in HB 1379, which requires local governments to provide a timeline for the construction of sanitary sewer systems for any development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system (septic system) per 1 acre.

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POLICY 2.1.1: Most residential, commercial, ~~and industrial,~~ ~~and public~~ development is expected to occur within the designated future urban areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories.

- Modify language to allow for public facilities in non-urban future land use categories. Capital improvements may be necessary in the future to comply with F.S. 163.3177(3)(a)(6)(c)(3), as amended in HB 1379, which requires local governments to provide a timeline for the construction of sanitary sewer systems for any development of

more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system (septic system) per 1 acre.

STANDARD 4.1.2: SEWER.

7. Prohibit the installation of new onsite sewage treatment and disposal systems, as defined by State Statute, constructed within a basin management action plan area, a reasonable assurance plan, or a pollution reduction plan where connection to a publicly owned or investor-owned sewerage system is available as defined in F.S. 381.0065 (2)(a).

- Additional language to comply with the requirement of F.S. 403.067(7)(a)(10), as amended by HB 1379. This is not a new requirement by Lee County, but recognizes requirements implemented and enforced by state agencies.

8. On lots of one acre or less within a basin management action plan area, a reasonable assurance plan, or a pollution reduction plan, where a publicly owned or investor-owned sewerage system is not available, the installation of enhanced nutrient-reducing onsite sewage treatment and disposal systems, as defined by State Statute, or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction is required.

- Additional language to comply with the requirement of F.S. 403.067(7)(a)(10), as amended by HB 1379. This is not a new requirement by Lee County, but recognizes requirements implemented and enforced by state agencies.

OBJECTIVE 18.3: SEWER AND WATER. Given the desire to maintain a low residential density, new central sewage service is not economically feasible and is discouraged north of Bayshore Road within the future non-urban land use categories unless required by State Statute. Central water service for enhanced fire protection will be encouraged where economically feasible. (Ord. No. [03-02](#), [18-18](#))

- Central sewer may be necessary in the future to comply with F.S. 163.3177(3)(a)(6)(c)(3), as amended in HB 1379, which requires local governments to provide a timeline for the construction of sanitary sewer systems for any development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system (septic system) per 1 acre.

POLICY 18.3.1: No landowner will be required to connect to central sewer or water utilities or be assessed for same unless a threat to public health can be documented, ~~or~~ if a new development proposes an intensity that exceeds the thresholds in Standards 4.1.1 and 4.1.2, or if required by State Statute. (Ord. No. [03-02](#), [18-18](#))

- Central sewer may be necessary in the future to comply with F.S. 163.3177(3)(a)(6)(c)(3), as amended in HB 1379, which requires local governments to provide a timeline for the construction of sanitary sewer systems for any development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system (septic system) per 1 acre

~~**POLICY 20.3.1:** In order to discourage unwanted urban development, central sewer lines will not be extended into the Buckingham Community Plan area, except to the areas identified by Lee Plan Map 4 B as Future Sanitary Sewer Service Areas, the existing Resource Recovery Facility, the adjacent Lee County Parks and Recreation Facility, and any future public facility. Under no circumstances will the~~ The availability of central sewer lines will not be accepted as justification for a density or intensity increase, or reduction of lot size requirements (except as provided in Policy 20.1.5), within the Rural Community Preserve. (Ord. No. [10-15](#), [18-18](#))

- Delete language prohibiting capital improvements in the Rural future land use category. Central sewer lines may be necessary in the future to comply with F.S. 163.3177(3)(a)(6)(c)(3), as amended in HB 1379, which requires local governments to provide a timeline for the construction of sanitary sewer systems for any development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system (septic system) per 1 acre.



IV Community Facilities and Services Element

POLICY 56.1.3: All utilities are encouraged to construct and install sufficient treatment facilities and collection systems that will meet or exceed the minimum acceptable service standards. These facilities will have capacity to service the demand so generated and will meet or exceed the minimum requirements of the Florida Department of Environmental Protection (DEP), Florida Department of Health, U.S. Environmental Protection Agency (USEPA), or local ordinances that exceed those requirements with priority given to advanced waste treatment. All utilities will advise the County of system expansions or modification to ensure coordination. (Ord. No. 92-35, 94-30, 17-19, 21-09)

- Additional language to comply with F.S. 163.3177(3)(a)(6)(c)(2), which requires priority to be given to advanced waste treatment facilities.



POLICY 56.1.8: Sewage disposal facilities that dispose of waste into waterbodies that are currently not attaining nutrient or nutrient-related standards, as defined by State Statute, or that are subject to a nutrient or nutrient-related basin management plan will provide advanced waste treatment by January 1, 2033.

- Additional language to comply with the requirement of F.S. 403.0861(1)(c)(1)(c) as amended by HB 1379.

