

**REGULAR MEETING  
OF THE  
LOCAL PLANNING AGENCY**

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**Monday, September 25, 2006  
Board of County Commission Chambers  
The meeting will commence at 8:30 a.m.**

**AGENDA**

- 1. Call to Order; Certification of Affidavit of Publication**
- 2. Pledge of Allegiance**
- 3. Public Forum**
- 4. Approval of Minutes:  
August 28, 2006**
- 5. Road Impact Fees: An ordinance amending the Lee County Land Development Code (LDC) to amend Chapter 2 (Administration), Article VI (Impact Fees), Division Two (Roads Impact Fee); Amending Computation of Amount (Section 2-266); Providing for Conflicts of Law, Severability, Codification, Scriviner's Errors, and an Effective Date.**
- 6. LDC Amendment to Concurrency Management System and Adoption of Proportionate Share Program: An ordinance amending Chapter 2 of the Lee County Land Development Code, Article II, Concurrency Management System, Amending Definitions, Concurrency Certification, Concurrent Development Orders, Greater Pine Island Concurrency, Vested Rights, Concurrency Management Information System, Variances, and Appeals; Creating a Division 2, Entitled Proportionate Fair Share Program, Providing for Purpose and Intent, Findings, Applicability, General Requirements, Intergovernmental Coordination, Application Process, Determining Proportionate Fair Share Obligation, Impact Fee Credit for Proportionate Share Mitigation, Proportionate Fair Share Agreements, Appropriation of Fair share Revenues, and Cross Jurisdictional Impacts; and Providing for Conflicts of Law, Severability, Codification, Scrivener's Errors, and an Effective Date.**
- 7. CPA2005-00002 - (REGULAR-Webb/Buckingham) - Amend the Lee Plan Future Land Use Map series, Map 1, to change +/- 95 acres from Rural to Urban Community Land Use Designation and change the boundaries in the Future Land Use Map series, Map 16, to remove +/- 95 acres from the Buckingham Planning Community and add those acres to the Lehigh Acres Planning Community.**
- 8. CPA2005-00013 - (SMART-Community Plan Evaluations) - Amend the Future Land Use Element to evaluate incorporating Community Planning Policies into the Lee Plan.**

9. CPA2005-00040 – (EAR-Sub-Outlying Suburban FLUM Category) - Amend Goal 1 of the Future Land Use Element, the Future Land Use Map series, Map 1, and Table 1(a) and Table 1(b), Summary of Residential Densities, by adding a new future land use category having a maximum density of 2 dwelling units per acre.
10. CPA2005-00042 – (EAR-Update Economic Element) - Amend the Lee Plan, Economic Element for general updates as the element has not been updated since its creation in 1993.
11. CPA2005-00043 - (EAR-Update Administration Element) -Amend the Procedures and Administration Element by updating the Single-Family Residence Provision.
12. CPA2005-00045 - (EAR-Update Policy 113.3.1) -Amend Policy 113.3.1:update list of critical erosion areas under Beach and Dune Management Plans.
13. CPA2005-00046 - (SMART-Smart Growth Policies) -Amend the Lee Plan to incorporate the recommendations from the County's Smart Growth Initiative into the Lee Plan.
14. Review the proposed County initiated amendment list for the 2006/07 Regular Lee Plan Amendment Cycle.
15. Other Business
16. Adjournment

This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to all proposed actions. If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Further information may be obtained by contacting the Lee County Division of Planning at 479-8585. In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Janet Miller at 479-8583.

**MINUTES REPORT  
LOCAL PLANNING AGENCY  
AUGUST 28, 2006**

**MEMBERS PRESENT:**

Noel Andress (Chair)

Derek Burr (Vice Chair)

Ron Inge

Carleton Ryffel

Rae Ann Wessel

**MEMBERS ABSENT:**

Raymond Schumann

**STAFF PRESENT:**

Donna Marie Collins, Assistant County Attorney

Janet Miller, Recording Secretary

Matt Noble, Principal Planner

Paul O'Connor, Planning Director

**Agenda Item 1 – Call to Order, Certificate of Affidavit of Publication**

Mr. Andress, Chair, called the meeting to order. Ms. Collins, Assistant County Attorney, certified the affidavit of publication and submitted it to the record.

**Agenda Item 2 – Pledge of Allegiance**

**Agenda Item 3 – Public Forum** - None

**Agenda Item 4 – Approval of Minutes**

**Minutes of May 22, 2006**

Mr. Inge referred to the third paragraph on Page 6 of 7 and stated "Mr. Inge" should be replaced with Mr. "Andress."

**Mr. Inge moved to approve the May 22, 2006 meeting minutes with the correction noted, seconded by Ms. Wessel. There being no further discussion, the motion passed 6-0.**

**Minutes of June 26, 2006**

Mr. Andress referred to the second to the last paragraph on the bottom of Page 6 of 9 and stated "shelling" should be replaced with "shoaling" and "there" should be replaced with "Shell Cut."

Mr. Inge made a correction to the last page to read, "Mr. Inge noted he would be out of town from July 19-24 and that he would need his meeting packet early."

**Mr. Inge moved to approve the June 26, 2006 meeting minutes with the above mentioned corrections, seconded by Ms. Wessel. There being no further discussion, the motion passed 5-0.**

**Minutes of July 24, 2006**

**Ms. Burr moved to approve the July 24, 2006 meeting minutes, seconded by Mr. Ryffel. There being no further discussion, the motion passed 5-0.**

**Agenda Item 5 – CPA2005-00006**

Mr. Noble referred the LPA to a letter from the applicant withdrawing this case. He explained that no further action is needed at this time.

**Agenda Item 6 – CPA2005-00009**

Mr. Noble reviewed his staff report and recommendations.

Mr. Inge asked if staff had any concerns since the boundaries of this particular plan span a couple of planning districts. He asked if it created any type of management problem.

Mr. Noble did not believe it caused any problems. He explained that the goals, objectives, and policies in this plan will be noted on the Future Land Use Map. Anyone who reviews it will be able to see that there is a set of goals, objectives, and policies specific to this area of the County.

Mr. Andress asked how staff would coordinate with the City on the City portion of the district.

Mr. Noble felt this would be a challenge.

Ms. Wessel noted this community planning effort allowed the community to provide stricter conditions than the County. They could have a different standard than the County.

Mr. Noble agreed this was possible and that it would be a political decision by the Board of County Commissioners. Mr. Noble noted it can be problematic from an enforcement aspect as well as funding. He explained that the County was set up to take care of basic levels of service. The question often arises as to how the County will fund something else.

Due to a question by Ms. Wessel, Mr. Noble confirmed that other planning communities had established stricter standards than County standards.

Ms. Wessel asked if the planning communities were still allowed to have an Oversight Committee established.

Mr. Noble stated nothing was preventing the community from having an Oversight Committee to discuss these issues and attempt to resolve whatever problems are encountered.



Ms. Wessel referred to the County's coordination with the City and asked what would happen if the City had problems with something the County wanted to do if the area is within the City's jurisdiction, such as adding to the buffering of flowways or wetland edges.

Mr. Noble stated our jurisdiction would apply to unincorporated Lee County if it is placed in the Lee Plan. In order to get the change implemented at a City level, the City's Land Development Code would need to be amended.

Ms. Collins noted that we are a chartered County and that we do have certain rights to impose certain regulations within the incorporated area. However, there is a procedure that would have to be followed to do that. Other than that, there would have to be a new interlocal agreement between Lee County and the City of Fort Myers to address globally significant issues such as drainage and flowways unless it is already covered by an existing interlocal agreement. An interlocal agreement where we have coordination between the government voluntarily would be preferred.

Mr. Andress asked if anyone from the public wished to comment.

Mr. Michael Roeder, Chairman of the Planning Committee for the East Lee County Council, provided some background information on this Community Plan. He noted they did not have any major disagreements with staff, but they had a few comments:

- In case the county-wide effort regarding Mixed Use Development does not work out, Mr. Roeder wanted to have the option to have Mixed Use policy regulations included in this policy that is specific to Palm Beach.
- Secondly, Mr. Roeder discussed having an Oversight Committee for the area even though it is not encouraged by County staff.
- The idea of this plan is to make Palm Beach Boulevard a true boulevard, not just a land use strip. This will take money. The thought was to either create a CRA, a Community Development Improvement District, or an MSTU. Some means of generating funding to make these improvements should be identified. Part of this would involve having a local body of citizens who would oversee this type of effort, such as an Oversight Board, which is not encouraged by County staff. Once a funding source is identified, an Oversight Board could meet regularly to make recommendations on how to spend that money whether it is signage, landscaping, etc.
- Mr. Roeder expressed their concerns over opening up the whole corridor to billboard signs. The community wants to discourage billboards along Palm Beach Boulevard because they do not feel it helps the character of the community. The item is not currently addressed in the plan. Mr. Roeder felt it should be discussed further before it is finally sent to DCA in Tallahassee.
- Mr. Roeder announced they were trying to hire DRMP to do phase II studies for both Palm Beach and Caloosahatchee Shores. The funding request should be on the County Commission agenda in September. This position will help with these sets of amendments plus future issues involving the Palm Beach area.
- Mr. Roeder clarified that he did not want staff to make any specific changes to the plan being proposed today, but that he hoped some items might be talked about with staff in the future.

Mr. Ryffel referred to Policy 23.6.2 regarding bikeways, pedestrian ways, and equestrian trails. He felt it was important for the community to have this streetscape and suggested this language be kept in to allow for flexibility. He suggested some language be added at the end, such as, "when land is available to do so."

Mr. Ryffel referred to Policy 23.4.2 regarding the creation of an Oversight Board and asked why the applicant felt this was important to the community.

Mr. Roeder explained that the Oversight Board would be responsible for finding and applying for funding for redevelopment activities. The Board would not function as a review board, similar to what Estero has in place. The Board would guide capital improvements not development orders. Mr. Roeder stated that at some point, they will want to retain this policy.

Mr. Inge expressed his concerns with creating a Board for different communities because they all have different rules and regulations that are difficult to manage. It can also causes inconsistency from place to place when every community has their own sector plans.

Ms. Wessel asked if there was something else that would require someone to consult with this community since this Policy is being removed.

Mr. Roeder noted that Caloosahatchee Shores does have a policy that says if you are going to do a planned development, you should make a community presentation. Mr. Roeder felt it made sense to have this type of policy included with the Palm Beach Boulevard plan. It would be a good way to inform the community and would give developers an opportunity to present their plans.

Mr. Ryffel believed this Policy should be kept in, otherwise, it would be like taking a tool away from them. He felt the County should give them every opportunity to make this plan the way they want it to be.

After further discussion, it was decided that Mr. Roeder would have further discussions with staff regarding retaining Policy 23.4.2 to further clarify the intent.

Mr. Andress stated he did not have a problem with Policy 23.6.2 being stricken. He explained that this issue came up with the Pine Island plan. The community could not get the easements donated. They had to put the sidewalks over culverts and ditches in some places. In discussions with DOT, Mr. Loveland felt that by removing this policy, it would allow for greater flexibility especially along boulevards due to plans for medians. Mr. Andress felt the applicant would need all the space possible because businesses are currently close to the road and there have been discussions about widening Palm Beach Boulevard to a 6-lane highway all across the state. Mr. Andress did not believe any policy would stand in the way of that.

Mr. Roeder noted that staff was proposing some mixed use development and had talked about designating some commercial nodes. Mr. Roeder wanted it on record that they would like to add the area of the Eastwood Golf Club (I75/Palm Beach Boulevard) to the list of potential nodes.

There were no further comments from the public.

After further discussion regarding Policy 23.6.2, Mr. O'Connor explained that specific language like that should not be included in the Comprehensive plan because it will be difficult to get any type of deviation from it. He also noted that these strips would be within the right-of-way and are dedicated to DOT. He did not feel this section was directed at developers because the sidewalks are in the right-of-way and any space between the sidewalk and the curb would be under DOT.

Mr. Noble stated that DOT has multiple issues such as, draining, adjoining uses, access points, and signage. Any of those issues could lead to a space issue that could not accommodate a 4-foot planning strip. In addition to that, there are maintenance issues. DOT wants to handle this in a methodical manner and believe it's better to handle this during the design phase so that public participation can take place.

Mr. Ryffel asked if plantings along the roads were important to DOT.

Mr. Noble stated the County has spent millions of dollars on landscaping. DOT is aware that landscaping is part of the community image.

Mr. O'Connor noted there was a County Road Landscape Committee in place that makes recommendations to the Board of County Commissioners. Mr. O'Connor believed an item was on the upcoming Tuesday BOCC meeting where they would be assigning 1.8 million dollars to the landscaping of US 41 from Jamaica Bay South for a couple of miles. This is an important issue to the County and they are dedicating funds towards it.

Ms. Burr stated she was not concerned about striking the language in Policy 23.6.2. She referred to work that had taken place on Martin Luther King Boulevard (a state road), which she felt turned out nice. It seemed to her that some coordination took place between the community and DOT.

**Mr. Inge made a motion to recommend transmittal of CPA2005-00009 without any changes, seconded by Ms. Burr. The motion passed 5-0.**

#### **Agenda Item 7 - CPA2005-00028**

Mr. Irving gave an overview of his staff report.

Mr. Inge referred to the fourth bullet item on Page 3 of 17 and noted that the last word "uplands" should be "wetlands."

Mr. Irving stated this correction would be made. He also handed out a distribution sheet that explains in more detail which plant communities have how many wetlands, and conservation uplands are in each area.

Mr. Inge referred to the total acreage and asked if that figure included all of the lands that are dedicated to conservation that are publicly and privately owned.

Mr. Irving stated the total acreage represented land owned by various government agencies, as well as some that were provided by the Caloosa Land Trust, which is the only public entity that is included in the Conservation Lands categories. He referred the Board to the bottom of Page 4 of 17 where it lists the existing conservation lands and all the preserves that are included. Mr. Irving reviewed the handout with the Board. He noted this amendment included lands that were purchased by Lee County specifically, however, there are lands that were purchased by the State since 2003 when the last amendment was made. Those lands will be included in the future amendment cycle next year.

Mr. Noble did not feel this reflected conservation as a whole. He noted that Mr. Irving had not updated the South Florida Water Management District holdings, which will take place during next year's cycle. He also believed this amendment included some additional privately held properties from Miromar Lakes that they traded in for some DRGR lands. Mr. Noble believed some of those properties were placed into the Conservation Land Use category.

Due to questions by Mr. Address, Mr. Irving clarified that the attached map did include lands on Cayo Costa and Little Pine Island. It also includes Flint Pen, as well as other 20/20 properties that were purchased up to the year 2002.

Mr. Noble stated the Board should see this map as a work in progress. He noted it would take time to perfect the map because Mr. Irving needs to verify ownership and make sure that the land is voluntarily placed in the category. He stated staff had to be careful because they do not want to create Burt Harris issues with these kinds of amendments. This map is for informational purposes for the general public to give them a sense of where the conservation lands are located. He noted there was a lot of land not being designated that is being held for conservation purposes.

Mr. Ryffel questioned why the airport mitigation lands were not part of this.

Mr. Noble stated there were still issues of mitigation taking place on that property. There is also some additional mitigation on those lands for permits that have not happened yet. Staff is not sure that those permits can still be obtained from outside agencies with the land already being designated "Conservation."

Mr. Inge noted the County is often criticized for not taking conservation seriously. He believed the County should work toward having a more comprehensive list so that when the critics surface, the County will have some evidence that shows all the conservations lands out there. At some point down the road, staff can look at private property in more depth to make sure some of those properties may have land that should be listed as "Conservation" as well.

Mr. Noble stated that Mr. Irving's division has begun some of that work. He noted that Mr. Irving's division had spent about 1-2 years working on conservation lands and were beginning to know where those privately owned properties were located.

General discussion and questions ensued.

Mr. Address asked if anyone from the public wished to comment. There was no response.

**Mr. Ryffel made a motion to recommend transmittal of CPA2005-00028, seconded by Mr. Inge. There being no further discussion, the motion passed 5-0.**

**Agenda Item 8 - CPA2005-00029**

Mr. Blackwell reviewed the highlights of his staff report and recommendations.

Mr. Ryffel asked for clarification of what the two S's symbolize on the map.

Mr. O'Connor noted those symbols were in three places and stand for the Interstate. He explained those symbols appear this way as a result of GIS changing their system.

Mr. Ryffel felt it should be put in the legend if the symbol means something.

Mr. Noble stated staff did not like the whole map. It is merely a general locator. When it is transmitted to DCA, staff will replace it with something that shows the individual parcels on the County's scale, the outline of the parcel.

Mr. Andress asked if anyone from the public wished to comment on this issue. There was no response.

**Mr. Inge made a motion to recommend transmittal of CPA2005-00029, seconded by Ms. Wessel. There being no further discussion, the motion passed 5-0.**

**Agenda Item 9 - Other Business**

Mr. Andress asked for clarification on the Lee Plan codification pages that were included in the Board's meeting packet. He did not recall these items ever coming before the Local Planning Agency. He also asked questions about TDRs.

Mr. O'Connor explained the packet was intended to be substitution pages for their current Lee Plan. He stated he did not have the TDR language in front of him. He stated that if Mr. Andress had some concerns he could discuss them with him at another time.

**Agenda Item 10 – Adjournment**

The meeting adjourned at 9:40 a.m.

**LOCAL PLANNING AGENCY  
ATTENDANCE RECORD FOR 2006**

Committee Member	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Sept	Oct	Nov	Dec
Noel Andress	NM	P	P	NM	P	P	P	P					
Alissa Bierma	NM	P	P	NM	RES	RES	RES	RES					
Derek Burr	NM	P	P	NM	P	P	P	P					
Ron Inge	NM	P	P	NM	P	P	P	P					
Carleton Ryffel	NM	P	P	NM	P	A	P	P					
Raymond Schumann	NM	A	A	NM	A	P	P	A					
Rae Ann Wessel					P	P	A	P					

P - Present  
 A - Absent  
 NM - No Meeting  
 RES - Resignation

# NEWS-PRESS

Published every morning - Daily and  
Sunday

Fort Myers, Florida

## Affidavit of Publication

STATE OF FLORIDA  
COUNTY OF LEE

Before the undersigned authority, personally appeared

**Kathy Allebach**

who on oath says that he/she is the

**Legal Assistant**

of the News-Press, a  
daily newspaper, published at Fort Myers, in Lee County,  
Florida; that the attached copy of advertisement, being a

**Display**

In the matter of

**Meeting Notice**

In the court was published in said newspaper in the  
issues of

**August 18, 2006**

Affiant further says that the said News-Press is a paper of  
general circulation daily in Lee, Charlotte, Collier, Glades  
and Hendry Counties and published at Fort Myers, in said Lee  
County, Florida and that said newspaper has heretofore been  
continuously published in said Lee County, Florida, each day,  
and has been entered as a second class mail matter at the post  
office in Fort Myers in said Lee County, Florida, for a period of  
one year next preceding the first publication of the attached copy  
of the advertisement; and affiant further says that he/she has  
neither paid nor promised any person, firm or corporation any  
discount, rebate, commission or refund for the purpose of  
securing this advertisement for publication in the said  
newspaper.



Sworn to and subscribed before me this

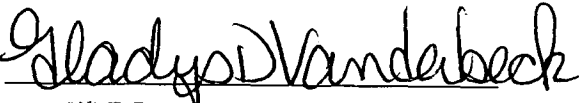
18th day of August 2006 by

**Kathy Allebach**

personally known to me or who has produced

as identification, and who did or did not take an  
oath.

Notary Public



Print Name

NOTARY PUBLIC

**Gladys D. Vanderbeck**

Commission # DD378967

Expires December 13, 2008

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AUG 22 2006

COMMUNITY DEVELOPMENT



LEE COUNTY  
SOUTHWEST FLORIDA

## MEETING NOTICE LOCAL PLANNING AGENCY PUBLIC HEARING

Notice is hereby given that the Lee County Local Planning Agency (LPA) will  
meet on Monday, August 28, 2006. The meeting will be held in the Board  
of County Commission Chambers at 2120 Main Street in downtown Fort  
Myers. The meeting will commence at 8:30 a.m.

### AGENDA

1. Call to Order; Certification of Affidavit of Publication
2. Pledge of Allegiance
3. Public Forum
4. Approval of Minutes:
  - A. May 22nd, 2006
  - B. June 26th, 2006
  - C. July 24th, 2006
5. CPA2005-00006 - Amend the Future Land Use Map series, Map 6  
Lee County Utilities Future Water Service Areas, and Map 7 Lee  
County Utilities Future Sewer Service Areas to include a 75 acre  
parcel located along Corkscrew Road in the Density Reduction/  
Groundwater Resource Future Land Use category.
6. CPA2005-00009 - Amend the Future Land Use Element to add a  
Goal, Objectives, and Policies that are specific to the Palm Beach  
Community.
7. CPA2005-00028 - Amend the Future Land Use Map series, Map  
1, by updating the Conservation Lands land use categories.
8. CPA2005-00029 - Amend the Future Land Use Map Series, Map  
1, the Future Land Use Map, to update the mapped Public Facilities  
Future land use category by adding and/or removing lands to  
more accurately identify publicly owned lands.
9. Other Business
10. Adjournment

This meeting is open to the public and all interested parties are encouraged  
to attend. Interested parties may appear and be heard with respect to all  
proposed actions. If a person decides to appeal any decision made by the  
board, agency or commission with respect to any matter considered at such  
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reasonable accommodation, please contact Janet Miller at 479-8583.

LEE COUNTY ORDINANCE 06-\_\_\_\_\_

AN ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE (LDC) TO AMEND CHAPTER 2 (ADMINISTRATION), ARTICLE VI (IMPACT FEES), DIVISION ONE (GENERALLY), DIVISION TWO (ROADS IMPACT FEE); AMENDING COMPUTATION OF AMOUNT (SECTION 2-266); PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, Goal 39 of the Lee Plan mandates that the County maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts and protect and preserve public transportation facilities; and,

WHEREAS, the Board of County Commissioners has the authority to adopt impact fees pursuant to Article VIII of the Constitution of the State, Florida Statutes, Chapter 125 and Sections 163.3201, 163.3202, and 380.06(16); and,

WHEREAS, Policy 2.3.2. of the Lee County Comprehensive Plan (Lee Plan) provides that the cost for the provision and expansion of services and facilities that benefit new development will be borne primarily by those who benefit, and that such funding may include impact fees; and,

WHEREAS, Lee Plan Policy 38.1.1. requires the County to maintain an effective and fair system of impact fees to ensure that development creating additional impacts on arterial and collector roads pays an appropriate fair share of the costs to mitigate off-site impacts; and,

WHEREAS, pursuant to Lee Plan Policy 38.1.3., road impact fees must be reviewed regularly and updated when necessary to reflect travel characteristics, construction, and right-of-way costs and to determine if the capital impacts of new growth are met by the fees; and,

WHEREAS, Lee Plan Policy 38.1.7. provides that the use of road impact fee revenues to improve State roads is an acceptable application of those funds; and,

WHEREAS, Lee Plan Objective 39.1. requires the County to maintain and enforce development regulations to ensure that impacts of development approvals occur concurrently with adequate roads, and to achieve maximum safety, efficiency, and cost effectiveness; and,



WHEREAS, pursuant to Lee Plan Policy 95.1.3., the "minimum acceptable level of service" is the basis for roadway facility design, for setting impact fees, and, where applicable, for the operation of the Concurrency Management System; and,

WHEREAS, Lee Plan Policy 95.3.1. states that impact fees will be set to capture a substantial portion of the full and real cost of the designated facility, and will be reviewed and updated regularly; and,

WHEREAS, Lee Plan Policy 135.1.5. requires the County to provide financial and technical support, including the payment, waiver, or reduction of impact fee for affordable housing; and,

WHEREAS, Land Development Code, Section 2-266(f), requires the Board of County Commissioners to review the road impact fee schedule every three years and update when necessary; and,

WHEREAS, the Board of County Commissioners approved a contract with Duncan and Associates, Inc., to review and update the County road impact fee schedule; and,

WHEREAS, the study prepared by Duncan and Associates, Inc., entitled "Road Impact Fee Study - Lee County, Florida", dated July 2006, forms the basis of the proposed amendments herein; and,

WHEREAS, the Duncan and Associates, Inc., study and revised fee schedule relies upon the best available technical data and the use of sophisticated methodology to determine the impacts of development in an effort to establish an appropriate level of impact fees based on most recent localized data; and,

WHEREAS, the Florida Impact Fee Act set forth in Section 163.31801, Florida Statutes, requires local governments to provide for accounting and reporting of impact fee collections and expenditures. The Act further requires local governments that impose impact fees to address infrastructure needs to account for the revenues and expenditures of the impact fees in separate accounting funds; and,

WHEREAS, the Florida Impact Fee Act requires that local governments limit administrative charges for the collection of impact fees to actual costs; and,

WHEREAS, the Act requires that audits of financial statements of local governmental entities performed by a certified public accountant pursuant to Section 218.39, Florida Statutes, and submitted to the Auditor General include an affidavit signed by the Chief Financial Officer of the County stating that the county has complied with the accounting and reporting requirements of the Act; and,

WHEREAS, the Land Development Code Advisory Committee reviewed the proposed amendments to the Road Impact Fee Regulations on September 8, 2006; and,

WHEREAS, the Executive Regulatory Oversight Committee reviewed the proposed amendments to the Road Impact Fee Regulations on September 13, 2006; and,

WHEREAS, the Lee County Affordable Housing Committee reviewed the proposed amendments to the Road Impact Fee Regulations on September 19, 2006; and,

WHEREAS, the Local Planning Agency reviewed the proposed amendments to the Road Impact Fee Regulations on September 25, 2006, and found the amendments consistent with the Lee Plan.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lee County, Florida:

**SECTION ONE, AMENDMENT TO LAND DEVELOPMENT CODE, CHAPTER 2, ARTICLE VI, DIVISION ONE**

Lee County Land Development Code, Chapter 2, Article VI, Division One, is amended to read as follows, with underlined text identifying new language:

**Sec. 2-231. Compliance with Florida Impact Fee Act**

(a) In accordance with the Florida Impact Fee Act adopted as part of Chapter 163, Florida Statutes, the County will provide for accounting and reporting of impact fee collections and expenditures. The County will account for the revenues and expenditures of impact fees that address infrastructure needs in a separate accounting fund.

(b) Audits of County financial statements that are performed by a certified public accountant in accordance with Florida Statutes, Section 218.39, and submitted to the Auditor General, must include an affidavit signed by the Chief Financial Officer of the County confirming that the County has complied with the annual financial audit reporting requirements of the Uniform Local Government Financial Management and Reporting Act and the Florida Impact Fee Act.

(c) The calculation of impact fees must be based on the most recent and localized data available.

(d) The administrative charges for the collection of impact fees must be limited to actual costs.

**SECTION TWO. AMENDMENT TO LAND DEVELOPMENT CODE, CHAPTER 2, ARTICLE VI, DIVISION TWO**

Lee County Land Development Code, Chapter 2, Article VI, Division 2, is amended to read as follows, with "strike through" identifying deleted language and "underline" identifying new language:

**Sec. 2-266. Computation of Amount**

(a) At the option of the feepayer, the amount of the roads impact fee may be determined by the schedule set forth in this subsection. The reference in the schedule to square feet refers to the gross square footage of each floor of a building measured to the exterior walls, and not usable, interior, rentable, noncommon or other forms of net square footage. The reference in the schedule to mobile home/RV park site refers to the number of mobile home or recreational vehicle sites permitted by the applicable final development order.

**ROADS IMPACT FEE SCHEDULE**

<i>Land Use Type</i>	<i>Unit</i>	<i>Roads Impact Fee Due at 100% of Actual Full Cost</i>		
<b>Residential</b>			<u>Local Roads</u>	<u>Local and State Roads</u>
Single-family residence	Dwelling unit	<del>\$2,971.00</del>	<u>\$8,976</u>	<u>\$9,125</u>
Multiple-family building, duplex, townhouse, two-family attached	Dwelling unit	<del>\$2,059.00</del>	<u>\$6,297</u>	<u>\$6,402</u>
Mobile home/RV park	Pad/park site	<del>\$1,488.00</del>	<u>\$4,686</u>	<u>\$4,764</u>
Elderly/disabled housing	Dwelling unit	<del>\$1,017.00</del>	<u>\$3,261</u>	<u>\$3,315</u>
Adult Congregate Living facility (ACLF)	Dwelling unit	<del>\$670.00</del>	<u>\$2,025</u>	<u>\$2,058</u>
Hotel/motel or timeshare	Room/unit	<del>\$2,237.00</del>	<u>\$6,762</u>	<u>\$6,875</u>

<b>Retail Commercial</b>			<u>Local Roads</u>	<u>Local and State Roads</u>
Shopping center	1,000 sq. ft.	<del>\$5,063.00</del>	<u>\$15,837</u>	<u>\$16,101</u>
Bank	1,000 sq. ft.	<del>\$8,038.00</del>	<u>\$25,134</u>	<u>\$25,552</u>
Car wash, self-service	Stall	<del>\$1,683.00</del>	<u>\$5,262</u>	<u>\$5,350</u>
Convenience store w/gas sales	1,000 sq. ft.	<del>\$11,250.00</del>	<u>\$40,305</u>	<u>\$40,976</u>
Golf course (open to public)	Acre	<del>\$862.00</del>	<u>\$2,697</u>	<u>\$2,742</u>
Movie theater	1,000 sq. ft.	<del>\$7,427.00</del>	<u>\$23,220</u>	<u>\$23,607</u>
Restaurant, standard	1,000 sq. ft.	<del>\$6,504.00</del>	<u>\$20,337</u>	<u>20,676</u>
Restaurant, fast food	1,000 sq. ft.	<del>\$12,763.00</del>	<u>\$44,337</u>	<u>\$45,076</u>
<b>Office/Institutional</b>				
Office, general	1,000 sq. ft.	<del>\$2,336.00</del>	<u>\$7,305</u>	<u>\$7,426</u>
Office, medical	1,000 sq. ft.	<del>\$7,716.00</del>	<u>\$24,126</u>	<u>\$24,528</u>
Hospital	1,000 sq. ft.	<del>\$3,582.00</del>	<u>\$11,736</u>	<u>\$11,932</u>
Nursing home	1,000 sq. ft.	<del>\$1,004.00</del>	<u>\$4,071</u>	<u>\$4,139</u>
Church	1,000 sq. ft.	<del>\$1,467.00</del>	<u>\$4,575</u>	<u>\$4,651</u>
Day care center	1,000 sq. ft.	<del>\$4,107.00</del>	<u>\$12,840</u>	<u>\$13,054</u>
Elementary/secondary school (private)	1,000 sq. ft.	<del>\$643.00</del>	<u>\$2,223</u>	<u>\$2,260</u>
<b>Industrial</b>				
Industrial park or general industrial	1,000 sq. ft.	<del>\$2,050.00</del>	<u>\$6,195</u>	<u>\$6,299</u>
Warehouse	1,000 sq. ft.	<del>\$1,461.00</del>	<u>\$4,416</u>	<u>\$4,490</u>
Mini-warehouse	1,000 sq. ft.	<del>\$508.00</del>	<u>\$1,587</u>	<u>\$1,613</u>

Notes: **Unchanged**

(b) **Unchanged.**

(c) The fee schedules set forth in section 2-266 ~~were~~ was amended in on October 2003 ~~24, 2006~~. The fee schedule in effect prior to ~~November 3, 2003~~ October 24, 2006, will remain in effect until the new fees take effect as follows:

(1) ~~Decreases.~~ ~~Decreases in the existing fee for a use type will be effective November 3, 2003.~~

(2) ~~Increases.~~

b. (1) A building permit or mobile home move-on permit or recreational vehicle park development order application submitted after ~~December 3, 2003~~ January 31, 2007, or any building permit or mobile home move-on permit or development order issued after ~~March 3, 2004~~ April 27, 2007, will be subject to the amended impact fee schedule.

a. (2) A building permit or mobile home move-on permit or recreational vehicle park development order application submitted on or before ~~December 3, 2003~~ January 31, 2007, will be assessed an impact fee based upon the fee schedule applicable on ~~November 2, 2003~~ January 31, 2007, but only if the building permit or mobile home move-on permit or recreational vehicle park development order is issued on or before ~~March 3, 2004~~ April 27, 2007.

c. (3) After April 27, 2007, ~~The the~~ director may accept payment according to the fee schedule in effect prior to ~~November 3, 2003~~ January 31, 2007, only if the following conditions are met. The director's decision is not subject to appeal under section 34-145 of this code.

4. a. The application for the permit or development order must have been properly submitted and sufficient for review on or before ~~December 3, 2003~~ January 31, 2007; and,

2. b. The sole grounds for accepting payment under this subsection will be that a governmental action or failure to act in a timely manner caused the issuance of the permit or development order to be delayed beyond ~~March 3, 2004~~ April 27, 2007; and,

3. c. The applicant submits a written request to the director specifying the reasons for the request; and,

4. d. The director's decision must be in writing and it must set forth the governmental action or failure to act that caused unnecessary delay in the issuance of the permit or development order; and,

5. e. The ability and authority to accept such payments will terminate on ~~May 2, 2004~~ June 30, 2007.

**Remainder of Section is not changed.**

### **SECTION THREE: CONFLICTS OF LAW**

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

### **SECTION FOUR: SEVERABILITY**

It is the Board of County Commissioner's intent that if any section, subsection, clause or provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will be considered a separate provision and will not affect the remaining provisions of this ordinance. The Board of County Commissioners further declares its intent that this ordinance would have been adopted if such invalid or unconstitutional provision was not included.

### **SECTION FIVE: CODIFICATION AND SCRIVENER'S ERRORS**

The Board of County Commissioners intend that this ordinance will be made part of the Lee County Code; and that sections of this ordinance can be renumbered or relettered and that the word "ordinance" can be changed to "section", "article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or relettered and typographical errors that do not affect the intent can be corrected with the authorization of the County Manager, or his designee, without the need for a public hearing.

### **SECTION SIX: EFFECTIVE DATE**

The ordinance was adopted on October 24, 2006. The new fee schedule will take effect in accordance with Section Two of this ordinance.

THE FOREGOING ORDINANCE was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and, when put to a vote, the vote was as follows:

Robert P. Janes  
Douglas St. Cerny  
Ray Judah  
Tammara Hall  
John Albion

DONE AND ADOPTED this 24<sup>th</sup> of October 2006.

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

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

BY: \_\_\_\_\_  
Tammara Hall, Chairwoman

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

Approved as to form by:

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

# Road Impact Fee Study



## Lee County, Florida

**duncan** | associates

*in association with*  
**CRSPE, Inc.**

**July 2006**



## Table of Contents

INTRODUCTION .....	1
LEGAL FRAMEWORK .....	2
The Need Test .....	2
The Benefit Test .....	3
Florida Statutes .....	5
BENEFIT DISTRICTS .....	7
MAJOR ROADWAY SYSTEM .....	9
METHODOLOGY .....	12
Service Unit .....	12
Demand-Driven Model .....	12
Impact Fee Formula .....	13
COST PER SERVICE UNIT .....	14
Cost per Lane-Mile .....	14
Roadway Capacity .....	16
Cost per Service Unit Summary .....	19
REVENUE CREDITS .....	21
Gas Tax Credit .....	21
Excess Toll Revenue Credit .....	25
TRAVEL DEMAND .....	27
Trip Generation .....	27
New Trip Factor .....	27
Average Trip Length .....	27
Local Adjustment Factor .....	28
Travel Demand Summary .....	30
FEE SCHEDULE .....	32
Comparative Fees .....	33
APPENDIX: MAJOR ROAD INVENTORY .....	35

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## List of Tables and Figures

Table 1:	LEE COUNTY POPULATION GROWTH, 1990-2000 .....	1
Table 2:	ROAD IMPACT FEE REVENUE, 2005 .....	8
Table 3:	EXISTING TRAVEL ON MAJOR ROADWAY SYSTEM .....	9
Table 4:	PLANNED IMPROVEMENT PROJECT COSTS .....	15
Table 5:	ROAD COST PER LANE-MILE .....	16
Table 6:	CAPACITY ADDED BY PLANNED IMPROVEMENT PROJECTS .....	18
Table 7:	AVERAGE DAILY CAPACITY PER LANE .....	19
Table 8:	ROAD COST PER SERVICE UNIT .....	20
Table 9:	FEDERAL/STATE FUEL TAX CAPACITY FUNDING, 2002-2006 .....	21
Table 10:	PERCENT OF FEDERAL/STATE FUEL TAX FUNDING TO CAPACITY .....	22
Table 11:	MOTOR FUEL TAX CREDIT PER GALLON .....	24
Table 12:	MOTOR FUEL TAX CREDIT PER SERVICE UNIT .....	25
Table 13:	EXCESS TOLL REVENUE CREDIT .....	26
Table 14:	AVERAGE TRIP LENGTH BY TRIP PURPOSE .....	28
Table 15:	COUNTY-WIDE VEHICLE-MILES OF TRAVEL .....	28
Table 16:	MAJOR ROADWAY SYSTEM TRAVEL DEMAND .....	30
Table 17:	LOCAL ADJUSTMENT FACTOR .....	30
Table 18:	TRAVEL DEMAND SCHEDULE .....	31
Table 19:	UPDATED ROAD IMPACT FEES (LOCAL PROJECTS) .....	32
Table 20:	UPDATED ROAD IMPACT FEES (ALL PROJECTS) .....	33
Table 21:	COMPARISON OF CURRENT AND UPDATED ROAD FEES .....	34
Table 22:	EXISTING MAJOR ROADWAY INVENTORY .....	35

Figure 1:	LEE COUNTY POPULATION .....	2
Figure 2:	ROAD IMPACT FEE BENEFIT DISTRICTS .....	7
Figure 3:	2020 FINANCIALLY FEASIBLE HIGHWAY PLAN .....	10
Figure 4:	EXISTING MAJOR ROADWAYS .....	11
Figure 5:	ROAD IMPACT FORMULA .....	13

## INTRODUCTION

The purpose of this study is to update Lee County's road impact fees. The road impact fees were originally adopted in 1985. The fee schedules were updated in 1989, 1990, 2000 and 2003. The current road impact fee schedule is based on a previous study by Duncan Associates.<sup>1</sup> This update retains the methodology used in the prior studies.

Impact fees are most appropriate for communities experiencing rapid growth. During the last decade, Lee County's population grew by approximately 32 percent, significantly higher than the 24 percent growth experienced by the state as a whole. As shown in Table 1, the population of the unincorporated area in 2000 was 17 percent higher than it was in 1990, even after subtracting the populations of Fort Myers Beach and Bonita Springs, both of which incorporated during the last decade.

**Table 1**  
**LEE COUNTY POPULATION GROWTH, 1990-2000**

Jurisdiction	Population		% of 2000 Population	% Growth
	1990	2000		
Bonita Springs (1)	n/a	32,914	7.5%	n/a
Cape Coral	74,991	102,206	23.2%	36.3%
Fort Myers	45,206	48,046	10.9%	6.3%
Fort Myers Beach (2)	n/a	6,539	1.5%	n/a
Sanibel	5,468	6,042	1.4%	10.5%
Unincorporated	209,448	245,141	55.6%	17.0%
<b>Total County</b>	<b>335,113</b>	<b>440,888</b>	<b>100.0%</b>	<b>31.6%</b>

Notes: (1) incorporated on January 1, 2000; (2) incorporated on January 1, 1996

Source: 1990 and 2000 U.S. Census.

The County's road impact fee program applies to new development in the unincorporated areas of the county. The City of Sanibel and the City of Fort Myers have entered into interlocal agreements with the County to collect and administer the County's road impact fees within their respective jurisdictions. These two municipalities retain the impact fees they collect and spend them within their corporate limits. The other municipalities in the county—Cape Coral, Bonita Springs and Fort Myers Beach—have their own independent road impact fee systems. There are currently five impact fee benefit districts in the unincorporated area of Lee County where fees are collected.

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<sup>1</sup> Duncan Associates and CRSPE, Inc., *Road Impact Fee Update for Lee County, Florida*, July 2003; the road impact fees were updated by Ordinance No. 03-22, effective October 28, 2003.

## LEGAL FRAMEWORK

Impact fees are a way for local governments to require new developments to pay a proportionate share of the infrastructure costs they impose on the community. In contrast to traditional “negotiated” developer exactions, impact fees are charges that are assessed on new development using a standard formula based on objective characteristics, such as the number of dwelling units constructed or vehicle trips generated. The fees are one-time, up-front charges, with the payment usually made at the time of building permit issuance. Essentially, impact fees require that each new development project pay its pro-rata share of the cost of new capital facilities required to serve that development.

Since impact fees were pioneered in states like Florida that lacked specific enabling legislation, such fees have generally been legally defended as an exercise of local government’s broad “police power” to regulate land development in order to protect the health, safety and welfare of the community. The courts have developed guidelines for constitutionally valid impact fees, based on “rational nexus” standards.<sup>2</sup> The standards set by court cases generally require that an impact fee meet a two-part test:

- 1) The need for new facilities must be created by new development; and
- 2) The expenditure of impact fee revenues must provide benefit to the fee-paying development.

A Florida district court of appeals described the dual rational nexus test in 1983 as follows, and this language was quoted and followed by the Florida Supreme Court in its 1991 *St. Johns County* decision:<sup>3</sup>

*In order to satisfy these requirements, the local government must demonstrate a reasonable connection, or rational nexus, between the need for additional capital facilities and the growth in population generated by the subdivision. In addition, the government must show a reasonable connection, or rational nexus, between the expenditures of the funds collected and the benefits accruing to the subdivision. In order to satisfy this latter requirement, the ordinance must specifically earmark the funds collected for use in acquiring capital facilities to benefit the new residents.*

### The Need Test

To meet the first prong of the dual rational nexus test, it is necessary to demonstrate that new development creates the need for additional roadway facilities. The State’s *Growth Management Act* requires that counties establish levels of service for roadway facilities and a plan for ensuring that such standards are maintained.<sup>4</sup> The County’s comprehensive plan expresses the County’s commitment to maintaining specified levels of service; including LOS E on County arterials and collectors, LOS D on

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<sup>2</sup> There are six Florida cases that have guided the development of impact fees in the state: *Contractors and Builders Association of Pinellas County v. City of Dunedin*, 329 So.2d 314 (Fla. 1976); *Hollywood, Inc. v. Broward County*, 431 So.2d 606 (Fla. 1976); *Home Builders and Contractors Association of Palm Beach County, Inc. v. Board of County Commissioners of Palm Beach County*, 446 So.2d 140 (Fla. 4<sup>th</sup> DCA 1983); *Seminole County v. City of Casselberry*, 541 So.2d 666 (Fla. 5<sup>th</sup> DCA 1989); *City of Ormond Beach v. County of Volusia*, 535 So.2d 302 (Fla. 5<sup>th</sup> DCA 1988); and *St. Johns County v. Northeast Florida Builders Association*, 583 So. 2d 635, 637 (Fla. 1991).