POLICY 56.1.9: Sewage disposal facilities that dispose of waste into waterbodies determined not to be attaining nutrient or nutrient-related standards, as defined by State Statute, after July 1, 2023, or subject to a nutrient or nutrient-related basin management plan, or adopted reasonable assurance plan after July 1, 2023, will provide advance water treatment within 10 years after such determination or adoption.

- Additional language to comply with the requirement of F.S. 403.0861(1)(c)(2) as amended by HB 1379.



POLICY 56.2.2: The County will, annually, provide to the Florida Department of Environmental Protection a status of the construction of sanitary sewers within basin management action plans (BMAP) or within the basin of a waterbody not attaining nutrient or nutrient-related standards as defined by State Statute.

- Additional language to comply with the requirement of F.S. 403.067(7)(a)(12) as amended by HB 1379.

POLICY 56.2.3: The County will assess the feasibility of providing central sewer service to areas on septic when more than 50 onsite sewage treatment or disposal systems are located at more than 1 per acre within the unincorporated areas consistent with F.S. 163.31773(a)(6)(c)(3). These areas are identified in Table 6, 10-Year Sanitary Sewer Service Feasibility.

- Additional language to comply with the requirement of F.S. 163.31773(a)(6)(c)(3) as amended by HB 1379.



VII Conservation and Coastal Management Element

Goal 125: Water Quality

POLICY 125.1.9: Encourage the use of the water quality improvement grant established within the Department of Environmental Protection to address wastewater, stormwater, and agricultural sources of nutrient loading to fund projects that will improve the quality of waterbodies.

- Additional language to encourage the use of the water quality improvement grant, formerly known as the wastewater grant program. HB 1379 amended F.S. 403.0673 to expand grant opportunities to include stormwater and agricultural sources of nutrient loading to surface water and groundwater. The additional language will encourage the use of the grant to fund applicable projects in the future.

Table Amendments:

- **Table 6 – 10-Year Sanitary Sewer Service Feasibility (New Table)**

Table 6: 10-Year Sanitary Sewer Service Feasibility

Residential Development	# of Parcels	Development Location	Facility Name	Facility Address	Facility Capacity	Projected Facility Flow in 20 years	Feasibility	Timeline
Alden Pines/Sundiet Village	602	Stringfellow Rd/Sundiet Blvd	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Bayshore Estates	82	Bayshore Rd/Willow Stream Ln	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Bayshore Gardens	50	Donald Rd/Gardenia Cir	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Bayshore Pines	52	Glick Dr/Donna Ln	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Bellaire/San Carlos Grove	153	Pine Rd/Bristol Rd	Three Oaks WRF	18521 Three Oaks Pkwy, 33967	6.0 MGD	7.4 MGD	Not feasible based on curent conditions.	N/A
Blackhawk/Hidden Pines	86	Blackhawk Dr/Briarcliff Rd	CFM - Fort Myers South AWWTP	1618 Matthew Dr, 33907	6.96 MGD	6.5 MGD	Not feasible based on curent conditions.	N/A
Bocilla Lane	54	Bocilla Ln/Stringfellow Rd	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Bokeelia	108	Stringfellow Rd/Main St	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Buckingham Airpark East	128	North Dr/Cherokee Ave	FGUA - Lehigh Acres WWTF	550 Construction Ln, 33971	3.0 MGD	3.83 MGD	Not feasible based on curent conditions.	N/A
Buckingham Park	494	Astoria Ave/Cherrydale St	FGUA - Lehigh Acres WWTF	550 Construction Ln, 33971	3.0 MGD	3.83 MGD	Not feasible based on curent conditions.	N/A
Cabana City/Rivers Edge	171	River Rd/Cabana Ave	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Calusa Woods/Northdale	86	Carolyn Ln/Bayshore Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Captains Harbor	76	Nautical Way/Captains Harbor	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Central Pine Island	166	Stringfellow Rd/Fairbanks Dr	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Charleston Park	163	Palm Beach Blvd/1st St	CFM - Fort Myers Central AWWTP	1501 Raleigh St, 33916	4.51 MGD	3.7 MGD	Not feasible based on curent conditions.	N/A
Coastal Estates	99	Pine Ridge Rd/Bombay Ln	Fort Myers Beach WRF	17155 Pine Ridge Rd, 33931	6.0 MGD	2.5 MGD	Not feasible based on curent conditions.	N/A
Collier+Rupert/Pine Tree Estates	219	Laurel Dr/N 2nd St	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Colonial Pines	56	Leetana Rd/Boonesboro Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Cypress Lake Country Club Estates	145	Overlook Dr/Brentwood Rd	LCU - Fiesta Village WRF	1366 San Souci Dr, 33919	5.0 MGD	4.0 MGD	Not feasible based on curent conditions.	N/A
Daughtreys Creek	199	Bayshore Rd/Sean Ln	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Deep Lagoon	60	McGregor Blvd/Bay Dr	LCU - Fiesta Village WRF	1366 San Souci Dr, 33919	5.0 MGD	4.0 MGD	Not feasible based on curent conditions.	N/A
Eagle Lake Estates	50	Stringfellow Rd/Eagle Lake Dr	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
East Lake Colony	80	Tarpon Way/Bayshore Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Edgewater Gardens/Belle Aire Lagoon	177	Pondella Rd/Sabal Gardens Dr	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Flamingo Bay	363	Flamingo Dr/Mallard Ave	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Florimond Manor	361	Plantation Rd/Idlewild St	CFM - Fort Myers South AWWTP	1618 Matthew Dr, 33907	6.96 MGD	6.5 MGD	Not feasible based on curent conditions.	N/A
Fort Myers	206	Maravilla/US 41	CFM - Fort Myers Central AWWTP	1501 Raleigh St, 33916	4.51 MGD	3.7 MGD	Not feasible based on curent conditions.	N/A
Fort Myers Gulf Acres	122	Whitecap Cir/Orange Grove Blvd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Gramac/Tamiami Estates/Berts Bayshore Manor	379	Bayline Dr/Old Bridge Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Helen Lane Condo	64	Helen Ln/Main St	Fort Myers Beach WRF	17155 Pine Ridge Rd, 33931	6.0 MGD	2.5 MGD	Not feasible based on curent conditions.	N/A
Hendry Creek	120	Hendry Creek Dr/Chloe Cir	LCU - Fiesta Village WRF	1366 San Souci Dr, 33919	5.0 MGD	4.0 MGD	Not feasible based on curent conditions.	N/A
Heritage Farms 1st Addition/Heritage Pines/Lucas Landing/Stone Ridge	65	Liberty Square/Cindy Ct	LCU - Fiesta Village WRF	1366 San Souci Dr, 33919	5.0 MGD	4.0 MGD	Not feasible based on curent conditions.	N/A
Idalia	98	Old Olga Rd/W Court Pl	CFM - Fort Myers Central AWWTP	1501 Raleigh St, 33916	4.51 MGD	3.7 MGD	Not feasible based on curent conditions.	N/A
Island Park/Tidewater Island/Mullock Creek	325	Park Rd/Pioneer Rd	Three Oaks WRF	18521 Three Oaks Pkwy, 33967	6.0 MGD	7.4 MGD	Not feasible based on curent conditions.	N/A
Jade Estates	63	Jade Ct/Coon Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Kings Bay Estates	49	Coastal View Dr/Bayshore Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Knights Bokeelia/Sandy Shoals/Eagles Nest	366	Barrancas Ave/Bowline St	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Lakeville	248	Lakeville Dr/Edgewood Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Lehigh Acres	110,795	East Lee County	FGUA - Lehigh Acres WWTF	550 Construction Ln, 33971	3.0 MGD	3.83 MGD	Not feasible based on curent conditions.	N/A
Littlegroves/Powell	171	Powell Dr/Ixora Dr	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Lobean	75	Barrancas Ave/Quail Trl	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Luloma Acres	65	Stringfellow Rd/Luloma Ln	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
McGregor Pines/McGregor Vista/Deep Lagoon Heights	76	McGregor Blvd/Martin Dr	LCU - Fiesta Village WRF	1366 San Souci Dr, 33919	5.0 MGD	4.0 MGD	Not feasible based on curent conditions.	N/A
Mirror Lakes	193	Blackstone Dr/Lasalle Ave	FGUA - Lehigh Acres WWTF	550 Construction Ln, 33971	3.0 MGD	3.83 MGD	Not feasible based on curent conditions.	N/A
Mobile Manor	370	Bayshore Rd/Lantern Ln	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Nancy Lane Condo	75	Nancy Ln/Main St	Fort Myers Beach WRF	17155 Pine Ridge Rd, 33931	6.0 MGD	2.5 MGD	Not feasible based on curent conditions.	N/A
Oakdale/United Fruit	56	Butler Rd/Reymoor Dr	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Orange River Hills	69	Sunkist Way/Orange River Blvd	CFM - Fort Myers Central AWWTP	1501 Raleigh St, 33916	4.51 MGD	3.7 MGD	Not feasible based on curent conditions.	N/A
Page Park	162	Center Rd/1st St	CFM - Fort Myers South AWWTP	1618 Matthew Dr, 33907	6.96 MGD	6.5 MGD	Not feasible based on curent conditions.	N/A
Palm Creek	63	Palm Creek Dr/Pioneer Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Palmona Park	819	Pine Island Rd/ Atlantic Ave	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Paradise Shores	394	Bigelow Rd/Old Olga Rd	CFM - Fort Myers Central AWWTP	1501 Raleigh St, 33916	4.51 MGD	3.7 MGD	Not feasible based on curent conditions.	N/A
Peaceful Pines	50	N Tamiami Trl/Avenue A	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A