<sup>3</sup> *Hollywood, Inc. v. Broward County*, 431 So. 2d 606, 611-12 (Fla. 4<sup>th</sup> DCA), review denied, 440 So. 2d 352 (Fla. 1983), quoted and followed in *St. Johns County v. Northeast Florida Builders Ass’n*, 583 So. 2d 635, 637 (Fla. 1991).

<sup>4</sup> Section 163.3177(3)(a), Florida Statutes, provides that “The comprehensive plan shall contain a capital improvements element designed to consider the need for and the location of public facilities [defined to include roads] in order to encourage the efficient utilization of such facilities and set forth ... the adequacy of those facilities including acceptable levels of service.”

non-interstate freeways, and LOS C and LOS D on I-75 through transitioning and urbanized areas, respectively.

The county's rapid growth creates demands for new road facilities in order to maintain acceptable levels of service. There is every indication that the strong growth the county has experienced in recent years will continue. Population projections prepared by the Southwest Florida Regional Planning Council indicate that the county will continue to add about 10,000 new residents each year through the year 2020.<sup>5</sup> Only after 2020 will the growth begin to taper off, as illustrated in Figure 1.

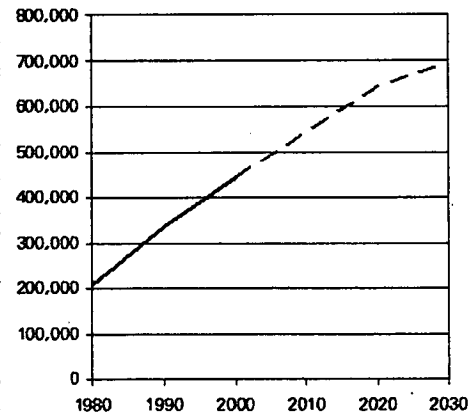
This need for road improvements due to rapid growth is reflected in County's CIP, the City of Fort Myers CIP, FDOT's Lee County work program and the Lee County MPO transportation improvement program. Over the next five years, these planning documents program capacity-expanding road improvements, excluding toll revenue projects, that total \$957.1 million (see Table 4).

Not only is it clear that growth creates the need for capacity-expanding road improvements, but the road impact fees are designed to be proportional to the capacity needs created by each new development. The need for roadway capacity improvements is created by the growth in vehicular travel, and the road impact fees are based on the average vehicular travel, expressed in terms of vehicle-miles of travel, that will be generated by the development. In addition, the road impact fee ordinance contains a provision allowing an applicant who believes that his development will have less impact than indicated by the fee schedules to submit an independent fee calculation study.<sup>6</sup>

### The Benefit Test

To meet the second prong of the dual rational nexus test, it is necessary to demonstrate that new development subject to the fee will benefit from the expenditure of the impact fee funds. One requirement is that the fees actually be used to fill the need that serves as the justification for the fees under the first part of the test. The road impact fee ordinance contains provisions requiring that road impact fee revenues be spent only on growth-related capital improvements. For example, the ordinance states that the "Funds collected from roads impact fees must be used for the purpose of capital improvements to approved roads. Such improvements must be of the type made necessary by the new development. Funds may not be used for periodic or routine maintenance ... ."<sup>7</sup> The ordinance further defines "capital improvement" as:

**Figure 1**  
**LEE COUNTY POPULATION**



<sup>5</sup> Southwest Florida Regional Planning Council, *Volume One of the Strategic Regional Policy Plan*, March 2002 projects that Lee County's population will increase from 440,888 in 2000 to 642,222 in 2020.

<sup>6</sup> Lee County Land Development Code, Sec. 2-266(f)

<sup>7</sup> Lee County Land Development Code, Sec. 2-270(a)

*preliminary engineering, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting and construction of all the necessary features for any non-site-related road construction project, including but not limited to:*

- (1) Constructing new through lanes;*
- (2) Constructing new turn lanes;*
- (3) Constructing new frontage or access roads;*
- (4) Constructing new bridges;*
- (5) Constructing new drainage facilities in conjunction with roadway construction;*
- (6) Purchasing and installing traffic signalization (including both new installations and upgrading signalization);*
- (7) Constructing curbs, medians, sidewalks, bicycle paths and shoulders in conjunction with roadway construction;*
- (8) Relocating utilities to accommodate new roadway construction; and*
- (9) Constructing on-street and off-street parking when such parking is intended for and designed to protect or enhance the vehicular capacity of the existing network of approved roads.<sup>8</sup>*

These provisions ensure that road impact fee revenues are spent on improvements that expand the capacity of the major roadway system to accommodate new development, rather than on the maintenance or rehabilitation of existing roadway facilities or for other purposes.

Another way to ensure that the fees be spent for their intended purpose is to require that the fees be refunded if they have not been used within a reasonable period of time. The Florida District Court of Appeals upheld Palm Beach County's road impact fee in 1983, in part because the ordinance included refund provisions for unused fees.<sup>9</sup> Lee County's road impact fee ordinance contains provisions requiring that the fees be returned to the fee payer if they have not been spent or encumbered within ten years of fee payment.

Another way to demonstrate benefit to the fee-paying development is to earmark the funds collected within a geographic subarea of the county to be spent on road improvements within the same geographic subarea. For the purpose of the road impact fees, the unincorporated area of the county is currently divided into five benefit districts (see section on Benefit Districts). The road impact fee ordinance provides that impact fee funds collected from development within a benefit district must be spent within that benefit district or on an improvement that will benefit such district:

*... impact fee collections ... must be used exclusively for capital improvements within the roads impact fee district from which funds were collected, or for projects in other roads impact fee districts that are of direct benefit to the roads impact fee district from which the funds were collected.<sup>10</sup>*

In sum, ordinance provisions requiring the earmarking of funds, refunding of unexpended funds to fee-payers, and restriction of impact fee revenues to be spent within the five benefit districts in which they were collected, ensure that the fees are spent to benefit the fee-paying development.

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<sup>8</sup> Lee County Land Development Code, Sec. 2-264

<sup>9</sup> *Home Builders Ass'n v. Board of County Commissioners of Palm Beach County*, 446 So. 2d 140 (Fla. Dist. Ct. App. 1983)

<sup>10</sup> Lee County Land Development Code, Sec. 2-270(a)

## Florida Statutes

The 2006 Florida Legislature passed Senate Bill 1194, which establishes certain requirements for impact fees in Florida. The bill, which became effective on June 14, 2006, creates a new Section 163.31801, Florida Statutes, which reads as follows:

*163.31801 Impact fees; short title; intent; definitions; ordinances levying impact fees.--*

*(1) This section may be cited as the "Florida Impact Fee Act."*

*(2) The Legislature finds that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth. The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction. Due to the growth of impact fee collections and local governments' reliance on impact fees, it is the intent of the Legislature to ensure that, when a county or municipality adopts an impact fee by ordinance or a special district adopts an impact fee by resolution, the governing authority complies with this section.*

*- (3) An impact fee adopted by ordinance of a county or municipality or by resolution of a special district must, at minimum:*

*(a) Require that the calculation of the impact fee be based on the most recent and localized data.*

*(b) Provide for accounting and reporting of impact fee collections and expenditures. If a local governmental entity imposes an impact fee to address its infrastructure needs, the entity shall account for the revenues and expenditures of such impact fee in a separate accounting fund.*

*(c) Limit administrative charges for the collection of impact fees to actual costs.*

*(d) Require that notice be provided no less than 90 days before the effective date of an ordinance or resolution imposing a new or amended impact fee.*

*(4) Audits of financial statements of local governmental entities and district school boards which are performed by a certified public accountant pursuant to s. 218.39 and submitted to the Auditor General must include an affidavit signed by the chief financial officer of the local governmental entity or district school board stating that the local governmental entity or district school board has complied with this section.*

For the most part, these requirements are administrative and procedural. The only substantive requirement that has a bearing on this study is that the impact fee must "be based on the most recent and localized data."

A variety of recent, local data have been gathered over the last six months to be used in the impact fee calculations. The three major inputs into the formula are cost per VMT, credit per VMT and VMT per unit of development. Cost per VMT has been based on project costs from current local planning documents (Lee County's draft FY 2006/2007-2010/2011 *Capital Improvements Program* and the Lee County Metropolitan Planning Organization's *Transportation Improvement Program*, FY 2005/2006-

2009/10), divided by capacity added by planned projects based on localized peak hour factors for each roadway. Credit per VMT has been based on historical local funding patterns on the percent of motor fuel taxes used for capacity, as well as the County's current plans for the expenditure of excess toll revenues on non-toll road improvements. VMT per development unit is initially based on national travel characteristics (trip generation rates, new trip factors and average trip lengths), but is then calibrated to local conditions. The local adjustment factor used in the calibration is the ratio of observed travel on the major roadway system to expected travel based on national travel characteristics. In sum, this report complies with the substantive requirements of the *Florida Impact Fee Act*.



## BENEFIT DISTRICTS

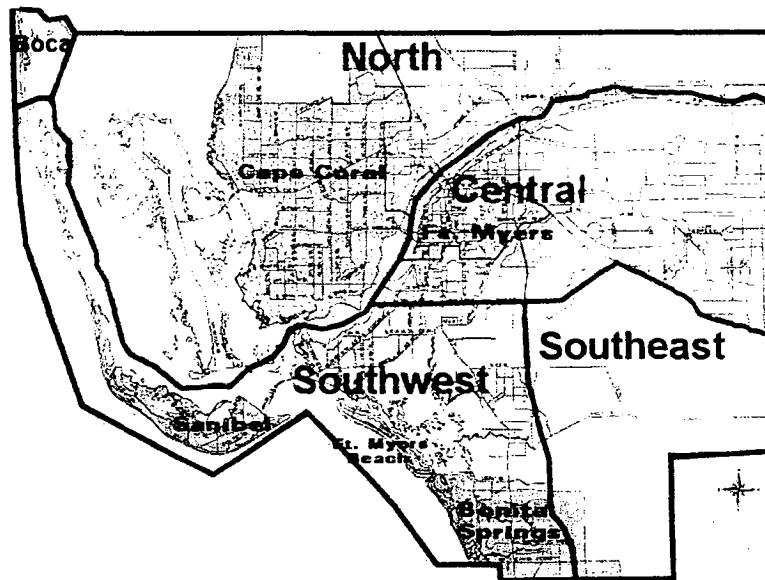
In an impact fee system, it is important to clearly define the geographic areas within which impact fees will be collected and spent. There are two types of geographic areas that serve different functions in an impact fee system: assessment districts and benefit districts.

An assessment district is a geographic area that is subject to a uniform fee schedule. It represents the area served by a common set of capital facilities. In the case of the County's road impact fee, the assessment district is the entire unincorporated area, plus the incorporated areas of the cities of Fort Myers and Sanibel, which participate in the County's road impact fee via interlocal agreements.

Benefit districts, on the other hand, represent areas within which the fees collected must be spent. They ensure that improvements funded by impact fees are constructed within reasonable proximity of the fee-paying developments as a means of helping to demonstrate benefit.

The current ordinance includes five benefit districts for the road impact fees. The geographic boundaries of the road districts are illustrated in Figure 2. These districts were revised from the original eight benefit districts in 2003.

**Figure 2**  
**ROAD IMPACT FEE BENEFIT DISTRICTS**



Last year, the County's total road impact fee revenue for the unincorporated area, including both actual fees collected and credits for developer contributions, totaled about \$45 million, as summarized in Table 2. The City of Fort Myers, which participates in the County road impact fee system via an interlocal agreement, collected an additional \$12 million in fiscal year 2004/05. The City of Sanibel also participates via interlocal agreement, but its impact fee collections are negligible.

**Table 2**  
**ROAD IMPACT FEE REVENUE, 2005**

Benefit District	Cash Payments	Credits	Total
Boca Grande	\$13,946	\$0	\$13,946
North	\$2,353,532	\$86,342	\$2,439,874
Central	\$26,000,911	\$32,681	\$26,033,592
Southwest	\$12,879,284	\$705,534	\$13,584,818
Southeast	\$2,627,698	\$0	\$2,627,698
Total County Revenue	\$43,875,371	\$824,557	\$44,699,928
City of Fort Myers	\$10,206,307	\$1,824,978	\$12,031,285
<b>Total Road Impact Fee Revenue</b>	<b>\$54,081,678</b>	<b>\$2,649,535</b>	<b>\$56,731,213</b>

*Source:* Revenue from FY 2004/05 from Lee County Impact Fee Administrator, July 26, 2006, and Fort Myers Impact Fee Administrator, April 11, 2006; "cash payments" represent fees actually paid; "credits" represent developer credits used to offset the impact fees that otherwise would have been collected.

## MAJOR ROADWAY SYSTEM

A road impact fee program should include a clear definition of the major roadway system that will be funded with the impact fees. The County's road impact fee ordinance defines the major roadway system in its definition of "approved roads" that are eligible for credit against the road impact fees. Approved roads consist of all arterials, collectors, freeways and expressways, as well as designated access roads. Approved roads are divided into three classes, which determine the extent to which developers who improve them are eligible for credit. Class 1 roads are included for improvement in the County's five-year Capital Improvements Program (CIP), Class 2 roads are scheduled for improvement within the next ten years, and Class 3 roads are shown on the functional classification map, but are not programmed for improvement within the next ten years. The division of the major roadway system into classes is intended to prevent premature development from essentially monopolizing the expenditure of impact fee funds through the credit mechanism.

The County's road impact fee ordinance defines the major roadway system as existing and future arterials, collectors, freeways and expressways identified on Map 3A of the transportation element of the Lee Plan, or roads not shown on Map 3A but that provide "a reasonable alternative route for traffic that otherwise would travel a specific road shown on Map 3A of the Lee Plan transportation element." Map 3A refers to the 2020 Financially Feasible Plan map (see Figure 3).

An inventory of the existing major roadway system is presented in Table 22 of the Appendix. While the road impact fee assessment district excludes the municipalities of Cape Coral, Bonita Springs and Fort Myers Beach, the inventory includes major roads within all the municipalities. The inventory must be county-wide in order to accomplish its principal objective, which is to calibrate national travel demand factors to local conditions. The road inventory utilized in this impact fee update is based on Lee County's Geographical Information System (GIS) roadway centerline base map, supplemented by Lee County and City of Cape Coral traffic count reports. The purpose of the inventory is to determine the total amount of travel on the major roadway system, expressed in vehicle-miles of travel (VMT). This figure is used to calibrate national travel demand factors to local conditions. The County's major roadway system is illustrated in Figure 4. A summary of the major roadway system is presented in Table 3 below.

**Table 3**  
**EXISTING TRAVEL ON MAJOR ROADWAY SYSTEM**

	Miles	Daily VMT
I-75	34.3	2,333,888
State Arterials	136.7	3,989,330
County Arterials	245.1	4,355,678
County Collectors	263.3	957,420
City of Fort Myers Arterials/Collectors	30.8	268,017
City of Cape Coral Arterials/Collectors	174.3	1,061,199
City of Bonita Springs Arterials/Collectors	22.3	178,093
City of Sanibel Arterials/Collectors	19.6	251,977
Town of Ft. Myers Beach Arterials/Collectors	0.9	4,114
<b>Total</b>	<b>927.3</b>	<b>13,399,716</b>

Source: Table 22 of the Appendix; daily VMT is annual average daily trips (AADT) adjusted to represent peak season volumes.

**Figure 3**  
**2020 FINANCIALLY FEASIBLE HIGHWAY PLAN**

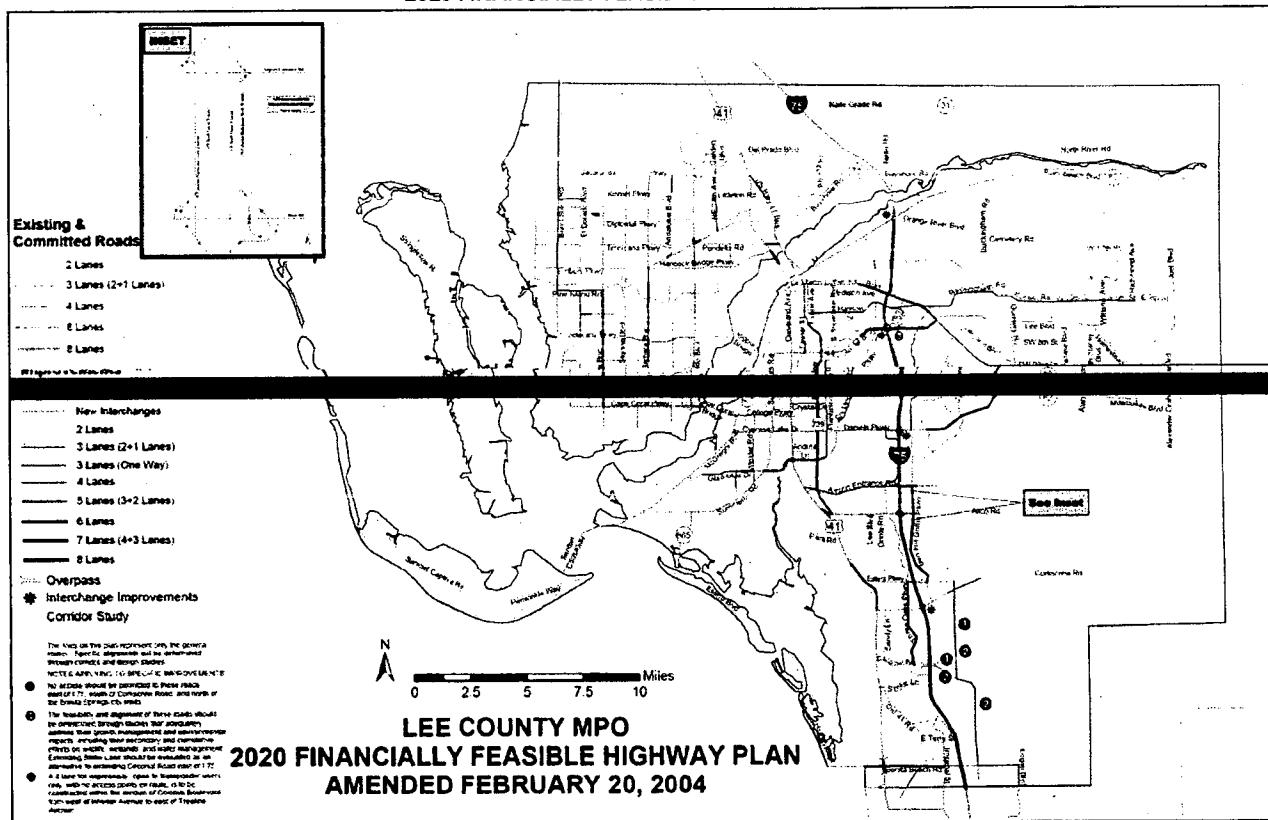
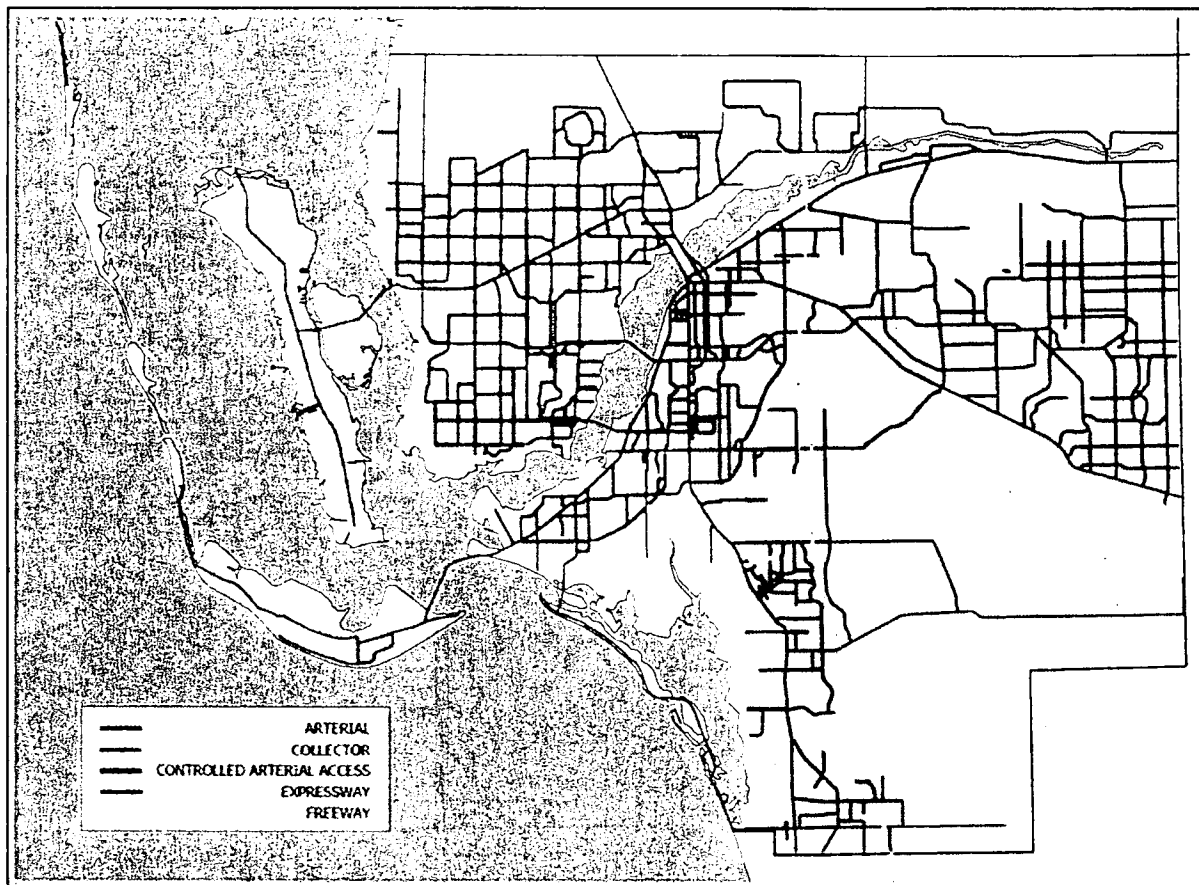


Figure 4  
EXISTING MAJOR ROADWAYS



## **METHODOLOGY**

This section describes the methodology used to develop the road impact fees. A key concept in any road impact fee methodology is the definition of the “service unit,” which is described first. Then the “demand-driven” model used in this study is explained. Finally, the formula used to calculate the road impact fees is described.

### **Service Unit**

A service unit creates the link between supply (roadway capacity) and demand (traffic generated by new development). An appropriate service unit basis for road impact fees is vehicle-miles of travel (VMT). Vehicle-miles is a combination of the number of vehicles traveling during a given time period and the distance (in miles) that these vehicles travel.

The two time periods most often used in traffic analysis are the 24-hour day (average daily trips or ADT) and the single hour of the day with the highest traffic volume (peak hour trips or PHT). Lee County’s current road impact fee system is based on ADT. The regional transportation model is also based on ADT. However, the County’s comprehensive plan sets forth desired level of service standards that are based on PHT.

The region’s retirement population and tourist orientation suggest that peak hour trip generation rates based on national data may not be representative of all land uses in Lee County. However, traffic studies in Lee County have shown that national average daily trip generation rates are representative of Lee County. For this reason, we recommend continuing to base the County’s road impact fees on average daily trip generation. Consequently, average daily VMT will continue to be used as the service unit for the County’s road impact fees.

### **Demand-Driven Model**

Consistent with previous updates, the proposed road impact fee methodology is based on a “demand-driven” model. The demand-driven model charges a new development the cost of replacing the capacity it consumes on the major roadway system. That is, for every vehicle-mile of travel (VMT) generated by the development, the road impact fee charges the net cost to construct an additional vehicle-mile of capacity (VMC).

Since travel is never evenly distributed throughout a roadway system, actual roadway systems require more than one unit of capacity for every unit of demand for the system to function at an acceptable level of service. Suppose for example, that the County completes a major arterial widening project. The completed arterial is likely to have a significant amount of excess capacity for some period of time. If the entire system has just enough capacity to accommodate all of the vehicle-miles of travel, then the excess capacity on this segment must be balanced by another segment operating over-capacity. Roadway systems in the real world need more total aggregate capacity than the total aggregate demand, because the traffic does not always precisely match the available capacity. The standard demand-driven model is a conservative, legally-defensible approach that has been upheld by the Florida courts. This update will continue to be based on the demand-driven model.

In most rapidly growing communities, some roadways will experience an unacceptable level of congestion at any given point in time. However, it is not necessary to address existing deficiencies in a demand-driven system. Unlike an improvements-driven system, the demand-driven system is not designed to recover the full costs to maintain the desired LOS on all roadway segments. Instead, it is only designed to maintain a minimum one-to-one overall ratio between system demand and system capacity. Virtually all major roadway systems have more capacity (VMC) than demand (VMT) on a system-wide basis. Consequently, under a demand-driven system, the level of service standard is really a system-wide VMC/VMT ratio of one. Since the County's major roadway system currently operates at a LOS better than this, there are no existing deficiencies on a system-wide basis.

## Impact Fee Formula

The recommended impact fee formula is presented in Figure 5.

**Figure 5**  
**ROAD IMPACT FORMULA**

<b>IMPACT FEE</b>	<b>=</b>	<b>VMT x NET COST/VMT</b>
<u>Where:</u>		
VMT	=	ADT x % NEW x LENGTH x ADJUST ÷ 2
ADT	=	Trip ends during average weekday
% NEW	=	Percent of trips that are primary trips, as opposed to pass-by or diverted-link trips
LENGTH	=	Average length of a trip on the major roadway system
ADJUST	=	Adjustment factor to calibrate national travel demand factors to local conditions
÷ 2	=	Avoids double-counting trips for origin and destination
NET COST/VMT	=	COST/VMT - CREDIT/VMT
COST/VMT	=	COST/LANE-MILE ÷ AVG LANE CAPACITY
COST/LANE-MILE	=	Average cost to add a new lane to the major roadway system
AVG LANE CAPACITY	=	Average daily capacity of a lane at desired LOS
CREDIT/VMT	=	\$/GAL ÷ MPG x 365 x NPV
\$/GAL	=	Capacity-expanding funding for roads per gallon of gasoline consumed
MPG	=	Miles per gallon, average for U.S. motor vehicle fleet
365	=	Days per year (used to convert daily VMT to annual VMT)
NPV	=	Net present value factor (i.e., 13.21 for 20 years at 4.33% discount)

## **COST PER SERVICE UNIT**

There are two components to determining the average cost to add a unit of capacity to the major road system: the cost of a set of improvements, and the capacity added by those improvements. This section describes both of the average cost components in order to calculate the average cost per service unit.

### **Cost per Lane-Mile**

One of the key inputs into the road impact fee formula is the cost per lane-mile to construct new roadway capacity. While the most obvious component of roadway construction is the physical roadway itself, other elements are involved. All components add to the cost to the project. Other components include professional services (planning and design), actual construction costs, right-of-way (land) costs, environmental mitigation costs and utility relocation costs.

In a demand-driven impact fee system, roadway construction costs are entered into the formula as an average cost for providing new roadway capacity. Using this method, assuming there are no dramatic changes to the type of construction contemplated, it is not necessary to revisit impact fees each time that the capital improvement program changes. Updates at reasonable periodic intervals are sufficient to analyze potential changes to average costs.

In the 2000 and 2003 updates, all of the road improvements used to determine the average cost and capacity per new lane-mile were drawn from the Lee County Capital Improvements Program. In this update, several planned City of Fort Myers improvements have also been included. The 2003 update also provided the option of basing the fees on the costs of State road improvement. Including State road improvements is reasonable, because the County increasingly participates in the cost of State road improvements. The travel demand used to calculate the fees in this update as well as in previous studies includes travel on State, County and municipal roads. Finally, motor fuel tax credits are provided for the portion of gasoline taxes that are used to fund State road improvements.

For these reasons, it is reasonable to include the cost of State road improvements in determining the average cost to add capacity to the major roadway system. The inclusion of State road improvement costs will bring the impact fees closer to the true cost of accommodating the impacts of growth on the major roadway system. Because including State road costs could affect the fee calculation, two alternative costs per service unit will be calculated, one based on local (County and Fort Myers) planned road improvements only, and the other based on both local and State planned road improvements.

The average cost to add capacity to the major roadway system is determined by examining the most recent cost data available. The roadway improvements shown in Table 4 come from Lee County's *FY 2006/2007-2010/2011 Capital Improvements Program*, the City of Fort Myers improvements and State roadway improvements listed in the Lee County Metropolitan Planning Organization's *Transportation Improvement Program, FY 2005/2006-2009/10*. The Lee County MPO document incorporates the Florida Department of Transportation's *District One Adopted Work Program, FY 2005/06-2009/10*. Projects that are anticipated to be funded primarily by toll revenues have been excluded. In total, the projects on which the average cost per lane-mile is based will add approximately 219 new lane-miles and cost \$957.1 million.



**Table 4**  
**PLANNED IMPROVEMENT PROJECT COSTS**

Roadway	Segment	Miles	No. of Lanes			Lane-miles	Cost*
			Ex.	Fut.	New		
Alico Rd	Dusty Ln to Three Oaks	2.30	2	6	4	9.20	\$18,801,000
Bonita Beach Rd II	Old 41 to Lime St	0.90	4	6	2	1.80	\$12,097,000
Buckingham	Orange R. Blvd to SR 80	2.55	2	4	2	5.10	\$29,015,000
Business 41	Littleton to US 41	2.54	2	4	2	5.08	\$22,090,000
Colonial Blvd	I-75 to SR 82	2.65	4	6	2	5.30	\$16,931,000
Corkscrew Rd*	B H Griffin to Bella Terra	2.78	2	4	2	5.56	\$1,000,000
Daniels Pkwy	Chamberlin to Gateway	1.70	4	6	2	3.40	\$11,730,000
Estero Pkwy	Three Oaks to B H Griffin	0.70	0	4	4	2.80	\$45,887,000
Gladiolus Dr	Pine Ridge to Bass	1.53	2	4	2	3.06	
Gladiolus Dr	Bass Rd to Winkler	0.78	2	6	4	3.12	\$19,582,000
Bass Rd	Healthpark to Gladiolus	1.03	2	4	2	2.06	
Gunnery Rd	SR 82 to Lee	2.20	2	4	2	4.40	\$13,323,000
Homestead St	Sunrise Blvd to Alabama Rd	1.50	2	4	2	3.00	\$14,050,000
Imperial St	Bonita Beach to Imperial	0.27	2	4	2	0.54	
Imperial St	Imperial R. Bridge	0.23	0	4	4	0.92	\$25,081,000
Imperial St	Imperial R. to Terry St	0.50	2	4	2	1.00	
Joel Blvd	17 <sup>th</sup> St to SR 80	3.24	2	4	2	6.48	\$29,420,000
Luckett Rd	Ortiz to I-75	0.46	2	4	2	0.92	\$7,920,000
Ortiz Ave	Luckett Rd to SR 80	1.33	2	4	2	2.66	\$18,291,000
Ortiz Ave	SR 82 to Luckett Rd	1.25	2	4	2	2.50	\$15,809,000
Ortiz Ave	SR 884 to SR 82	1.73	2	4	2	3.46	\$14,100,000
Plantation Ext	Idlewild to Colonial	1.00	0	4	4	4.00	\$9,493,000
Plantation	Six Mi Cypress to Daniels Pkwy	1.25	2	4	2	2.50	\$11,445,000
Sandy Ln	Corkscrew to Estero	1.43	0	2	2	2.86	\$18,595,000
Six Mi Cypress	Daniels to Winkler Ext	2.30	2	4	2	4.60	\$12,519,000
Summerlin Rd	Cypress Lake to College	0.78	4	6	2	1.56	
Summerlin Rd	College to Boy Scout	1.84	4	6	2	3.68	\$40,354,000
Summerlin Rd	San Carlos to Gladiolus	4.26	4	6	2	8.52	
Winkler Rd	Summerlin to Gladiolus	0.20	2	4	2	0.40	\$43,905,000
Gladiolus	Winkler to Summerlin	0.44	4	6	2	0.88	
Three Oaks	N of Alico to Daniels	3.50	0	4	4	14.00	\$35,566,000
Three Oaks	E Terry to The Brooks	4.15	0	4	4	16.60	\$52,449,000
Three Oaks	Corkscrew to Alico	4.60	2	4	2	9.20	\$26,652,000
Plantation Grdn*	Treeline to N of Comm. Lk	1.33	0	4	4	5.32	\$1,684,000
Commerce Lk*	Plant. Grdn to Commerce	0.93	0	2	2	1.86	\$1,181,000
Hanson St	Cocos to Palmetto	1.19	0	4	4	4.76	\$10,270,000
Hanson St	Ortiz to SR 82	1.15	0	4	4	4.60	\$5,484,350
Subtotal, County Road Projects		62.52				157.70	\$584,724,350

Roadway	Segment	Miles	No. of Lanes			Lane-miles	Cost*
			Ex.	Fut.	New		
SR 739	Six Mile Cypress to Daniels	1.26	4	6	2	2.52	\$23,590,000
SR 739	Hanson to SR 82	1.25	2	3	1	1.25	\$21,672,227
Hanson Rd	Fowler to Evans	0.12	2	4	2	0.24	
I-75	Bonita Beach to Corkscrew	7.32	4	6	2	14.64	\$74,310,914
I-75	Corkscrew to Daniels	7.72	4	6	2	15.44	\$66,765,672
I-75	Daniels Interchange	1.63	4	6	2	3.26	\$44,033,383
I-75	Daniels to Colonial	3.70	4	6	2	7.40	\$25,240,229
I-75	Colonial to SR 82	1.54	4	6	2	3.08	\$16,782,417
I-75	SR 82 to Lockett Rd	1.58	4	6	2	3.16	\$18,277,365
I-75	Lockett Rd to SR 80	1.89	4	6	2	3.78	\$15,363,227
I-75	SR 80 Interchange	0.89	4	6	2	1.78	\$39,734,345
US 41	Corkscrew to San Carlos	2.24	4	6	2	4.48	\$26,628,644
Total		92.40				218.73	\$957,122,773

\* Road cost excludes developer contributions

Source: Projects from Lee County, FY 06/07-10/11 Capital Improvements Program, Florida Department of Transportation, District One Work Program, FY 2005/2006-2009/10 and Lee County Metropolitan Planning Organization, 2030 Transportation Plan (adopted June 17, 2005, amended December 7, 2005); total project costs exclude funds from developer contributions and toll road revenue programmed for non-toll road projects; state project costs adjusted to 2006 values by deducting the FDOT inflation factors of 1.045 for 2006/07, 1.087 for 2007/08, 1.125 for 2008/09 and 1.162 for 2009/10 obtained from Steven Walls on April 5, 2006.

The average cost per lane-mile added by the planned improvements can be determined by dividing the total cost by the total new lane-miles. The average cost per lane-mile ranges from \$3.7 million to \$4.4 million for local (County/City of Fort Myers) and combined local/State road improvements, respectively, as shown in Table 5.

**Table 5**  
**ROAD COST PER LANE-MILE**

	Local Projects	Local/State Projects
Planned Improvement Project Costs	\$584,724,350	\$957,122,773
New Lane-Miles	157.70	218.73
Average Cost per New Lane-Mile	\$3,707,827	\$4,375,818

Source: Planned improvement project costs and new lane-miles from Table 4.

## Roadway Capacity

Nationally-accepted transportation level of service (LOS) categories have been developed by the transportation engineering profession. Six categories, ranging from LOS A to LOS F, describe driving conditions in terms of factors such as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety. LOS A represents free flow, while LOS F represents the breakdown of traffic flow, characterized by stop-and-go conditions.

In contrast to LOS, service volume capacity is a quantitative measure, expressed in terms of the rate of flow (vehicles passing a point during a period of time). Service volume capacity represents the

maximum rate of flow that can be accommodated by a particular type of roadway while still maintaining a specified LOS. The service volume capacity at LOS E represents that maximum volume that can be accommodated before the flow breaks down into stop-and-go conditions that characterize LOS F, and thus represents the ultimate capacity of the roadway.

The analysis of the capacity of Lee County's major roadway system has been based on the generalized planning capacity estimates promulgated by the Florida Department of Transportation (FDOT), as modified by Lee County based on local data. These capacity estimates are based on Highway Capacity Manual procedures and take into consideration roadway cross-sections, left turn bays at intersections, posted speed limits, the spacing of signalized intersections and the characteristics of the area (i.e., rural, rural developed, transitioning to urban and urbanized).

The generalized capacity estimates developed for planning purposes by Lee County are hourly capacities, rather than average daily capacities. These capacities are essentially the same for LOS D and LOS E, since the capacities of the intersections have already been reached by the time the segment volumes reach LOS D. The hourly capacity numbers also contain a directional split (D) factor. The D factor used in the generalized Lee County calculations is 0.58, which represents a typical peak hour directional split of 58% in the dominant direction and 42% in the opposite direction.

Average daily capacities are calculated by applying a specific peak hour factor to the peak hour capacity. To convert from peak hour to daily capacity, the hourly capacity is divided by the percentage of daily travel occurring in the peak hour. Where AM and PM peaks differ, the higher peak is used.

In most road impact fee analysis, a generalized peak factor is used (e.g., 10 percent of daily trips occur during the peak hour). However, the *Lee County Traffic Count Report* contains the peaking characteristics for each count station in the County. This allows application of appropriate peaking characteristics to each project used in the cost calculations, and also defends against charges that Lee County's peaking characteristics are unique due to the retiree population. Where the capacity improvement is planned on an existing transportation facility, the count station assigned to the facility in the *Lee County Traffic Count Report* was used. For new facilities, the count station judged to be the most likely to reflect traffic peaking characteristics on the new facility was used.

The average capacity per new lane-mile is determined based on the same set of improvements used to determine the average cost per lane-mile. In all, capacity-expanding projects adding approximately 2,350,904 vehicle-miles of capacity (VMC) to the major roadway system are under construction or in the planning process in Lee County (see Table 6).

**Table 6**  
**CAPACITY ADDED BY PLANNED IMPROVEMENT PROJECTS**

Roadway	Segment	Miles	New Lanes	New Lane-Miles	Pk Hr Capacity			Pk Hr Factor	New Daily Capacity	New Daily VMC
Alico Rd	Dusty Ln to Three Oaks	2.30	4	9.20	1,710	5,400	3,690	0.095	38,842	89,337
Bonita Beach Rd	Old 41 to Lime St	0.90	2	1.80	3,600	5,400	1,800	0.094	19,149	17,234
Buckingham	Orange R. Blvd to SR 80	2.55	2	5.10	1,710	3,600	1,890	0.102	18,529	47,249
Business 41	Littleton to US 41	2.54	2	5.08	1,710	3,600	1,890	0.113	16,726	42,484
Colonial Blvd	I-75 to SR 82	2.65	2	5.30	3,600	5,400	1,800	0.101	17,822	47,228
Corkscrew Rd	B H Griffin to Bella Terra	2.78	2	5.56	1,710	3,600	1,890	0.102	18,529	51,511
Daniels Pkwy	Chamberlin to Gateway	1.70	2	3.40	3,760	5,640	1,880	0.119	15,798	26,857
Estero Pkwy	Three Oaks to B H Griffin	0.70	4	2.80	0	3,600	3,600	0.102	35,294	24,706
Gladiolus Dr	Pine Ridge to Bass	1.53	2	3.06	1,710	3,600	1,890	0.089	21,236	32,491
Gladiolus Dr	Bass Rd to Winkler	0.78	4	3.12	1,710	5,400	3,690	0.089	41,461	32,340
Bass Rd	Healthpark to Gladiolus	1.03	2	2.06	1,710	3,600	1,890	0.087	21,724	22,376
Gunnery Rd	SR 82 to Lee	2.20	2	4.40	1,710	3,600	1,890	0.101	18,713	41,169
Homestead Rd	Sunrise to Alabama	1.50	2	3.00	1,710	3,600	1,890	0.097	19,485	29,228
Imperial St	Bonita Beach to Imperial	0.27	2	0.54	1,710	3,600	1,890	0.098	19,286	5,207
Imperial St	Imperial R. Bridge	0.23	4	0.92	0	3,600	3,600	0.098	36,735	8,449
Imperial St	Imperial R. to Terry St	0.50	2	1.00	1,710	3,600	1,890	0.098	19,286	9,643
Joel Blvd	17 <sup>th</sup> St to SR 80	3.24	2	6.48	1,710	3,600	1,890	0.097	19,485	63,131
Luckett Rd	Ortiz to I-75	0.46	2	0.92	1,710	3,600	1,890	0.096	19,688	9,056
Ortiz Ave	Luckett Rd to SR 80	1.33	2	2.66	1,710	3,600	1,890	0.102	18,529	24,644
Ortiz Ave	SR 82 to Luckett Rd	1.25	2	2.50	1,710	3,600	1,890	0.102	18,529	23,161
Ortiz Ave	SR 884 to SR 82	1.73	2	3.46	1,710	3,600	1,890	0.102	18,529	32,055
Plantation Ext	Idlewild to Colonial	1.00	4	4.00	0	3,600	3,600	0.114	31,579	31,579
Plantation	Six Mi Cypress to Daniels	1.25	2	2.50	1,710	3,600	1,890	0.107	17,664	22,080
Sandy Ln	Corkscrew to Estero	1.43	2	2.86	0	1,710	1,710	0.102	16,765	23,974
Six Mi Cypress	N of Daniels to S of Winkler	2.30	2	4.60	1,790	3,760	1,970	0.102	19,314	44,422
Summerlin Rd	Cypress Lake to College	0.78	2	1.56	3,760	5,640	1,880	0.104	18,077	14,100
Summerlin Rd	College to Boy Scout	1.84	2	3.68	3,760	5,640	1,880	0.104	18,077	33,262
Summerlin Rd	San Carlos to Gladiolus	4.26	2	8.52	3,760	5,640	1,880	0.087	21,609	92,054
Winkler Rd	Summerlin to Gladiolus	0.20	2	0.40	1,710	3,600	1,890	0.087	21,724	4,345
Gladiolus	Winkler to Summerlin	0.44	2	0.88	3,600	5,640	2,040	0.082	24,878	10,946
Three Oaks	N of Alico to Daniels	3.50	4	14.00	0	3,600	3,600	0.102	35,294	123,529
Three Oaks	E Terry to The Brooks	4.15	4	16.60	0	3,600	3,600	0.102	35,294	146,470
Three Oaks	Corkscrew to Alico	4.60	2	9.20	1,710	3,600	1,890	0.102	18,529	85,233
Plantation Grd	Treeline to N of Comm. Lk	1.33	4	5.32	0	3,600	3,600	0.119	30,252	40,235
Commerce Lk	Plant. Grdn to Commerce	0.93	2	1.86	0	1,800	1,800	0.119	15,126	14,067
Hanson St	Cocos to Palmetto	1.19	4	4.76	0	3,600	3,600	0.093	38,710	46,065
Hanson St	Ortiz to SR 82	1.15	4	4.60	0	3,600	3,600	0.096	37,500	43,125
Subtotal, Local Road Projects		62.52		157.70						1,455,042
SR 739	Six Mi Cypress to Daniels	1.26	2	2.52	3,600	5,400	1,800	0.100	18,000	22,680
SR 739	Hanson to SR 82	1.25	1	1.25	1,660	2,920	1,260	0.099	12,727	15,909
Hanson Rd	Fowler to Evans	0.12	2	0.24	1,660	3,490	1,830	0.099	18,485	2,218
I-75	Bonita Beach to Corkscrew	7.32	2	14.64	5,250	8,110	2,860	0.092	31,087	227,557

Roadway	Segment	Miles	New Lanes	New Lane-Miles	Pk Hr Capacity			Pk Hr Factor	New Daily Capacity	New Daily VMC
					Before	After	New			
I-75	Corkscrew to Daniels	7.72	2	15.44	5,250	8,110	2,860	0.092	31,087	239,992
I-75	Daniels Interchange	1.63	2	3.26	5,250	8,110	2,860	0.092	31,087	50,672
I-75*	Daniels to Colonial	3.70	2	7.40	5,250	8,110	2,860	0.092	31,087	115,022
I-75	Colonial to SR 82	1.54	2	3.08	5,250	8,110	2,860	0.092	31,087	47,874
I-75	SR 82 to Lockett Rd	1.58	2	3.16	5,250	8,110	2,860	0.092	31,087	49,117
I-75	Lockett Rd to SR 80	1.89	2	3.78	5,250	8,110	2,860	0.092	31,087	58,754
I-75*	SR 80 Interchange	0.89	2	1.78	5,250	8,110	2,860	0.092	31,087	27,667
US 41	Corkscrew to San Carlos	2.24	2	4.48	3,600	5,400	1,800	0.105	17,143	38,400
<b>Total</b>		<b>93.66</b>		<b>218.73</b>						<b>2,350,904</b>

Source: Projects from Lee County, FY 06/07-10/11 Capital Improvements Program, Florida Department of Transportation, District One Work Program, FY 2005/2006-2009/10 and Lee County Metropolitan Planning Organization, Transportation Improvement Program, adopted June 17, 2005, amended December 7, 2005; peak hour capacities are LOS E from Lee County Generalized Two-Way Peak Hour Service Volumes, July 2004; new daily capacity is new peak hour capacity divided by peak hour factor; new daily VMC is new daily capacity times segment miles.