Table 6: 10-Year Sanitary Sewer Service Feasibility

Pine Island Center East	231 Phillips St/Avenue E	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Pine Island Center West	161 Russell Rd/Holly Rd	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Pine Island Estates/Kreamers Avocado	490 Stringfellow Rd/Harbor Dr	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Pine Island Ridge/Serenity Cove/Charlotte Shores/Pine Island Villas	801 Marina Rd/Dolphin Rd	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Pine Island Tropical Homesites	572 Stringfellow Rd/Tangelo Dr	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Pine Island Village	70 Turtle Trail Ln/Stringfellow Rd	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Pinehurst Acres/Kreamers Avocado	380 Kreamers Dr/Stringfellow Rd	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Pinehurst Estates/Camelot	105 Pine Villa Ln/Daniels Pkwy	CFM - Fort Myers South AWWTP	1618 Matthew Dr, 33907	6.96 MGD	6.5 MGD	Not feasible based on curent conditions.	N/A
Plantation Pines/The Rookery/Highland Pines Estates	228 Plantation Rd/Plantation Pines Blvd	CFM - Fort Myers South AWWTP	1618 Matthew Dr, 33907	6.96 MGD	6.5 MGD	Not feasible based on curent conditions.	N/A
Pondella Acres/Travis/Pine Acres/Blue Water Shores/Hancock Estates/Aqua Cove/Marine Homes/Wards Landing	209 Moody Rd/Hancock Bridge Pkwy	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Pondella Heights	50 Westwood Dr/Pondella Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Pondella Shores	91 Pondella Rd/Betmar Blvd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Port Carlos Cove	155 Spanish Main St/Galleon Way	Fort Myers Beach WRF	17155 Pine Ridge Rd, 33931	6.0 MGD	2.5 MGD	Not feasible based on curent conditions.	N/A
Port Edison/Northwood	296 Brooks Rd/Evalena Ln	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
River Oaks	159 Iverson Dr/Charles St	CFM - Fort Myers Central AWWTP	1501 Raleigh St, 33916	4.51 MGD	3.7 MGD	Not feasible based on curent conditions.	N/A
Riverbend	217 Riverbend Blvd/Indian Creek Dr	CFM - Fort Myers Central AWWTP	1501 Raleigh St, 33916	4.51 MGD	3.7 MGD	Not feasible based on curent conditions.	N/A
Saint James City	1769 Sanibel Blvd/Stringfellow Rd	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
San Carlos Park	6,207 San Carlos Blvd/Lee Rd	Three Oaks WRF	18521 Three Oaks Pkwy, 33967	6.0 MGD	7.4 MGD	Not feasible based on curent conditions.	N/A
September Estates/Coconut Grove/Pinehurst Acres	140 Stringfellow Rd/Helen Rd	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Shady Grove/Verona Heights/Mariana Heights/Moss Park/Glenwood Park/Melody Park/Autumn Oaks/Autumn Acres/Maranatha Park/Evergreen Acres/	264 W Mariana Ave/Piney Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Sheltering Pines Mobile Home Village	120 Unique Cir/S Tamiami Trl	Three Oaks WRF	18521 Three Oaks Pkwy, 33967	6.0 MGD	7.4 MGD	Not feasible based on curent conditions.	N/A
Skyline Woods/River Manor/Overriver Shores/Tropic Shores Estates	75 Moody Rd/Skyline Dr	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Suncoast Estates	1564 Suncoast Dr/Gish Ln	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
The Timbers	61 Penzance Blvd/Timberline Cir	CFM - Fort Myers South AWWTP	1618 Matthew Dr, 33907	6.96 MGD	6.5 MGD	Not feasible based on curent conditions.	N/A
The Willows	94 Willow Lake Cir/Plantation Rd	CFM - Fort Myers South AWWTP	1618 Matthew Dr, 33907	6.96 MGD	6.5 MGD	Not feasible based on curent conditions.	N/A
Timberbend	78 Bayshore Rd/Tallulah Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Town and River Estates Subdivision	182 McGregor Blvd/N Town and River Dr	LCU - Fiesta Village WRF	1366 San Souci Dr, 33919	5.0 MGD	4.0 MGD	Not feasible based on curent conditions.	N/A
Town of Alva	98 Pearl St/Julia St	CFM - Fort Myers Central AWWTP	1501 Raleigh St, 33916	4.51 MGD	3.7 MGD	Not feasible based on curent conditions.	N/A
West Bayshore Road	182 E Mariana Ave/Ixora Dr	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Yacht Club Colony	264 Winston Rd/N Westwood Dr	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A