To calculate the average daily capacity per new lane, the total new daily VMC for all listed capacity-expanding projects is divided by the total number of new lane-miles that will be constructed as a result of the capacity-expanding improvements. As shown in Table 7, the average daily capacity per new lane, for both LOS D and LOS E, will be about 10,748 vehicles per day for this representative set of planned road improvements. If only local (County/City of Fort Myers) road improvements are considered, the capacity added per lane is somewhat lower.

**Table 7**  
**AVERAGE DAILY CAPACITY PER LANE**

	Local Road Projects	Local & State Road Projects
New Daily Vehicle-miles of Capacity (VMC)	1,455,042	2,350,904
New Lane-miles	157.70	218.73
Average Capacity per New Lane	9,227	10,748

Source: New daily VMC and new lane-miles from Table 6.

### Cost per Service Unit Summary

The average cost per unit of capacity added by the planned improvements can be determined by dividing the average cost of a new lane-mile by the average daily capacity added per lane. As shown in Table 8, the average cost per service unit ranges from \$402 per VMT for local (County and City of Fort Myers) road improvements to \$407 per VMT for local and State improvements.

It is interesting to note that including State road improvements has little effect on the cost per service unit. The cost per service unit with State road improvements is only about one percent higher than the cost per service unit based on local project costs. This is due to the fact that roadways constructed by the State tend to be "higher" type of facilities. While the cost to build these facilities is higher on a lane-mile basis, these facilities are also able to carry more vehicles per lane. In calculating average cost per service unit, these factors offset each other.

**Table 8**  
**ROAD COST PER SERVICE UNIT**

	Local Projects	Local/State Projects
Average Cost per New Lane-Mile	\$3,707,827	\$4,375,818
Average Capacity per New Lane	9,227	10,748
Average Cost per Vehicle-Mile of Travel (VMT)	\$402	\$407

*Source:* Average costs per new lane-mile from Table 5; average capacity per new lane-mile from Table 7.

## REVENUE CREDITS

When calculating the impact of new development on infrastructure costs, credit will be given for revenue generated by new development that will be used to pay for capacity-related capital improvements. In Lee County, capacity-expanding road improvements are funded almost exclusively with road impact fees and Federal, State and local motor fuel taxes. In the past few years the County has started to program capacity improvements with funding from excess toll revenue. In addition, there is some outstanding County debt for past road improvements, but these bonds are being retired with the County's gas tax receipts.

In the calculation of the proposed road impact fee, credit will be given for that portion of Federal, State and local motor fuel taxes that are used to fund capacity-expanding capital improvements on the major roadway system. An additional credit will be provided to account for the use of County toll road revenue utilized for capacity improvement on non-toll roads.

### Gas Tax Credit

The amount of Federal and State motor fuel tax revenue applied toward funding capacity-expanding capital improvements is determined based on construction and right-of-way projects in the first year of each of the last five Florida Department of Transportation Five-Year Work Programs for Lee County, as shown in Table 9.

**Table 9**  
**FEDERAL/STATE FUEL TAX CAPACITY FUNDING, 2002-2006**

Facility	Improvement	FY 01/02	FY 02/03	FY 03/04	FY 04/05	FY 05/06
I-75 @ Alico Rd	Interchange Imp	\$314,000	\$3,621,000	\$11,516,000	\$35,606,300	\$987,000
I-75 @ Daniels Parkway	Interchange Imp		\$3,069,000	\$42,000	\$31,000	
I-75, Bonita Beach-Corkscrew	Add Lanes		\$3,944,000	\$47,000	\$429,000	\$15,209,000
I-75 @ Corkscrew	Interchange Imp		\$2,058,000	\$10,000	\$278,000	\$13,000
I-75, Corkscrew-Daniels Parkway	Add Lanes		\$3,548,000	\$52,000	\$506,000	\$21,743,000
I-75 @ Colonial, Northbound Ramp	Interchange Imp	\$20,000	\$798,000	\$101,000	\$1,000	
I-75 @ Colonial, Southbound Ramp	Interchange Imp	\$15,000	\$983,000	\$79,000		
I-75 @ SR 80 Interchange	Interchange Imp				\$2,976,000	\$1,110,000
I-75 @ SR 82 Interchange	Interchange Imp				\$1,904,000	\$5,000
I-75 @ Airport Access	Interchange Imp				\$2,485,000	
I-75, Daniels Pwy to Colonial	Add Lanes				\$2,432,000	
I-75, Colonial Blvd to SR 82	Add Lanes				\$1,308,000	
I-75, Lockett Rd to SR 80	Add Lanes				\$1,462,000	
I-75, SR 80 to SR 78	Add Lanes					\$4,426,000
I-75, SR 82 to Lockett Rd	Add Lanes				\$1,383,000	
Ft Myers Regional TMC System	Freeway Mgt				\$3,552,000	\$288,000
SR 739, US 41-Six Mile Cypress	New Road Ext.	\$14,972,000	\$644,000	\$17,870,000	\$4,128,000	\$6,127,000
SR 739, Six Mi. Cypress to Daniels	Add Lanes	\$1,000,000		\$6,000	\$1,665,000	\$11,520,000
SR 739, Winkler Ave-SR 82	Add Lanes	\$177,000	\$190,000	\$1,540,000	\$3,730,000	\$8,329,000
SR 739, Hanson-SR 82	Add Lanes	\$1,898,000	\$1,763,000	\$3,050,000	\$1,514,000	\$33,288,000
SR 78, E of Chiquita-W of S Barb	Add Lanes	\$1,656,000	\$2,158,000	\$1,334,000	\$7,381,000	\$287,000

Facility	Improvement	FY 01/02	FY 02/03	FY 03/04	FY 04/05	FY 05/06
SR 78, Slater-I-75	Add Lanes	\$1,254,000	\$1,580,000	\$21,734,000	\$471,000	\$2,805,000
SR 78 @ Hancock Bridge Pkwy	Traffic Signals	\$150,000				
SR 80, E of Hickey Cr-Iverson	Add Lanes	\$21,000	\$443,000	\$49,000	\$63,000	\$183,000
SR 80, Hickey Cr-Hendry Co	Add Lanes	\$16,154,000	\$1,672,000	\$1,169,000	\$203,000	\$553,000
SR 82 @ Jackson St	Intersection Imp				\$103,000	\$65,000
SR 82, Owen Ave-40th St SW	Add Turn Lanes				\$2,000	\$1,223,000
SR 82, Michigan-Ortiz Ave	Add Lanes	\$5,408,000	\$178,000	\$276,000	\$5,000	\$26,000
SR 82, Evans Ave-Michigan Link	Add Lanes	\$754,000	\$24,000	\$3,000	\$3,000	
SR 884 @ Ortiz Ave	Add Turn Lanes				\$370,000	
US 41 Bus, Marianna-Littleton	Add Lanes	\$7,168,000	\$2,220,000	\$405,000	\$51,000	\$271,000
US 41, Collier Co-Bonita Beach	Add Lanes	\$566,000	\$9,755,000	\$113,000	\$1,458,000	\$326,000
US 41, Bonita Beach-Old US 41	Add Lanes	\$2,000	\$19,639,000	\$192,000	\$2,447,000	\$1,948,000
US 41, Old US 41-Corkscrew	Add Lanes	\$11,140,000	\$47,000	\$1,116,000	\$906,000	\$399,000
US 41, Corkscrew to San Carlos Blvd	Add Lanes		\$1,709,000	\$562,000	\$2,372,000	\$6,905,000
Pine Ridge @ SR 865	Add Turn Lanes		\$175,000		\$153,000	
Gunnery Rd, SR 82-Lee Blvd	Add Lanes					\$1,990,000
Veterans Mem, Pine-Midpoint	New Road Ext.		\$640,000	\$1,140,000	\$1,406,000	\$1,406,000
<b>Total Capacity Funding</b>		<b>\$62,669,000</b>	<b>\$60,858,000</b>	<b>\$62,406,000</b>	<b>\$82,784,300</b>	<b>\$121,432,000</b>

Source: FY 2001/2002 through FY 2005/2006 capacity-expanding improvement programmed costs from Florida Department of Transportation (FDOT), *Work Program - Adopted Work Program Six Year History, FY 2001/2002 - 2005/2006* and FY 2005/2006 FDOT, *Work Program - Adopted Work Programs, FY 2005/2006 - 2009/2010* (<http://www2.dot.state.fl.us/programdevelopmentoffice/wp/default.asp>).

Total motor fuel tax revenue collected in Lee County for each year is estimated based on the gallons of motor fuel sold in Lee County and the Federal/State tax rate per gallon in effect at the time. On average, over the five-year period, it is estimated that 69 percent of Federal and State motor fuel taxes collected in Lee County have been spent on capacity-expanding improvements to the major roadway system, as shown in Table 10.

**Table 10**  
**PERCENT OF FEDERAL/STATE FUEL TAX FUNDING TO CAPACITY**

Fiscal Year	Gallons Sold in Lee County	Fed/State Tax/Gallon*	Fed/State Taxes Paid	FDOT Capacity Funding	Percent Capacity
FY 2001/2002	271,876,944	\$0.353	\$95,972,561	\$62,669,000	65%
FY 2002/2003	279,287,701	\$0.358	\$99,984,997	\$60,858,000	61%
FY 2003/2004	298,951,074	\$0.361	\$107,921,338	\$62,406,000	58%
FY 2004/2005	328,562,336	\$0.367	\$120,582,377	\$82,784,300	69%
FY 2005/2006	346,961,827	\$0.373	\$129,416,761	\$121,432,000	94%
<b>Five-Year Average</b>					<b>69%</b>

\* Fed/State Tax Gallon excludes \$0.02 of constitutional fuel tax

Source: Total gallons of fuel sold in Lee County (includes gasoline and diesel) for FY 2001/02 through FY 2004/05 from the Florida Department of Revenue; estimated gallons for FY 2005/06 based on annual increase of 5.6%; federal/state motor fuel tax per gallon from the Florida Legislative Committee on Intergovernmental Relations; FDOT capacity-expanding improvement funding from Table 9.

Based on the historical percentage of Federal and State fuel tax funding for capacity and the current tax structure, it can be reasonably anticipated that approximately 25.7 cents of the 37.3 cents per gallon of



Federal and State fuel taxes will be available in the future for capacity-expanding capital improvements (see Table 11).

As summarized in Table 11, local motor fuel taxes amount to 16 cents per gallon. The amount of local motor fuel tax applied towards capacity-expanding capital improvements is determined by examining financial reports prepared by the State of Florida and Lee County.

The State imposes a 2-cent per gallon excise tax on motor fuels that is distributed to local governments. The original intent of the Constitutional Fuel Tax (also known as the 5<sup>th</sup>/6<sup>th</sup> Cent Fuel Tax) was to provide the necessary revenue to cover debt service managed by the Florida Board of Administration, with the remaining balance distributed to local governments. The state no longer retains a portion of these funds for debt service, since the 1973 Road/Bridge Bond Issue (Mantanzas Pass and Hurricane Bay Bridges) has been retired. The funds are available for either capital projects or transportation operations, but the County has dedicated the revenue to fund transportation operating costs since 1996.

The County Fuel Tax, also known as the 7<sup>th</sup> Cent Fuel Tax, is distributed to counties via the same distribution formula used for the Constitutional Fuel Tax. However, the state retains 30% of the tax funds for collection fees, refunds, administrative costs and service charges. The proceeds of the 7<sup>th</sup> Cent Fuel Tax are used by Lee County solely for the operation and maintenance of the existing major roadway system.

The Municipal Fuel Tax, also known as the 8<sup>th</sup> Cent Fuel Tax, is joined with non-transportation revenues and distributed to the cities from the Revenue Sharing Trust Fund for Municipalities. This revenue source is not earmarked for transportation purposes.

Local governments in Florida are authorized to levy up to 12 cents of local option fuel taxes in the form of three separate levies. All 12 cents are authorized for Lee County. The County uses a portion of the local fuel tax to retire debt service on the 1993 and 1997 Series Gas Tax Bonds and the 2004 Five Cent Local Option Gas Tax Refunding Bond. The remaining revenues are distributed among the County and municipal governments according to interlocal agreement or statutory formula.

The Six Cent Tax is a tax of six cents per gallon of motor and diesel fuel sold within the County. The entire six cents is pledged to retire the 1993 and 1997 Series Gas Tax Bonds. However, only two cents, or one-third, is actually used for debt service. The remaining two-thirds is split between the Transportation Capital Improvement Fund, where it is informally earmarked for road resurfacing and rehabilitation, and LeeTran transit.

The Five Cent Tax is a tax of five cents per gallon of motor and diesel fuel sold within the County. All of the five-cent local option gas tax revenues are used for capacity-expanding improvements. Approximately one-half is dedicated to debt service for East/West Corridor improvements associated with the Midpoint Memorial Bridge, while the other half is used for other capacity-expanding projects.

The 9<sup>th</sup> Cent Tax is a tax of one cent per gallon of motor and diesel fuel sold in the County. The County is not required to share the proceeds of the 9<sup>th</sup> Cent Tax with the municipalities, and the funds are only used for transportation purposes. Approximately 41 percent of the 9<sup>th</sup> Cent Tax revenues are used to retire debt service on the 1993 Series Gas Tax Bonds (this bond was refunded with the Series 2003 Road

Improvement Revenue Bond issued in October 2003). The balance is used for the operation and maintenance of the existing major roadway system.<sup>11</sup>

The motor fuel tax credits per gallon are summarized in Table 11. For every gallon of gasoline sold in Lee County, motorists currently pay approximately 53 cents per gallon in motor fuel taxes. Of the 53 cents, approximately 33 cents per gallon are available for capacity-expanding improvements to the major roadway system based on past experience, or about 62 percent of motor fuel taxes paid.

**Table 11**  
**MOTOR FUEL TAX CREDIT PER GALLON**

Type of Motor Fuel Tax	Tax Rate/ Gallon	% to Capacity	Capacity \$/Gal.
Federal Motor Tax	\$0.184		
State Motor Tax (Less Constitutional Fuel Tax)	\$0.129		
State Comprehensive Enhanced Transportation (SCETS) Tax	\$0.060		
Subtotal, Federal/State Motor Fuel Tax per Gallon	\$0.373	69%	\$0.257
5 <sup>th</sup> and 6 <sup>th</sup> Cent Tax (Constitutional Fuel Tax)	\$0.020	0%	\$0.000
7 <sup>th</sup> Cent Tax (County Fuel Tax)	\$0.010	0%	\$0.000
8 <sup>th</sup> Cent Tax (Municipal Fuel Tax)	\$0.010	0%	\$0.000
Six Cent Local Option Tax	\$0.060	33%	\$0.020
Five Cent Local Option Tax	\$0.050	100%	\$0.050
9 <sup>th</sup> Cent Tax	\$0.010	41%	\$0.004
Subtotal, Local Motor Fuel Tax per Gallon	\$0.160	46%	\$0.074
<b>Total Motor Fuel Tax per Gallon</b>	<b>\$0.533</b>	<b>62%</b>	<b>\$0.331</b>

Source: Federal, State and SCETS tax rates per gallon as of January 1, 2006 from the Florida Department of Revenue; local fuel tax rates per gallon from *Lee County Annual Budget, FY 2005/06*; percent federal/state capacity funding per gallon from Table 10; percentages for local motor fuel taxes derived from the *Lee County Annual Budget, FY 2005/2006* and the *Lee County 2005 Debt Manual* (<http://www.lee-county.com/onlinedocuments.htm>).

Over the 20-year useful life of most road improvements, new development can be expected to generate approximately \$92 in capacity-expanding road funding for every daily vehicle-mile of travel (see Table 12). This is the amount of credit that should be applied against the cost of accommodating the transportation demands of new development.

<sup>11</sup> In 2004, Lee County received \$3,321,700 in 9<sup>th</sup> Cent Tax, of which \$1,351,200 was used to retire the debt service on the 1993 Series Gas Tax Bonds, with the balance used for the operation and maintenance of roadway system (from the *Lee County Budget, FY 2005/06* and the *Lee County Debt Manual, FY 2005*).

**Table 12**  
**MOTOR FUEL TAX CREDIT PER SERVICE UNIT**

Total Federal, State and Local Motor Fuel Tax Capacity-Expanding Improvement Funding per Gallon	\$0.331
Average Miles per Gallon	17.0
Capacity-Expanding Improvement Funding per Daily Vehicle-Mile	\$0.0195
Days per Year	365
Annual Capacity-Expanding Improvement Funding per Daily Vehicle-Mile	\$7.12
Net Present Value Factor (4.55% discount rate over 20 years)	12.95
Motor Fuel Tax Credit per Daily Vehicle-Mile of Travel (VMT)	\$92

*Source:* Motor fuel tax funding per gallon from Table 10; average miles per gallon is average for all motor vehicles for 2003 from US Census Bureau, *Statistical Abstract of the United States*, 2006, Table 1085; net present value based on 4.55% discount rate, which is the average interest rate on 20-year AAA municipal bonds cited on [www.fmsbonds.com](http://www.fmsbonds.com) on June 29, 2006.

### **Excess Toll Revenue Credit**

Lee County toll road facilities include the Cape Coral toll facility and parallel span bridges, Midpoint Memorial toll facility and bridge and Sanibel Causeway toll facility and drawbridge. Since these facilities are self-supporting through toll revenue, they are not included in the average trip length used in the impact fee analysis. However, in recent years, the County has programmed excess toll road revenue for capital improvements on non-toll roads. In this update, a separate credit will be provided to account for excess toll road revenue. Excluding toll-funded projects from the list of projects used to determine the average cost per lane-mile does not eliminate the need for an excess toll funding credit. Travel on toll roads was taken out of total VMT used to calculate the average trip length, so a credit is unnecessary for toll revenue used to improve toll roads or pay toll road debt. However, that option is not available for non-toll facilities that may receive excess toll funding. For this reason, a credit has been calculated for the present value of future excess toll revenue expected to be generated by new development.

Table 13 shows the non-toll road projects that are programmed to be funded with excess toll revenue from the Cape and Midpoint Bridges in the County's draft 2006/07 to 2010/11 CIP (the County does not expect any surplus tolls from the Sanibel toll bridge in this time frame). It is estimated that the County will spend \$45.3 million of excess toll revenue for capacity improvements on non-toll roads over the next five years. Beyond the surplus toll revenue, a couple of projects also assume bonding against new tolls. These include the right-of-way and construction phases of the Colonial Expressway, and the design phase of the CR 951 Extension South (from Immokalee Road to Bonita Beach Road). However, it remains to be seen whether these projects will actually be toll-feasible and these phases funded with toll bonds. If these new roads are toll facilities, they will not be included in the average trip length in the next road impact fee update.

**Table 13**  
**EXCESS TOLL REVENUE CREDIT**

Burnt Store Road Widening	\$19,830,233
Colonial Expressway	\$15,500,000
Veterans Parkway/Del Prado Overpass	\$7,700,000
Veterans Parkway/Santa Barbara Overpass	\$2,250,000
Total Excess Toll Revenue Funding, FY 2007-2011	\$45,280,233
Years	5
Annual Excess Toll Revenue Funding	\$9,056,047
Existing VMT on Major Road System	11,431,937
Annual Excess Toll Funding per VMT	\$0.79
Net Present Value Factor (4.55% discount rate over 20 years)	12.95
Excess Toll Credit per Daily Vehicle-Mile of Travel (VMT)	\$10

*Source:* Projects and programmed excess toll revenue from Lee County, draft FY 2006/07-2010/11 Capital Improvement Program; existing VMT from Table 16; net present value based on 4.55% discount rate, which is the average interest rate on 20-year AAA municipal bonds cited on [www.fmsbonds.com](http://www.fmsbonds.com) on June 29, 2006.

## TRAVEL DEMAND

The travel demand generated by specific land use types in Lee County is a product of four factors: 1) trip generation, 2) percent new trips, 3) average trip length and 4) a local adjustment factor to calibrate VMT based on national travel characteristics to reflect local travel demand.

### Trip Generation

Trip generation rates are based on information published in the most recent edition of the Institute of Transportation Engineers' (ITE) Trip Generation manual. Trip generation rates represent trip ends, or driveway crossings at the site of a land use. Thus, a single one-way trip from home to work counts as one trip end for the residence and one trip end for the work place, for a total of two trip ends. To avoid over-counting, all trip rates have been divided by two. This places the burden of travel equally between the origin and destination of the trip and eliminates double-charging for any particular trip.

### New Trip Factor

Trip rates must also be adjusted by a "new trip factor" to exclude pass-by and diverted-link trips. This adjustment is intended to reduce the possibility of over-counting by only including primary trips generated by the development. Pass-by trips are those trips that are already on a particular route for a different purpose and simply stop at a development on that route. For example, a stop at a convenience store on the way home from the office is a pass-by trip for the convenience store. A pass-by trip does not create an additional burden on the street system and therefore should not be counted in the assessment of impact fees. A diverted-link trip is similar to a pass-by trip, but a diversion is made from the regular route to make an interim stop. The reduction for pass-by and diverted-link trips was drawn from ITE and other published information.

### Average Trip Length

In the context of a road impact fee based on a demand-driven methodology, we are interested in determining the average length of a trip on the major roadway system within Lee County. As part of the prior impact fee update, an analysis was conducted of origin-destination survey data collected at several major intersections in Lee County.<sup>12</sup> The analysis found average trip lengths comparable to national average trip lengths. Based on this finding, the consultant and Lee County transportation staff agreed it would be better to use national data for both trip generation rates and average trip lengths, and to calibrate total VMT to local conditions using a local adjustment factor.

Table 14 below shows national average trip lengths by trip purpose. The U.S. Department of Transportation's 2001 *National Household Travel Survey* identifies average trips lengths for specific trip purposes, including home-to-work trips, doctor/dentist, school/church, shopping, and other personal trips. In addition, an average residential trip length was calculated using a weighting of 25 percent work trips and 75 percent average trips, based on the fact that a single-family unit in Lee County has an

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<sup>12</sup> CRSPE, Inc., *Lee County Trip Length Study*, January 2003

average of 1.15 workers,<sup>13</sup> who could be expected to generate 2.30 of the 9.57 trip ends generated by a typical single-family unit during a weekday.

**Table 14**  
**AVERAGE TRIP LENGTH BY TRIP PURPOSE**

Trip Purpose	Length (miles)
To or from work	12.19
Residential	10.41
Doctor/Dentist	9.89
Average	9.82
School/Church	7.50
Family/Personal	7.43
Shopping	6.61

Source: US. Department of Transportation, *National Household Travel Survey*, 2001 residential trip length is weighted 25% local work trip length and 75% average trip length.

### Local Adjustment Factor

As noted above, it is necessary to calibrate the VMT expected from various land use types derived from national data to reflect observed volumes on Lee County's major roadway system. The first step in developing the adjustment factor for local travel demand is to estimate the total daily vehicle-miles of travel (VMT) expected on Lee County's major roadway system based on national travel demand characteristics. Existing land use data were compiled using information from the Lee County Property Appraiser for all jurisdictions in the County. Existing land uses are multiplied by average daily trip generation rates, percent of primary trips and average trip lengths and summed to estimate total county-wide VMT. As shown in Table 15, existing county-wide land uses, using national trip generation and trip length data, would be expected to generate approximately 19 million VMT every day.

**Table 15**  
**COUNTY-WIDE VEHICLE-MILES OF TRAVEL**

Land Use Type	ITE Code	Unit	Existing Units	Trip Rate	Primary Trips	Daily Trips	Length (miles)	Daily VMT
Single-Family Detached	210	Dwelling	181,714	4.79	100%	870,410	10.41	9,060,968
Multi-Family	220	Dwelling	93,442	3.36	100%	313,965	10.41	3,268,376
Mobile Home/RV Park	240	Pad	8,253	2.50	100%	20,633	10.41	214,790
Hotel/Motel	310/320	Rooms	15,841	4.51	80%	57,154	10.41	594,973
Shop Center/Gen. Retail	820	1000 sq ft	39,030	21.47	62%	519,544	6.61	3,434,186
Office	710	1000 sq ft	15,855	5.51	75%	65,521	9.82	643,416
Public/Institutional	710	1000 sq ft	26,809	5.51	75%	110,788	9.82	1,087,938
Industrial Park	130	1000 sq ft	8,193	3.48	95%	27,086	10.41	281,965
Warehouse	150	1000 sq ft	14,996	2.48	95%	35,331	10.41	367,796
<b>Total</b>						<b>2,020,432</b>		<b>18,954,408</b>

Source: Existing units from the Lee County Department of Community Development, October 2005; single-family detached includes mobile and manufactured home on individual lot; trip rates, primary trips and trip lengths from Table 18, public/institutional trip rate based on office rate; daily trips is product of trip rate and primary trips; daily VMT is product of daily trips and trip length.

<sup>13</sup> Derived from 2000 U.S. Census 5% Public-Use Microdata Sample (PUMS) for Lee County

The next step in developing the local travel demand adjustment factor is to determine actual county-wide VMT on Lee County's major roadway system. An inventory of the existing major roadway system was prepared as part of this update (see Table 22 of the Appendix). Roadway segment lengths, recent travel volumes and peak season factors are used to determine actual daily VMT.

The majority of the average daily traffic volumes for 2004 were obtained from Lee County's Department of Transportation and FDOT. The County monitors average daily traffic for all arterials maintained by the State or County. These counts were supplemented by counts maintained by the City of Cape Coral.

Counts provided by all agencies were average annual counts. However, there is a significant seasonal variation in traffic in Lee County, and it was necessary to convert average annual counts to peak season counts. Conversion of the counts was based on the permanent count station assigned to a particular link. In the few cases where a count station has not been assigned, the count station judged to be the most likely to reflect traffic peaking characteristics on the new facility was used. As part of the reporting generated by the permanent count stations, variations in monthly traffic are calculated. These variations are reported as a percentage of traffic during a particular month as compared to average annual traffic. In Lee County, traffic is heaviest during February and March. For purposes of converting traffic counts to peak season volumes, traffic characteristics for March were used. In the instances where March data was unavailable, data for February was used.

Once traffic counts were converted to peak season, conversion to total county-wide VMT was straightforward. Counts for each segment were multiplied by the centerline length of the segment to calculate VMT for the link. VMT for individual links were totaled to arrive at an actual county-wide VMT. The detailed count data, peaking factor and VMT for each roadway segment are presented in Table 22 of the Appendix.

Before the projected VMT could be compared to actual VMT, the actual VMT must be reduced by the amount of travel associated with "through trips" that do not have an origin or destination in the County. Data interpolated from the 1990 and 2020 regional travel demand models indicate that "external-to-external" trips are equivalent to 1.2 percent of trips generated within Lee County. However, since the area covered by the model extends beyond Lee County into adjoining counties, the model may be under-estimating the percent of through trips. To compensate for this, the percentage of through trips were assumed to be twice that predicted by the model, or 2.4 percent. Applying this percentage to the number of trips estimated to be generated within Lee County by existing land use yields an estimate of through trips. Since the majority of through trips are likely to occur on I-75, multiplying through trips by the length of I-75 through the county provides a reasonable estimate of VMT associated with through traffic.

Actual VMT should also be reduced by the amount of travel on the three toll bridges, since these facilities have a separate funding source. Subtracting through trip and toll bridge VMT from total VMT results in the VMT associated with non-toll road travel generated by development within the county. As shown in Table 16, locally-generated, non-toll road travel account for about 11.4 million VMT on the major roadway system every day during the peak season.

**Table 16**  
**MAJOR ROADWAY SYSTEM TRAVEL DEMAND**

Total Daily Trips Generated by Land Uses in Lee County	2,020,432
Percent Through Trips	2.40%
Daily Through Trips	48,490
Average Length of Through Trips (miles)	34.34
Daily Through Trip VMT	1,665,147
Daily Sanibel Causeway Toll Road VMT	53,179
Daily Cape Coral Bridge Toll Road VMT	82,129
Daily Midpoint Bridge Toll Road VMT	167,324
Total Daily Through Trip and Toll Road VMT	1,967,779
Total Daily VMT on Major Roadway System	13,399,716
Locally-Generated, Non-Toll Road Daily VMT	11,431,937

*Source:* Total daily trips generated within Lee County from Table 15; percent trips through Lee County with no origin or destination in county estimated from regional travel demand model; average length of through trips based on length of I-75 through county; VMT on toll roads from CRSPE, Inc., June 28, 2006; total daily VMT from Table 3.

Comparing the results of the last two tables, it can be seen that projected VMT using existing land use data and national travel demand characteristics significantly over-estimates VMT actually observed on the major roadway system. Consequently, it is necessary to develop an adjustment factor to account for this variation. The local travel demand adjustment factor is the ratio of actual to projected VMT on the major roadway system. As shown in Table 17, the average daily demand for each land use should be multiplied by a local adjustment factor of 0.6.

**Table 17**  
**LOCAL ADJUSTMENT FACTOR**

Actual Daily Vehicle-miles of Travel (VMT)	11,431,937
Projected Daily Vehicle-miles of Travel (VMT)	18,954,408
Local Adjustment Factor	0.60

*Source:* Actual daily VMT from Table 15; projected daily VMT Table 15.

### **Travel Demand Summary**

The result of combining trip generation rates, primary trip factors, average trip lengths and a local adjustment factor is a travel demand schedule. The travel demand schedule establishes the average daily VMT generated by various land use types per unit of development for Lee County (see Table 18).



**Table 18**  
**TRAVEL DEMAND SCHEDULE**

Land Use Type	ITE Code	Unit	1-Way Trips	Primary Trips	Length (miles)	Adjust. Factor	Daily VMT
Single-Family Detached	210	Dwelling	4.79	100%	10.41	0.60	29.92
Multi-Family	220	Dwelling	3.36	100%	10.41	0.60	20.99
Mobile Home/RV Park	240	Pad	2.50	100%	10.41	0.60	15.62
Elderly/Disabled Housing	252	Dwelling	1.74	100%	10.41	0.60	10.87
Adult Cong. Living Facility (ACLF)	253	Dwelling	1.08	100%	10.41	0.60	6.75
Hotel/Motel	310/320	Room	4.51	80%	10.41	0.60	22.54
<b>RETAIL/COMMERCIAL</b>							
Shopping Center/General Retail	820	1,000 sq. ft.	21.47	62%	6.61	0.60	52.79
Bank	911	1,000 sq. ft.	78.24	27%	6.61	0.60	83.78
Car Wash, Self Service	947	Stall	10.05	44%	6.61	0.60	17.54
Convenience Store w/Gas Sales	853	1,000 sq. ft.	422.80	16%	3.31	0.60	134.35
Golf Course (open to public)	430	Acre	2.52	80%	7.43	0.60	8.99
Movie Theater	443	1,000 sq. ft.	39.03	50%	6.61	0.60	77.40
Restaurant, Sit-Down	931	1,000 sq. ft.	44.98	38%	6.61	0.60	67.79
Restaurant, Fast Food	934	1,000 sq. ft.	248.06	30%	3.31	0.60	147.79
<b>OFFICE/INSTITUTIONAL</b>							
Office, General	710	1,000 sq. ft.	5.51	75%	9.82	0.60	24.35
Office, Medical	720	1,000 sq. ft.	18.07	75%	9.89	0.60	80.42
Hospital	610	1,000 sq. ft.	8.79	75%	9.89	0.60	39.12
Nursing Home	620	1,000 sq. ft.	3.05	75%	9.89	0.60	13.57
Church	560	1,000 sq. ft.	4.56	75%	7.43	0.60	15.25
Day Care Center	565	1,000 sq. ft.	39.63	24%	7.50	0.60	42.80
Elementary/Sec. School (private)	520/522/530	1,000 sq. ft.	6.86	24%	7.50	0.60	7.41
<b>INDUSTRIAL</b>							
Industrial Park	130	1,000 sq. ft.	3.48	95%	10.41	0.60	20.65
Warehouse	150	1,000 sq. ft.	2.48	95%	10.41	0.60	14.72
Mini-Warehouse	151	1,000 sq. ft.	1.25	95%	7.43	0.60	5.29

Source: "1-Way Trips" = ½ of average daily trips (ADT) during weekday from Institute of Transportation Engineers (ITE), *Trip Generation*, 7th ed., 2003; primary trip percentages for shopping center (additional 10% deducted for diverted-link trips), bank, convenience store w/gas sales, and restaurant (sit-down and fast food) from ITE, *Trip Generation Handbook*, March 2001; car wash, self service, ADT and primary trip percentage from Metro Transportation Group, Inc., *Independent Fee Calculation Study for Self Serve Car Wash Facilities - Hancock Bridge Parkway Location*, October 24, 2000; percentage for elementary/secondary school and day care center based on Preston Hitchens, "Trip Generation of Day Care Centers," 1990 *ITE Compendium*; average trip lengths from Table 14; retail average trip length reduced by 50% for convenience stores and fast food restaurants; local adjustment factor from Table 17.

## FEE SCHEDULE

Using the impact fee formula and the inputs calculated in this report, the updated road impact fees for various land uses are shown in Table 19, based on local (County and City of Fort Myers) road improvements, and in Table 20, based on both local and State road improvements.

**Table 19**  
**UPDATED ROAD IMPACT FEES (LOCAL PROJECTS)**

Land Use Type	Unit	Daily VMT	Cost/ VMT	Cost/ Unit	Credit/ VMT	Credit/ Unit	Net Cost/ Unit
Single-Family Detached	Dwelling	29.92	\$402	\$12,028	\$102	\$3,052	\$8,976
Multi-Family	Dwelling	20.99	\$402	\$8,438	\$102	\$2,141	\$6,297
Mobile Home/RV Park	Pad	15.62	\$402	\$6,279	\$102	\$1,593	\$4,686
Elderly/Disabled Housing	Dwelling	10.87	\$402	\$4,370	\$102	\$1,109	\$3,261
Adult Cong. Living Facility (ACLF)	Dwelling	6.75	\$402	\$2,714	\$102	\$689	\$2,025
Hotel/Motel	Room	22.54	\$402	\$9,061	\$102	\$2,299	\$6,762
<b>RETAIL/COMMERCIAL</b>							
Shopping Center/General Retail	1,000 sq. ft.	52.79	\$402	\$21,222	\$102	\$5,385	\$15,837
Bank	1,000 sq. ft.	83.78	\$402	\$33,680	\$102	\$8,546	\$25,134
Car Wash, Self Service	Stall	17.54	\$402	\$7,051	\$102	\$1,789	\$5,262
Convenience Store w/Gas Sales	1,000 sq. ft.	134.35	\$402	\$54,009	\$102	\$13,704	\$40,305
Golf Course (open to public)	Acre	8.99	\$402	\$3,614	\$102	\$917	\$2,697
Movie Theater	1,000 sq. ft.	77.40	\$402	\$31,115	\$102	\$7,895	\$23,220
Restaurant, Sit-Down	1,000 sq. ft.	67.79	\$402	\$27,252	\$102	\$6,915	\$20,337
Restaurant, Fast Food	1,000 sq. ft.	147.79	\$402	\$59,412	\$102	\$15,075	\$44,337
<b>OFFICE/INSTITUTIONAL</b>							
Office, General	1,000 sq. ft.	24.35	\$402	\$9,789	\$102	\$2,484	\$7,305
Office, Medical	1,000 sq. ft.	80.42	\$402	\$32,329	\$102	\$8,203	\$24,126
Hospital	1,000 sq. ft.	39.12	\$402	\$15,726	\$102	\$3,990	\$11,736
Nursing Home	1,000 sq. ft.	13.57	\$402	\$5,455	\$102	\$1,384	\$4,071
Church	1,000 sq. ft.	15.25	\$402	\$6,131	\$102	\$1,556	\$4,575
Day Care Center	1,000 sq. ft.	42.80	\$402	\$17,206	\$102	\$4,366	\$12,840
Elementary/Sec. School (private)	1,000 sq. ft.	7.41	\$402	\$2,979	\$102	\$756	\$2,223
<b>INDUSTRIAL</b>							
Industrial Park	1,000 sq. ft.	20.65	\$402	\$8,301	\$102	\$2,106	\$6,195
Warehouse	1,000 sq. ft.	14.72	\$402	\$5,917	\$102	\$1,501	\$4,416
Mini-Warehouse	1,000 sq. ft.	5.29	\$402	\$2,127	\$102	\$540	\$1,587

Source: Daily VMT per unit from Table 18; cost per VMT from Table 8; credit per VMT from Table 12.

**Table 20**  
**UPDATED ROAD IMPACT FEES (ALL PROJECTS)**

Land Use Type	Unit	Daily VMT	Cost/ VMT	Cost/ Unit	Credit/ VMT	Credit/ Unit	Net Cost/ Unit
Single-Family Detached	Dwelling	29.92	\$407	\$12,177	\$102	\$3,052	\$9,125
Multi-Family	Dwelling	20.99	\$407	\$8,543	\$102	\$2,141	\$6,402
Mobile Home/RV Park	Pad	15.62	\$407	\$6,357	\$102	\$1,593	\$4,764
Elderly/Disabled Housing	Dwelling	10.87	\$407	\$4,424	\$102	\$1,109	\$3,315
Adult Cong. Living Facility (ACLF)	Dwelling	6.75	\$407	\$2,747	\$102	\$689	\$2,058
Hotel/Motel	Room	22.54	\$407	\$9,174	\$102	\$2,299	\$6,875
<b>RETAIL/COMMERCIAL</b>							
Shopping Center/General Retail	1,000 sq. ft.	52.79	\$407	\$21,486	\$102	\$5,385	\$16,101
Bank	1,000 sq. ft.	83.78	\$407	\$34,098	\$102	\$8,546	\$25,552
Car Wash, Self Service	Stall	17.54	\$407	\$7,139	\$102	\$1,789	\$5,350
Convenience Store w/Gas Sales	1,000 sq. ft.	134.35	\$407	\$54,680	\$102	\$13,704	\$40,976
Golf Course (open to public)	Acre	8.99	\$407	\$3,659	\$102	\$917	\$2,742
Movie Theater	1,000 sq. ft.	77.40	\$407	\$31,502	\$102	\$7,895	\$23,607
Restaurant, Sit-Down	1,000 sq. ft.	67.79	\$407	\$27,591	\$102	\$6,915	\$20,676
Restaurant, Fast Food	1,000 sq. ft.	147.79	\$407	\$60,151	\$102	\$15,075	\$45,076
<b>OFFICE/INSTITUTIONAL</b>							
Office, General	1,000 sq. ft.	24.35	\$407	\$9,910	\$102	\$2,484	\$7,426
Office, Medical	1,000 sq. ft.	80.42	\$407	\$32,731	\$102	\$8,203	\$24,528
Hospital	1,000 sq. ft.	39.12	\$407	\$15,922	\$102	\$3,990	\$11,932
Nursing Home	1,000 sq. ft.	13.57	\$407	\$5,523	\$102	\$1,384	\$4,139
Church	1,000 sq. ft.	15.25	\$407	\$6,207	\$102	\$1,556	\$4,651
Day Care Center	1,000 sq. ft.	42.80	\$407	\$17,420	\$102	\$4,366	\$13,054
Elementary/Sec. School (private)	1,000 sq. ft.	7.41	\$407	\$3,016	\$102	\$756	\$2,260
<b>INDUSTRIAL</b>							
Industrial Park	1,000 sq. ft.	20.65	\$407	\$8,405	\$102	\$2,106	\$6,299
Warehouse	1,000 sq. ft.	14.72	\$407	\$5,991	\$102	\$1,501	\$4,490
Mini-Warehouse	1,000 sq. ft.	5.29	\$407	\$2,153	\$102	\$540	\$1,613

Source: Daily VMT per unit from Table 18; cost per VMT from Table 8; credit per VMT from Table 12.

## Comparative Fees

The two alternative sets of fees calculated in this report are compared with the current fees in Table 21. If the fees are based solely on the average cost of adding capacity with local road improvement projects, the updated fees will be, on average, about 202 percent higher than existing fees. Alternatively, if the fees are based on the average cost of local and State road improvement projects, the updated fees will be 207 percent higher, on average, than existing fees.

The fee increases are primarily related to the increased cost of construction due to commodity price increases for energy, concrete and steel and increased land costs for right-of-way acquisition. Variation

among specific land-use categories is due to application of the updated national trip generation rate data utilized in this study.

**Table 21**  
**COMPARISON OF CURRENT AND UPDATED ROAD FEES**

Land Use Type	Unit	Current Fee	Updated Fees		Percent Change	
			Local	All Projects	Local	All Projects
Single-Family Detached	Dwelling	\$2,971	\$8,976	\$9,125	202%	207%
Multi-Family	Dwelling	\$2,059	\$6,297	\$6,402	206%	211%
Mobile Home/RV Park	Pad	\$1,488	\$4,686	\$4,764	215%	220%
Elderly/Disabled Housing	Dwelling	\$1,017	\$3,261	\$3,315	221%	226%
Adult Cong. Living Facility (ACLF)	Dwelling	\$670	\$2,025	\$2,058	202%	207%
Hotel/Motel	Room	\$2,237	\$6,762	\$6,875	202%	207%
<b>RETAIL/COMMERCIAL</b>						
Shopping Center	1,000 sq. ft.	\$5,063	\$15,837	\$16,101	213%	218%
Bank	1,000 sq. ft.	\$8,038	\$25,134	\$25,552	213%	218%
Car Wash, Self Service	Stall	\$1,683	\$5,262	\$5,350	213%	218%
Convenience Store w/Gas Sales	1,000 sq. ft.	\$11,250	\$40,305	\$40,976	258%	264%
Golf Course (open to public)	Acre	\$862	\$2,697	\$2,742	213%	218%
Movie Theater	1,000 sq. ft.	\$7,427	\$23,220	\$23,607	213%	218%
Restaurant, Sit-Down	1,000 sq. ft.	\$6,504	\$20,337	\$20,676	213%	218%
Restaurant, Fast Food	1,000 sq. ft.	\$12,763	\$44,337	\$45,076	247%	253%
<b>OFFICE/INSTITUTIONAL</b>						
Office, General	1,000 sq. ft.	\$2,336	\$7,305	\$7,426	213%	218%
Office, Medical	1,000 sq. ft.	\$7,716	\$24,126	\$24,528	213%	218%
Hospital	1,000 sq. ft.	\$3,582	\$11,736	\$11,932	228%	233%
Nursing Home	1,000 sq. ft.	\$1,004	\$4,071	\$4,139	305%	312%
Church	1,000 sq. ft.	\$1,467	\$4,575	\$4,651	212%	217%
Day Care Center	1,000 sq. ft.	\$4,107	\$12,840	\$13,054	213%	218%
Elementary/Sec. School (private)	1,000 sq. ft.	\$643	\$2,223	\$2,260	246%	251%
<b>INDUSTRIAL</b>						
Industrial Park	1,000 sq. ft.	\$2,050	\$6,195	\$6,299	202%	207%
Warehouse	1,000 sq. ft.	\$1,461	\$4,416	\$4,490	202%	207%
Mini-Warehouse	1,000 sq. ft.	\$508	\$1,587	\$1,613	212%	218%

Source: Current fees from Lee County Land Development Code Sec. 2-266; potential fees from Table 19.

## APPENDIX: MAJOR ROAD INVENTORY

**Table 22**  
**EXISTING MAJOR ROADWAY INVENTORY**

Roadway	From	To	2004 AADT	Miles	Peak Season Factor	Peak Season VMT
I 75	Collier County Line	Bonita Beach Rd	42,500	1.22	1.092	56,620
I 75	Bonita Beach Rd	Corkscrew Rd	63,000	7.35	1.092	505,651
I 75	Corkscrew Rd	Alico Rd	67,500	4.31	1.092	317,690
I 75	Alico Rd	Daniels Pkwy	82,000	3.76	1.092	336,685
I 75	Daniels Pkwy	Colonial Blvd	66,500	4.60	1.092	334,043
I 75	Colonial Blvd	M.L.K.	69,000	1.56	1.092	117,543
I 75	M.L.K.	Luckett Rd	77,000	1.51	1.092	126,967
I 75	Luckett Rd	SR 80	75,000	1.92	1.092	157,248
I 75	SR 80	SR 78	55,500	2.35	1.092	142,424
I 75	SR 78	Charlotte Co Line	38,000	5.76	1.092	239,017
Subtotal, Interstate				34.34		2,333,888
Alico Rd	Three Oaks	I-75	20,400	0.38	1.12	8,682
Alico Rd	I-75	Ben Hill Griffin Pkwy	14,500	0.68	1.13	11,142
Bus 41 (Edison Br)	N Tamiami Trl	Fowler St	15,400	1.06	1.04	16,977
Bus 41 (Edison Br)	N Tamiami Trl	First St	15,400	1.09	1.04	17,457
Bus 41 (Evans Ave)	Dr MLK	First St	15,400	0.54	1.04	8,649
Bus 41 (Fowler St)	Hanson St	Dr MLK	26,200	1.27	1.08	35,936
Bus 41 (Fowler St)	Dr MLK	First Street	15,400	0.43	1.04	6,887
Bus 41 (Tamiami Trl)	Edison Bridge	Pondella Rd	30,800	0.63	1.04	20,180
Bus 41 (Tamiami Trl)	Pondella Rd	Pine Island Rd	26,900	1.05	1.04	29,375
Bus 41 (Tamiami Trl)	Pine Island Rd	Littleton Rd	18,600	1.10	1.04	21,278
Bus 41 (Tamiami Trl)	Littleton Rd	Laurel Dr	13,800	0.59	1.04	8,468
Bus 41 (Tamiami Trl)	Laurel Dr	N Cleveland Ave	9,800	0.75	1.04	7,644
Bus 41 (Tamiami Trl)	Bus 41	Del Prado Blvd	23,500	0.92	1.07	23,133
Bus 41 (Tamiami Trl)	Del Prado Blvd	County Line	18,000	3.43	1.07	66,062
Challenger Blvd	Colonial Blvd	Winkler Ave Ext	1,500	0.64	1.08	1,037
Colonial Blvd	Cleveland Ave	Fowler St	52,000	0.55	1.04	29,744
Colonial Blvd	Fowler St	Metro Pkwy	58,000	0.77	1.04	46,446
Colonial Blvd	Metro Pkwy	V Shoemaker Blvd	49,600	0.58	1.15	33,083
Colonial Blvd	V Shoemaker Blvd	Challenger Blvd	55,100	0.98	1.15	62,098
Colonial Blvd	Challenger Blvd	Winler Ave Ext	55,100	0.55	1.01	30,608
Colonial Blvd	Winkler Ave Ext	Ortiz Ave	60,500	0.68	1.01	41,551
Colonial Blvd	Ortiz Ave	I-75	59,000	0.49	1.01	29,199
Colonial Blvd	I-75	SR 82	30,700	2.35	1.01	72,866
Daniels Pkwy	I-75	Treeline Ave	53,500	0.54	1.18	34,090
Hanson St	Fowler St	Metro Pkwy	122	0.62	1.08	82
McGregor Blvd	San Carlos Blvd	Pine Ridge Rd	26,900	0.76	1.22	24,942
McGregor Blvd	Pine Ridge Rd	Cypress Lake Dr	38,200	2.03	1.09	84,525
McGregor Blvd	Cypress Lake Dr	College Pkwy	38,200	0.82	1.09	34,143
McGregor Blvd	College Pkwy	Winkler Rd	17,800	1.43	1.09	27,745

Roadway	From	To	2004 AADT	Miles	Peak Season Factor	Peak Season VMT
McGregor Blvd	Winkler Rd	Whiskey Creek Dr	21,000	0.30	1.09	6,867
McGregor Blvd	Whiskey Creek Dr	Royal Palm Sq Blvd	24,200	0.95	1.09	25,059
McGregor Blvd	Royal Palm Sq Blvd	Colonial Blvd	38,200	0.34	1.09	14,157
Metro Pkwy	Six Mile Cypress Pkwy	Daniels Pkwy	10,400	1.25	1.13	14,690
Metro Pkwy	Daniels Pkwy	Crystal Dr	25,400	1.26	1.13	36,165
Metro Pkwy	Crystal Dr	Danley Dr	25,300	1.06	1.13	30,304
Metro Pkwy	Danley Dr	Colonial Blvd	35,700	1.25	1.13	50,426
Metro Pkwy	Colonial Blvd	Winkler Ave Ext	21,600	0.50	1.13	12,204
Metro Pkwy	Winkler Ave Ext	Hanson St	21,500	1.27	1.13	30,855
MLK (SR 82)	Cleveland Ave	Fowler St	20,000	0.62	1.01	12,524
MLK (SR 82)	Fowler St	Evans Av	27,100	0.12	1.01	3,285
MLK (SR 82)	Evans Ave	Ford St	21,900	0.75	1.01	16,589
MLK (SR 82)	Ford St	Henderson Ave	24,900	0.14	1.01	3,521
MLK (SR 82)	Henderson Ave	Ortiz Ave	27,800	2.17	1.01	60,929
MLK (SR 82)	Ortiz Ave	I-75	27,300	0.61	1.08	17,985
MLK (SR 82)	I-75	Omni Blvd	24,200	0.69	1.01	16,865
MLK (SR 82)	Omni Blvd	Buckingham Rd	21,100	1.06	1.01	22,590
MLK (SR 82)	Buckingham Rd	Lee Blvd	17,900	0.73	1.01	13,198
MLK (SR 82)	Colonial/lee Blvd	Commerce Lakes Dr	14,700	2.43	1.01	36,078
MLK (SR 82)	Commerce Lakes Dr	Gunnery Rd	9,400	1.82	1.01	17,279
MLK (SR 82)	Daniels/gunnery	Alabama Rd	15,400	3.57	1.03	56,627
MLK (SR 82)	Alabama Rd	Grant Blvd	14,900	0.34	1.05	5,319
MLK (SR 82)	Grant Blvd	Parkdale Blvd	14,400	1.20	1.05	18,144
MLK (SR 82)	Parkdale Blvd	Jaguar Blvd	13,900	0.54	1.05	7,881
MLK (SR 82)	Jaguar Blvd	Nimitz Blvd	13,400	0.75	1.05	10,553
MLK (SR 82)	Nimitz Blvd	Homestead Rd	12,900	0.37	1.05	5,012
MLK (SR 82)	Homestead Rd	Bell Blvd	12,400	1.04	1.05	13,541
MLK (SR 82)	Bell Blvd	Eisenhower Blvd	11,900	1.13	1.05	14,119
MLK (SR 82)	Eisenhower Blvd	Columbus Blvd	11,900	0.97	1.05	12,120
MLK (SR 82)	Columbus Blvd	County Line	11,600	0.60	1.03	7,169
Omni Blvd	Colonial Blvd	SR 82	2,300	1.42	1.08	3,527
San Carlos Blvd	Estero Blvd	N End Matanzas Br	22,900	0.60	1.13	15,526
San Carlos Blvd	Matanzas Pass Br	Pine Ridge Road	22,900	2.04	1.13	52,789
San Carlos Blvd	Pine Ridge Rd	Summerlin Rd	28,600	0.44	1.09	13,717
San Carlos Blvd	Summerlin Rd	Kelly Rd	15,900	1.02	1.22	19,786
San Carlos Blvd	Kelly Rd	Gladiolus Dr	15,900	0.48	1.22	9,311
SR 31	Palm Beach Blvd	Bayshore Rd	10,100	1.40	1.17	16,544
SR 31	Bayshore Rd	Charlotte Co Line	7,200	3.26	1.1	25,819
SR 78 (Bayshore Rd)	Business 41	Hart Rd	35,700	1.15	1.1	45,161
SR 78 (Bayshore Rd)	Hart Rd	Slater Rd	27,300	1.23	1.1	36,937
SR 78 (Bayshore Rd)	Slater Rd	Williams Rd	24,700	0.41	1.1	11,140
SR 78 (Bayshore Rd)	Williams Rd	Williamsburg Dr	22,000	2.08	1.1	50,336
SR 78 (Bayshore Rd)	Williamsburg Dr	I-75	22,000	0.41	1.1	9,922
SR 78 (Bayshore Rd)	I-75	Leetana Rd	11,900	0.32	1.1	4,189
SR 78 (Bayshore Rd)	Leetana Rd	Nalle Rd	11,900	0.28	1.1	3,665

Roadway	From	To	2004 AADT	Miles	Peak Season Factor	Peak Season VMT
SR 78 (Bayshore Rd)	Nalle Rd	SR 31	11,900	2.68	1.1	35,081
SR 78 (Pine Island)	Burnt Store Rd	Chiquita Blvd	11,500	2.04	1.2	28,152
SR 78 (Pine Island)	Chiquita Blvd	Skyline Blvd	15,700	0.82	1.2	15,449
SR 78 (Pine Island)	Skyline Blvd	Nicholas Pkwy	19,900	0.57	1.2	13,612
SR 78 (Pine Island)	Nicholas Pkwy	Santa Barbara Blvd	25,700	0.85	1.2	26,214
SR 78 (Pine Island)	Santa Barbara Blvd	Andalusia Blvd	25,700	1.22	1.06	33,235
SR 78 (Pine Island)	Andalusia Blvd	Del Prado Blvd	31,400	1.07	1.06	35,614
SR 78 (Pine Island)	Del Prado Blvd	Pondella Rd	28,100	0.33	1.06	9,829
SR 78 (Pine Island)	Pondella Rd	Corbett Rd	24,700	1.40	1.04	35,963
SR 78 (Pine Island)	Corbett Rd	N Cleveland Ave	27,800	0.96	1.06	28,289
SR 78 (Pine Island)	N Cleveland Ave	N Tamiami Trl	30,800	1.11	1.06	36,239
SR 80 (Bay St)	US 41	First St	4,900	0.36	1.08	1,905
SR 80 (Bay St)	Main Street	Edison Bridge Nb	4,900	0.34	1.08	1,799
SR 80 (First St)	Caloosahatchee Br	Edison Bridge	4,900	0.24	1.08	1,270
SR 80 (First St)	Edison Bridge	Cranford Ave	14,800	0.27	1.08	4,316
SR 80 (First St)	Cranford Ave	Marsh Ave	14,800	2.21	1.08	35,325
SR 80 (Palm Bch Bvd)	Marsh Ave	Tice St	27,800	0.44	1.17	14,311
SR 80 (Palm Bch Bvd)	Tice St	Ortiz Ave	27,800	0.54	1.17	17,564
SR 80 (Palm Bch Bvd)	Ortiz Ave	I-75	27,000	1.18	1.17	37,276
SR 80 (Palm Bch Bvd)	I-75	SR 31	25,800	2.70	1.17	81,502
SR 80 (Palm Bch Bvd)	SR 31	Buckingham Rd	29,400	2.48	1.17	85,307
SR 80 (Palm Bch Bvd)	Buckingham Rd	Hickey Creek Rd	18,900	2.57	1.17	56,830
SR 80 (Palm Bch Bvd)	Hickey Creek Rd	Broadway St	21,000	4.36	1.17	107,125
SR 80 (Palm Bch Bvd)	Broadway St	Hendry County Line	12,600	2.75	1.17	40,541
US 41 (Caloos. Br)	SR 82	North Key Dr	49,900	1.46	1.07	77,954
US 41 (Cleveland Av)	Colonial Blvd	Winkler Ave	49,200	0.51	1.06	26,598
US 41 (Cleveland Av)	Winkler Ave	Hanson St	48,200	1.26	1.06	64,376
US 41 (Cleveland Av)	Hanson St	McGregor Blvd	47,400	1.28	1.06	64,312
US 41 (Cleveland Av)	Caloosahatchee Br	Hancock Bridge Pkwy	49,900	0.35	1.07	18,688
US 41 (Cleveland Av)	Hancock Bridge Pkwy	Pondella Rd	31,600	0.30	1.07	10,144
US 41 (Cleveland Av)	Pondella Rd	SR 78	28,900	1.28	1.07	39,581
US 41 (Cleveland Av)	SR 78	Littleton Rd	24,700	1.01	1.07	26,693
US 41 (Cleveland Av)	Littleton Rd bus 41	20,0001.10	20,000	1.10	1.07	23,540
US 41 (Cleveland Av)	Daniels Pkwy	College Pkwy	60,100	0.70	1.06	44,594
US 41 (Cleveland Av)	College Pkwy	Brantley Rd	61,100	0.31	1.06	20,077
US 41 (Cleveland Av)	Brantley Rd	South Rd	62,100	1.06	1.06	69,776
US 41 (Cleveland Av)	South Rd	Boy Scout Dr	61,200	0.43	1.06	27,895
US 41 (Cleveland Av)	Boy Scout Dr	North Airport Rd	45,900	0.75	1.06	36,491
US 41 (Cleveland Av)	North Airport Rd	Colonial Blvd	52,900	0.23	1.06	12,897
US 41 (Tamiami Trl)	Collier County Line	Bonita Beach Rd	36,900	0.99	1.18	43,107
US 41 (Tamiami Trl)	Bonita Beach Road	West Terry Street	43,700	1.14	1.18	58,785
US 41 (Tamiami Trl)	West Terry Street	Old 41	40,000	2.29	1.14	104,424
US 41 (Tamiami Trl)	Old 41	Corkscrew Road	48,300	3.52	1.14	193,818
US 41 (Tamiami Trl)	Corkscrew Rd	San Carlos Blvd	40,800	2.53	1.14	117,675
US 41 (Tamiami Trl)	San Carlos Blvd	Alico Rd	42,500	2.37	1.14	114,827

Roadway	From	To	2004 AADT	Miles	Peak Season Factor	Peak Season VMT
US 41 (Tamiami Trl)	Alico Rd	Island Park Rd	58,700	0.96	1.14	64,241
US 41 (Tamiami Trl)	Island Park Rd	Briarcliff Rd	55,900	1.01	1.14	64,363
US 41 (Tamiami Trl)	Briarcliff Rd	Gladiolus Dr	66,800	0.97	1.14	73,867
US 41 (Tamiami Trl)	Gladiolus Dr	Cypress Lake Dr	47,100	1.27	1.06	63,406
Subtotal, State Arterials				136.65		3,989,330
23rd St SW	Gunnery Rd	Sunshine Blvd	7,800	2.08	1.01	16,386
23rd St SW	Sunshine Blvd	Beth Stacey Rd	3,900	1.49	1.05	6,102
Alabama Rd S	SR 82	Milwaukee Blvd	5,100	1.88	1.03	9,876
Alabama Rd S	Milwaukee Blvd	Leeland Heights Blvd	8,100	1.64	1.05	13,948
Alico Rd	S Tamiami Trl	Lee Rd	19,800	2.03	1.12	45,017
Alico Rd	Lee Rd	Three Oaks Pkwy	20,000	0.77	1.12	17,248
Alvin Ave	Lee Blvd	Buckingham Rd	2,000	1.07	1.06	2,268
Ben Hill Griffin Pwy	Corkscrew Rd	Alico Rd	8,200	4.24	1.12	38,940
Beth Stacey Blvd	23rd St	Homestead Rd	6,500	1.14	1.06	7,855
Bonita Beach Rd SE	US 41	Old US 41	27,000	1.65	1.27	56,579
Bonita Beach Rd SE	Old US 41	Imperial St	30,900	1.03	1.06	33,737
Bonita Beach Rd SE	Imperial St	I-75	29,100	0.79	1.06	24,368
Bonita Beach Rd SE	I-75	Bonita Grande Dr	15,300	0.71	1.06	11,515
Bonita Beach Rd SE	Bonita Grande Dr	Pioneer Rd	3,800	4.02	1.06	16,193
Bonita Beach Rd SW	Hickory Blvd	Vanderbilt Dr	16,100	1.57	1.04	26,288
Bonita Beach Rd SW	Vanderbilt Dr	Windsor Rd	19,100	0.50	1.04	9,932
Bonita Beach Rd SW	Windsor Rd	S Tamiami Trl	23,900	0.33	1.27	10,016
Boy Scout Dr	Summerlin Rd	US 41	28,500	0.48	1.09	14,911
Buckingham Rd	SR 82	Alvin Ave	4,500	2.03	1.06	9,683
Buckingham Rd	Alvin Ave	Orange River Rd	4,500	3.35	1.06	15,980
Buckingham Rd	Orange River Rd	Orange River Blvd	6,300	1.69	1.06	11,286
Buckingham Rd	Orange River Blvd	Palm Beach Blvd	8,000	2.56	1.06	21,709
Burnt Store Rd	Pine Island Rd	Embers Pkwy	11,600	1.01	1.06	12,419
Burnt Store Rd	Embers Pkwy	Tropicana Pkwy	9,300	1.02	1.06	10,055
Burnt Store Rd	Tropicana Pkwy	Yucatan Pkwy	8,100	0.51	1.06	4,379
Burnt Store Rd	Yucatan Pkwy	Diplomat Pkwy	7,000	0.24	1.06	1,781
Burnt Store Rd	Diplomat Pkwy	Gulfstream Pkwy	4,600	0.31	1.16	1,654
Burnt Store Rd	Gulfstream Pkwy	Van Buren Pkwy	4,600	0.53	1.16	2,828
Burnt Store Rd	Van Buren Pkwy	Kismet Pkwy	4,600	0.46	1.16	2,455
Burnt Store Rd	Kismet Pkwy	Caloosa Pkwy	4,600	2.04	1.16	10,885
Burnt Store Rd	Caloosa Pkwy	Charlotte Co Line	4,600	3.03	1.16	16,168
Cape Coral Br Rd	Del Prado Blvd	McGregor Blvd	45,700	2.15	1.08	106,115
Challenger Blvd	Winkler Ave Ext	Ortiz Ave	1,500	0.48	1.08	778
College Pkwy	McGregor Blvd	Winkler Rd	38,000	0.76	1.10	31,768
College Pkwy	Winkler Rd	Whiskey Creek Dr	39,500	0.58	1.10	25,201
College Pkwy	Whiskey Creek Dr	Summerlin Rd	51,300	0.20	1.10	11,286
College Pkwy	Summerlin Rd	Cleveland Ave	36,100	0.85	1.10	33,754
Colonial Blvd	McGregor Blvd	Summerlin Rd	60,000	0.41	1.04	25,584
Colonial Blvd	Summerlin Rd	Cleveland Ave	58,600	0.77	1.04	46,927



Roadway	From	To	2004 AADT	Miles	Peak Season Factor	Peak Season VMT
Corkscrew Rd	S Tamiami Trl	Three Oaks Pkwy	13,200	1.37	1.22	22,062
Corkscrew Rd	Three Oaks Pkwy	I-75	26,100	0.70	1.22	22,289
Corkscrew Rd	I-75	Ben Hill Griffin Pkwy	13,300	0.52	1.22	8,438
Corkscrew Rd	Ben Hill Griffin Pkwy	Wildcat Run Dr	8,700	1.45	1.22	15,390
Corkscrew Rd	Wildcat Run Dr	Alico Rd	8,700	2.94	1.22	31,205
Corkscrew Rd	Alico Rd	Katydid Ln	4,200	10.30	1.22	52,777
Cypress Lake Dr	Cal Cove Dr	McGregor Blvd	2,000	0.64	1.16	1,485
Cypress Lake Dr	McGregor Blvd	South Pointe Blvd	19,000	0.42	1.16	9,257
Cypress Lake Dr	South Pointe Blvd	Winkler Rd	23,800	0.58	1.16	16,013
Cypress Lake Dr	Winkler Rd	Summerlin Rd	30,900	0.71	1.16	25,449
Cypress Lake Dr	Summerlin Rd	S Cleveland Ave	32,200	0.94	1.16	35,111
Daniels Pkwy	Cleveland Ave	Metro Pkwy	39,900	1.17	1.16	54,152
Daniels Pkwy	Metro Pkwy	Six Mile Cypress Dr	49,700	0.82	1.16	47,275
Daniels Pkwy	Six Mile Cypress Pkwy	Eagle Ridge Dr	60,700	0.48	1.15	33,506
Daniels Pkwy	Eagle Ridge Dr	Fiddlesticks Blvd	60,700	1.70	1.15	118,669
Daniels Pkwy	Fiddlesticks Blvd	I-75	53,700	0.56	1.15	34,583
Daniels Pkwy	Treeline Ave	Chamberlin Pkwy	25,600	0.66	1.15	19,430
Daniels Pkwy	Chamberlin Pkwy	Commonwealth Dr	25,600	1.78	1.15	52,403
Daniels Pkwy	Commonwealth Dr	SR 82	16,800	2.95	1.04	51,542
Del Prado Blvd N	Hancock Bridge Pkwy	Pine Island Rd	25,000	1.10	1.04	28,600
Del Prado Blvd S	Cape Coral Pkwy	Coronado Pkwy	30,700	0.97	1.09	32,459
Del Prado Blvd S	Coronado Pkwy	Cornwallis Pkwy	43,700	1.36	1.09	64,781
Del Prado Blvd S	Veterans Pkwy	Viscaya Pkwy	57,700	1.97	1.04	118,216
Del Prado Blvd S	Viscaya Pkwy	Bolado Pkwy	49,100	0.55	1.04	28,085
Del Prado Blvd S	Bolado Pkwy	Hancock Bridge Pkwy	40,500	0.53	1.04	22,324
Estero Blvd	New Pass Bridge	Big Carlos Pass Br	8,100	3.81	1.04	32,095
Estero Blvd	Big Carlos Bridge	Avenida Pescadora	8,300	2.79	1.04	24,083
Estero Blvd	Avenida Pescadora	Denora St	13,900	1.75	1.04	25,298
Estero Blvd	Denora St	Virginia Ave	16,100	0.86	1.04	14,400
Estero Blvd	Virginia Avenue	San Carlos Blvd	17,400	0.49	1.04	8,867
Estero Pkwy	Tamiami Trl	Three Oaks Pkwy	5,900	1.82	1.22	13,100
Fowler St	S Cleveland Ave	Fowler St	27,900	0.08	1.08	2,411
Fowler St	Fowler St	N Airport Rd	27,900	0.85	1.08	25,612
Fowler St	N Airport Rd	Colonial Blvd	29,100	0.38	1.08	11,943
Fowler St	Colonial Blvd	Winkler Ave Ext	26,600	0.51	1.08	14,651
Fowler St	Winkler Ave	Hanson St	26,900	1.26	1.08	36,606
Gladiolus Dr	San Carlos Blvd	Pine Ridge Rd	10,700	0.55	1.11	6,532
Gladiolus Dr	Pine Ridge Rd	A & W Bulb Rd	14,000	1.05	1.11	16,317
Gladiolus Dr	A & W Bulb Rd	Bass Rd	17,200	0.49	1.11	9,355
Gladiolus Dr	Bass Rd	Winkler Rd	19,800	0.78	1.16	17,915
Gladiolus Dr	Winkler Rd	Lakewood Blvd	22,400	0.23	1.16	5,976
Gladiolus Dr	Lakewood Blvd	Summerlin Rd	22,400	0.21	1.16	5,457
Gladiolus Dr	Summerlin Rd	Tamiami Trl	35,900	1.54	1.20	66,343
Gunnery Rd N	23rd St SW	Lee Blvd	13,800	1.72	1.03	24,448
Gunnery Rd N	Lee Blvd	Buckingham Rd	13,700	1.81	1.01	25,045

Roadway	From	To	2004 AADT	Miles	Peak Season Factor	Peak Season VMT
Gunnery Rd S	SR 82	23rd St SW	13,900	0.69	1.03	9,879
Hancock Br Pkwy	Del Prado Blvd	SE 24th	22,000	1.07	1.04	24,482
Hancock Br Pkwy	SE 24th Ave	Orange Grove Blvd	23,900	0.52	1.04	12,925
Hancock Br Pkwy	Orange Grove Blvd	Moody Rd	25,800	1.20	1.04	32,198
Hancock Br Pkwy	Moody Rd	Palm Av	27,900	0.54	1.04	15,669
Hancock Br Pkwy	Palm Ave	N Cleveland Ave	27,900	0.34	1.04	9,865
Hickory Blvd	Bonita Beach Rd	McLaughlin Blvd	13,100	1.01	1.04	13,760
Hickory Blvd	McLaughlin Blvd	Bay Rd	10,600	0.67	1.04	7,386
Hickory Blvd	Bay Rd	New Pass Bridge	7,900	0.62	1.04	5,094
Homestead Rd N	Alabama Rd	Beth Stacey Blvd	22,800	0.74	1.05	17,716
Homestead Rd N	Beth Stacey Blvd	Lee Blvd	20,100	0.34	1.05	7,176
Homestead Rd S	SR 82	Nimitz Blvd	1,000	0.28	1.05	294
Homestead Rd S	Nimitz Blvd	Jaguar Blvd	1,000	0.72	1.05	756
Homestead Rd S	Jaguar Blvd	Parkdale Blvd	2,000	0.71	1.05	1,491
Homestead Rd S	Parkdale Blvd	Milwaukee Blvd	2,000	0.57	1.05	1,197
Homestead Rd S	Milwaukee Blvd	Alabama Rd	9,700	3.09	1.05	31,472
Joel Blvd	Leeland Heights Blvd	23 St E	13,600	6.03	1.06	86,928
Joel Blvd	23 St E	SR 80	6,000	1.77	1.06	11,257
Lee Blvd	SR 82	Leonard Blvd	33,000	1.18	1.01	39,329
Lee Blvd	Leonard Blvd	Gunnery Rd	23,300	2.25	1.01	52,949
Lee Blvd	Gunnery Rd	Sunshine Blvd	27,000	1.97	1.01	53,722
Lee Blvd	Sunshine Blvd	Homestead Rd	30,600	1.73	1.01	53,467
Lee Blvd	Homestead Rd	Williams Ave	20,800	0.56	1.05	12,230
Lee Blvd	Williams Ave	Delaware Rd	16,000	0.09	1.01	1,454
Lee Blvd	Delaware Rd	Leeland Heights	11,100	0.94	1.01	10,538
Leeland Hgts Bvd W	Homestead Rd	Lee Blvd	14,000	0.41	1.01	5,797
Leeland Hgts Bvd W	Lee Blvd	Bell Blvd	17,000	1.56	1.01	26,785
Leonard Blvd S	Gunnery Rd	Westgate Blvd	7,300	2.95	1.01	21,750
Luckett Rd	Ortiz Ave	I-75	12,900	0.77	1.01	10,032
McGregor @ Sanibel	Sanibel Causeway	Port Comfort Rd	16,300	1.46	1.45	34,507
McGregor Blvd	Port Comfort Rd	Shell Point Blvd	19,800	0.42	1.45	12,058
McGregor Blvd	Shell Point Blvd	Summerlin Rd	19,800	0.26	1.45	7,465
McGregor Blvd	Summerlin Rd	John Morris Rd	10,800	0.82	1.45	12,841
McGregor Blvd	John Morris Rd	Kelly Rd	10,800	0.93	1.27	12,756
McGregor Blvd	Kelly Rd	Thorton Rd	14,900	0.35	1.27	6,623
McGregor Blvd	Thorton Rd	San Carlos Blvd	14,900	0.57	1.22	10,361
Midpoint Bridge	Cape Coral Shoreline	McGregor Blvd	47,600	1.74	1.04	86,137
N River Rd	SR 31	Villadel Rio Dr	3,100	4.73	1.17	17,156
N River Rd	Villadel Rio Dr	Parkinson Rd	1,700	4.75	1.17	9,448
N River Rd	Parkinson Rd	Broadway St	1,700	0.82	1.17	1,631
N River Rd	Broadway St	Persimmon Ridge	2,100	0.73	1.17	1,794
N River Rd	Persimmon Ridge	Hendry Co Line	2,100	2.63	1.17	6,462
Ortiz Ave	Colonial Blvd	SR 82	18,100	1.74	1.08	34,014
Ortiz Ave	SR 82	Ballard St	15,100	1.00	1.08	16,308
Ortiz Ave	Ballard St	Tice St	15,100	1.25	1.08	20,385

Roadway	From	To	2004 AADT	Miles	Peak Season Factor	Peak Season VMT
Ortiz Ave	Tice St	SR 80	9,200	0.33	1.08	3,279
Pine Island Rd	Stringfellow Rd	Matlacha Bridge	12,200	3.92	1.22	58,345
Pine Island Rd	Matlacha Bridge	Burnt Store Rd	12,200	1.56	1.22	23,219
Pondella Rd	Pine Island Rd	Orange Grove Blvd	12,700	1.39	1.06	18,712
Pondella Rd	Orange Grove Blvd	Moody Rd	16,500	1.00	1.06	17,490
Pondella Rd	Moody Rd	Betmar Blvd	20,200	0.25	1.06	5,353
Pondella Rd	Betmar Blvd	Palm Av	20,200	0.25	1.06	5,353
Pondella Rd	Palm Av	N Cleveland Ave	19,400	0.08	1.06	1,645
Pondella Rd	US 41	Bus 41	19,400	0.58	1.06	11,927
Sanibel Causeway	Sanibel Shoreline	Toll Plaza	16,300	2.11	1.45	49,870
Six Mi Cypress Pkwy	US 41	Metro Pkwy	36,900	1.15	1.15	48,800
Six Mi Cypress Pkwy	Metro Pkwy	Daniels Pkwy	25,400	1.69	1.15	49,365
Six Mi Cypress Pkwy	Daniels Pkwy	Winkler Ext	19,900	3.68	1.08	79,091
Six Mi Cypress Pkwy	Winkler Ext	Challenger Blvd	16,900	0.82	1.08	14,967
Six Mi Cypress Pkwy	Challenger Blvd	Colonial Blvd	13,900	0.50	1.08	7,506
Slater Rd	Bayshore Rd	Rich Rd	6,200	3.10	1.10	21,142
Stringfellow Rd	Berkshire Rd	Pine Island Rd	9,900	2.56	1.33	33,708
Stringfellow Rd	Pine Island Rd	Ficus Tree Ln	9,000	3.26	1.33	39,022
Stringfellow Rd	Ficus Tree Ln	Howard Rd	6,300	1.95	1.33	16,339
Stringfellow Rd	Howard Rd	Main St	3,600	1.87	1.33	8,954
Summerlin Rd	McGregor Blvd	John Morris Rd	15,300	0.64	1.45	14,198
Summerlin Rd	John Morris Rd	Kelly Cove Dr	15,300	1.01	1.45	22,407
Summerlin Rd	Kelly Cove Dr	San Carlos Blvd	20,800	0.51	1.45	15,382
Summerlin Rd	San Carlos Blvd	Pine Ridge Rd	24,500	0.51	1.23	15,369
Summerlin Rd	Pine Ridge Rd	Bass Rd	26,800	1.64	1.23	54,061
Summerlin Rd	Bass Rd	Winkler Rd	37,600	1.12	1.23	51,798
Summerlin Rd	Winkler Road	Gladiolus Dr	32,600	0.62	1.23	24,861
Summerlin Rd	Gladiolus Dr	Cypress Lake Dr	26,700	1.82	1.23	59,771
Summerlin Rd	Cypress Lake Dr	College Pkwy	31,200	0.77	1.09	26,186
Summerlin Rd	College Pkwy	Brantley Rd	33,900	0.31	1.09	11,455
Summerlin Rd	Brantley Rd	Park Meadows Dr	36,300	0.41	1.09	16,222
Summerlin Rd	Park Meadows Dr	Boy Scout Dr	39,900	1.12	1.09	48,710
Summerlin Rd	Boy Scout Dr	Colonial Blvd	25,400	1.17	1.09	32,393
Sunshine Blvd N	Lee Blvd	12th St W	5,600	0.57	1.01	3,224
Sunshine Blvd S	SR 82	Lee Blvd	2,800	3.60	1.01	10,181
Three Oaks Pkwy	Coconut Rd	Corkscrew Rd	12,500	2.58	1.22	39,345
Three Oaks Pkwy	Corkscrew Rd	San Carlos Blvd	12,700	2.97	1.22	46,017
Three Oaks Pkwy	San Carlos Blvd	Alico Rd	8,000	1.73	1.22	16,885
Treeline Ave S	Alico Rd	Daniels Rd	2,900	3.76	1.13	12,322
Veterans Pkwy	SW Pine Island Rd	Surfside Blvd	10,600	2.85	1.06	32,023
Veterans Pkwy	Surfside Blvd	Chiquita Blvd	13,800	1.01	1.06	14,774
Veterans Pkwy	Chiquita Blvd	Skyline Blvd	23,900	1.00	1.06	25,334
Veterans Pkwy	Skyline Blvd	Santa Barbara Blvd	32,500	1.06	1.06	36,517
Veterans Pkwy	Santa Barbara Blvd	Country Club Blvd	48,000	1.12	1.06	56,986
Veterans Pkwy	Country Club Blvd	Del Prado Blvd	50,800	0.96	1.06	51,694

Roadway	From	To	2004 AADT	Miles	Peak Season Factor	Peak Season VMT
Veterans Pkwy	Del Prado Blvd	Toll Plaza	47,600	0.28	1.04	13,861
Veterans Pkwy	Toll Plaza	Cape Coral Shoreline	47,600	1.36	1.04	67,325
Westgate Blvd	Leonard Blvd	Lee Blvd	7,300	0.36	1.01	2,654
Winkler Rd	Summerlin Rd	Gladiolus Dr	7,300	0.41	1.23	3,681
Winkler Rd	Gladiolus Dr	Cypress Lake Dr	13,200	1.76	1.23	28,575
Winkler Rd	Cypress Lake Dr	College Pkwy	15,600	0.74	1.10	12,698
Winkler Rd	College Pkwy	McGregor Blvd	8,300	1.25	1.09	11,309
Subtotal, Lee County Arterials				245.14		4,355,678
1st St W	Sunshine Blvd	Arita Ave	2,000	1.00	1.05	2,100
2nd St E	Country Club Pkwy	Lakeview Dr	1,000	0.54	1.05	567
2nd St E	Lakeview Dr	Moore Ave	1,000	1.06	1.05	1,113
2nd St E	Moore Ave	Hendry Co Line	1,000	0.53	1.05	557
6th St E/W	Williams Ave	Joel Blvd	3,300	2.99	1.01	9,966
7th St E	Richmond Ave	Joel Blvd	1,000	1.68	1.05	1,764
8th St SW	Gunnery Rd	Sunshine Blvd	2,000	2.13	1.01	4,303
10th St E	Richmond Ave	Joel Blvd	1,000	1.72	1.05	1,806
10th St E	Joel Blvd	Moore Ave	1,000	1.42	1.05	1,491
10th St E	Moore Ave	Hendry Co Line	1,000	0.53	1.05	557
12th St E	Joel Blvd	Moore Ave	1,000	1.45	1.05	1,523
12th St E	Moore Ave	Hendry Co Line	1,000	0.53	1.05	557
12th St W	Gunnery Rd	Sunniland Blvd	2,000	1.36	1.01	2,747
12th St W	Sunniland Blvd	Sunshine Blvd	2,000	0.47	1.01	949
12th St W	Williams Ave	Richmond Ave	1,600	1.32	1.01	2,133
12th St W	Richmond Ave	Joel Blvd	1,000	1.68	1.05	1,764
12th St W	Sunshine Blvd	Williams Ave	3,400	1.16	1.01	3,983
14th St E	Richmond Ave	Joel Blvd	1,000	1.72	1.05	1,806
14th St E	Joel Blvd	Moore Ave	1,000	1.42	1.05	1,491
14th St E	Moore Ave	Hendry Co Line	1,000	0.53	1.05	557
21st St E	Joel Blvd	Hines Ave	1,000	1.93	1.04	2,007
23rd E	Joel Blvd	Fitch Ave	2,000	1.99	1.05	4,179
40th St SW	SR 82	Sunshine Blvd	2,000	1.32	1.03	2,719
A & W Bulb Rd	Gladiolus Dr	McGregor Blvd	4,700	1.24	1.22	7,110
Abrams Blvd	Lee Blvd	Buckingham Rd	2,000	1.07	1.06	2,268
Alico Rd	Ben Hill Griffin Pkwy	Corkscrew Rd	2,100	6.94	1.12	16,323
Am.colony Blvd	Eagle Ridge Dr	Daniels Pkwy	2,000	0.52	1.15	1,196
Austin St	Bell Tower Dr	Woodland Blvd	2,000	0.36	1.16	835
Austin St	Woodland Blvd	Sunrise Blvd	2,000	0.43	1.06	912
Austin St	Sunrise Blvd	Aldridge Ave	2,000	0.05	1.06	106
Babcock Rd	S Tamiami Trl	Rockefeller Cir	1,700	0.30	1.12	571
Ballard Rd	Ortiz Ave	End of Pavement	2,000	0.23	1.12	515
Barbie Ln	Tucker Ln	Mellow Dr	3,500	0.17	1.10	655
Barrett Rd	Pondella Rd	Ruby Dr	3,300	0.27	1.04	927
Barrett Rd	Ruby Dr	Lansdale Dr	3,300	0.07	1.04	240
Barrett Rd	Lansdale Dr	Westcreek Cir	3,300	0.16	1.04	549

Roadway	From	To	2004 AADT	Miles	Peak Season Factor	Peak Season VMT
Barrett Rd	Westcreek Cir	Queens Dr	3,300	0.29	1.04	995
Barrett Rd	Queens Dr	NE Pine Island Rd	3,300	0.20	1.04	686
Bass Rd	Summerlin Rd	Gladiolus Dr	7,400	1.18	1.23	10,740
Beacon Blvd	Crystal Dr	Beacon Manor Dr	5,000	0.68	1.13	3,842
Beacon Manor Dr	Cleveland Ave	Beacon Blvd	5,000	0.27	1.13	1,526
Beacon St	Harvard Ave	Sunrise Blvd	2,000	0.37	1.06	784
Beacon St	Sunrise Blvd	Crystal Dr	2,000	0.11	1.06	233
Bell Blvd S	SR 82	Nimitz Blvd	2,100	0.57	1.03	1,233
Bell Blvd S	Nimitz Blvd	Jaguar Blvd	2,100	0.71	1.03	1,536
Bell Blvd S	Jaguar Blvd	Milwaukee Blvd	2,100	1.01	1.03	2,185
Bell Blvd S	Milwaukee Blvd	Joel Blvd	4,900	2.99	1.05	15,384
Birkdale Ave	SE 24th Ave	Orange Grove Blvd	5,000	0.56	1.04	2,912
Bonita Grande Dr	Bonita Beach Rd	E Terry St	7,400	1.02	1.06	8,001
Brantley Rd	Summerlin Rd	Cleveland Ave	4,100	0.78	1.09	3,486
Briarcliff Rd	S Tamiami Trl	Country Ct	6,400	2.79	1.12	19,999
Broadway	Carrel Rd	Hanson St	8,000	1.12	1.08	9,677
Broadway E	S Tamiami Trl	Tanglewood Ln	2,000	0.87	1.14	1,984
Broadway St	Palm Beach Blvd	N River Rd	5,700	0.51	1.06	3,081
Broadway W	Armada Ct	Tamiami Trl	3,700	1.63	1.12	6,755
Brookshire Lk Bvd	Daniels Pkwy	Southwell Dr	2,000	0.15	1.08	324
Brookshire Lk Bvd	Southwell Dr	Six Mile Cypress Pkwy	2,000	0.43	1.08	929
Bunche Beach Rd	San Carlos Bay	Summerlin Rd	1,200	1.19	1.45	2,071
Captiva Dr	Blind Pass	Lands End Village	5,800	3.26	1.45	27,417
Carribean Blvd	Fifth St	Olga Rd	2,000	0.65	1.17	1,521
Cemetery Rd	Buckingham Rd	End of Pavement	3,800	2.26	1.06	9,103
Chatham St	Woodland Blvd	Sunrise Blvd	2,000	0.49	1.06	1,039
Chatham St	Sunrise Blvd	Crystal Dr	2,000	0.11	1.06	233
Coconut Rd	Tamiami Trl	Old Lighthouse Rd	14,100	2.01	1.22	34,576
Coconut Rd	Beginning	Spring Creek Dr	2,000	0.62	1.22	1,513
Coconut Rd	Spring Creek Dr	S Tamiami Trl	8,000	0.96	1.22	9,370
Columbus Blvd	Genoa Ave	SR 82	1,000	0.48	1.05	504
Columbus Blvd	SR 82	Nimitz Blvd	1,000	1.01	1.05	1,061
Columbus Blvd	Nimitz Blvd	Jaguar Blvd	1,000	0.88	1.05	924
Columbus Blvd	Jaguar Blvd	Milwaukee Blvd	1,000	1.11	1.05	1,166
Columbus Blvd	Milwaukee Blvd	Sentinel Blvd	1,000	2.38	1.05	2,499
Constitution Blvd	S Tamiami Trl	Constitution Blvd	2,000	0.31	1.12	694
Constitution Cir	Iris Rd	Constitution Blvd	2,000	0.41	1.12	918
Constitution Cir	Constitution Blvd	Cypress Point Rd	2,000	0.18	1.12	403
Coon Rd	Donald Rd	SR 78	2,000	0.15	1.10	330
Corbett Rd	NE Pine Island Rd	Diplomat Pkwy E	2,000	0.32	1.06	678
Corbett Rd	Diplomat Pkwy E	Littleton Rd	2,000	0.95	1.06	2,014
Country Club Pkwy	Dania St	Joel Blvd	1,000	0.67	1.05	704
Country Lakes Dr	Luckett Rd	Tice St	2,000	1.02	1.17	2,387
Crystal Dr	Cleveland Ave	Metro Pkwy	13,200	1.16	1.06	16,231
Crystal Dr	Metro Pkwy	Plantation Rd	4,600	0.37	1.13	1,923

Roadway	From	To	2004 AADT	Miles	Peak Season Factor	Peak Season VMT
Cypress Dr N	Phlox Dr	Lee Rd	2,000	0.47	1.12	1,053
Cypress Dr N	Lee Rd	Oriole Rd	3,000	0.53	1.14	1,813
Cypress Dr N	Oriole Rd	Three Oaks Pkwy	3,000	0.69	1.14	2,360
Cypress Point Rd	Constitution Cir	Pebble Beach Rd	2,000	0.13	1.12	291
Danley Dr	Beach Manor Dr	Metro Pkwy	7,000	1.37	1.13	10,837
Davis Blvd	SR 80	Fifth St	2,000	0.28	1.17	655
Davis Rd	McGregor Blvd	Iona Rd	1,900	0.99	1.45	2,727
Deal Rd	Durrance Rd	Old Bayshore Rd	2,000	1.76	1.10	3,872
Delaware Rd	Homestead Rd	Lee Blvd	2,000	0.80	1.06	1,696
Donald Rd	Bayshore Rd	Bonita Blvd	2,000	0.99	1.10	2,178
Durrance Rd	SR 78	Deal Rd	2,000	1.61	1.10	3,542
Eagle Ridge Dr	Beginning	Daniels Pkwy	2,000	1.08	1.15	2,484
Edison Ave	End of Pavement	W 5th St	1,000	0.25	1.05	263
Edison Ave	W 5th St	W 6th St	1,000	0.25	1.05	263
Edison Ave	6th St	7th St	1,000	0.48	1.05	504
Edison Ave	7th St	12th St	1,000	0.97	1.05	1,019
Edison Ave	12th St	16th St	1,000	0.95	1.05	998
Edison Ave	16th St	18th St	1,000	0.47	1.05	494
Eisenhower Blvd	SR 82	Nimitz Blvd	1,500	0.74	1.05	1,166
Eisenhower Blvd	Nimitz Blvd	Jaguar Blvd	1,500	0.89	1.05	1,402
Eisenhower Blvd	Jaguar Blvd	Milwaukee Blvd	1,000	0.93	1.05	977
Eisenhower Blvd	Milwaukee Blvd	Grant Blvd	1,000	1.26	1.05	1,323
Eisenhower Blvd	Grant Blvd	Mcarthur Blvd	1,000	0.24	1.05	252
Evergreen Rd	Herron Rd	Bus 41	2,000	1.20	1.06	2,544
Evergreen Rd	Captiva Blvd	Sanibel Blvd	2,000	0.21	1.12	470
Evergreen Rd	Sanibel Blvd	San Carlos Blvd	2,000	0.18	1.12	403
Evergreen Rd	San Carlos Blvd	Hickory Dr	2,000	0.27	1.12	605
Fiddlesticks Blvd	Beginning	Daniels Pkwy	8,500	1.06	1.15	10,362
Fifth St	Davis Blvd	Carribean Blvd	2,000	1.37	1.17	3,206
Fordham St	Woodland Blvd	Sunrise Blvd	2,000	0.49	1.06	1,039
Fordham St	Sunrise Blvd	Crystal Dr	2,000	0.11	1.06	233
Gasparilla Rd	Charlotte Cnty Line	End of Island	4,600	2.64	1.06	12,873
Grant Blvd	SR 82	Milwaukee Blvd	1,000	1.67	1.05	1,754
Grant Blvd	Milwaukee Blvd	Ranier Ave	1,000	0.76	1.05	798
Grant Blvd	Eads Filer Dr	Bell Blvd	1,000	0.99	1.05	1,040
Grant Blvd	Bell Blvd	Mcarthur Blvd	1,000	0.65	1.05	683
Grant Blvd	McArthur Blvd	Eisenhower Blvd	1,000	0.35	1.05	368
Grant Blvd	Eisenhower Blvd	Sentinela Blvd	1,000	1.59	1.05	1,670
Greenbriar Blvd	Wingford Ave	Richmond Ave	1,000	1.76	1.05	1,848
Greenbriar Blvd	Richmond Ave	Joel Blvd	1,000	1.61	1.05	1,691
Hart Rd	Bayshore Rd	Tucker Ln	7,600	2.58	1.10	21,569
Idlewild St	Metro Pkwy	Ranchette Rd	6,400	0.74	1.13	5,352
Iona Rd	Davis Rd	John Morris Rd	2,000	0.73	1.45	2,117
Iona Rd	John Morris Rd	McGregor Blvd	8,800	1.98	1.09	18,992
Iris Rd	Constitution Cir	Sanibel Blvd	2,000	0.52	1.12	1,165

Roadway	From	To	2004 AADT	Miles	Peak Season Factor	Peak Season VMT
Island Park Rd	S Tamiami Trl	Park Rd	10,300	1.56	1.06	17,032
Jaguar Blvd	SR 82	Homestead Rd	1,000	1.11	1.05	1,166
Jaguar Blvd	Homestead Rd	Bell Blvd	1,000	1.00	1.05	1,050
Jaguar Blvd	Bell Blvd	Eisenhower Blvd	1,000	1.01	1.05	1,061
Jaguar Blvd	Eisenhower Blvd	Columbus Blvd	1,000	0.98	1.05	1,029
Jaguar Blvd	Columbus Blvd	Hendry Co Line	1,000	0.44	1.05	462
John Morris Rd	Summerlin Rd	McGregor Blvd	3,200	0.42	1.45	1,949
John Morris Rd	McGregor Blvd	Iona Rd	2,000	0.85	1.45	2,465
Kelly Cove Dr	Caravel Cir	Kelly Woods Dr	2,000	1.04	1.45	3,016
Kelly Rd	McGregor Blvd	San Carlos Blvd	3,900	0.77	1.27	3,814
Kelly Rd	San Carlos Blvd	Pine Ridge Rd	2,100	0.50	1.27	1,334
Lakeview Dr	2nd St	Joel Blvd	1,000	1.34	1.05	1,407
Lakewood Blvd	Gladiolus Dr	Summerlin Rd	2,000	0.86	1.16	1,995
Laurel Dr	Business 41	Hart Rd	8,200	1.92	1.04	16,374
Lee Rd	San Carlos Blvd	Alico Rd	6,200	1.56	1.12	10,833
Littleton Rd	NE 24th Av	Corbett Rd	5,600	0.29	1.09	1,770
Littleton Rd	Corbett Rd	US 41	7,300	1.22	1.06	9,440
Littleton Rd	US 41	Bus 41	7,000	0.66	1.04	4,805
Luckett Rd	I-75	Country Lakes Dr	4,500	0.42	1.01	1,909
Luckett Rd	Country Lakes Dr	Angus Ln	2,000	0.19	1.17	445
Maple Dr	Summerlin Rd	End	3,400	0.67	1.09	2,483
Marsh Ave	Ballard Rd	Palm Beach Blvd	5,000	1.04	1.12	5,824
Matanzas Rd	Gary Rd	Sanibel Blvd	2,000	0.52	1.12	1,165
Matanzas Rd	Sanibel Blvd	San Carlos Blvd	2,000	0.18	1.12	403
Matanzas Rd	San Carlos Blvd	Oriole Rd	2,000	1.02	1.12	2,285
McArthur Ave	Sentinela Blvd	2nd St	1,000	0.58	1.05	609
McArthur Blvd	Milwaukee Blvd	Grant Blvd	1,000	0.89	1.05	935
McArthur Blvd	Grant Blvd	Eisenhower Blvd	1,000	0.34	1.05	357
McArthur Blvd	Eisenhower Blvd	Sentinela Blvd	1,000	1.36	1.05	1,428
Mellow Dr	N Tamiami Tr	Slater Rd	4,900	3.39	1.09	18,106
Miami Blvd	Tangelo Blvd	Pineapple Rd	2,000	0.15	1.12	336
Miami Blvd	Pineapple Rd	San Carlos Pkwy	2,000	0.78	1.12	1,747
Milwaukee Blvd	Homestead Rd	Bell Blvd	1,000	1.31	1.05	1,376
Milwaukee Blvd	Bell Blvd	Eisenhower Blvd	300	1.09	1.05	343
Milwaukee Blvd	Eisenhower Blvd	Columbus Blvd	300	1.03	1.05	324
Moody Rd	Hancock Bridge Pkwy	Pondella Rd	3,000	0.52	1.06	1,654
Moody Rd	Skyline Dr	Hancock Bridge Pkwy	2,000	0.50	1.04	1,040
Moore Ave	Sentinela Blvd	E 2nd St	500	0.64	1.05	336
Moore Ave	E 2nd St	E 10th St	1,000	2.01	1.05	2,111
Moore Ave	E 10th St	E 12th St	1,000	0.52	1.05	546
Moore Ave	E 12th St	E 14th St	1,000	0.53	1.05	557
Moore Ave	E 14th St	E 21st St	1,000	1.72	1.05	1,806
N Airport Rd	S Cleveland Av	N Airport Rd	5,000	0.33	1.08	1,782
Nalle Grade Rd	Slater Rd	Nalle Rd	1,200	3.01	1.10	3,973
Nalle Rd	Bayshore Rd	Nalle Grade Rd	2,500	2.78	1.10	7,645

Roadway	From	To	2004 AADT	Miles	Peak Season Factor	Peak Season VMT
Neal Rd	Buckingham Rd	Orange River Blvd	1,500	2.81	1.06	4,468
Nimitz Blvd	SR 82	Meadow Rd	1,000	0.06	1.05	63
Nimitz Blvd	Meadow Rd	Roswell Av	1,000	0.11	1.05	116
Nimitz Blvd	Roswell Av	Millcreek St	1,000	0.08	1.05	84
Nimitz Blvd	Millcreek St	Homestead Rd S	1,000	0.25	1.05	263
Nimitz Blvd	Homestead Blvd	Bell Blvd	1,000	1.00	1.05	1,050
Nimitz Blvd	Bell Blvd	Eisenhower Blvd	1,000	1.13	1.05	1,187
Nimitz Blvd	Eisenhower Blvd	Columbus Blvd	1,000	0.92	1.05	966
Nimitz Blvd	Columbus Blvd	Hendry Co Line	1,000	0.44	1.05	462
Old Bayshore Rd	SR 78	SR 31	2,000	2.10	1.10	4,620
Old Olga Rd	Palm Beach Blvd	Palm Beach Blvd	2,900	2.58	1.06	7,931
Orange Grove Blvd	Hancock Bridge Pkwy	Pondella Rd	10,700	1.02	1.04	11,351
Orange Grove Blvd	Hunter Blvd	Birkdale Ave	2,000	0.82	1.06	1,738
Orange Grove Blvd	Birkdale Ave	Hancock Bridge Pkwy	9,700	1.05	1.06	10,796
Orange River Blvd	Palm Beach Blvd	Staley Rd	7,400	1.48	1.17	12,814
Orange River Blvd	Staley Rd	Buckingham Rd	5,900	2.75	1.17	18,983
Oriole Rd	End of Pavement	Alico Rd	2,300	1.04	1.12	2,679
Overlook Dr	Brentwood Rd S	Cypress Lake Dr	2,000	0.94	1.16	2,181
Palm Ave	Hancock Bridge Pkwy	Pondella Rd	2,000	0.42	1.04	874
Palomino Ln	Daniels Pkwy	Penzance Blvd	2,000	1.51	1.15	3,473
Panther Ln	Myerlee Cc Blvd	Cypress Lake Dr	2,000	0.49	1.16	1,137
Park Meadows Dr	Summerlin Rd	Cleveland Ave	3,900	0.75	1.06	3,101
Parkdale Blvd	SR 82	Homestead Rd	1,000	1.60	1.05	1,680
Penzance Blvd	Caisson Ln	Palomino Ln	2,000	1.12	1.15	2,576
Penzance Blvd	Ranchette Rd	Six Mile Cypress Pkwy	2,500	0.82	1.13	2,317
Phlox Dr	San Carlos Blvd	Sanibel Blvd	2,000	0.18	1.12	403
Phlox Dr	Sanibel Blvd	Cypress Dr	2,000	0.42	1.12	941
Phlox Dr	Cypress Dr	New Jersey Blvd	2,000	0.46	1.12	1,030
Phlox Dr	Winged Foot Dr	Alico Rd	4,000	0.58	1.12	2,598
Pine Ridge Rd	San Carlos Blvd	Summerlin Rd	12,000	0.91	1.09	11,903
Pine Ridge Rd	Summerlin Rd	Kelly Rd	6,100	1.02	1.09	6,782
Pine Ridge Rd	Kelly Rd	Gladiolus Dr	6,200	0.63	1.09	4,258
Pine Ridge Rd	Gladiolus Dr	McGregor Blvd	6,200	0.42	1.09	2,838
Pineapple Rd	Miami Blvd	Three Oaks Pkwy	2,000	0.65	1.22	1,586
Plantation Rd	Six Mile Cypress Blvd	Daniels Pkwy	2,700	1.17	1.15	3,633
Plantation Rd	Daniels Pkwy	Idlewild St	8,000	2.51	1.13	22,690
Pritchett Pkwy	Bayshore Rd	Rich Rd	1,700	2.62	1.10	4,899
Ranchette Rd	Penzance Blvd	Ranchette Rd	1,900	0.85	1.13	1,825
Rich Rd	Slater Rd	Pritchett Pkwy	1,200	1.60	1.10	2,112
Richmond Ave N	Leeland Heights Blvd	E Bougainvillea Rd	1,000	0.05	1.05	53
Richmond Ave N	E Jasmine Rd	Schoolside Dr	1,000	0.10	1.05	105
Richmond Ave N	Schoolside Dr	E 3rd St	1,000	0.19	1.05	200
Richmond Ave N	E 3rd St	E 4th St	1,000	0.25	1.05	263
Richmond Ave N	E 4th St	E 5th St	1,000	0.27	1.05	284
Richmond Ave N	E 5th St	E 6th St	1,000	0.25	1.05	263



Roadway	From	To	2004 AADT	Miles	Peak Season Factor	Peak Season VMT
Richmond Ave N	E 6th St	E 7th St	1,000	0.25	1.05	263
Richmond Ave N	E 7th St	E 8th St	1,000	0.25	1.05	263
Richmond Ave N	E 8th St	E 9th St	1,200	0.25	1.05	315
Richmond Ave N	E 9th St	E 10th St	1,000	0.25	1.05	263
Richmond Ave N	E 10th St	E 11th St	1,000	0.25	1.05	263
Richmond Ave N	E 11th St	E 12th St	1,000	0.27	1.05	284
Richmond Ave N	W 12th St	E 14th St	900	0.54	1.05	510
Richmond Ave N	E 14th St	Greenbriar Blvd	1,000	1.89	1.05	1,985
River Ranch Rd	Williams Rd	Corkscrew Rd	1,700	0.75	1.22	1,556
San Carlos Blvd	S Tamiami Trl	Three Oaks Pkwy	5,500	2.38	1.14	14,923
Sandy Ln	Corkscrew Rd	Broadway Ave	2,000	0.73	1.14	1,664
Sanibel Blvd	S Tamiami Trl	Cypress Dr	9,700	1.11	1.12	12,059
Sanibel Blvd	Cypress Dr	Lee Rd	2,000	0.11	1.12	246
Sentinela Blvd	Bell Blvd	McArthur Ave	1,000	1.03	1.05	1,082
Sentinela Blvd	McArthur Ave	Grant Blvd	1,000	0.53	1.05	557
Sentinela Blvd	Grant Blvd	Moore Ave	1,000	0.53	1.05	557
Sentinela Blvd	Moore Ave	Hendry Co Line	700	0.41	1.05	301
Shell Point Blvd	McGregor Blvd	David Dr	4,200	1.64	1.45	9,988
Skyline Dr	Hancock Br	Moody Rd	2,000	0.74	1.04	1,539
Skyline Dr	Moody Rd	Overriver Dr	2,000	0.23	1.04	478
Slater Rd	Rich Rd	Nalle Grade Rd	1,500	0.88	1.10	1,452
South Pointe Blvd	Cypress Lake Dr	College Pkwy	11,600	0.80	1.09	10,115
South Rd	US 41	Danley Dr	2,000	0.28	1.13	633
Staley Rd	Luckett Rd	Tice St	2,000	1.00	1.17	2,340
Staley Rd	Tice St	Orange River Blvd	2,600	0.57	1.17	1,734
Stringfellow Rd	York Rd	Berkshire Rd	5,700	5.52	1.33	41,847
Sunniland Blvd	Lee Blvd	12th St W	2,000	0.50	1.05	1,050
Sunniland Blvd	12th St W	Park Ave	2,000	1.60	1.05	3,360
Sunrise Blvd	S Cleveland Ave	Austin St	2,000	0.08	1.06	170
Sunrise Blvd	Austin St	Beacon St	2,000	0.15	1.06	318
Sunrise Blvd	Beacon St	Chatham St	2,000	0.07	1.06	148
Sunrise Blvd	Chatham St	Fordham St	2,000	0.67	1.06	1,420
Sunshine Blvd N	12th St W	Orange River Blvd	4,000	5.44	1.01	21,978
Thornton Rd	Iona Rd	Red Poinciana Dr	2,000	0.23	1.22	561
Thornton Rd	Red Poinciana Dr	Live Oak Dr	2,000	0.05	1.22	122
Thornton Rd	Live Oak Dr	Palm Dr	2,000	0.08	1.22	195
Tice St	Palm Beach Blvd	Ortiz Ave	3,700	0.63	1.17	2,727
Tice St	Ortiz Ave	I-75	2,400	0.80	1.17	2,246
Tice St	I-75	Staley Rd	2,000	1.45	1.17	3,393
Treeline Ave	Daniels Pkwy	End of Pavement	2,000	1.51	1.15	3,473
Tucker Ln	Barbie Ln	Hart Rd	3,500	0.76	1.10	2,926
V. Shoemaker Blvd	Colonial Blvd	Winkler Ave Ext	1,000	0.53	1.08	572
W 14th St	End	Richmond	800	2.20	1.01	1,778
Whiskey Creek Dr	College Pkwy	McGregor Blvd	7,800	1.78	1.09	15,134
Williams Ave	Williams Av	W 5th St	1,000	0.18	1.05	189

Roadway	From	To	2004 AADT	Miles	Peak Season Factor	Peak Season VMT
Williams Ave	W 5th St	6th St	1,000	0.25	1.05	263
Williams Ave	6th St	12th St	10,000	1.50	1.01	15,150
Williams Ave	12th St	18th St	1,000	1.52	1.05	1,596
Williams Rd	W Bay Blvd	S Tamiami Trl	2,000	1.06	1.22	2,586
Williams Rd	S Tamiami Trl	River Ranch Rd	3,900	1.04	1.01	4,097
Williams Rd	River Ranch Rd	Three Oaks Pkwy	2,000	0.39	1.01	788
Winkler Rd	Winkler Rd	Summerlin Rd	7,100	2.14	1.23	18,689
Woodland Blvd	Cleveland Ave	Chatham St	9,300	0.25	1.06	2,465
Woodland Blvd	Chatham St	Fordham St	4,700	0.67	1.06	3,338
Subtotal, Lee County Collectors				263.26		957,420
Ballard Rd	Santa Lucia	Marsh Ave	5,000	0.75	1.12	4,200
Ballard Rd	Marsh Ave	Ortiz Ave	5,800	1.00	1.01	5,858
Braman Ave	McGregor Blvd	US 41	1,000	0.75	1.08	810
Broadway Ave	Hanson St	SR 82	4,100	1.26	1.08	5,579
Cortez Blvd	Braman	US 41	2,600	1.25	1.08	3,510
Edison Ave	US 41	Fowler St	7,000	0.63	1.08	4,763
Edison Ave	Fowler St	Rockfill Rd	4,100	2.00	1.08	8,856
Evans Ave	Colonial Blvd	Winkler Ave Ext	7,000	0.63	1.08	4,763
Evans Ave	Hanson St	Dr ML King	5,800	1.28	1.08	8,018
Evans Ave	Winkler Ave Ext	Hanson St	8,600	1.26	1.08	11,703
Ford St	Hanson St	M.L.K.	9,800	0.45	1.08	4,763
Ford St	Edison Ave	Hanson St	11,000	0.81	1.08	9,623
Ford St Ext	Colonial Blvd	Winkler Ave Ext	2,000	0.49	1.13	1,107
Hanson St	Magnolia St	Cleveland Ave	2,000	0.50	1.08	1,080
Hanson St	Cleveland Ave	Broadway	8,000	0.25	1.08	2,160
Hanson St	Broadway	Fowler St	9,900	0.38	1.08	4,063
Hanson St	Metro Pkwy	Ford St	2,000	0.25	1.08	540
Hanson St	Ford St	Palmetto Ave	2,000	0.66	1.08	1,426
Henderson Ave	Jeffcott St	M.L.K.	2,000	0.99	1.08	2,138
Henderson Ave	M.L.K.	Michigan Ave	2,000	0.51	1.08	1,102
Hill Ave	McGregor Blvd	US 41	2,000	0.93	1.08	2,009
Linhart Ave	McGregor Blvd	US 41	1,500	0.74	1.08	1,199
Luckett Rd	Nuna Av	Ortiz Av	2,000	0.38	1.01	768
Marsh Ave	Michigan Linkk Ave	Ballard Rd	2,000	0.33	1.12	739
Marsh Ave	Palm Beach Blvd	Edgewood Av	4,100	0.21	1.17	1,007
McGregor Blvd	Colonial Blvd	Cleveland Ave	17,100	3.37	1.13	65,119
Michigan Ave	Seaboard St	V Shoemaker Blvd	4,500	0.90	1.08	4,374
Michigan Ave	V Shoemaker Blvd	Marsh Ave	10,600	0.75	1.08	8,586
Michigan Ave	Marsh Ave	SR 82	8,900	0.49	1.08	4,710
Soloman Ave	Colonial Blvd	Winkler Ave	10,400	0.50	1.08	5,616
Soloman Ave	Winkler Ave	Broadway Ave	7,000	0.20	1.08	1,512
V. Shoemaker Blvd	SR 82	Michigan Ave	9,100	0.51	1.08	5,012
V. Shoemaker Blvd	Michigan Ave	Palm Beach Blvd	5,500	0.84	1.08	4,990
Winkler Ave	US 41	Solomon Blvd	13,600	0.30	1.08	4,406

Roadway	From	To	2004 AADT	Miles	Peak Season Factor	Peak Season VMT
Winkler Ave	Solomon Blvd	Fowler St	19,300	0.32	1.08	6,670
Winkler Ave Ext	Fowler St	Metro Pkwy	23,400	0.70	1.08	17,690
Winkler Ave Ext	Metro Pkwy	V. Shoemaker Blvd	21,400	0.67	1.08	15,485
Winkler Ave Ext	V. Shoemaker Blvd	Colonial Blvd	19,400	1.29	1.08	27,028
Winkler Ave Ext	Colonial Blvd	Challenger Blvd	3,700	0.48	1.08	1,918
Winkler Ave Ext	Challenger Blvd	Six Mile Cypress Pkwy	3,700	0.78	1.08	3,117
Subtotal, Fort Myers Arterials And Collectors				30.79		268,017
12th Ave SW	Rose Garden Rd	El Dorado Pkwy	1,000	0.28	1.07	300
24th Ave NE	NE Pine Island Rd	Diplomat Pkwy	2,500	0.50	1.09	1,363
24th Ave NE	Diplomat Pkwy	Kismet Pkwy	2,100	0.93	1.09	2,129
24th Ave SE	Viscaya Pkwy	Hancock Bridge Pkwy	7,800	1.11	1.04	9,004
26th St SE	Del Prado Blvd	Everest Pkwy	4,200	0.28	1.09	1,282
26th St SE	Kamal Pkwy	Archer Pkwy W	2,200	0.08	1.06	187
26th St SE	Retunda Pkwy E	Everest Pkwy	2,100	0.09	1.06	200
47th Terr SE	Palm Tree Blvd	Coronado Pkwy	12,100	0.50	1.08	6,534
47th Terr SE	Coronado Pkwy	Vincennes Blvd	9,600	0.49	1.08	5,080
47th Terr SE	Vincennes	Del Prado Blvd	7,500	0.39	1.08	3,159
47th Terr SE	Del Prado Blvd	SE 17th Pl	4,800	0.22	1.08	1,140
Academy Blvd	SE 32nd St	Archer Pkwy	2,000	0.55	1.06	1,166
Academy Blvd	Veterans Pkwy	Nicholas Pkwy	2,900	1.73	0.98	4,917
Agualinda Blvd	El Dorado Pkwy	Cape Coral Pkwy	2,200	0.93	1.07	2,189
Agualinda Blvd	Cape Coral Pkwy	Beach Pkwy	3,500	0.75	1.07	2,809
Agualinda Blvd	Beach Pkwy	Savona Pkwy	2,400	0.70	1.10	1,848
Andalusia Blvd	Jacaranda Pkwy	Voginatis Pkwy	499	1.03	1.09	560
Andalusia Blvd	Voginatis Pkwy	Durden Pkwy	499	1.01	1.09	549
Andalusia Blvd	Pine Island Rd	Tropicana Pkwy	4,700	0.33	1.09	1,691
Andalusia Blvd	Tropicana Pkwy	Diplomat Pkwy	3,600	1.22	1.09	4,787
Andalusia Blvd	Diplomat Pkwy	Kismet	2,600	0.94	1.09	2,664
Archer Pkwy E	Country Club Blvd	SE 26th Ter	2,100	0.44	1.06	979
Archer Pkwy W	SE 26th Ter	Academy Blvd	2,200	0.46	1.06	1,073
Archer Pkwy W	Academy Blvd	Country Club Blvd	2,200	0.18	1.06	420
Averill Blvd	Jacaranda Pkwy	Gator Cir	499	0.53	1.09	288
Beach Pkwy	Del Prado Blvd	SE 20 Pl	2,000	0.71	1.09	1,548
Beach Pkwy W	Surfside Blvd	Sands Blvd	2,200	0.41	1.07	965
Beach Pkwy W	Sands Blvd	Oasis Blvd	3,400	0.46	1.07	1,673
Beach Pkwy W	Oasis Blvd	Agualinda Blvd	4,500	0.42	1.07	2,022
Beach Pkwy W	Aguilina Pblvd	Chiquita Blvd	4,500	0.66	1.07	3,178
Bolado Pkwy	Del Prado Blvd	SE 20 Ct	2,000	0.60	1.04	1,248
Caloosa Pkwy	NW 47th Ave	Old Burnt Store Rd	499	0.83	1.16	480
Cape Coral Pkwy E	Santa Barbara Blvd	Palm Tree Blvd	48,800	0.51	1.08	26,879
Cape Coral Pkwy E	Palm Tree Blvd	Coronado Pkwy	39,700	0.49	1.08	21,009
Cape Coral Pkwy E	Coronado Pkwy	Del Prado Blvd	31,200	0.88	1.08	29,652
Cape Coral Pkwy W	Sands Blvd	Aguilinda Blvd	5,300	0.88	1.07	4,990
Cape Coral Pkwy W	Aguilinda Blvd	Chiquita Blvd	9,200	0.65	1.07	6,399

Roadway	From	To	2004 AADT	Miles	Peak Season Factor	Peak Season VMT
Cape Coral Pkwy W	Chiquita Blvd	Skyline Blvd	21,600	0.99	1.07	22,881
Cape Coral Pkwy W	Skyline Blvd	Pelican Blvd	27,100	0.50	1.07	14,499
Cape Coral Pkwy W	Pelican Blvd	Santa Barbara Blvd	32,900	0.51	1.08	18,121
Ceitus Pkwy	Old Burnt Store Rd	Burnt Store Rd	1,300	1.07	1.20	1,669
Ceitus Pkwy	Burnt Store Rd	El Dorado Blvd	1,100	0.90	1.20	1,188
Chiquita Blvd N	Embers Pkwy	Tropicana Pkwy	5,600	1.05	1.09	6,409
Chiquita Blvd N	Tropicana Pkwy	Diplomat Pkwy	3,300	1.04	1.09	3,741
Chiquita Blvd N	Diplomat Pkwy	Kismet Pkwy	1,499	1.01	1.09	1,650
Chiquita Blvd N	Kismet Pkwy	Wilmington Pkwy	1,499	0.33	1.09	539
Chiquita Blvd N	Wilmington Pkwy	Jacaranda Pkwy	499	0.66	1.09	359
Chiquita Blvd S	SW 58 Terrace	El Dorado Pkwy	1,000	0.44	1.07	471
Chiquita Blvd S	El Dorado Pkwy	Cape Coral Pkwy	6,400	0.93	1.10	6,547
Chiquita Blvd S	Cape Coral Pkwy	Beach Pkwy	17,300	0.73	1.10	13,892
Chiquita Blvd S	Beach Pkwy	Mohawk Pkwy	17,300	0.29	1.10	5,519
Chiquita Blvd S	Mohawk Pkwy	Savona Pkwy	18,000	0.41	1.10	8,118
Chiquita Blvd S	Savona Pkwy	Gleason Pkwy	18,000	0.60	1.10	11,880
Chiquita Blvd S	Gleason Pkwy	Veterans Pkwy	18,600	0.99	1.10	20,255
Chiquita Blvd S	Veterans Pkwy	Trafalgar Pkwy	10,800	1.09	1.10	12,949
Chiquita Blvd S	Trafalgar Pkwy	Pine Island Rd	10,800	1.08	1.10	12,830
Chiquita Blvd S	Pine Island Rd	Embers Pkwy	6,000	0.92	1.09	6,017
Cornwallis Pkwy	Del Prado Blvd	SE 22nd Ter	2,000	0.90	1.09	1,962
Coronado Pkwy	Lucerne Pkwy	El Dorado Pkwy	3,000	0.30	1.08	972
Coronado Pkwy	El Dorado Pkwy	Cape Coral Pkwy	9,100	0.66	1.08	6,486
Coronado Pkwy	Cape Coral Pkwy	Del Prado Blvd	11,600	1.50	1.09	18,966
Country Club Blvd	Palm Tree Blvd	Wildwood Pkwy	6,400	1.88	1.09	13,115
Country Club Blvd	Wildwood Pkwy	Archer Pkwy	13,200	1.09	1.09	15,683
Country Club Blvd	Archer Pkwy	Veterans Pkwy	14,800	0.35	1.09	5,646
Country Club Blvd	Veterans Blvd	Nicholas Pkwy	15,200	1.66	1.04	26,241
Country Club Blvd	Nicholas Pkwy	SE 9th Ln	16,500	0.25	1.04	4,290
Country Club Blvd	SE 9th Ln	Viscaya Pkwy	15,200	0.35	1.04	5,533
Cultural Park Blvd	Nicholas Pkwy	Hancock Br Pkwy	9,000	1.54	0.98	13,583
Cultural Park Blvd	Hancock Bridge Pkwy	Pine Island Rd	5,600	0.47	1.09	2,869
De Navarra Pkwy	Gator Cir	Garden Blvd	499	0.49	1.09	267
Del Prado Blvd N	NE 9th St	Diplomat Pkwy	16,500	0.99	1.09	17,805
Del Prado Blvd N	NE Pine Island Rd	NE 9th St	16,500	0.05	1.09	899
Del Prado Blvd N	Diplomat Pkwy	Kismet Pkwy	13,000	0.93	1.09	13,178
Del Prado Blvd N	Kismet Pkwy	US 41	10,700	3.46	1.09	40,354
Del Prado Blvd S	El Dorado Pkwy	Miramar St	4,800	0.59	1.08	3,059
Del Prado Blvd S	Miramar St	Cape Coral Pkwy	5,400	0.12	1.08	700
Diplomat Pkwy E	Santa Barbara Blvd	Andalusia Blvd	4,300	1.05	1.04	4,696
Diplomat Pkwy E	Andalusia Blvd	Del Prado Blvd	5,400	0.94	1.04	5,279
Diplomat Pkwy E	Del Prad Blvd	NE 24th Ave	4,400	1.04	1.04	4,759
Diplomat Pkwy E	NE 24th Ave	Corbett Rd	4,000	0.48	1.04	1,997
Diplomat Pkwy E	Corbett Rd	N Cleveland Ave	4,000	1.16	1.06	4,918
Diplomat Pkwy W	Burnt Store Rd	El Dorado Blvd	1,000	1.02	1.16	1,183

Roadway	From	To	2004 AADT	Miles	Peak Season Factor	Peak Season VMT
Diplomat Pkwy W	El Dorado Blvd	Chiquita Blvd	1,800	1.10	1.20	2,376
Diplomat Pkwy W	Chiquita Blvd	Nelson Rd	2,499	1.01	1.20	3,029
Diplomat Pkwy W	Nelson Rd	Santa Barbara Blvd	3,400	0.99	1.04	3,501
Driftwood Pkwy	End of Pavement	Lucerne Pkwy	2,000	0.50	1.08	1,080
Durden Pkwy	Andalusia Blvd	Garden Blvd	499	1.78	1.09	968
El Dorado Blvd N	Embers Pkwy	Tropicana Pkwy	1,800	1.02	1.16	2,130
El Dorado Blvd N	Tropicana Pkwy	Diplomat Pkwy	1,400	0.74	1.16	1,202
El Dorado Blvd N	Diplomat Pkwy	Van Buren Pkwy	1,600	0.83	1.16	1,540
El Dorado Blvd N	Van Buren Pkwy	Kismet Pkwy	699	0.46	1.16	373
El Dorado Blvd N	Kismet Pkwy	Jacaranda Pkwy	499	0.99	1.09	538
El Dorado Blvd S	Embers Pkwy	Ceitus Pkwy	700	0.77	1.16	625
El Dorado Pkwy E	Bayside Ct	Coronado Pkwy	3,000	1.08	1.08	3,499
El Dorado Pkwy E	Coronado Pkwy	Del Prado Blvd	4,300	0.65	1.08	3,019
El Dorado Pkwy W	Sands Blvd	Aguilinda Blvd	1,500	0.88	1.07	1,412
El Dorado Pkwy W	Aguilinda Blvd	Chiquita Blvd	3,000	0.66	1.07	2,119
El Dorado Pkwy W	Chiquita Blvd	Canal	2,100	0.25	1.07	562
El Dorado Pkwy W	Canal	SW 12th Ave	2,100	0.13	1.07	292
El Dorado Pkwy W	SW 12th Ave	Skyline Blvd	2,100	0.58	1.07	1,303
El Dorado Pkwy W	Skyline Blvd	Pelican Blvd	1,200	0.50	1.07	642
El Dorado Pkwy W	Pelican Blvd	Bayside Ct	1,000	0.40	1.07	428
Embers Pkwy	El Dorado Blvd	Chiquita Blvd	4,700	1.01	1.20	5,696
Embers Pkwy	Chiquita Blvd	Nelson Rd	4,700	1.01	1.20	5,696
Embers Pkwy W	Old Burnt Store Rd	Burnt Store Rd	1,500	0.98	1.20	1,764
Embers Pkwy W	Burnt Store Road	El Dorado Blvd	1,900	1.01	1.20	2,303
Everest Pkwy	SE 26th Ter	Del Prado Blvd	700	0.73	1.06	542
Everest Pkwy	SE 26th St	Cape Coral Shore	4,400	1.46	1.09	7,002
Everest Pkwy	Veterans Pkwy	Everest Pkwy	2,000	0.09	1.09	196
Garden Blvd	Del Prado Blvd	De Navarra Pkwy	499	0.73	1.09	397
Garden Blvd	De Navarra Pkwy	Durden Pkwy	499	1.05	1.09	571
Gator Cir S	Averill Blvd	Averill Blvd	499	4.02	1.09	2,187
Gleason Pkwy	Surfside Blvd	Oasis Blvd	2,000	0.68	1.10	1,496
Gleason Pkwy	Chiquita Blvd	Skyline Blvd	4,300	0.99	1.10	4,683
Gleason Pkwy	Skyline Blvd	Pelican Blvd	5,200	0.52	1.06	2,866
Gleason Pkwy	Pelican Blvd	Santa Barbara Blvd	9,000	0.52	1.06	4,961
Gulfstream Pkwy	End of Pavement	Old Burnt Store Rd	499	0.45	1.16	260
Gulfstream Pkwy	Old Burnt Store Rd	Burnt Store Rd	999	1.01	1.16	1,170
Hancock Br Pkwy	Santa Barbara Blvd	Cultural Park Blvd	14,200	0.97	1.20	16,529
Hancock Br Pkwy	Cultural Park Blvd	Del Prado Blvd	15,000	1.09	1.04	17,004
Hancock Crk S Blvd	NE Pine Island Rd	Pondella Rd	2,200	0.59	1.09	1,415
Jacaranda Pkwy E	Santa Barbara Blvd	Andalusia Blvd	999	1.04	1.09	1,132
Jacaranda Pkwy E	Andalusia Blvd	Averill Blvd	999	1.01	1.09	1,100
Jacaranda Pkwy W	El Dorado Blvd	Chiquita Blvd	499	1.02	1.09	555
Juanita Pl NW	Pine Island Rd	Tropicana Pkwy	5,000	1.02	1.09	5,559
Kamal Pkwy	Santa Barbara Blvd	Veterans Pkwy	1,500	0.79	1.06	1,256
Kismet Pkwy E	Santa Barbara Blvd	Andalusia Blvd	7,000	1.06	1.09	8,088

Roadway	From	To	2004 AADT	Miles	Peak Season Factor	Peak Season VMT
Kismet Pkwy E	Andalusia Blvd	Del Prado Blvd	7,700	0.92	1.04	7,367
Kismet Pkwy E	Del Prado Blvd	NE 24th Ave	3,200	1.06	1.04	3,528
Kismet Pkwy W	End of Pavement	Old Burnt Store Rd	499	0.37	1.16	214
Kismet Pkwy W	Old Burnt Store Rd	Burnt Store Rd	999	1.01	1.16	1,170
Kismet Pkwy W	El Dorado Blvd	Chiquita Blvd	999	1.01	1.09	1,100
Kismet Pkwy W	Chiquita Blvd	Nelson Rd	2,499	1.00	1.09	2,724
Kismet Pkwy W	Nelson Rd	Santa Barbara Blvd	3,900	0.99	1.09	4,208
Lucerne Pkwy	Coronado Pkwy	Driftwood Pkwy	2,500	0.35	1.08	945
Miramar St	Coronado Pkwy	Del Prado Blvd	4,000	0.87	1.08	3,758
Mohawk Pkwy	Chiquita Blvd	Skyline Blvd	2,700	0.99	1.07	2,860
Mohawk Pkwy	Skyline Blvd	Pelican Blvd	2,600	0.52	1.07	1,447
Nelson Rd N	Embers Pkwy	Tropicana Pkwy	4,000	1.05	1.09	4,578
Nelson Rd N	Tropicana Pkwy	Diplomat Blvd	4,000	1.04	1.09	4,534
Nelson Rd N	Diplomat Pkwy	Kismet Pkwy	1,499	1.01	1.09	1,650
Nelson Rd N	Kismet Pkwy	Wilmington Pkwy	1,499	0.87	1.09	1,422
Nelson Rd S	Pine Island Rd	Nicholas Pkwy	5,000	0.47	1.09	2,562
Nicholas Pkwy E	Santa Barbara Blvd	Cultural Park Blvd	12,700	0.97	1.06	13,058
Nicholas Pkwy E	Cultural Park Blvd	Country Club Blvd	11,300	0.20	1.06	2,396
Nicholas Pkwy NW	Santa Barbara Blvd	Pine Island Rd	5,300	1.35	1.20	8,586
Nicholas Pkwy NW	Pine Island Rd	Nelson Rd	6,500	0.45	1.20	3,510
Oasis Blvd	Beach Pkwy	Oasis Blvd	2,000	1.23	1.10	2,706
Old Burnt Store Rd	Embers Pkwy	Tropicana Pkwy	999	1.03	1.16	1,194
Old Burnt Store Rd	Tropicana Pkwy	Yucatan Pkwy	999	0.48	1.16	556
Old Burnt Store Rd	Yucatan Pkwy	Gulfstream Pkwy	999	0.55	1.16	637
Old Burnt Store Rd	Gulfstream Pkwy	Kismet Pkwy	999	1.02	1.16	1,182
Old Burnt Store Rd	Kismet Pkwy	Caloosa Pkwy	999	1.98	1.16	2,295
Old Burnt Store Rd	Caloosa Pkwy	Charlotte Co Line	999	1.78	1.16	2,063
Old Burnt Store Rd	Ceitus Pkwy	Embers Pkwy	999	0.55	1.16	637
Palaco Grande Pwy	Del Prado Blvd	SE 22nd Pl	2,000	0.85	1.09	1,853
Palm Tree Blvd	Cape Coral Pkwy	Country Club Blvd	5,900	0.26	1.06	1,626
Palm Tree Blvd	Country Club Blvd	Wildwood Pkwy	5,900	1.23	1.06	7,692
Pelican Blvd	El Dorado Pkwy	Cape Coral Pkwy	6,800	0.93	1.07	6,767
Pelican Blvd	Cape Coral Pkwy	Mohawk Pkwy	5,700	1.09	1.07	6,648
Pelican Blvd	Mohawk Pkwy	Gleason Pkwy	5,300	0.95	1.06	5,337
Rose Garden Rd	End of Pavement	El Dorado Pkwy	1,500	1.50	1.07	2,408
Sands Blvd	El Dorado Pkwy	Cape Coral Pkwy	1,600	0.93	1.07	1,592
Sands Blvd	Cape Coral Pkwy	Beach Pkwy	2,200	0.74	1.07	1,742
Santa Barbara Blvd	Cape Coral Pkwy	Gleason Pkwy	14,100	2.05	1.06	30,639
Santa Barbara Blvd	Gleason Pkwy	Kamal Pkwy	23,500	0.55	1.06	13,701
Santa Barbara Blvd	Kamal Pkwy	Veterans Pkwy	23,500	0.25	1.06	6,228
Santa Barbara Blvd	Veterans Pkwy	Trafalgar Pkwy	26,200	1.28	0.98	32,865
Santa Barbara Blvd	Trafalgar Pkwy	Nicholas Pkwy	26,200	0.68	0.98	17,460
Santa Barbara Blvd	Nicholas Pkwy	Hancock Bridge Pkwy	18,900	1.26	0.98	23,338
Santa Barbara Blvd	Hancock Bridge Pkwy	Pine Island Rd	18,900	0.08	1.09	1,648
Santa Barbara Blvd	Tropicana Pkwy	Diplomat Pkwy	4,800	1.04	1.09	5,441

Roadway	From	To	2004 AADT	Miles	Peak Season Factor	Peak Season VMT
Santa Barbara Blvd	Diplomat Pkwy	Kismet Pkwy	2,600	0.96	1.09	2,721
Santa Barbara Blvd	Kismet Pkwy	Jacaranda Pkwy	2,000	1.05	1.09	2,289
Santa Barbara Blvd	Jacaranda Pkwy	Wilmington Pkwy	999	0.34	1.09	370
Savona Pkwy	Del Prado Blvd	SE 21 Pl	2,000	0.78	1.09	1,700
Savona Pkwy W	Aqualinda Blvd	Chiquita Blvd	3,200	0.66	1.07	2,260
Shelby Pkwy	SE 26th Ter	Del Prado Blvd	2,300	0.72	1.06	1,755
Skyline Blvd	El Dorado Pkwy	Cape Coral Pkwy	6,000	0.93	1.07	5,971
Skyline Blvd	Cape Coral Pkwy	Mohawk Pkwy	9,900	1.07	1.07	11,335
Skyline Blvd	Mohawk Pkwy	Gleason Pkwy	11,900	0.98	1.10	12,828
Skyline Blvd	Gleason Pkwy	Veterans Pkwy	12,500	1.01	1.06	13,383
Skyline Blvd	Veterans Pkwy	Trafalgar Pkwy	8,900	1.09	0.98	9,507
Skyline Blvd	Trafalgar Pkwy	Pine Island Rd	6,200	1.43	0.98	8,689
Surfside Blvd	Beach Pkwy	Gleason Pkwy	2,100	1.28	1.10	2,957
Surfside Blvd	Gleason Pkwy	Veterans Pkwy	4,100	1.47	1.10	6,630
Surfside Blvd	Veterans Pkwy	Trafalgar Pkwy	2,100	1.05	1.10	2,426
Trafalgar Pkwy	Surfside Blvd	Chiquita Blvd	2,100	1.00	1.20	2,520
Trafalgar Pkwy	Chiquita Blvd	Skyline Blvd	5,500	0.98	1.20	6,468
Trafalgar Pkwy	Skyline Blvd	Santa Barbara Blvd	8,200	1.05	1.20	10,332
Tropicana Pkwy E	Juanita Pl	Andalusia Blvd	1,300	1.10	1.20	1,716
Tropicana Pkwy W	Old Burnt Store Rd	Burnt Store Rd	999	0.98	1.20	1,175
Tropicana Pkwy W	Burnt Store Rd	El Dorado Blvd	1,000	1.02	1.20	1,224
Tropicana Pkwy W	El Dorado Blvd	Chiquita Blvd	1,300	1.01	1.20	1,576
Tropicana Pkwy W	Chiquita Blvd	Nelson Rd	1,300	1.01	1.20	1,576
Tropicana Pkwy W	Nelson Rd	Santa Barbara Blvd	1,300	1.00	1.20	1,560
Van Buren Pkwy	Burnt Store Rd	El Dorado Blvd	1,000	1.01	1.16	1,172
Vincennes Blvd	Cape Coral Pkwy	SE 47th Terr	4,600	0.08	1.09	401
Vincennes Blvd	SE 47th Terr	Coronado Pkwy	3,500	0.48	1.09	1,831
Viscaya Pkwy	Country Club Blvd	Del Prado Blvd	17,300	0.55	1.04	9,896
Viscaya Pkwy	Del Prado Blvd	SE 24th Ave	12,500	1.03	1.04	13,390
Vogiantzis Pkwy	Andalusia Blvd	Gator Cir	499	0.42	1.09	228
Wildwood Pkwy	Palm Tree Blvd	Country Club Blvd	3,800	0.59	1.08	2,421
Wilmington Pkwy	Chiquita Blvd	Nelson Rd	999	1.15	1.09	1,252
Wilmington Pkwy	Nelson Rd	Santa Barbara Blvd	999	1.12	1.09	1,220
Yucatan Pkwy	Old Burnt Store Rd	Burnt Store Rd	999	0.99	1.16	1,147
Subtotal, Cape Coral Arterials And Collectors				174.33		1,061,199
Arroyal Rd	Bonita Beach Rd	Pennsylvania Ave	6,200	0.49	1.06	3,220
Cockleshell Dr	Old US 41	Maddox Ln	2,000	0.92	1.06	1,950
Dean St	Old US 41	Matheson Ave	2,000	0.50	1.06	1,060
Dean St	Matheson Ave	Imperial St	2,000	0.50	1.06	1,060
Hunters Ridge Blvd	Hunters Lake Ct	Bonita Beach Rd	2,000	1.01	1.06	2,141
Imperial Harbor Blvd	End of Pavement	Old US 41	2,000	0.59	1.06	1,251
Imperial St	Bonita Beach Rd	Dean St	2,000	0.25	1.06	530
Imperial St	S of East Terry St	East Terry Street	2,000	0.50	1.06	1,060
Imperial St	Oaks Cir	Bonita Beach Rd	12,400	1.01	1.06	13,275

Roadway	From	To	2004 AADT	Miles	Peak Season Factor	Peak Season VMT
Matheson Ave	Dean St	Terry St	2,000	0.82	1.06	1,738
Morton Ave	Terry St	Cutting Horse Ln	2,000	1.01	1.06	2,141
North Carolina Dr	Williamsburg Dr	Southern Pines Dr	2,000	0.52	1.06	1,102
Old 41 Rd	Collier County Line	Bonita Beach Rd	13,700	1.19	1.10	17,933
Old 41 Rd	Bonita Beach Rd	West Terry St	18,500	0.99	1.10	20,147
Old 41 Rd	W Terry St	Imperial Harbor Blvd	24,600	1.21	1.10	32,743
Old 41 Rd	Imperial Harbor Blvd	Cockleshell Dr	2,000	0.10	1.06	212
Old 41 Rd	Cockleshell Dr	S Tamiami Trl	14,200	1.78	1.10	27,804
Pennsylvania Ave	Pennsylvania Ave	Old US 41	4,000	1.54	1.06	6,530
Southern Pines Dr	North Carolina Dr	Terry St	2,000	0.85	1.06	1,802
Spring Creek Dr	Saltfish St	Coconut Rd	2,000	1.45	1.22	3,538
Terry St W	S Tamiami Trl	Old US 41	12,000	1.77	1.06	22,514
Terry St	Old 41	Southern Pines Dr	6,000	1.49	1.06	9,476
Terry St	Southern Pines Drive	Boca Grande Dr	3,000	1.02	1.06	3,244
Windsor Rd	Gulf Harbor Ct	Bonita Beach Rd	2,000	0.49	1.04	1,019
Windsor Rd	Bonita Beach Rd	2nd Ave	2,000	0.29	1.04	603
Subtotal, Bonita Springs Arterials and Collectors				22.29		178,093
Causeway Blvd	Periwinkle Rd	Sanibel Causeway	16,300	1.18	1.45	27,889
Periwinkle Way	Tarpon Bay Rd	West Gulf Dr	13,500	1.41	1.45	27,601
Periwinkle Way	West Gulf Dr	Causeway Blvd	17,800	1.31	1.45	33,811
Periwinkle Way	Causeway Blvd	SE End of Island	4,800	1.69	1.45	11,762
Sanibel-captiva Rd	Clam Bayou Ln	Tarpon Bay Rd	9,300	7.37	1.45	99,384
Tarpon Bay Rd	West Gulf Dr	Periwinkle Way	6,700	0.83	1.45	8,063
Tarpon Bay Rd	Periwinkle Way	Sanibel Captiva Rd	13,500	0.30	1.45	5,873
West Gulf Dr	End of Pavement	Tarpon Bay Rd	3,400	3.31	1.45	16,318
West Gulf Dr	Tarpon Bay Rd	Periwinkle Way	6,700	2.19	1.45	21,276
Subtotal, Sanibel Arterials and Collectors				19.59		251,977
Estero Blvd	San Carlos Blvd	Bowditch Point	4,300	0.92	1.04	4,114
Subtotal, Ft. Myers Beach Arterials				0.92		4,114
Total				927.31		13,399,716

Note: 2004 AADT in *italics* are estimates based on adjacent road segments or road characteristics.

Source: Lee County Department of Transportation, *Traffic Count Report*, 2004, Florida Department of Transportation, *Florida Traffic Information*, 2004, and City of Cape Coral *2004 Traffic Counts*; AADT in *italics* estimated based on adjacent segment lengths and road characteristics from CRSPE, April 14, 2006 road inventory analysis.



LEE COUNTY ORDINANCE 06-\_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 2 OF THE LEE COUNTY LAND DEVELOPMENT CODE, ARTICLE II, CONCURRENCY MANAGEMENT SYSTEM, AMENDING DEFINITIONS, CONCURRENCY CERTIFICATION, CONCURRENT DEVELOPMENT ORDERS, GREATER PINE ISLAND CONCURRENCY, VESTED RIGHTS, CONCURRENCY MANAGEMENT INFORMATION SYSTEM, VARIANCES, AND APPEALS; CREATING A DIVISION 2, ENTITLED PROPORTIONATE FAIR SHARE PROGRAM, PROVIDING FOR PURPOSE AND INTENT, FINDINGS, APPLICABILITY, GENERAL REQUIREMENTS, INTERGOVERNMENTAL COORDINATION, APPLICATION PROCESS, DETERMINING PROPORTIONATE FAIR SHARE OBLIGATION, IMPACT FEE CREDIT FOR PROPORTIONATE SHARE MITIGATION, PROPORTIONATE FAIR SHARE AGREEMENTS, APPROPRIATION OF FAIR SHARE REVENUES, AND CROSS JURISDICTIONAL IMPACTS; AND PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, Lee Plan Objective 37.3. mandates the County to utilize a Transportation Concurrency Management System consistent with the requirements of Chapter 163.3180 and Rule 9J-5.0055, Florida Administrative Code; and,

WHEREAS, Lee County measures concurrency on all roads on a roadway segment-by-segment basis, except for constrained roads and where alternatives are established pursuant to Florida Statutes, Chapter 163.3180, and Rule 9J-5.0055, Florida Administrative Code; and,

WHEREAS, the County will continue to annually modify roadway conditions and available capacity as part of its Concurrency Management Report; and,

WHEREAS, pursuant to Policy 37.3.3., all proposed development activity, except that which affects constrained roads and roads subject to concurrency alternatives, will be reviewed against the available capacity identified in the annual Concurrency Management Report based on existing conditions; and,

WHEREAS, Lee Plan Policy 38.1.1. requires the County to maintain an effective and fair system of impact fees to ensure development that creates additional impacts on

arterial and collector roads and pays an appropriate fair share of the costs to mitigate its off-site impacts; and,

WHEREAS, Lee Plan Objective 95.2. requires the County to maintain a Concurrency Management System within the development regulations in accordance with Florida Statutes, Chapter 163.3202. The Concurrency Management System will ensure that no development permits will be issued unless the established regulatory level of service requirements are met or will be met, as needed, to serve development; and,

WHEREAS, Lee Plan Goal 39 requires the County to maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts and protect and preserve public transportation facilities; and,

WHEREAS, pursuant to Lee Plan Objective 39.1., the County will maintain and enforce development regulations to ensure that the impacts of development approvals occur concurrently with adequate roads, and to achieve maximum safety, efficiency, and cost effectiveness; and,

WHEREAS, the 2005 amendments to the Florida's Growth Management Act directed local governments to enact ordinances by December 1, 2006, that allow for "proportionate share" contributions from developers toward concurrency requirements (see *Section 163.3180(16), F.S.*); and,

WHEREAS, the intent of the proportionate fair share option is to provide developers an opportunity to proceed under certain conditions, notwithstanding the failure of transportation concurrency, by contributing their fair share of the costs of improving the impacted transportation facility; and,

WHEREAS, the proportionate fair share requirements will not apply until a deficiency is identified through the Concurrency Management System; and,

WHEREAS, proportionate fair share contributions are not impact fees; rather, the contributions are intended as a means to address a specific transportation concurrency issue, to wit, a road segment or segments operating below the adopted level of service standard; and,

WHEREAS, the Land Development Code Advisory Committee reviewed the proposed amendments to the Proportionate Fair Share Program Regulations on September 8, 2006; and,

WHEREAS, the Executive Regulatory Oversight Committee reviewed the proposed amendments to the Proportionate Fair Share Program Regulations on September 13, 2006; and,

WHEREAS, the Local Planning Agency reviewed the proposed amendments to the Land Development Code on September 13, 2006, and found the amendments consistent with the Lee Plan.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lee County, Florida:

**SECTION TWO: AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 2, ARTICLE II, CONCURRENCY MANAGEMENT SYSTEM**

The Lee County LDC, Chapter 2, Article II, is amended to read as follows, with strike through text identifying language to be deleted and underlined text identifying new language:

**Chapter 2 - Administration**

**ARTICLE II. CONCURRENCY MANAGEMENT SYSTEM**

**Division 1. Concurrency Management Ordinance**

**Sec. 2-45. Definitions.**

- (a) The following words, terms and phrases, when used in this article, will have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Board of County Commissioners* means the Board of County Commissioners of Lee County, Florida, acting in a public meeting.

*Building permit* means an official document or certification that authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure.

*Certificate of concurrency compliance* means the certification issued by the director pursuant to section 2-46(d). This certification means that the director has determined that there is or will be sufficient public facilities to serve the development for which a development permit has been requested without violating the minimum concurrency standards set forth in the Lee Plan.

*Certificate of concurrency exemption* means the certification issued by the director pursuant to section 2-46(b). This certification means that the director has determined that a type of development order, or a specific development order issued for a proposed development permit, is exempt from the concurrency levels of service requirements of the Lee Plan. The issuance of a certificate of concurrency exemption does not exempt a

developer from submission of project data required by the director unless specifically set forth in the certificate. Submission of project data assists the county in monitoring anticipated impacts on public facilities for the purposes of maintaining an inventory to evaluate new requests for development.

*Concurrency certificate* means a certificate of concurrency compliance, a certificate of concurrency exemption, a concurrency variance certificate or a conditional certificate of concurrency compliance.

*Concurrency variance certificate* means the certification issued by the director pursuant to section 2-51. This certification means that the director has determined that a variance from the strict concurrency requirements of the Lee Plan must be granted with respect to a specific development permit to avoid the unconstitutional taking of property without due process of law.

*Conditional certificate of concurrency compliance* means a certificate issued by the director pursuant to section 2-46(j). This certification means that the director has determined that:

- (1) A development permit, which otherwise would violate the minimum concurrency requirements of the Lee Plan, can be issued consistent with the Lee Plan if certain conditions are attached to the permit; or
- (2) The application for concurrency review is complete but for a particular document that can be submitted prior to the issuance of a building permit or certificate of occupancy.

*Constrained roads* means those roadway segments that cannot or will not be widened due to community scenic, historic, aesthetic, right-of-way or environmental constraints.

*De Minimus Transportation Impact* means an impact created by a use that would not affect more than one percent of the maximum volume at the adopted level of service of the affected transportation facility as determined by the County. No impact will be considered *De Minimus* if the impact would exceed the adopted level of service standard of an affected designated hurricane evacuation route.

*Developer* means any person, including a governmental agency, undertaking any development.

*Development* means the carrying out of building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels. It is intended to have the same meaning given in F.S. § 380.04.

*Development order* means any order granting or granting with conditions an application for a development permit.

*Development permit* means a building permit, subdivision approval, certification or variance or other official action of local government having the effect of permitting the development of land. This definition conforms to that set forth in F.S. § 163.3164(7), except that it does not include zoning permits, zoning variances, rezoning, special exceptions, preliminary plan approvals, and special permits which, by themselves, do not permit the development of land.

*Director* means the county manager, or any other person designated by the county manager to exercise the authority or assume the responsibilities given the director in this article.

*Equivalent residential connections* means the total number of meter equivalents using the methodology of the state public service commission. This term is synonymous with the term "equivalent residential units" used by the state public service commission.

~~*Final development order* means a development order issued pursuant to chapter 10 or a final development order issued pursuant to Lee County Ordinance No. 82-42, as amended.~~

*Hearing examiner* means an officer appointed by the Board of County Commissioners to hear all matters and exercise all duties set out in chapter 34, article II.

*Lee Plan* means the county comprehensive plan ~~which~~ that was adopted pursuant to F.S. ch. 163 on January 31, 1989, and effective March 1, 1989, and all subsequent amendments thereto.

*Long term transportation concurrency management system* means a financially feasible system to ensure that existing deficiencies are corrected within a specified time frame and to establish priorities for addressing backlogged facilities in special concurrency district or areas.

*Mobile home move-on permit* means an official document or certification authorizing a purchaser, owner, mover, installer or dealer to move a mobile home onto a particular site. It also includes a permit authorizing the tiedown of a park trailer in a mobile home zoning district. Mobile homes and park trailers are defined in chapter 34.

*Permanent traffic* means the traffic that a development can reasonably be expected to generate on a continuing basis upon completion of the development. It does not mean the temporary construction traffic.

*Planned development rezoning* means any rezoning to a planned development zoning district pursuant to chapter 34.

*Preliminary development order* means a preliminary development order issued pursuant to Ordinance No. 82-42, as amended.

*Preliminary plan approval* means a type of site plan approval pursuant to chapter 10 that does not authorize development and to which no concurrency vesting attaches. Regulatory standards means the minimum acceptable level of service as set forth in the Lee Plan, policy 70.1.3, subsections 1 through 6.

*Rule 9J-5.0055* means the rule and any subpart thereof published in the Florida Administrative Code.

*Transportation Concurrency* means transportation facilities needed to serve new development must be in place or under actual construction within three years after the local government approves a development permit, or its functional equivalent, that results in traffic generation.

*Transportation concurrency exception areas* means areas designated under the Lee Plan that allow exceptions to the transportation concurrency management requirement to promote urban infill development, urban redevelopment, or downtown revitalization.

*Transportation concurrency management areas* means compact geographic areas designated under the Lee Plan with existing or proposed multiple, viable alternative travel paths or modes for common trips, which employ the use of an area-wide level of service standard and an accommodation and management of traffic congestion for the purpose of promoting infill development or redevelopment in a manner that supports more efficient mobility alternatives.

(Ord. No. 91-32, §§ 6, 7, 10-16-91; Ord. No. 94-28, § 3, 10-19-94; Ord. No. 99-22, § 1, 12-14-99)

Cross references: Definitions and rules of construction generally, § 1-2.

#### **Sec. 2-46. Concurrency certification.**

(a) *Review for compliance with level of service requirements.* All applications for final development orders and building permits must be reviewed by the director for compliance with the level of service requirements set forth in the Lee Plan. Exceptions to this provision are development permits that are:

- (1) specifically exempted from concurrency review by county administrative code AC 13-9;

- (2) granted pursuant to a concurrency variance certificate under section 2-51;
- (3) a concurrency exemption certificate applies under section 2-49;
- (4) related to development pursuant to a development order issued under F.S. §§ 380.06 and 380.061, and the DRI development order separately provides for concurrency compliance and analysis;
- (5) granted pursuant to a developer agreement in effect pursuant to Ordinance No. 90-29, as amended, and the development agreement makes separate provision for concurrency compliance and analysis; or
- (6) granted pursuant to a developer's participation in the Proportionate Fair Share Program set forth in Division 2 of this Article.

Upon application and payment of the application fee set by the Board of County Commissioners by administrative code, the director will determine whether the public facilities and services listed in F.S. § 163.3180 needed to support the development will be available concurrent with the impacts of that development, or whether the development should be exempted from such a determination, either because the development will not have an impact on the public facilities and services or because the applicant for the development permit has a vested right to receive it a favorable determination of concurrency.

*Sections (b) through (l) are unchanged.*

*(j) Issuance of finding upon failure to qualify for certificate of concurrency compliance.*

- (1) If a proposed development permit fails to qualify for a certificate of concurrency compliance under the criteria set forth in subsections (a) through (l) of this section, the director will issue a finding that the proposed development will meet concurrency requirements if it is subject to the condition that the facilities and services ~~which~~ that will be necessary to serve the development will be in place when the impacts of the development occur without degrading the level of service of these facilities below the minimum level prescribed in the Lee Plan. When no solution can be identified to provide for the additional facility capacity required, the certificate will either be limited to reflect the then-available facility capacity, or the application will be denied. If the director issues ~~such a finding~~ that limited development may proceed, to be known as a conditional certificate of concurrency compliance, no further development permits may be issued unless it contains on its face the statement that the permit is issued subject to the condition that the additional facilities to serve the further development must be in are in place when the impacts of the development occur.

- (2) The conditional certificate of concurrency compliance must identify the minimum additions to the then-existing facilities that must be built and operating, in addition to planned facilities meeting the criteria set forth in subsections (f), (g), (h) and (l) of this section, before further development permits will be issued. If a developer proposes to develop in stages or phases so that facilities and services needed for each phase will be available in accordance with the standards set forth in this article, the director may issue a conditional certificate of concurrency compliance that establishes related periods of time when additional development permits will be granted if the additional facilities, identified by the director as ~~being~~ the minimum additions to existing or planned facilities needed to serve each phase, are built and operating.
  - (3) Development permits issued based on conditional certificates of concurrency compliance must specify the next level or levels of permitting that may be granted before the condition or conditions of the permit must be satisfied.
  - (4) The director may also issue a conditional certificate of concurrency compliance where the proposed development will meet concurrency requirements provided certain documents, not submitted with the initial application, are subsequently delivered to the director, or the proposed ~~final~~ development order is subject to the review of other county agencies and therefore likely to change, thereby requiring further concurrency review.
- (k) *Validity of certificates of concurrency compliance and conditional certificates of concurrency compliance.* Certificates of concurrency compliance and conditional certificates of concurrency compliance are valid for three years from the date they are issued or for the remaining tenure of the underlying ~~final~~ development order or development permit, whichever is less.
- (l) *Validity of development permits.*
- (1) Except for building permits, development permits ~~which~~ that have been issued based upon a valid certificate of concurrency compliance or a conditional certificate of concurrency compliance will be valid for a period of three years from the date the certificate was granted or for the ~~normal~~ remaining duration of the development permit, whichever is less. This will enable the developer to begin the work permitted or to apply for additional development permits not inconsistent with the permit issued, using the concurrency certificate from the issued permit to satisfy the concurrency review requirements for the additional permits. ~~Approval by the Board of County Commissioners of an extension to the term of a development permit, other than a building permit, will automatically constitute the issuance or~~



~~extension, as the case may be, of a concurrency certificate for three years or the period of the extension, whichever is less.~~

- (2) Building permits issued based upon a valid concurrency certificate will be valid for the ~~normal~~ remaining duration of the building permit, so long as the permit is applied for while the certificate of concurrency compliance or conditional certificate of concurrency compliance is valid, the permit application is substantially complete, and the building permit is ultimately issued in the ~~normal~~ ordinary course. The original permit may not be extended ~~more than twice~~ beyond the term of the concurrency certificate without triggering new concurrency review.
  - (3) If a building permit ~~for which such an application has been filed~~ is not issued within six months of the expiration date of the applicable concurrency certificate, a rebuttable presumption will arise that the building permit has not been issued within the ~~normal~~ ordinary course as that term is used in this subsection.
- (m) *Director's action not appealable pursuant to state law.* The director's action in issuing a concurrency certificate is not a development order ~~which~~ that can be appealed pursuant to F.S. §163.3215.

*Section (n) is unchanged.*

- (o) *De Minimus Impact.* The Florida Legislature has found that a *de minimus* impact is consistent with Part II of Chapter 163. Therefore, the impact of a single-family home on an existing lot will constitute a *de minimus* impact on all roadways regardless of the level of deficiency of the roadway.

Other than single-family homes on existing lots, no impact will be *de minimus* if the sum of existing roadway volumes and the projected volumes from approved projects on a transportation facility would exceed 110 percent of the maximum volume at the adopted level of service of the affected transportation facility. Further, except for single family homes on existing lots, no impact will be *de minimus* if it would exceed the adopted level of service standard of any affected designated hurricane evacuation route.

Lee County will maintain records to ensure that the 110 percent criteria is not exceeded. Annually, Lee County will submit to the State Land Planning Agency a summary of the *de minimus* records along with its updated Capital Improvements Element. In the event the State Land Planning Agency determines that the 110 percent criteria has been exceeded, the County will be notified of the exceedence and no further *de minimus* exceptions for the applicable roadway will be granted until the volume is reduced below the 110 percent. The County will provide proof

of the reduction to the State Land Planning Agency prior to issuing further *de minimus* exceptions.

(Ord. No. 91-32, § 8, 10-16-91; Ord. No. 94-28, § 4, 10-19-94; Ord. No. 97-10, § 1, 6-10-97; Ord. No. 99-22, § 1, 12-14-99)

**Sec. 2-47. Concurrent development orders.**

- (a) ~~*Final development orders and amendments or extensions thereto.*~~ A request or application for a final development order, an amendment to a final development order or an extension of a final development order may be accepted by the director, the hearing examiner or the Board of County Commissioners prior to issuance of a valid concurrency certificate for the exact plan of development for which approval is sought. However, no final development order, final development order amendment or final development order extension may be granted for a development that will cause more intensive impacts than those assumed by the director when issuing his concurrency certificate unless the development in question is resubmitted for reviewed for compliance with the level of service requirements of the Lee Plan. If an amendment to a final development order, already approved for concurrency purposes, results in a reduction of anticipated impacts on public facilities and services, the director must approve the amendment unless to do so would be inconsistent with the Lee Plan.

*Sections (b) through (d) are unchanged.*

- (e) *Review of planned development rezoning applications.* In addition to the mandatory provisions of this article, the director is authorized at the request of staff or the applicant, to review planned development rezoning applications. In those cases where the director has determined that an approval could lead to excessive impacts on public facilities and services needed to support the development, he may issue an advisory opinion setting forth the basis of his determination. Approval of a development application subject to such an advisory opinion must contain conditions to mitigate the identified impacts. Those conditions may include reduction of density or intensity, phasing of the project to match its impacts with planned expansion of public facilities, required improvements to public facilities, payment of a proportionate fair share contribution in accordance with Article II, Division 2, or other similar mitigating measures.
- (f) *Developments of regional impact.* Application for final local development orders on property located within a development of regional impact are subject to the concurrency levels of service requirements of the Lee Plan unless the DRI is vested pursuant to section 2-49(c) or 2-49(d).

(Ord. No. 91-32, § 9, 10-16-91; Ord. No. 94-28, § 5, 10-19-94; Ord. No. 99-22, § 1, 12-14-99)

**Sec. 2-48. Greater Pine Island concurrency.**

Concurrency compliance for property located in Greater Pine Island, as identified on the future land use map, will be determined in accordance with the level of service and restrictions set forth in Lee Plan policies 14.2.1 and 14.2.2 to the extent the policies provide additional restrictions that supplement other provisions of this article. These policies require the following:

- (1) The minimum acceptable level of service standard for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is level of service D on an annual average peak-hour basis and level of service E on a peak-season peak-hour basis using methodologies from the 1985 Highway Capacity Manual Special Report 209. This standard will be measured at the county's permanent count station on Little Pine Island.
- (2) When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 810 peak-hour annual average two-way trips, rezonings that increase traffic on Pine Island Road may not be granted. When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 910 peak-hour annual average two-way trips, residential development orders (pursuant to chapter 10) will not be granted unless measures to maintain the adopted level of service can be included as a condition of the development order. The effect of this restriction on residential density must not be more severe than restricting density to one-third the maximum density otherwise allowed on that property.

(Ord. No. 91-32, § 13, 10-16-91; Ord. No. 97-10, § 1, 6-10-97)

**Sec. 2-49. Vested rights.**

*Sections (a) and (b) are unchanged.*

- (c) Persons owning DRI development orders issued prior to March 1, 1989, are vested to complete developments in accordance with the specific provisions of those development orders, including mitigation of all impacts, without having to comply with the concurrency levels of service requirements of the Lee Plan, regardless of whether they have commenced development or have continued in good faith. The vested status of these DRI development orders will terminate on the expiration/termination date of the DRI development order.

- (1) A determination of vesting pursuant to this subsection does not exempt a developer from submission of project data required by the director. Submission of project data assists the county in monitoring impacts on infrastructure as development progresses.
  - (2) ~~Any~~ Development orders vested pursuant to this subsection amended on or after March 1, 1989, will be subject to all concurrency requirements on those portions of the development changed. However, if an amendment to a DRI development order vested pursuant to this subsection results in a reduction of anticipated impacts on public facilities and services, the director, in his discretion, may find that the proposed amendment does not impair the overall vested status of the development.
  - (3) Notwithstanding 2-49(c)2., DRI development orders vested pursuant to this subsection, subsequently amended to extend the build out or termination dates by seven or more years from the original dates, will be subject to all concurrency level of service requirements of the Lee Plan. The amendment to the DRI development order to extend the expiration/termination date must be final prior to the expiration or termination date set forth in the development order.
- (d) DRI's approved subsequent to March 1, 1989, may be vested to complete development in accordance with the terms of the development of regional impact development order for 10 years under the following circumstances:
- (1) The transportation mitigation assessment amount has been determined by the Board of County Commissioners based on recommendations by County staff.
  - (2) The developer agrees to pay the full transportation mitigation assessment amount in advance through a time-certain schedule specified in a local government development agreement, which must be executed within ~~90~~ 180 days of DRI development order approval. This assessment amount can represent either road impact fees or the proportionate share assessment, whichever is higher.
  - (3) The DRI development order expressly provides for vesting from the level of service standards set forth in the Lee Plan and provides limitations on changes to the project development parameters to maintain the validity of the traffic impact assumptions.

A DRI development order that complies with the conditions set forth above will be vested from concurrency for ten years without extensions. Subsequent requests to extend the phase end and buildout dates of the DRI will not automatically extend the vested status.

DRI's that start development under the terms of a Preliminary Development Agreement pursuant to Chapter 380, F.S., will be subject to concurrency level of service requirements of the Lee Plan until the mitigation analysis is complete and the developer provides for the payment of the full transportation mitigation assessment as set forth above.

Failure to pay the transportation mitigation assessment in accordance with the DRI development order conditions and the local government development agreement will result in further development order applications pursuant to the DRI to be subject to the level of service standards set forth in the Lee Plan.

- (e) Persons owning county development orders, excluding development orders described in subsection (c) of this section, issued before March 1, 1989, will be vested to complete their developments in accordance with the terms of their development orders as approved in writing or shown on accompanying plans without having to comply with the concurrency level of service requirements of the Lee Plan, provided development has commenced prior to September 1, 1989, and has continued in good faith. A determination of vesting pursuant to this subsection does not exempt a developer from submission of project data required by the director. Submission of project data assists the county in monitoring impacts on infrastructure as development progresses.

Any development order vested pursuant to this subsection ~~which is~~ amended on or after March 1, 1989, is subject to full concurrency requirements as to those portions of the development approved or changed. However, if an amendment to a development order vested pursuant to this subsection results in a reduction of anticipated impacts on public facilities and services, the director, in his discretion, may find that the proposed amendment does not impair the overall vested status of the development.

*Sections (f) and (g) are unchanged.*

- (h) Excepting development orders described in subsection (c) of this section, a determination of vested rights is valid for a period equal to the original maximum possible duration of a ~~final~~ development order, but without extensions. The Board of County Commissioners may not grant the extension of a ~~final~~ development order absent review by the director and a finding of concurrency eligibility.

*Section (l) is unchanged.*

(Ord. No. 91-32, § 10, 10-16-91; Ord. No. 94-28, § 6, 10-19-94; Ord. No. 99-22, § 1, 12-14-99)

## **Sec. 2-50. Concurrency management information system.**

*Sections (a) through (c) are unchanged.*

- (d) The director will maintain records to ensure the 110 percent criteria is not exceeded. Those records will be submitted to the State Land Planning Agency annually in accordance with Sec. 2-46(o) and Florida Statutes, Sec.163.3180(6).

(Ord. No. 91-32, § 11, 10-16-91; Ord. No. 99-22, § 1, 12-14-99)

#### **Sec. 2-51. Variances.**

- (a) To provide for a reasonable economic use of land in those rare instances where a strict application of the concurrency requirements of this article would constitute an unconstitutional taking of property without due process of law, the director may issue a concurrency variance certificate. This certificate may be issued only if the director finds all of the following circumstances to be true:
- (1) There are not sufficient facilities available to serve the development without violating the minimum concurrency requirements of this article;
  - (2) The project is not a candidate for participation in the Transportation Proportionate Fair Share Program described in this chapter;
  - ~~(2)~~(3) No reasonable economic use can be made of the property unless a development permit is issued;
  - ~~(3)~~(4) No reasonable economic use can be made of the property by conditioning the development permit upon sufficient facilities becoming available, as provided for in this article; and
  - ~~(4)~~(5) The request to vary from the concurrency requirements of this article is the minimum variance that would allow any reasonable economic use of the property in question.

The director may require the applicant to substantiate the circumstances set forth in subsections (a)(2) through (4) of this section by submitting a report prepared by a professional appraiser. Upon verifying the existence of each of the circumstances set forth in subsections (a)(2) through (4) of this section, the director may issue a concurrency variance certificate with the conditions he believes are reasonably necessary to protect the public health, safety and welfare and give effect to the purpose of this article while allowing the minimum reasonable use necessary to meet constitutional requirements. If the director has reason to question the truth of the circumstances as set forth in the appraiser's report, the director may hire an independent professional appraiser to verify whether reasonable economic use can be made of the property without the issuance of the permit requested by the applicant. Where the reports of the individual appraisers are inconsistent, the Board of County Commissioners will decide which appraiser's report will establish the minimum reasonable use of the property.

- (b) Development orders that are issued based upon a concurrency variance certificate ~~shall~~ must be consistent with, and incorporate all of the conditions placed on the certificate.
- (c) Concurrency variance certificates are valid for the lesser of three years from the date of issuance or the normal duration of the development permit.
- (d) Except for building permits, development permits ~~which~~ that have been issued based upon a valid concurrency variance certificate ~~shall~~ will be valid for the period of three years from the date when the permit is granted or the normal duration of the development permit, whichever is less, thereby enabling the developer to begin the work permitted or to apply for additional development permits not inconsistent with the permit issued, using the concurrency certificate from the issued permit to satisfy the concurrency review requirements for ~~such~~ additional permits.

Building permits issued based upon a valid concurrency variance certificate are valid for the normal duration of the building permit; however, the original permit may not be extended more than twice without triggering new concurrency review.

- (e) The director's action in issuing a concurrency variance certificate is not a development order that can be appealed pursuant to F.S. § 163.3125.

(Ord. No. 91-32, § 12, 10-16-91; Ord. No. 99-22, § 1, 12-14-99)

## **Sec. 2-52. Appeals.**

Except for challenges to development orders controlled by the provisions of F.S. § 163.3215, any decisions made by the director in the course of administering this article may be appealed in accordance with those procedures set forth in chapter 34 for appeals of administrative decisions. In cases of challenges to development orders controlled by F.S. § 163.3215, ~~no suit may be brought and no verified complaint, as explained in F.S. § 163.3215(4), may be filed or accepted for filing until the development order giving rise to the complaint has become final by virtue of its having been issued by the director or by virtue of its having been ordered by the county hearing examiner on an appeal reversing the director's denial of the development permit, or by the Board of County Commissioners in cases where the board has granted planned development zoning or an extension of a development order. Once a development order has been granted, the provisions of F.S. § 163.3215 will be the sole means of challenging the approval or denial of a development order, as that term is defined in F.S. § 163.3164(6), when the approval of the development order is alleged to be inconsistent with the Lee Plan. An action brought pursuant to F.S. § 163.3215 will be limited exclusively to the issue of comprehensive plan consistency.~~

(Ord. No. 91-32, § 15, 10-16-91; Ord. No. 94-28, § 7, 10-19-94; Ord. No. 99-22, § 1, 12-14-99)

## **ARTICLE II, DIVISION 2, PROPORTIONATE FAIR-SHARE PROGRAM**

### **Sec. 2-66. Purpose and Intent.**

The purpose of this Chapter is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate Fair-Share Program, as required by and in a manner consistent with §163.3180(16), F.S.

### **Sec. 2-67. Findings.**

- (1) Transportation capacity is a commodity that has a value to both the public and private sectors.
- (2) The Lee County Proportionate Fair-Share Program:
  - (a) Provides a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors;
  - (b) Provides a means by which developers may proceed under certain conditions, notwithstanding the failure of transportation concurrency, by contributing their proportionate fair-share of the cost of to improve/construct a transportation facility;
  - (c) Maximizes the use of public funds for adequate transportation facilities to serve future growth, and may, in certain circumstances, allow the County to expedite transportation improvements by supplementing funds currently allocated for transportation improvements in the Capital Improvement Element;
  - (d) Is consistent with §163.3180(16), F.S., and supports the policies under Goals 37 and 38 in the Lee Plan; and,
  - (e) Works within the County's existing concurrency management system.

### **Sec. 2-68. Applicability.**

The Proportionate Fair-Share Program applies to all developments in unincorporated Lee County that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility in the County Concurrency Management System, including transportation facilities maintained by FDOT or another jurisdiction that are relied upon for



concurrency determinations, pursuant to the requirements of Section 2-69. The Proportionate Fair-Share Program is not available to developments of regional impact (DRIs) using proportionate fair-share under §163.3180(12), F.S., or to developments exempted from concurrency as provided in 2-46(o).

**Sec. 2-69. General Requirements.**

- (1) A developer may choose to satisfy the transportation concurrency requirements of the County by making a proportionate fair-share contribution, pursuant to the following requirements:

  - (a) The proposed development is consistent with the Lee Plan and applicable land development regulations.
  - (b) The five-year schedule of capital improvements in the County Capital Improvement Element (CIE) or the long-term schedule of capital improvements for an adopted long-term concurrency management system includes a transportation improvement(s) that, upon completion, will mitigate additional traffic generated by the proposed development. If the County transportation concurrency management system indicates that the capacity of the improvement has been consumed by the vested trips of previously approved development, then the provisions of 2-69(2) apply.

Commentary: Pursuant to §163.3180(16) (b) 1, F.S., the transportation improvement in section (1) (b) above may be a programmed capital improvement that enhances the capacity of the transportation system to accommodate the impacts of development. For example, this may involve widening and/or reconstructing a roadway or where the primary roadway is constrained or widening is no longer desired, this could involve creating new reliever roadways, new network additions, new transit capital facilities (e.g., bus rapid transit corridor), or other major mobility improvements, such as expansion of bus fleets to increase service frequency. Local governments may, at their discretion, wish to make short-term operational improvements in advance of the capacity project. If the capacity of the planned improvement is fully committed, or there is no eligible project in an adopted work program, a developer could potentially still participate at the discretion of the local government pursuant to 2-69(2) below.

- (2) The County may choose to allow a developer to satisfy transportation concurrency for a deficient road segment through the Proportionate Fair-Share Program by contributing to an improvement that is not contained in the five-year schedule of capital improvements in the Capital Improvement Element or a long-term schedule of capital improvements for an adopted long-term concurrency management system but which, upon completion, will

satisfy the requirements of the County Transportation Concurrency Management System, where the following apply:

- (a) The County conducts an advertised public hearing to consider the proportionate fair share agreement and corresponding future changes to the five-year CIP; and,
  - (b) The County adopts, by resolution or ordinance, a commitment to add the improvement to the 5-year schedule of capital improvements in the Capital Improvement Element no later than the next regularly scheduled update. To qualify for consideration under this section, the proposed improvement must be reviewed by the Board and determined to be financially feasible pursuant to §163.3180(16) (b) 1, F.S., consistent with the Lee Plan, and in compliance with the provisions of this Article. Financial feasibility means that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed 10 years to fully mitigate impacts on the transportation facilities.
- (3) If the funds allocated for the 5-year schedule of capital improvements in the County CIE are insufficient to fully fund construction of a transportation improvement required by the concurrency management system, the County may still enter into a binding proportionate fair-share agreement with a developer authorizing construction of that amount of development on which the proportionate fair-share is calculated, if in the opinion of Lee County DOT, the proposed proportionate fair-share amount is sufficient to pay for one or more improvements that will, by itself or in combination with other committed contributions, significantly benefit the transportation system. To qualify for consideration under this section, the proposed improvement must be contained in an adopted short- or long range county plan or program, MPO, FDOT or local or regional transit agency. Proposed improvements not reflected in an adopted plan or improvement program but that would significantly reduce access problems and congestion or trips on a major corridor, such as new roads, service roads, or improved network development and connectivity, may be considered at the discretion of the Board. The improvements funded by the proportionate fair-share component must be adopted into the 5-year capital improvements schedule for the Lee Plan at the next annual capital improvement element update.
- (4) Any improvement project proposed to meet the developer's fair-share obligation must meet the County design standards for locally maintained roadways and those of the FDOT for the state highway system.

## **Sec. 2-70. Intergovernmental Coordination.**

Pursuant to policies in the Intergovernmental Coordination Element of the Lee Plan and applicable policies in [reference adopted regional plan], the County will coordinate with affected jurisdictions, including FDOT, regarding mitigation to impacted facilities not under the jurisdiction of the County receiving the application for proportionate fair-share mitigation. An interlocal agreement may be established with other affected jurisdictions for this purpose.

## **Sec. 2-71 Application Process.**

- (1) Upon notification of a lack of capacity to satisfy transportation concurrency, the County must also notify the applicant/developer in writing of the opportunity to satisfy transportation concurrency in accordance with the requirements for the proportionate share program set forth in Section 2-69.
- (2) Prior to submitting an application for a proportionate fair-share agreement, the applicant must attend a pre-application meeting with the County Attorney and Directors of Planning and Lee County DOT to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on the Strategic Intermodal System (SIS), then the applicant must notify and invite the Florida Department of Transportation (FDOT) to participate in the pre-application meeting.
- (3) Eligible applicants must submit an application to the County that includes an application fee set forth in the fee manual and the following:
  - (a) Name, address and phone number of owner(s), developer and agent;
  - (b) Property location, including parcel identification numbers;
  - (c) Legal description and survey of property;
  - (d) Project description, including type, intensity and amount of development;
  - (e) Proposed phasing schedule, if applicable;
  - (f) Description of requested proportionate fair-share mitigation method;
  - (g) Copy of concurrency application;
  - (h) Copy of the project's Traffic Impact Statement (TIS); and,

- (l) Location map depicting the site and affected road network.
- (4) The Director or the designee will review the application and certify that the application is sufficient and complete within 20 business days. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the Proportionate Fair-Share Program as indicated in Section 2-69, then the County will notify the applicant in writing of the reasons for such deficiencies within 20 business days of submittal of the application. If the deficiencies are not remedied by the applicant within 20 business days of receipt of the written notification, then the application will be deemed abandoned. The Director may, in his discretion, grant a one-time extension not to exceed 60 calendar days.
- (5) Pursuant to §163.3180(16) (e), F.S., proposed proportionate fair-share mitigation for development impacts to facilities on the Strategic Intermodal System requires the agreement of the Florida Department of Transportation (FDOT). If an SIS facility is proposed for proportionate share mitigation, the applicant must submit a copy of the executed agreement between the applicant and the FDOT for inclusion in the proportionate fair-share agreement.
- (6) When an application is deemed sufficient, complete, and eligible, the County will advise the applicant in writing. The County Attorney will prepare a proportionate fair-share obligation and binding agreement. A draft agreement will be delivered to the appropriate parties for review, including a copy to the FDOT for proposed proportionate fair-share mitigation on a Strategic Intermodal System (SIS) facilities, no later than 60 calendar days from the date the applicant received the notification of a sufficient application and no fewer than 14 calendar days prior to the Board meeting when the agreement will be considered.
- (7) The County will notify the applicant regarding the date the agreement will be considered for final approval by the Board. No proportionate fair-share agreement will be effective until approved by the Commission, or pursuant to staff approval for agreements below a certain dollar amount.

**Sec. 2-72. Determining Proportionate Fair-Share Obligation.**

- (1) Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.

- (2) A development is not required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities will not differ regardless of the form of the mitigation.
- (3) The methodology used to calculate an applicant's proportionate fair-share obligation will be as provided for in Section 163.3180 (12), F. S., as follows:

"The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS."

OR

$$\text{Proportionate Fair-Share} = \sum [(\text{Development Trips}) / (\text{SV Increase})] \times \text{Cost}$$

(Note: In the context of the formula, the term "cumulative" does not include a previously approved stage or phase of a development.)

Where:

<u>Development Trips, =</u>	<u>Those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per the concurrency management system;</u>
<u>SV Increase,=</u>	<u>Service volume increase provided by the eligible improvement to roadway segment "i" per section 2-69;</u>
<u>Cost, =</u>	<u>Adjusted cost of the improvement to segment "i". Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering, inspection, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred.</u>

Commentary: Under the definition of "development trips," only those trips that trigger a concurrency deficiency would be included in the proportionate fair-share calculation.

- (4) For the purposes of determining proportionate fair-share obligations, the County will determine improvement costs based upon the actual cost of the improvement as reflected in the Capital Improvement Element, the MPO/Transportation Improvement program, or the FDOT Work Program.

Where this information is not available, improvement cost will be determined by the Lee County Department of Transportation using one of the following methods:

- (a) An analysis by the County or appropriate entity of costs by cross section type that incorporates data from recent projects and is updated annually and approved by the Commission. In order to accommodate increases in construction material costs, project costs will be adjusted by an inflation factor; or
  - (b) The most recent issue of FDOT Transportation Costs, as adjusted based upon the type of cross-section (urban or rural); locally available data from recent projects on acquisition, drainage and utility costs; and significant changes in the cost of materials due to unforeseeable events. Cost estimates for state road improvements not included in the adopted FDOT Work Program will be determined using this method in coordination with the FDOT District.
  - (c) An engineer's certified cost estimate provided by the applicant and accepted by the Director of Lee County DOT.
- (5) If the County accepts a road improvement project proposed by the applicant, then the value of the improvement will be determined consistent with the method provided for in Article VI, Division 2 (Roads Impact Fee), Section 2-275(3)(a). If the value of the road improvement proposed by the applicant is more than the County's estimate total proportionate fair share obligation for the development, then the County will issue road impact fee credits for the difference.
- (6) If the County accepts right-of-way dedication as the proportionate fair-share payment, credit for the dedication of the non-site related right-of-way will be valued consistent with the method provided for in Article VI, Division 2 (Roads Impact Fee), Section 2-275(3)(b). If the estimated value of the right-of-way dedication proposed by the applicant (based on a County approved appraisal) is more than the County's estimated total proportionate fair share obligation for the development, then the County will issue road impact fee credits for the difference.

**Sec. 2-73. Impact Fee Credit for Proportionate Fair-Share Mitigation.**

- (1) Proportionate fair-share mitigation will be applied as a credit against road impact fees assessed to the project.

- (2) Impact fee credits for the proportionate fair-share contribution will be determined when the transportation impact fee obligation is calculated for the proposed development. If the developer's proportionate fair-share obligation is less than the development's anticipated road impact fee for the specific stage or phase of development under review, then the developer or its successor must pay the remaining impact fee amount to the County in accordance with the governing fee schedule at the time of permitting..
- (3) The proportionate fair-share obligation is intended to mitigate the transportation impacts of a proposed development at a specific location. Road impact fee credit based upon proportionate fair-share contributions for a proposed development cannot be transferred to another district unless the road improvement will provide relief in an adjacent district.

**Sec. 2-74. Proportionate Fair-Share Agreements.**

- (1) Upon execution of a proportionate fair-share agreement (Agreement) the applicant will receive a County certificate of concurrency approval. If the applicant fails to apply for a development permit within three years of the execution of the Agreement, then the Agreement will be considered null and void, and the applicant must reapply for a concurrency certificate. Once paid, proportionate share payments and impact fees are not refundable.
- (2) Payment of the proportionate fair-share contribution is non refundable and due in full within 60 days of execution of the agreement, or prior to the issuance of the first development order, whichever occurs first. If the payment is not made in the time frame stated above, then the proportionate share cost will be recalculated and a new agreement must be executed.
- (3) Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must be completed prior to issuance of the development order.
- (4) Requested changes to a development project subsequent to a development order may be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation.
- (5) Applicants may submit a letter to withdraw from the proportionate fair-share agreement prior to the execution of the agreement. The application fee and any associated advertising costs to the County will be non refundable.

- (6) The County may enter into proportionate fair-share agreements for selected corridor improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility.

**Sec. 2-75. Appropriation of Fair-Share Revenues.**

- (1) The County will deposit proportionate fair-share revenues in the appropriate project account for funding of scheduled improvements in the County Capital Improvement Element, or as otherwise established in the terms of the proportionate fair-share agreement. At the discretion of the County, proportionate fair-share revenues may be used for operational improvements prior to construction of the capacity project from which the proportionate fair-share revenues were derived. Proportionate fair-share revenues may also be used as the 50% local match for funding under the FDOT TRIP.
- (2) If a scheduled facility improvement is removed from the Capital Improvement Element, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or sector that would mitigate the impacts of development pursuant to the requirements of Section 2-69
- (3) Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan as provided in Section 339.155, F.S., and then the County may coordinate with other impacted jurisdictions and agencies to apply proportionate fair-share contributions and public contributions to seek funding for improving the impacted regional facility under the FDOT TRIP. The coordination must be ratified by the County through an interlocal agreement establishing a procedure for earmarking the developer contributions for the purpose of improving the impacted regional facility.

**Sec. 2-76. Cross Jurisdictional Impacts.**

Commentary: This section provides a concept to advance intergovernmental coordination objectives in local government comprehensive plans and applicable policies in adopted regional plans. It provides an opportunity for a local government to address the impacts of a proposed development in an adjacent local government that is at or near its border. It is intended as a means of managing development on a regional thoroughfare, and not for application to minor roadways. A regional transportation facility in this context would most likely be an arterial roadway, but could be a major collector roadway that is planned for expansion and reclassification as an arterial. To apply this method, each participating local government must first enter an interlocal agreement to incorporate the provision into their respective land development regulations. The permitting local government would use the methodology in this section to determine whether a significant impact may occur across



its border and offer its neighbor an opportunity to evaluate the proposed development to determine if it would exceed their adopted LOS standards for concurrency. Where the proposed development would trigger a concurrency failure on the neighboring local government's roadway, that local government would use the proportionate fair-share methodology to determine the applicant's obligation. In this situation, the applicant would need to provide a proportionate fair-share contribution to the adjacent local government that experiences a concurrency deficiency, as well as to the permitting local government.

- (1) In the interest of intergovernmental coordination and to reflect the shared responsibilities for managing development and concurrency, the County may enter an agreement with one or more adjacent local governments to address cross jurisdictional impacts of development on regional transportation facilities. The agreement must provide for application of the methodology in this section to address the cross jurisdictional transportation impacts of development.
- (2) A development application submitted to the County subject to a transportation concurrency determination meeting all of the following criteria will be subject to this section:

  - (a) All or part of the proposed development is located within 5 mile(s) of the area which is under the jurisdiction, for transportation concurrency, of an adjacent local government; and
  - (b) Using its own concurrency analysis procedures, the County concludes that the additional traffic from the proposed development would use [five percent or more of the adopted peak hour LOS maximum service volume] of a regional transportation facility within the concurrency jurisdiction of the adjacent local government ("impacted regional facility"); and
  - (c) The impacted regional facility is projected to be operating below the level of service standard, adopted by the adjacent local government, when the traffic from the proposed development is included.
- (3) Upon identification of an impacted regional facility pursuant to subsection 2(a)- (c), the County will notify the applicant and the affected adjacent local government in writing of the opportunity to derive an additional proportionate fair-share contribution, based on the projected impacts of the proposed development on the impacted adjacent facility.

  - (a) The adjacent local government has up to ninety (90) days in which to notify the County of a proposed specific proportionate fair-share obligation, and the intended use of the funds when received. The

adjacent local government must provide reasonable justification that both the amount of the payment and its intended use comply with the requirements of Section 163.3180(16), F.S. If the adjacent local government decline proportionate fair-share mitigation under this section, then the provisions of this section would not apply and the applicant would be subject only to the proportionate fair share requirements of the County.

- (b) If the subject application is subsequently approved by the County, the approval will include a condition that the applicant provides, prior to the issuance of building permits covered by that application, evidence that the proportionate fair-share obligation to the adjacent local government has been satisfied. The County may require the adjacent local government to declare, in a resolution, ordinance, or equivalent document, its intent for the use of the concurrency funds to be paid by the applicant.

### **SECTION THREE: CONFLICTS OF LAW**

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

### **SECTION FOUR: SEVERABILITY**

It is the Board of County Commissioner's intent that if any section, subsection, clause or provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will be considered a separate provision and will not affect the remaining provisions of this ordinance. The Board of County Commissioners further declares its intent that this ordinance would have been adopted if such invalid or unconstitutional provision was not included.

### **SECTION FIVE: CODIFICATION AND SCRIVENER'S ERRORS**

The Board of County Commissioners intend that this ordinance will be made part of the Lee County Code; and that sections of this ordinance can be renumbered or relettered and that the word "ordinance" can be changed to "section", "article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or relettered and typographical errors that do not affect the intent can be corrected with the authorization of the County Manager, or his designee, without the need for a public hearing.

**SECTION SIX: EFFECTIVE DATE**

The ordinance will take effect on December 1, 2006.

THE FOREGOING ORDINANCE was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and, when put to a vote, the vote was as follows:

Robert P. Janes  
Douglas St. Cerny  
Ray Judah  
Tammara Hall  
John Albion

DONE AND ADOPTED this \_\_\_\_ of \_\_\_\_ 2006.

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

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

BY: \_\_\_\_\_  
Tammara Hall, Chairwoman

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

Approved as to form by:

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

**CPA2005-00010A**  
**ADDENDUM TO THE SOUTHWEST**  
**FLORIDA INTERNATIONAL AIRPORT**  
**REVISED NOISE ZONES**  
**PORT BOARD SPONSORED**  
**AMENDMENT**  
**TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

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LPA Public Hearing Document  
for the  
October 23<sup>rd</sup>, 2006 Public Hearing

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

October 17, 2006

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2005-00010A**

☒

Text Amendment

☐

Map Amendment

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

STAFF REPORT PREPARATION DATE: October 17, 2006

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT/REPRESENTATIVE:**

LEE COUNTY BOARD OF COUNTY COMMISSIONERS

REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

**2. REQUEST:** Amend the Future Land Use Element Policies 1.2.2, 1.7.1, and 5.1.4 and the Community Facilities and Services Element Policy 66.3.11, and the Future Land Use Map Series Map 1, Page 5 to reflect the revised FAR Part 150 Noise Study for the Southwest Florida International Airport. In addition, amend Table 5, Southwest Florida International Airport Proposed Development Schedule, to increase the number of gas pumps allowed from twelve (12) to twenty-four (24).

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

**1. RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners transmit the proposed amendment. The amendment simply replaces 12 gas pumps with 24 gas pumps on Table 5 under the Non-aviation Related Land Uses.

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

- The Board of County Commissioners did initiate a revision to the Port Board Sponsored amendment to the Noise Zones on September 19, 2006.
- To achieve 24 gas pumps Lee Plan Table 5 needs to be amended to reflect 24 gas pumps in association with the proposed gas station/convenience store at the International Airport.
- The impact from 12 additional gas pumps at the International Airport is minimal.
- The requested use is a typical use at airports around the country.

## **PART II - STAFF ANALYSIS**

### **A. BACKGROUND DISCUSSION**

The Port Authority recently completed a Lee Plan amendment for Southwest Florida International Airport that adopted the Airport Master Plan as part of the Lee Plan, removing the need for the Airport to continue the Development of Regional Impact (DRI) requirements. The Board of County Commissioners adopted amendment CPA2003-02 (Airport Master Plan). The Airport Master Plan Update Report identified the need for a gas station/convenience store in the Midfield area to provide service to the large number of vehicles utilizing the Airport; thus creating an additional source of revenue to support the airport. Through County staff's efforts to coordinate the development, it was determined that a misunderstanding existed concerning the methodologies used to determine the total number of pumps that were being requested. Port Authority staff, are now requesting to modify the text of CPA2005-00010, the amendment to the airport noise zones reviewed by the LPA in August, to reflect their original intent of 24 pump sites at the gas station/convenience store site. Lee Plan Table 5 would need to be amended to reflect 24 pumps.

The Board of County Commissioners did initiate a revision to the Port Board Sponsored amendment to the Noise Zones on September 19, 2006. The purpose of this revision is to clarify the total number of gas pumps that are allowed to be constructed with the on-site gas station/convenience store at the Southwest Florida International Airport. The planned location of the proposed convenience store and gas pumps remains unchanged within the Midfield area of the airport.

Staff finds that the impact from 12 additional gas pumps at the International Airport is minimal. Staff notes that the requested use is a typical use at airports around the country and the requested number is appropriate given the growing nature of the facility.

### **B. STAFF RECOMMENDATION**

Planning staff recommends that the Board of County Commissioners amend Lee Plan Table 5 by increasing the number of gas pumps from 12 to 24.

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

DATE OF PUBLIC HEARING: October 23, 2006

- 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**

**DEREK BURR**

**RONALD INGE**

**CARLETON RYFFEL**

**RAYMOND SCHUMANN, ESQ.**

**RAE ANN WESSEL**

**VACANT**

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

DATE OF TRANSMITTAL HEARING: December 13, 2006

**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**

**TAMMARA HALL**

**BOB JANES**

**RAY JUDAH**

**DOUG ST. CERNY**

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_____
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**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

TAMMARA HALL

BOB JANES

RAY JUDAH

DOUG ST. CERNY

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LEE COUNTY PORT AUTHORITY

Direct Dial: (239) 590-4618  
Fax: (239) 590-4688

October 2, 2006

ROBERT M. BALL, A.A.E.  
EXECUTIVE DIRECTOR

DAVID M. OWEN  
PORT AUTHORITY ATTORNEY

BOARD OF  
PORT COMMISSIONERS

JOHN E. ALBION

TAMMY HALL

BOB JAMES

RAY JUDAH

DOUGLAS R. ST. CERNY

Matthew Noble, AICP  
Principal Planner  
Lee County Department of Community Development, Division of Planning  
P.O. Box 398  
Fort Myers, FL 33902-0398

Dear Matt:

Subject: Addendum to Lee Plan Amendment (CPA 2005-00010) to Amend Lee Plan Table 5, "Southwest Florida International Airport – Existing and Proposed Development 2005-2020"

Please find enclosed a signed addendum to initiate a revision to the existing application for a Lee Plan amendment updating the noise overlay zones (CPA 2005-00010). The purpose of the addendum is to revise Lee Plan Table 5 to change the number of approved gas fuel pumps from twelve (12) to twenty-four (24) at the planned Southwest Florida International Airport midfield gas station /convenience store.

The Port Authority previously had completed a Lee Plan amendment for RSW that incorporated the Airport Master Plan into the Lee Plan. The Lee County Board of County Commissioners adopted amendment CPA 2003-02 (Airport Master Plan) which was approved during the County's 2003 special amendment cycle and also approved by Ordinance No. 04-16 on September 4, 2004.

Through our coordination efforts, it was determined that 24 pumps would be more consistent with comparable gas stations of this size.

Sincerely,

LEE COUNTY PORT AUTHORITY

William B. Horner, AICP  
Planning Manager

WBH/ams

cc: Emily Underhill



Lee County Board of County Commissioners  
Department of Community Development  
Division of Planning  
Post Office Box 398  
Fort Myers, FL 33902-0398  
Telephone: (239) 479-8585  
FAX: (239) 479-8519

## APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D \_\_\_\_\_ REC'D BY: \_\_\_\_\_

APPLICATION FEE \_\_\_\_\_ TIDEMARK NO: \_\_\_\_\_

THE FOLLOWING VERIFIED:

Zoning ☐

Commissioner District ☐

Designation on FLUM ☐

(To be completed by Planning Staff)

Plan Amendment Cycle: ☐ Normal ☐ Small Scale ☐ DRI ☐ Emergency

Request No: \_\_\_\_\_

**APPLICANT PLEASE NOTE:**

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: 17

Submit 6 copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Additional copies may be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

Oct. 2, 2006

DATE

[Signature]  
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

## **I. APPLICANT/AGENT/OWNER INFORMATION**

**Applicant:** Lee County

**Address:** Southwest Florida International Airport  
11000 Terminal Access Road, Suite 8671  
Fort Myers, Florida 33913-8899

**Telephone:** (239)590-4600 (Mr. Mark Fisher) Fax (239)590-4621

**Agent:** Richard D. Alberts, P.E. Environmental Science Associates

**Address:** 1715 N. West Shore Blvd.  
Tampa, FL 33607

**Telephone:** (813)207-7200 Fax (813)207-7201

**Owner(s) of Record:** Lee County  
(Operated by Lee County Port Authority)

**Address:** Southwest Florida International Airport  
11000 Terminal Access Road, Suite 8671  
Fort Myers, Florida 33913-8899

**Telephone:** (239)590-4600 Fax (239)590-4621

## **II. REQUESTED CHANGE**

### **A. Type**

#### **1. Text Amendment:**

There are proposed text changes to Policies 1.7.1, 1.2.2, 5.1.4, and 66.3.11.

There is a proposed change to Lee Plan Table 5, "Southwest Florida International Airport – Existing and Proposed Development 2005-2020."

#### **2. Future Land Use Map**

Series Amendment:                      Airport Noise Zone  
(Maps 1 through 20)

List Number(s) of Map(s)  
to be amended:                              Map 1, Page 5  
    Special Treatment Area

### **B. Summary of Request**

#### **1. Noise Zones Amendment:**

Southwest Florida International Airport was opened in 1983 and replaced Page Field as the region's primary air carrier airport. Page Field was not only capacity constrained, but the encroachment of off-airport land development that was incompatible with airport noise greatly limited its ability to be expanded. After an extensive site investigation, a new airport site was selected that ultimately became the region's primary commercial service airport.

One key reason the new airport site was selected was the need to protect the citizens of Lee County from aircraft noise. To ensure that the long term impacts of aircraft noise at the new facility was minimized, the Lee County Port Authority sponsored a Federal Aviation Administration (FAA) Federal Aviation Regulation (FAR) Part 150 Airport Noise Compatibility Study. The study was undertaken to measure the effects of aircraft noise on the citizens of Lee County. Following the approval of the study, land use control measures, including an Airport Noise Zone, were developed and incorporated into the Lee Plan and Land Development Code. A subsequent FAR Part 150 Study Update identified an expanded noise zone to maintain off-Airport land use compatibility with the operation of the parallel runway. Finally, the recent FAR Part 150 Study Update recommended reclassification and resizing of the noise zones to better reflect current projections of aircraft activity and the resulting noise exposure. This most recent study is the basis for this application.

Policy 32.2.5 of the Lee County Comprehensive Plan (The Lee Plan) requires that the County shall modify the current airport noise boundaries and regulations to address the recommendations in the FAR Part 150 Noise Compatibility Studies. Benefits of the noise zoning boundary change

**C. State if the subject property is located in one of the following areas and if so how does the proposed change effect the area:**

**Lehigh Acres Commercial Overlay:** The Airport Noise Zones extend northeast of SR 82 into Lehigh Acres. These may overlay a portion of the Commercial Overlay. Refer to Section 2 Exhibit 2 for details of the zone limits. Regardless, the zones place no restrictions on commercial development.

**Airport Noise Zone 2 or 3:** This application updates the airport noise zones.

**Acquisition Area:** The only acquisition area would be for the airport.

**Joint Planning Agreement Area (adjoining other jurisdictional lands):** The property is not in an urban reserve area for any of the cities in Lee County, or within a joint planning area between Lee County and a neighboring community.

**Community Redevelopment Area:** The area affected does not include any Community Redevelopment Areas.

**D. Proposed Change for the Subject Property**

**1. Noise Zone Amendment:**

The proposed change shown in Exhibit 2 reclassifies the boundaries and restrictions identified by the Airport Noise Zones. In most cases restrictions on development are reduced as a result of this application.

**2. Table 5 Amendment:**

The proposed change to Table 5 of the Lee Plan increases the number of gas pumps allowed from twelve (12) to twenty-four (24) as shown on the attached updated Table 5.

**E. Potential Development of the Subject Property**

This application does not change the land uses for the areas falling within the Airport Noise Zones. The proposed Airport Noise Zones would not change the potential for industrial or commercial uses but would allow more area for residential uses than with the current zones.

The proposed change to Table 5 would increase the maximum number of gas fueling pumps allowed at the planned Midfield gas station / convenience store from 12-pumps to 24-pumps. The planned location of the proposed convenience store and gas pumps remains unchanged within the Midfield area.

#### **IV. AMENDMENT SUPPORT DOCUMENTATION**

At a minimum, the application shall include the following support data and analysis. These items are based on comprehensive plan amendment submittal requirements of the State of Florida, Department of Community Affairs, and policies contained in the Lee County Comprehensive Plan. Support documentation provided by the applicant will be used by staff as a basis for evaluating this request. To assist in the preparation of amendment packets, the applicant is encouraged to provide all data and analysis electronically. (Please contact the Division of Planning for currently accepted formats)

##### **A. General Information and Maps:**

**NOTE:** For each map submitted, the applicant will be required to provide a reduced map (8.5" x 11") for inclusion in public hearing packets.

The following pertains to all proposed amendments that will affect the development potential of properties (unless otherwise specified).

1. Provide any proposed text changes.
2. Provide a Future Land Use Map showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
3. Map and describe existing land uses (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes.
4. Map and describe existing zoning of the subject property and surrounding properties.
5. The legal description(s) for the property subject to the requested change.
6. A copy of the deed(s) for the property subject to the requested change.
7. An aerial map showing the subject property and surrounding properties.
8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

##### **1. Text Changes**

**Proposed Text Change:** The existing text in Policy 1.7.1, Policy 1.2.2, Policy 5.1.4, and Policy 66.3.11 outlined below would be replaced as indicated.

Current text reads as follows:

**Policy 1.7.1:** The Airport Noise Zones cover areas subject to varying levels of airport related noise. By 2006 and every 5 years thereafter, the Port Authority will update the aviation forecast and associated noise contours for the Southwest Florida International Airport and initiate an amendment to the Airport Noise Zone Overlay Map to reflect the finding of this study. In addition to meeting the requirements of the underlying Future Land Use Map categories, properties within the Noise Zone Overlay must meet the following:



Airport Noise Zone 1 has no noise related restrictions.

Airport Noise Zone 2 does not permit mobile or manufactured homes. However, mobile or manufactured homes that were lawfully existing as of June 27, 2000 will be treated as legally permitted uses and may be replaced with a new mobile or manufactured home or conventional single family construction as long as such replacement would be otherwise allowed by this code.

Airport Noise Zone 3 does not permit any residential units, places of worship, libraries, schools, hospitals, correctional institutions or nursing homes. However, residential units, including mobile or manufactured homes, that were lawfully existing as of June 27, 2000 will be treated as legally permitted uses and may be replaced with a new mobile or manufactured home or conventional single family construction as long as such replacement would be otherwise allowed by this code. However, an existing conventional home may not be replaced with a new mobile or manufactured home. One conventional single family home is permitted on each lot in a plat properly recorded before June 27, 2000 if such use would have been permitted on the lot prior to June 27, 2000.

Airport Noise Zone 4 is limited to uses that are compatible with airports and air commerce, including but not limited to those necessary to provide services and convenience goods to airline passengers, those generally associated with airport operation, and related development. (Amended by Ordinance No. 94-30)

**Policy 1.2.2:** The Tradeport areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year 2020. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; offices; research and development activities; ground transportation and airport-related terminals or transfer facilities; and hotels/motels, meeting facilities; and retail uses within hotels/motels. Ancillary retail commercial uses, intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development of 10 or more acres in size and are limited to 1,000 square feet per acre of Tradeport land within the Planned Development. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. Caretaker residences are not permitted in the Airport Noise Zone 3. Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. Property in Section 1 and the east ½ of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential public services. During the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be

rebuttably presumed to be necessary to protect potential groundwater resources in the area. (Amended by Ordinance No. 94-30, 02-02, 03-04, 04-16)

**Policy 5.1.4:** Prohibit residential development in all Industrial Development areas and Airport Noise Zone 3 as indicated on the Future Land Use Map, except for residences in the Industrial Development area for a caretaker or security guard, and except as provided in Chapter XIII. (Amended by Ordinance No. 94-30)

**Policy 66.3.11:** Prohibit the location of schools in the areas designated on the future Land Use Map as Airport Noise Zone 3 or within other high noise impact areas.

**Proposed text:**

**Policy 1.7.1:** The Airport Noise Zones cover areas subject to varying levels of airport related noise. By 2006 and every 5 years thereafter, the Port Authority will update the aviation forecast and associated noise contours for the Southwest Florida International Airport and initiate an amendment to the Airport Noise Zone Overlay Map to reflect the finding of this study. In addition to meeting the requirements of the underlying Future Land Use Map categories, properties within the Noise Zone Overlay must meet the following:

~~Airport Noise Zone 1 has no noise-related restrictions.~~

~~Airport Noise Zone 2 does not permit mobile or manufactured homes. However, mobile or manufactured homes that were lawfully existing as of June 27, 2000 will be treated as legally permitted uses and may be replaced with a new mobile or manufactured home or conventional single family construction as long as such replacement would be otherwise allowed by this code.~~

~~Airport Noise Zone 3 does not permit any residential units, places of worship, libraries, schools, hospitals, correctional institutions or nursing homes. However, residential units, including mobile or manufactured homes, that were lawfully existing as of June 27, 2000 will be treated as legally permitted uses and may be replaced with a new mobile or manufactured home or conventional single family construction as long as such replacement would be otherwise allowed by this code. However, an existing conventional home may not be replaced with a new mobile or manufactured home. One conventional single family home is permitted on each lot in a plat properly recorded before June 27, 2000 if such use would have been permitted on the lot prior to June 27, 2000.~~

~~Airport Noise Zone 4 is limited to uses that are compatible with airports and air commerce, including but not limited to those necessary to provide services and convenience goods to airline passengers, those generally associated with airport operation, and related development. (Amended by Ordinance No. 94-30)~~

Airport Noise Zone A is limited to uses that are compatible with airports and air commerce, including but not limited to those necessary to provide services and convenience goods to airline passengers, those generally associated with airport operation, and related development.

Airport Noise Zone B does not permit any residential units, places of worship, libraries, schools, hospitals, correctional institutions or nursing homes. However, residential units, including mobile or manufactured homes, that were lawfully existing as of June 27, 2000 will be treated as legally permitted uses and may be replaced with a new mobile or manufactured home or conventional single family construction as long as such replacement would be otherwise allowed by the Land Development Code. However, an existing conventional home may not be replaced with a new mobile or manufactured home. One conventional single family home is permitted on each lot in a plat properly recorded before June 27, 2000 if such use would have been permitted on the lot prior to June 27, 2000. Airport Noise Zone B requires formal notification through recording of the Airport Noise Zone in the official county records of potential noise and over flights and applies to all development, both existing and new, within the zone.

Airport Noise Zone C allows existing and new construction and land uses as would otherwise be permitted by the Land Development Code. However, this zone requires formal notification through recording of the Airport Noise Zone in the official county records of potential noise and over flights and applies to all development, both existing and new, within the zone.

Airport Noise Zone D allows existing and new construction and land uses as would otherwise be permitted by the Land Development Code. However, this zone requires formal notification through recording of the Airport Noise Zone in the official county records of potential noise and aircraft over flights associated with future training activity and applies to all development, both existing and new, within the zone.

**Policy 1.2.2:** The Tradeport areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year 2020. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; offices; research and development activities; ground transportation and airport-related terminals or transfer facilities; and hotels/motels, meeting facilities; and retail uses within hotels/motels. Ancillary retail commercial uses, intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development of 10 or more acres in size and are limited to 1,000 square feet per acre of Tradeport land within the Planned Development. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. Caretaker residences are not permitted in the Airport Noise Zone 3 B. Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. Property in Section 1 and the east ½ of Section 2,

Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential public services. During the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be rebuttably presumed to be necessary to protect potential groundwater resources in the area. (Amended by Ordinance No. 94-30, 02-02, 03-04, 04-16)

**Policy 5.1.4:** Prohibit residential development in all Industrial Development areas and Airport Noise Zone 3 B as indicated on the Future Land Use Map, except for residences in the Industrial Development area for a caretaker or security guard, and except as provided in Chapter XIII. (Amended by Ordinance No. 94-30)

**Policy 66.3.11:** Prohibit the location of schools in the areas designated on the Future Land Use Map as Airport Noise Zone 3 B or within other high noise impact areas. Additionally, in accordance with Florida Statute Chapter 333 the construction of a public or private school is prohibited within an area extending five miles along the extended centerline of a runway (either existing or proposed) with a width one half the length of the runway. As per state statute "Exceptions approving construction of an educational facility within the delineated area shall only be granted when the political subdivision administering the zoning regulations makes specific findings detailing how the public policy reasons for allowing the construction outweigh health and safety concerns prohibiting such a location."

**Justification for Proposed Text changes:**

Previous editions of the Lee Plan used a slightly different criteria for establishment of the Noise Zones. The proposed text updates the zones based on the recommendations of the most recent FAR Part 150 Noise Compatibility Program study and re-categorizes them to minimize the potential for confusion with the old zone references. Adding the proposed text changes will complement the defined Noise Zones in the Land Development Code (LDC) where the specifics of each zone are discussed in detail.

**2. Future Land Use Map:**

The Airport Overlay Noise Zone Map is included with this application. The Airport Noise Zone Overlay Map will change Page 5 of Map 1 (Special Treatment Areas) in the Lee Plan consistent with the recommendations of the recent FAR Part 150 Noise Compatibility Program study. The Airport Noise Zone Overlay Map does not affect Map 3F (Runway Protection Zones Southwest Florida International Airport) or Map 3G (Runway Protection Zones Page Field).

**3-4. Items 3 and 4:**

This is a County sponsored amendment, and due to the nature of these items, the County Planning Staff will provide this information.

**5. Legal Description:**

The legal description included at the end of the Application.

**6-8. Items 6 through 8:**

Since this proposal affects a large area and not an individual parcel or series of parcels, these items do not apply. For property size and location information, please see Section 2; Exhibits 1 and 2 of this document. In addition, the attached Exhibit 3 identifies the areas where new schools would be prohibited based on the requirements of Chapter 333 of the Florida Statutes.

**B. Public Facilities Impacts:**

Items 1 through 3 are not applicable to this application.

These items include analysis of traffic circulation, sanitary sewers, potable water, surface water/drainage basins, and adequacy of support facilities such as fire protection solid waste management. Because this application is for modification of the Airport Noise Zone and not for the development of specific parcels there would be no effect on these public facilities.

**C. Environmental Impacts:**

Items 1 through 5 are not applicable to this application.

These items address plant community's, soils, flood plains, wetlands, aquifer recharge areas, rare & unique uplands and threatened and endangered species. While a substantial portion of the area within the proposed overlay zones includes wetlands and aquifer recharge areas, this application is not for specific development, thus there would be no affect on these public facilities.

**D. Impacts on Historic Resources:**

Items 1 and 2 are not applicable to this application.

These items address historic districts/sites and archaeological sensitive lands. Because this application is for modification of the Airport Noise Zone and not for the development of specific parcels there would be no effect on these properties.

**E. Internal Consistency with the Lee Plan:**

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.

The Airport Noise Zone does not impact the population projections for Lee County. Modification of the Noise Zones as proposed do not reduce the Dwelling Unit Per Gross Acre (du/ac) depicted in Table 1(a) of the Lee Plan.

Noise Zone A – Noise Zone A consists of airport property. Land use within this zone is limited to those that are compatible with airports and air commerce.

Noise Zone B – Noise Zone B extends northeast and southwest of the airport along the extended runway centerlines. This zone prohibits the development of residential living units, places of worship, libraries, schools, hospitals, correctional institutions or nursing homes. The area with this land use restriction is reduced considerably by the modifications proposed in this application. Airport Noise Zone B requires formal notification through recording of the Airport Noise Zone in the official county records of potential noise and over flights and applies to all development, both existing and new, within the zone.

Noise Zones C&D – Noise Zones C and D extend beyond Noise Zone B to the northeast and southwest and southeast of the airport in the vicinity of the future parallel runway's training pattern. These zones identify areas where notification is required of the potential for noise and overflights. No development restrictions exist in these zones.

The following table indicates how each proposed zone relates to the affected planning communities:

**Acreage within the Noise Zones by Planning Community**

Future Land Use Category	Affected Planning Communities										
	Gateway/Airport				Daniels Parkway		San Carlos	Lehigh Acres	Southeast Lee County		
	A	B	C	D	B	C	C	C	B	C	D
Central Urban								169			
Urban Community							210	21			
Suburban							50				
Industrial Development		31	765				21				
University Community											
Industrial Commercial Interchange			290								
University Village Interchange							41				
New Community			5								
Tradeport		449	750	785							
Airport	6,407										
Rural					1	15					
Density Reduction/ Groundwater Resource		309	419						251	1,226	2,710
Wetlands		478	525	30	15	71	12		42	550	1,185
Total	6,407	1,267	2,754	815	16	86	334	190	293	1,776	3,895

Note: If a noise zone is not referenced for a planning community, it did not overlay the specific planning community.

2. **List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.**

The proposed change to the Future Land Use Map is compatible with many goals, objectives, and policies expressed in The Lee Plan. The map change reduces the development restrictions around the airport in line with recommendations from the recent FAR Part 150 Airport Noise Compatibility Study.

Specifically, changes to the current Airport Noise Zones are compatible with the objectives and policies summarized below.

**Compatibility with Goal 1: Future Land Use Map**

**Objective 1.2:** Southwest Florida International Airport Area seeks to designate adequate land to accommodate the projected growth needs of Southwest Florida International Airport.

**Policy 1.2.3:** Airport Noise Zones addresses the issue of varying levels of airport-related noise within the zones and defers to Policy 1.7.1 of Objective 1.7: Special Treatment Areas for Comprehensive Plan Guidance on Noise Zones.

**Policy 1.7.1:** The Airport Noise Zones delineate the type uses and required actions to be taken subject to development of land within each of the four zones. The map change does not seek to increase use restrictions. Rather, the change represents a reduction of the noise zones restrictions contingent with the most recent FAR Part 150 Airport Noise Compatibility Study.

**Compatibility with Goal 2: Growth Management**

**Goal 2** seeks to provide a coordinated plan for development and the provision of infrastructure by government agencies and other private sources. The change to the Airport Noise Zones is compatible with:

**Objective 2.4:** Future Land Use Amendments prompt a regular examination of the Future Land Use Map in light of new information and changed conditions, and for modifications to be made as necessary.

**Policy 2.4.3:** Discourages Future Land Use Map Amendments to the existing DR/GR areas south of SR 82 that increase the current allowable density or intensity of land use. The Policy specifically exempts those areas designated by the Port Authority needed for airport expansion from the density increase prohibition. However, the map change does not propose to increase allowable dwelling units per acre.

## **Compatibility with Goal 5: Residential Land Uses**

**Goal 5** proposes to provide appropriately located land to accommodate the projected population of Lee County. The change to the Airport Noise Zones is compatible with:

**Objective 5.1, Policy 5.1.4** of the Goal prohibits residential development in Noise Zone 3. The proposed change updates this reference to Zone B. Implementation of this change continues the current policy relative to the revised zone designations.

## **Compatibility with Goal 47: Coordinated System of Aviation Facilities**

**Objective 47.1: Economic Growth** calls for the capacity expansion of Southwest Florida International Airport by 2005 in order to aid in the diversification of the county's economic growth. It also indicates that the Port Authority should seek to minimize impacts to surrounding land uses while maintaining a safe and efficient operation. The change to the Airport Noise Zone is compatible with these objectives.

**Policy 47.1.7** implements the Objective by requiring the Port Authority to undertake planning actions that will accommodate growth at the existing aviation facilities and allow for the development of the future aviation facilities. The proposed change to the Future Land Use Map meets the ongoing requirement for the Port Authority to plan for the expansion of current facilities. The proposed Airport Noise Zones maintain compatible land use around the Southwest Florida International Airport and its future facilities.

**Objective 47.2: Development Compatibility** discusses the need for the Port Authority to evaluate development proposals to ensure compatibility with aviation facilities.

**Policy 47.2.2** addresses the need for the Port Authority to ensure that regulations in the Land Development Code (LDC) restrict land uses in areas covered by the Airport Noise Zone (ANZ).

**Policy 47.2.5** requires Lee County to modify the airport noise boundaries and regulations to address the recommendations in the FAR Part 150 Airport Noise Compatibility Study.

The proposed change to the Future Land Use Map will be followed with changes to the Lee County LDC. The changes to the LDC will reflect the new legal description of the noise zones as set forth in Section IV.A.5 of this application. The proposed changes to the Future Land Use Map will modify the airport noise zone boundaries to address the recommendations of the FAR Part 150 Study. Finally, the proposed change reflects changes in airport development and capacity as required in Objective 47.2.

**Objective 47.5.7:** The objective requires the county to protect its existing and proposed aviation facilities from the encroachment of incompatible uses through the updating of



the Future Land Use Map as needed to reflect the preferred Port Authority airport expansion alternative layout. The proposed change to the Future Land Use Map incorporates actions that support the expansion of Southwest Florida International Airport

**3. Describe how the proposal affects adjacent local governments and their comprehensive plans.**

There are no impacts to adjacent local governments. The proposed changes affect Lee County only.

**4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.**

The Federal Aviation Administration, the State of Florida, and the Lee County Port Authority either participated in funding or otherwise supported a FAR Part 150 Airport Noise Compatibility Study Update for Southwest Florida International Airport. The study recommended actions that should be undertaken by the Lee County Port Authority that would promote airport land use compatibility. The proposed Future Land Use Map change would implement a portion of these changes.

Chapter 333 of the Florida Statutes (Sections 333.33 and 333.065) provides local governments with the authority to establish airport noise compatible zoning. The sections allow local jurisdictions to adopt and enforce noise compatible zoning in accordance with the established FAR Part 150 Study guidelines, in accordance with state guidelines or in accordance with more restrictive local guidelines.

The Southwest Florida Regional Planning Council includes a transportation element which addresses the importance of aviation to the region. The fifth strategy of Goal 1, Balanced Intermodal/Multimodal System, is to "Ensure airports in the Region will be expanded to meet the regional aviation system needs for foreseeable demand in passengers and cargo and in private small plane operations." As one of the actions for this strategy, the plan indicates that land surrounding the airport should be "preserved and protected to allow for future increased operations and expansion." The Planning Council's desire is to ensure local governments provide for land uses that complement rather than constrain airport the development and operation of the airports.

**F. Additional Requirements for Specific Future Land Use Requirements**

**1-4. Items 1 through 4:**

This application does not re-designate land to or from categories outlined in this section.

**G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis:**

The proposed changes are the result of sound planning practices and reflect the recommendations outlined in an extensive FAR Part 150 Airport Noise Compatibility Study.

## Southwest Florida International Airport

**Draft**

TABLE 6

Development	Existing	Proposed	Remarks
Landside	28 gates	No improvements planned	Expand to 32-33 gates
Midfield Terminal Complex	781,183 S.F.	Cargo Road improvements from Chamberlin Connector road for maintenance facilities	771,183 S.F. Expand to 43-47 gates 973,352 S.F. Miscellaneous roadway improvements
Auto Access	Main entrance at intersection of Daniels and Chamberlin Parkway. Access also from Daniels via Treeline and Alcoa via Dan Hill Griffin Parkway.	No improvements planned	Rehab. perimeter, service and fuel farm roads Expand entrance road to 8 lanes Construct I-75 access
Parking	14,389 total existing spaces 11,481 spaces 2,619 spaces 5,942 spaces 1,288 spaces 160 spaces 1,800 spaces	No improvements planned	Construct 780 additional employee spaces Ultimately 5,128 total hourly spaces Ultimately 9,342 total daily spaces Ultimately 3,000 total Taxi/Limo spaces Ultimately 2,000 total rental car spaces
Airfield	12,000 ft. X 160 ft. runway	Rehabilitate 6-24, using taxiway as a temporary runway	No improvements planned
Parallel Runway 6R-24L	No improvements planned	No improvements planned	No improvements planned
Taxiways	Taxiway A-parallel taxiway to Runway 6-24, 12,000 ft. long X 75 ft. wide; Taxiway B-apron taxiway that runs parallel to terminal for transitioning aircraft going from gate to Taxiway A for approximately 1,800 ft.	No improvements planned	Begin construction on 6,100 ft. X 180 ft. runway (6,385 ft. separation between runways) Construct parallel taxiway north of Runway 6R-24L (6,100 ft. X 75 ft. wide) if NLA, then 100 ft. wide. Hold bay & by-pass improvements to Runway 6R-24L parallel taxiway
Terminal Apron	148,000 S.Y.	263,700 S.Y.	No improvements planned Expand cargo building facilities to 68,314 S.F.
Air Cargo	Total of 39,800 S.F. cargo building 69,000 S.Y. apron area	Rehabilitate existing cargo ramp (69,000 S.F.) New height forwarding facility 16,000 S.F. Expand cargo facilities to 41,189 S.F.	No improvements planned Expand building cargo facilities to 48,369 S.F.
Belly Cargo	13,000 S.F. 8,000 S.F. facility 26,180 S.F. hangar space 48,650 S.Y. apron area	No improvements planned Construct multi-use hangars (12,000 S.F.)	No improvements planned Construct multi-use hangars (70,000 S.F.) Expand GA apron to 49,700 S.Y.
Aircraft Maintenance	Approximately 13,000 S.F.	Construct one hangar to accommodate aircraft including the Boeing 747. Land to accommodate an additional three hangars should be set aside, should it be needed in the future.	Expand to 38,000 S.F. necessary
General Aviation			
Large Aircraft			
Air Traffic Control Tower (ATCT)	Height 76.61 ft., 8,300 S.F.		No improvements planned

## Southwest Florida International Airport

**Draft**  
**TABLE 8**

Table Continued					
Southwest Florida International Airport Environmental Procedures Development 05-02-00					
	Existing	2005	2010	2020	2030
<b>Development</b>					
<b>Airfield (Continued)</b>					
Fuel Farm	Commercial (3) 420,000 gallon tanks Jet A  General Aviation (4) 18,000 gallon Jet A tanks (1) 12,000 gallon 100LL tank  No improvements planned	Fuel to be pumped from existing fuel farm area by a hydrant fueling system to the new midfield area	No Improvements planned	No Improvements planned	No Improvements planned
Miscellaneous			Relocate high voltage power lines Upgrade airfield emergency generator Helipad (11,000 S.F.) Develop multi-modal center		
Rental Car Expansion					
Non-Aviation Related Land Uses					
Hotel <sup>(2)</sup> Light Manufacturing/Assembly Gas Station/Convenience Store Warehouse/Distribution Office <sup>(a)</sup>		Construct 28,000 S.F. Construct 3,600 S.F. w/ 49 24 pumps Construct 28,000 S.F. Construct 78,000 S.F.	Construct 300 Rooms Additional 25,000 S.F.  Additional 25,000 S.F. Additional 78,000 S.F.	-Additional 80,000 S.F.  Additional 80,000 S.F. Additional 78,000 S.F.	

1. This table is for general phasing and major development items only. More specific detail is available in the annual Capital Improvement Plan (CIP) prepared by the Lee County Port Authority for the Southwest Florida International Airport.
2. All non-aviation related development will meet local land development code requirements listed in LDC Sec. 10-115 and Wetland impacts requirements listed in LDC Sec. 14-222. All development will be required to undergo local site and zoning review prior to local development order issuance.
3. This Development includes 15% retail
4. Development within the "Potential Future Development Area" will require amendment of the Lee Plan prior to development

**CPA2005-00013  
COMMUNITY PLANNING  
BoCC SPONSORED  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

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**LPA Public Hearing Document  
for the  
September 25<sup>th</sup>, 2006 Public Hearing**

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

**September 18, 2006**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2005-00013**

☒

Text Amendment

☐

Map Amendment

<input checked="" type="checkbox"/>	<b>This Document Contains the Following Reviews:</b>
<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: September 18, 2006

**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:**

Adopt a new Goal, Objective, and Policies pertaining to the Community Planning program.

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

**1. RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, with the modifications proposed by staff.

The Smart Growth Committee's recommended language for a new Goal, Objective, and Policies pertaining to the community planning program is shown below in underline format. Staff's recommended language is provided below, with changes to the Smart Growth Committee's language highlighted in strike through, double underline format.

**Goal XX: COMMUNITY PLANNING.** To encourage and support both citizen and County initiated community planning efforts that address the unique community character of specific geographic areas in Lee County.

**OBJECTIVE XX:** Lee County will encourage and support citizen initiated community planning efforts for geographically small areas. Lee County may initiate community planning efforts for geographic areas that do not have an organized citizen initiative when it is determined that critical circumstances exist that can best be addressed by developing community plans.

**POLICY XX:** Within community planning boundaries, ensure a continuing and cooperative effort to educate and coordinate the public regarding community planning, comprehensive planning, and smart growth principles by requiring community meetings and better communication with community planning panels and government media access.

**POLICY XX:** Assure that existing/ongoing community plans are coordinated with the buildout concepts and proposed buildout scenarios County-wide and regional plans addressing population accommodation and infrastructure needs.

**POLICY XX:** Promote water conservation through the use of incentives and evaluate and apply a community based planning approach to water conservation, enabling more precision to be applied in developing achievable goals.

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

- The Lee Plan Future Land Use Element contains several Goals that resulted from community planning efforts, yet there is no Goal that addresses the Community Planning Program in general.
- The Smart Growth Committee, appointed in 2002, identified gaps and concerns with the Community Planning initiative, and most of these were implemented in the 2005 reforms to the Administrative Code. This proposed amendment to the Lee Plan addresses additional Smart Growth Committee and staff recommendations.
- This proposed amendment is a result of findings found in the 2004 Evaluation and Appraisal Report.
- The County adopted Administrative Code 13-3 (AC 13-3), Administrative Procedures governing Community Planning Efforts Receiving Financial Support from the BOCC, in June, 2001 and amended the Code in June, 2005.
- The BOCC has recently approved two “hybrid” community planning approaches that vary from the requirements of AC 13-3.
- This proposed amendment will serve to officially recognize that hybrid approach, and will add language to the Lee Plan that recognizes both approaches. There is currently no language in the Lee Plan addressing the community planning program.

## **C. BACKGROUND INFORMATION**

The 2004 Evaluation and Appraisal Report mandated that Lee County provide alternative choices in development patterns which achieve a good balance between community livability, economic viability, and environmental sensitivity. One tool to achieve this balance is the community planning effort.

The Lee County Vision, part of the Lee Plan, defines and describes the 17 planning communities of Lee County which are outside of municipal boundaries. The Lee Plan, Chapter II, Future Land Use, has goal areas with specific geographic applicability. Beginning with Goal 12, and continuing through to Goal 22, specific goal areas address San Carlos Island (12), Captiva (13), Greater Pine Island (14), Gasparilla Island (15), the DR/GR (16), Buckingham (17), University Community (18), Estero (19), Bayshore (20), Caloosahatchee Shores (21) and Boca Grande (22). Some of these sections were added through locally initiated planning initiatives (with or without County funds), others at the direction of the Board of County Commissioners. As of August 2006, additional efforts are underway for Alva, Lehigh acres, North Fort Myers, and Page Park.

Lee County has a long history of community planning. The first community plan was incorporated into the Lee Plan in 1990. The County began providing financial and staff support to community planning efforts in 2001. Current community Planning Panels efforts are eligible to receive planning funds, funds for developing land development regulations, and planning update funds. To receive funds community panels have had to comply with section 13-3, Lee County Administrative Code. The Code was revised in 2005 to increase the amount of available funding from \$25,000 to \$50,000. Several community planning panels have qualified for Community Planning funds. Changes also required County staff to be more proactive on identifying County management and planning efforts within the community under discussion.

Beginning in 2005, the County began experimenting with the Community Panel/funding approach, when community planning needs clearly exceed the funds available. A hybrid approach has been initiated, with a locally raised panel created in public workshops, but with the County staff administering funds. In 2006, the County staff was authorized to initiate community planning efforts for geographic areas that do not have an organized citizen initiative when it is determined that critical circumstances exist that can best be addressed by developing community plans.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

Balance within a community cannot be imposed from a "top down" program. The residents of an area define the community character, through their values and their activities. The Community Planning approach provides for local participation in the planning and the land use and public works decisions that help define the nature of the community. The few policies provided above, along with the existing plan policies, provide for a more complete set of expectations from the Community Planning process.



The amendments made by Community Planning efforts (summarized in the background, above) materially add to the character of the communities, and with increased staff involvement, are adding better balance to the community mix. Community Planning efforts are assisting staff in stabilizing and enhancing the community land use forms, and in prioritizing public investments which further improve the value of the community. Finally, community planning efforts increase public involvement in county operational programs such as beautification, code enforcement, parks and recreation, sanitation, and environmental initiatives.

**The Smart Growth Committee's recommended language for a new Goal, Objective, and Policies pertaining to the community planning program is shown below in underline format. Staff's recommended language is provided below, with changes to the Smart Growth Committee's language highlighted in strike through, double underline format.**

**Goal XX: COMMUNITY PLANNING. To encourage and support both citizen and County initiated community planning efforts that address the unique community character of specific geographic areas in Lee County.**

STAFF COMMENT: Staff recommends creating a new Goal for the Community Planning program that indicates the County's continued support for the Community Planning Program. That Goal will be placed in Element II of the Lee Plan "Future Land Use". The Goal will be numbered during the next codification of the Plan.

**OBJECTIVE XX: Lee County will encourage and support citizen initiated community planning efforts for geographically small areas. Lee County may initiate community planning efforts for geographic areas that do not have an organized citizen initiative when it is determined that critical circumstances exist that can best be addressed by developing community plans.**

STAFF COMMENT: The Board of County Commissioners has authorized a hybrid approach to community planning efforts for Lehigh Acres and North Fort Myers. That approach is different than the approach that has been used for all of the completed Community Plans that have received funding from the BoCC. The hybrid approach allows for the County to identify situations in which there may not be an established community based planning initiative underway and where the County has determined that critical circumstances exist that can best be addressed by developing community plans. Under the hybrid approach the County will initiate efforts to establish community planning panels that can assist with County initiated planning efforts.

**POLICY XX: Within community planning boundaries, ensure a continuing and cooperative effort to educate and coordinate the public regarding community planning, comprehensive planning, and smart growth principles by requiring community meetings and better communication with community planning panels and government media access.**

STAFF COMMENT: Staff recommends transmittal of the above Policy as recommended by the Smart Growth Committee.

**POLICY XX: Assure that existing/ongoing community plans are coordinated with the buildout concepts and proposed buildout scenarios County-wide and regional plans addressing population accommodation and infrastructure needs.**

STAFF COMMENT: Staff believes the intent of the above Policy is to ensure that local community planning efforts do not interfere with County-wide and regional plans that are already in place or are being developed. The changes proposed by staff are recommended to make the policy more clearly understood. Staff recommends transmitting the language as modified.

**POLICY XX: Promote water conservation through the use of incentives and evaluate and apply a community based planning approach to water conservation, enabling more precision to be applied in developing achievable goals.**

STAFF COMMENT: Lee plan Element IV. a. Potable Water, Element IV. c. Surface Water Management and Element IV. e. Groundwater Recharge address water conservation in Lee County. Several agencies are responsible for water conservation including Lee County Utilities, Lee County Department of Natural Resources, East County Water Control District, Southwest Florida Water Management District, State of Florida Department of Environmental Protection and the U.S. Army Corps of Engineers.

The Southwest Florida Water Management District is updating the 2001 Regional Water Supply Plan (RWSP) in accordance with Section 373.0361, Florida Statutes. This document addresses the water supply demands and sources for those regions within the District where existing sources of water are not adequate to supply water for existing and future reasonable and beneficial uses, as well as to sustain water resources and the related natural systems.

Staff believes it may be beyond the scope of a local community planning effort to require citizen initiated community plans to address water conservation issues during the community planning process. Community planning initiatives are grass-roots efforts that are based on local issues and are conducted by laypeople. Water management is a County-wide issue that should be addressed by experts through County-wide efforts.

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

DATE OF PUBLIC HEARING: September 25, 2006

**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

DEREK BURR

RONALD INGE

CARLETON RYFFEL

RAYMOND SCHUMANN, ESQ.

RAE ANN WESSEL

VACANT

_____
_____
_____
_____
_____
_____
_____

**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**

**TAMMARA HALL**

**BOB JANES**

**RAY JUDAH**

**DOUG ST. CERNY**

_____
_____
_____
_____
_____
_____

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

DATE OF ORC REPORT: \_\_\_\_\_

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

**B. STAFF RESPONSE**

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

DATE OF ADOPTION HEARING: \_\_\_\_\_

**A. BOARD REVIEW:**

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

**1. BOARD ACTION:**

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

**C. VOTE:**

<b>JOHN ALBION</b>	_____
<b>TAMMARA HALL</b>	_____
<b>BOB JANES</b>	_____
<b>RAY JUDAH</b>	_____
<b>DOUG ST. CERNY</b>	_____

**CPA 2005-40  
Sub-Outlying Suburban  
Future Land Use Map Category  
BoCC SPONSORED  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

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**LPA Public Hearing Document  
for the  
September 25<sup>th</sup> Public Hearing**

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

**September 15, 2006**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2005-40**

✓	<b>This Document Contains the Following Reviews:</b>
✓	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: September 15, 2006

**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 Goal 1 of the Future Land Use Element, the Future Land Use Map series Map 1, and Table 1(a) Summary of Residential Densities, by adding a new Sub-Outlying Suburban Future Land Use category having a maximum density of 2 dwelling units per acre.

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

- 1. STAFF RECOMMENDATION:** Amend the Future Land Use Map Series, Map 1, the Future Land Use Map, to redesignate approximately 3,610.02 acres of land located in five specified areas of Lee County from Outlying Suburban to Sub-Outlying Suburban as depicted on Attachment 3. Planning staff also recommends that Goal 1 of the Future Land Use Element be amended as provided below and Table 1(a) Summary of Residential Densities be amended as provided in Attachment 1:

**POLICY 1.1.6:** The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is



generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area in North Fort Myers east of I-75, a portion of San Carlos Groves in San Carlos/Estero planning community, and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre).

~~1. For Lots 6 -11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area:~~

- ~~a. The property may be developed at a gross density of one dwelling unit per acre; however, a gross density of up to two dwelling units per acre is permitted through the planned development zoning process, in which the residential development is clustered in a manner that provides for the protection of flowways, high quality native vegetation, and endangered, threatened or species of special concern. Clustered development must also connect to a central water and sanitary sewer system.~~
- ~~b. A maximum of one hundred and twenty (120) residential dwelling units, along with accessory, and accessory active recreation uses are permitted through the use of clustering and the planned development zoning process. The dwelling units and accessory uses must be clustered on an area not to exceed thirty two ( $\pm 32$ ) acres, which must be located on the northwestern portion of the property. No development may occur in the flowway, with the exception of the improvement of the existing road access from the site to Pine Road. The remainder of the property will be designated as preserve/open space, which can be used for passive recreation, and environmental management and education. In addition, the developer will diligently pursue the sale or transfer of the preserve/open space area, along with development rights for thirty (30) of the maximum one hundred and twenty (120) residential dwelling units, to the State, County, or other conservation entity.~~

**POLICY 1.1.10: The Sub-Outlying Suburban areas are residential areas that are predominantly low-density development. Generally the requisite infrastructure needed for higher density development is not planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas and are placed within communities where higher densities are incompatible with the surrounding area and where there is a desire to retain a low-density community character. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to two dwelling units per acre (2 du/acre). Bonus densities are not allowed.**

1. For Lots 6 -11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area:

- a. The property may be developed at a gross density of one dwelling unit per acre; however, a gross density of up to two dwelling units per acre is permitted through the planned development zoning process, in which the residential development is clustered in a manner that provides for the protection of flowways, high quality native vegetation, and endangered, threatened or species of special concern. Clustered development must also connect to a central water and sanitary sewer system.
- b. A maximum of one hundred and twenty (120) residential dwelling units, along with accessory, and accessory active recreation uses are permitted through the use of clustering and the planned development zoning process. The dwelling units and accessory uses must be clustered on an area not to exceed thirty two ( $\pm 32$ ) acres, which must be located on the northwestern portion of the property. No development may occur in the flowway, with the exception of the improvement of the

existing road access from the site to Pine Road. The remainder of the property will be designated as preserve/open space, which can be used for passive recreation, and environmental management and education. In addition, the developer will diligently pursue the sale or transfer of the preserve/open space area, along with development rights for thirty (30) of the maximum one hundred and twenty (120) residential dwelling units, to the State, County, or other conservation entity.

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

- The amendment is the result of a recommendation contained in the 2004 Evaluation and Appraisal Report.
- The amendment will clearly differentiate the subject areas from other Outlying Suburban designated areas as Footnote 6 of Table 1(a) does today.
- The proposed Sub-Outlying Suburban future land use change replaces the existing Outlying Suburban land use category with a new descriptor policy and color designation on the future land use map for five specified areas that are currently limited to a 2 du/acre density limitation as contained in Table 1(a).
- The amendment will eliminate the confusion of the footnote and clearly depict the five areas on the future land use map.
- These are the only areas in the County that have such a density limitation within an existing future land use category.
- The County's future land use map and future land use designations should be represented as clearly as possible on the future land use map.
- The proposed amendment does not change the existing allowable densities or intensity of uses in the proposed areas. Density and intensity will remain the same.
- There will be no change in the population accommodation capacity of the FLUM.
- The proposal will result in no impacts to public infrastructure and services. The proposal will neither lower or increase the existing demands on public infrastructure and services.

## **C. BACKGROUND INFORMATION**

This amendment was initiated by the Board of County Commissioners on September 28, 2004. The area proposed for amendment includes five separate locations in Lee County and encompasses a total of approximately 3,610.02 acres (see Attachment 2). Each area proposed for amendment is located in the Outlying Suburban future land use category with a density limitation of 2 du/acre per Footnote 6 of Table 1(a). The subject amendment proposes placing the five areas under a new Sub-Outlying Suburban future land use category.

Since the Outlying Suburban Future land use category was put in place in 1988, amendments to the subject areas have resulted in additional text to Footnote 6 of Table 1(a) specifying a limitation of 2 du/acre on the five subject areas. The last amendment to add a specific location to Footnote 6 was adopted in 2003 and amended the text of Policy 1.1.6, the Outlying Suburban descriptor policy as well. While the footnote initially resolved density concerns in the five areas, text has been added to the footnote with each amendment over the years resulting in a long drawn out and possibly confusing footnote to Table 1(a).

Planning staff is proposing to eliminate Footnote 6 by creating a new Sub-Outlying Suburban future land use category with a maximum density of 2 du/acre that will consolidate the areas under the new category. This will eliminate the confusion of the footnote and clearly depict the five areas on the future land use map. Currently there is no exclusive future land use category with this density limitation.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **CURRENT FLUM DESIGNATION FOR SUBJECT AREAS**

The current Lee Plan Future Land Use designation for the five subject areas is Outlying Suburban:

***POLICY 1.1.6:** The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area in North Fort Myers east of I-75, a portion of San Carlos Groves in San Carlos/Estero planning community, and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre).*

*1. For Lots 6 -11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area:*

- a. The property may be developed at a gross density of one dwelling unit per acre; however, a gross density of up to two dwelling units per acre is permitted through the planned development zoning process, in which the residential development is clustered in a manner that provides for the protection of flowways, high quality native vegetation, and endangered, threatened or species of special concern. Clustered development must also connect to a central water and sanitary sewer system.*
- b. A maximum of one hundred and twenty (120) residential dwelling units, along with accessory, and accessory active recreation uses are permitted through the use of clustering and the planned development zoning process. The dwelling units and accessory uses must be clustered on an area not to exceed thirty two (±32) acres, which must be located on the northwestern portion of the property. No development may occur in the flowway, with the exception of the improvement of the existing road access from the site to Pine Road. The remainder of the property will be designated as preserve/open space, which can be used for passive recreation, and environmental management and education. In addition, the developer will diligently pursue the sale or transfer of the preserve/open space area, along with development rights for thirty (30) of the maximum one hundred and twenty (120) residential dwelling units, to the State, County, or other conservation entity.*

## EXISTING LAND USES

The amendment area encompasses approximately 3,610.02 acres of Outlying Suburban designated lands, accommodating primarily residential land uses. The following is the land use description and comprehensive plan background of each area proposed for amending.

Area 1: The subject area lies in Sections 03 and 04, Township 44 South, Range 24 East located north of Pondella Road, south of Pine Island Road, and west of U. S. 41 in the North Fort Myers area (See Attachment 3). The area encompasses approximately 338.15 acres total. Barrett Road passes through the subject area connecting Pine Island Road and Pondella Road. Yellow Fever Creek and Hancock Creek intersect the area running north and south. The existing land use of the subject area is primarily single family residential development. A strip of Suburban, Central Urban, and Intensive Development future land use designations front Pine Island Road between the subject Outlying Suburban area and the roadway. The land area to the East is designated Intensive Development with residential uses between commercial uses fronting U. S. 41. Land use to the South and West of the subject area accommodates single family development. The future land use to the south is Suburban and to the West is Intensive Development. The Wetlands designation follows portions of Hancock Creek within the subject area. Current zoning designations for the subject area are AG-2, RS-1, and RPD. In addition, a 160 acre portion of this area east of Barrett Road was annexed into the City of Cape Coral in 2004 and is not included in the proposed amendment.

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, Area 1 was depicted as Suburban to the west of Hancock Creek and Intensive Development to the east of the creek. The area was amended in 1992 as part of a request from the community that the area be changed from Suburban and Intensive Development to the Outlying Suburban designation with a 2 du/acre density limitation. The community believed that this request was warranted due to the rural character of the area.

Area 2: The subject area lies in Sections 15, 16, 21, 22, 26, and 27, Township 43 South, Range 25 East located north of the Caloosahatchee River and east of I-75 in the Bayshore area (See Attachment 3). The area encompasses approximately 2,139.83 acres total. The Outlying Suburban category in this area lies north and south of Bayshore Road. Nalle Road and Pritchett Parkway run north and south of the area located north of Bayshore Road. The area south of Bayshore Road extends between I-75 and S. R. 31 to the north of the Caloosahatchee River. This Outlying Suburban area consists primarily of residential uses and vacant lands with minor commercial uses located at the intersection of Bayshore Road and Nalle Road. The area north of Bayshore road is bounded on the east and west by the Rural future land use category and on the north by the DR/GR and Open Lands future land use categories. The current zoning mainly consists of AG-2 and RPD for the area. The Outlying Suburban area located to the south, between Bayshore Road and the river is interspersed with large areas of land designated as Conservation Lands. The current zoning categories include AG-2, RPD, CPD, CC, MH, RM-2, and RV-3.

In 1984 the majority of Area 2 was depicted on the FLUM as Rural with an area of Suburban designated land extending from the intersection of I-75 and Bayshore Road to Nalle Road. South of Bayshore Road several parcels have been placed under the Conservation Lands designation over time. During the 86/87 plan amendment cycle several privately initiated plan amendment requests were made in the Bayshore area, prompting the County to evaluate the area through the 1987 "Bayshore Corridor Study." Through

this study the board adopted the Outlying Suburban future land use category for Area 2 with the 2 unit per acre density limitation.

Area 3: The subject area lies in Section 33, Township 43 South, Range 26 East located to the east of Buckingham Road in the Caloosahatchee Shores area (See Attachment 3). The area encompasses approximately 954.45 acres total. The land area to the North is designated as Outlying Suburban and Rural. To the east Rural. To the South, Rural Community Preserve in the Buckingham area, and Urban Community in the Lehigh Acres area. To the West, along Buckingham Road, Outlying Suburban, small areas of Suburban, and Public Facilities for a parcel of Lee County School district land for a school facility. The area is currently under development proposals for the Portico, Buckingham 320, and Hemmingway Pointe residential planned developments. The surrounding area is residential with existing single family homes to the north and south and residential developments proposed to the east and west.

In 1984 Area 3 was designated Rural and Suburban and was later amended to Outlying Suburban limited to 2 du/acre as part of the Caloosahatchee Shores Community Plan recommendations which were adopted in 2003. The community found that the existing land use categories were not compatible with one another or with the adjacent Community Preserve.

Area 4: The subject area lies in Section 1, Township 44 South, Range 25 East located to the south of Orange River Boulevard in the Buckingham area (See Attachment 3). The area encompasses approximately 122.44 acres total. The area is surrounded by the Rural Community Preserve future land use category with the Public Facilities future land use designation directly adjacent to the southeast corner of the area. The area is bounded on the North by single family residential lots and Orange River Boulevard, on the east by the FP&L Orange River substation and vacant lands, on the South by Homestead Lane, and on the west by Staley Road. The subject area encompasses a single parcel of vacant and. The current zoning designation of the subject area is RPD.

In 1984 Area 4 was designated Rural on the future land use map. This area was amended in the 90/91 plan amendment cycle through recommendations made by the Buckingham sector plan. While the majority of this community was amended to the Rural Community Preserve category through this plan, the subject area was amended to the Outlying Suburban future land use category with a 2 du/acre density limitation due to a previously committed plan of development.

Area 5: The subject area lies in Section 20, Township 46 South, Range 25 East located at the west end of Pine Road in the San Carlos/Estero area (See Attachment 3). The area encompasses approximately 55.15 acres total. The site is currently vacant. The land area to the north is designated Rural and Wetlands encompassing vacant land and the Shady Acres mobile home subdivision. The land to the east is designated Rural, Wetlands and Urban Community with single family residential development along Pine Road. The area to the south consists of vacant lands designated Conservation Lands. The current zoning designation of the subject area is RPD.

In 1984 Area 5 was designated Rural and was later amended in 2003 to Outlying Suburban limited to 2 du/acre as part of the Estero 60 privately initiated plan amendment request. The private amendment increased the allowable density of the area and required that any future development connect to central sewer services. This amendment also added language to Policy 1.1.6, the Outlying Suburban descriptor

policy, specifically describing development parameters for Area 5. As noted in this report, staff proposes to incorporate this language into the proposed Sub-Outlying Suburban policy.

### **POPULATION ACCOMMODATION ANALYSIS**

The request is to change the Future Land Use Map (FLUM) category of approximately 3,610.02 acres from Outlying Suburban to Sub-Outlying Suburban.

While the Outlying Suburban maximum density permits up to 3 du/acre, the five subject areas specified in this report proposed for amendment all have a density limitation of 2 du/acre per Footnote 6 of Table 1(a). The proposed Sub-Outlying Suburban category for these areas permits up to 2 du/acre. Therefore, the proposal will not be increasing or decreasing the population accommodation capacity of the FLUM. The amendment will result in a status quo density limitation at 2 du/acre.

### **LEE PLAN PLANNING COMMUNITIES MAP AND TABLE 1(b)**

Area 1 is located in the North Fort Myers planning community, Area 2 is in the Bayshore planning community, Area 3 is in the Fort Myers Shores planning community, Area 4 is in the Buckingham planning community, and Area 5 is in the Estero planning community. Another amendment, CPA2005-16 included in this amendment cycle, includes a proposal to readjust the boundary between the Estero and San Carlos Park planning communities. If this amendment is approved as recommended by staff and the Local Planning Agency, area 5 will be in the San Carlos planning community.

In addition, Table 1(b) is also being reviewed as part of an amendment in the current plan amendment cycle (CPA2005-26). This amendment involves the review and revision of the current Lee Plan population projections. Due to the update to the current population projections staff is not proposing an amendment to Table 1(b) as part of the subject amendment. Staff will include the proposed Sub-Outlying Suburban allocations as part of the proposed revisions to the population projections through the amendment to Table 1(b). Staff is proposing that the subject amendment apply only to the five areas discussed under the current 2 du/acre density limitation. Any future requests for an amendment to the proposed Sub-Outlying Suburban category will require a separate future land use map amendment and evaluation as well as an evaluation for an amendment to Table 1(b). Future requests for the Sub-Outlying Suburban category will be reviewed on a case by case basis.

### **DISCUSSION CONCERNING THE SUBJECT AREAS:**

Staff has evaluated the addition of a new future land use category, the Sub-Outlying Suburban category, to the future land use map for the five areas discussed. This addition will require the incorporation of a new descriptor policy to the future land use element of the Lee Plan and the elimination of Footnote 6 of Table 1(a). The addition will also require an amendment to Table 1(b) which will be addressed as part of the current plan amendment cycle in a separate amendment (CPA2005-26).

The five areas proposed in this map amendment are all currently designated as Outlying Suburban with a density limitation at 2 du/acre. These are the only areas in the County that have such a density limitation within an existing future land use category. Each area has been limited in density for the various reasons as described above. Designating the five areas with the proposed land use category will give the areas a unique descriptor policy and color designation on the County's future land use map. The proposed map and text amendment will clarify the intended future land use for the subject areas. The additional color

designation on future land use map will eliminate possible confusion to the user by alerting the user that the areas are in fact under a different density range than the other Outlying Suburban designated lands of the County. In addition, any future requests for a density limitation of 2 du/acre will not add more text to Footnote 6 of Table 1(a) or to the Outlying Suburban descriptor policy, Policy 1.1.6, of the future land use element. This will eliminate long run on additions to both and will clarify the Sub-Outlying Suburban category on the face of the future land use map, rather than placing the specific density requirement in the text of the Lee Plan where these limitations could be overlooked by the user. The proposed amendment will consolidate the areas under the new category, clearly depicting the subject areas on the future land use map and eliminating the possible confusion of the footnote as well. The County's future land use map and future land use designations should be represented as clearly as possible on the future land use map.

## **B. CONCLUSIONS**

Through the subject plan amendment proposal, staff has attempted to clarify those Outlying Suburban areas with a density limitation of 2 du/acre through the creation of a new Sub-Outlying Suburban future land use category. The proposed amendment is consistent with Footnote 6 as it relates to the Outlying Suburban future land use category. The proposed amendment does not change the existing allowable densities or intensity of the areas proposed. The density and intensity of the five areas will remain the same. There will be no increase in the population accommodation capacity of the future land use map and the proposal will result in no impacts to public infrastructure and services. The amendment can be viewed as maintaining the status quo.

## **C. STAFF RECOMMENDATION**

Planning staff recommends that the Lee Plan Future Land Use Map, Map 1, be amended as depicted on Attachment 3. Planning staff also recommends that Goal 1 of the Future Land Use Element be amended as provided below and Table 1(a) Summary of Residential Densities be amended as provided in Attachment 1:

**POLICY 1.1.6:** The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area in North Fort Myers east of I-75, a portion of San Carlos Groves in San Carlos/Estero planning community, and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre).

~~1. For Lots 6 -11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area:~~

~~a. The property may be developed at a gross density of one dwelling unit per acre; however, a gross density of up to two dwelling units per acre is permitted through the planned development zoning process, in which the residential development is clustered in a manner that provides for the protection of flowways, high quality native vegetation, and endangered, threatened or species of special concern. Clustered development must also connect to a central water and sanitary sewer system.~~

- b. ~~A maximum of one hundred and twenty (120) residential dwelling units, along with accessory, and accessory active recreation uses are permitted through the use of clustering and the planned development zoning process. The dwelling units and accessory uses must be clustered on an area not to exceed thirty two ( $\pm 32$ ) acres, which must be located on the northwestern portion of the property. No development may occur in the flowway, with the exception of the improvement of the existing road access from the site to Pine Road. The remainder of the property will be designated as preserve/open space, which can be used for passive recreation, and environmental management and education. In addition, the developer will diligently pursue the sale or transfer of the preserve/open space area, along with development rights for thirty (30) of the maximum one hundred and twenty (120) residential dwelling units, to the State, County, or other conservation entity.~~

**POLICY 1.1.10:** The Sub-Outlying Suburban areas are residential areas that are predominantly low-density development. Generally the requisite infrastructure needed for higher density development is not planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas and are placed within communities where higher densities are incompatible with the surrounding area and where there is a desire to retain a low-density community character. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to two dwelling units per acre (2 du/acre). Bonus densities are not allowed.

1. For Lots 6 -11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area:
  - a. The property may be developed at a gross density of one dwelling unit per acre; however, a gross density of up to two dwelling units per acre is permitted through the planned development zoning process, in which the residential development is clustered in a manner that provides for the protection of flowways, high quality native vegetation, and endangered, threatened or species of special concern. Clustered development must also connect to a central water and sanitary sewer system.
  - b. A maximum of one hundred and twenty (120) residential dwelling units, along with accessory, and accessory active recreation uses are permitted through the use of clustering and the planned development zoning process. The dwelling units and accessory uses must be clustered on an area not to exceed thirty two ( $\pm 32$ ) acres, which must be located on the northwestern portion of the property. No development may occur in the flowway, with the exception of the improvement of the existing road access from the site to Pine Road. The remainder of the property will be designated as preserve/open space, which can be used for passive recreation, and environmental management and education. In addition, the developer will diligently pursue the sale or transfer of the preserve/open space area, along with development rights for thirty (30) of the maximum one hundred and twenty (120) residential dwelling units, to the State, County, or other conservation entity.



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

DATE OF LPA PUBLIC HEARING: September 25, 2006

**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**

**DEREK BURR**

**RONALD INGE**

**CARLETON RYFFEL**

**RAYMOND SCHUMANN**

**RAE ANN WESSEL**

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

DATE OF TRANSMITTAL HEARING: December 13, 2006

**A. BOARD REVIEW:**

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

**1. BOARD ACTION:**

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

**C. VOTE:**

**TAMMARA HALL**

**BOB JANES**

**RAY JUDAH**

**FRANK MANN**

_____
_____
_____
_____
_____
_____

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

DATE OF ORC REPORT: \_\_\_\_\_

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

**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:**

**TAMMARA HALL**

**BOB JANES**

**RAY JUDAH**

**FRANK MANN**

_____
_____
_____
_____
_____
_____

TABLE 1(a)  
SUMMARY OF RESIDENTIAL DENSITIES<sup>1</sup>

FUTURE LAND USE CATEGORY	STANDARD OR BASE DENSITY RANGE		BONUS DENSITY
	MINIMUM <sup>2</sup> (Dwelling Units per Gross Acre)	MAXIMUM (Dwelling Units per Gross Acre)	MAXIMUM TOTAL DENSITY <sup>3</sup> (Dwelling Units per Gross Acre)
Intensive Development	8	14	22
Central Urban	4	10	15
Urban Community <sup>4,5</sup>	1	6	10
Suburban	1	6	No Bonus
Outlying Suburban <sup>6</sup>	1	3	No Bonus
Sub-Outlying Suburban	1	2	No Bonus
Rural <sup>11</sup>	No Minimum	1	No Bonus
Outer Islands	No Minimum	1	No Bonus
Rural Community Preserve <sup>7</sup>	No Minimum	1	No Bonus
Open Lands <sup>8</sup>	No Minimum	1 du/5 acres	No Bonus
Density Reduction/Groundwater	No Minimum	1 du/10 acres	No Bonus
Wetlands <sup>9</sup>	No Minimum	1 du/20 acres	No Bonus
New Community	1	6	No Bonus
University Community <sup>10</sup>	1	2.5	No Bonus

#### CLARIFICATIONS AND EXCEPTIONS

<sup>1</sup> See the glossary in Chapter XII for the full definition of "density."

<sup>2</sup> Adherence to minimum densities is not mandatory but is recommended to promote compact development.

<sup>3</sup> These maximum densities may be permitted by transferring density from non-contiguous land through the provisions of the Housing Density Bonus Ordinance (No. 89-45, as amended or replaced) and the Transfer of Development Rights Ordinance (No. 86-18, as amended or replaced).

<sup>4</sup> Within the Future Urban Areas of Pine Island Center, rezonings that will allow in excess of 3 dwelling units per gross acre must "acquire" the density above 3 dwelling units per gross acre utilizing TDRs that were created from Greater Pine Island Costal Rural or Greater Pine Island Urban Categories. (Amended by Ordinance No. 05-21)

<sup>5</sup> In all cases on Gasparilla Island, the maximum density must not exceed 3 du/acre.

<sup>6</sup> In the Outlying Suburban category: north of the Caloosahatchee River and east of Interstate 75; north of Pondella Road and south of Pine Island Road (SR 78); Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area; in the Buckingham area (see Goal 17); and, all lands 187.5 feet south of the north section line of Section 33, Township 43 S, Range 26 E in the Caloosahatchee Shores Community Plan area, the maximum density is 2 du/acre. (Amended by Ordinance No. 03-20, 03-21)

<sup>7</sup> Within the Buckingham area, new residential lots must have a minimum of 43,560 square feet.

<sup>8</sup> The maximum density of 1 unit per 5 acres can only be approved through the planned development process (see Policy 1.4.4), except in the approximately 135 acres of land lying east of US41 and north of Alico Road in the northwest corner of Section 5, Township 46, Range 25. (Amended by Ordinance No. 99-15)

<sup>9</sup> Higher densities may be allowed under the following circumstances:

- (a) If the dwelling units are relocated off-site through the provisions of the Transfer of Development Rights Ordinance (No. 86-18, as amended or replaced); or
- (b) Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, Central Urban, or Urban Community at the same underlying density as is permitted for those uplands, so long as the uplands density does not exceed the maximum standard density plus one-half of the difference between the maximum total density and the maximum standard density; or
- (c) Dwelling units may be relocated from freshwater wetlands to developable contiguous uplands designated Suburban or Outlying Suburban at the same underlying density as is permitted for those uplands, so long as the uplands density does not exceed eight (8) dwelling units per acre for lands designated Suburban and four (4) dwelling units per acre for lands designated Outlying Suburban, unless the Outlying Suburban lands are located in those areas described in Note 6 above, in which case the maximum upland density will be three (3) units per acre. (Amended by Ordinance No. 00-22)

<sup>10</sup> Overall average density for the University Village sub-district must not exceed 2.5 du/acre. Clustered densities within the area may reach 15 du/acre to accommodate university housing.

<sup>11</sup> In the Rural category located in Section 24, Township 43 South, Range 23 East and south of Gator Slough, the maximum density is 1 du/2.25 acres. (Added by Ordinance No. 02-02)

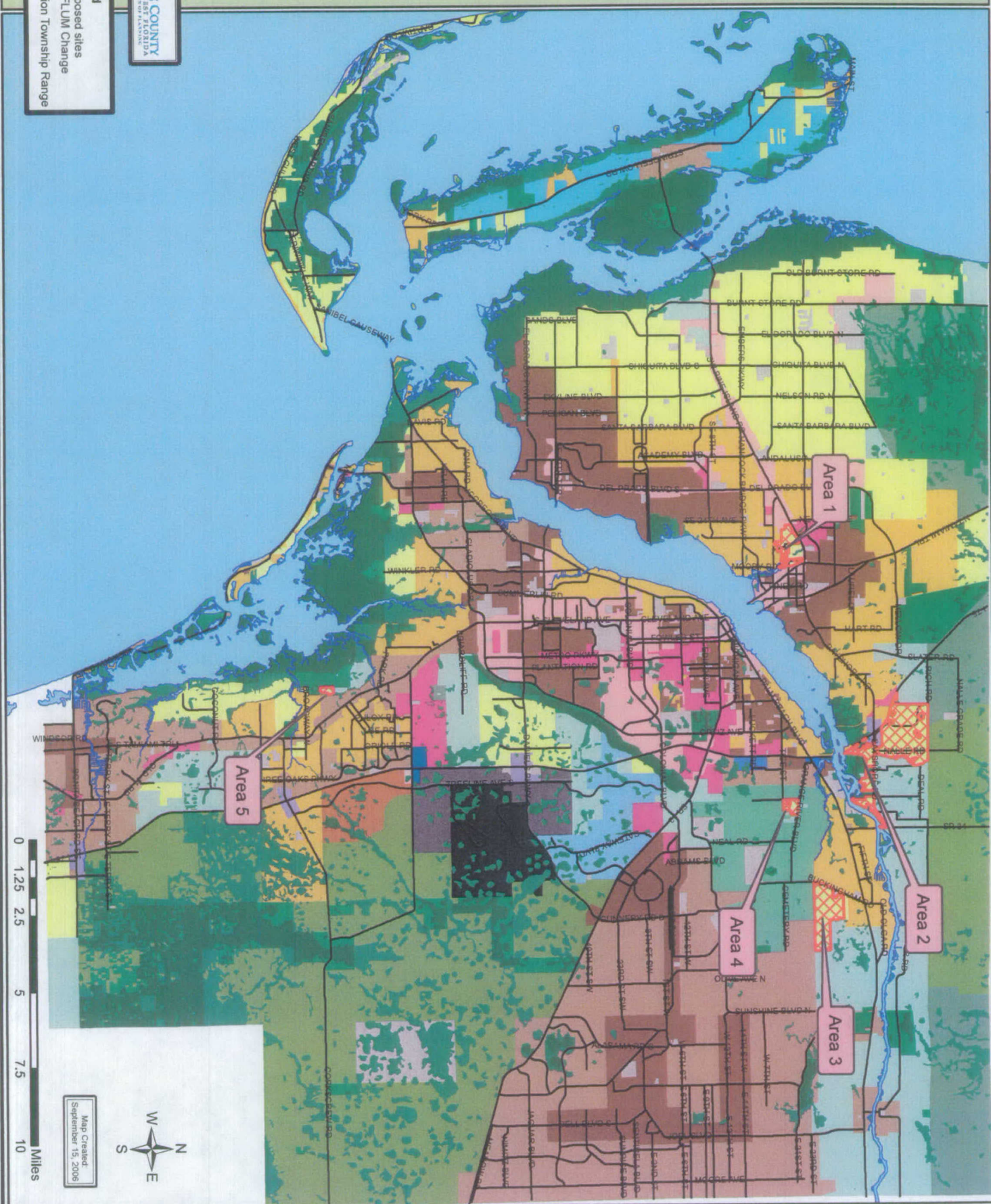


CPA2005-00040

# Areas of Proposed FLUM Changes



- Legend**
- Proposed sites for FLUM Change
  - Section Township Range



0 1.25 2.5 5 7.5 10 Miles



Map Created  
September 15, 2006



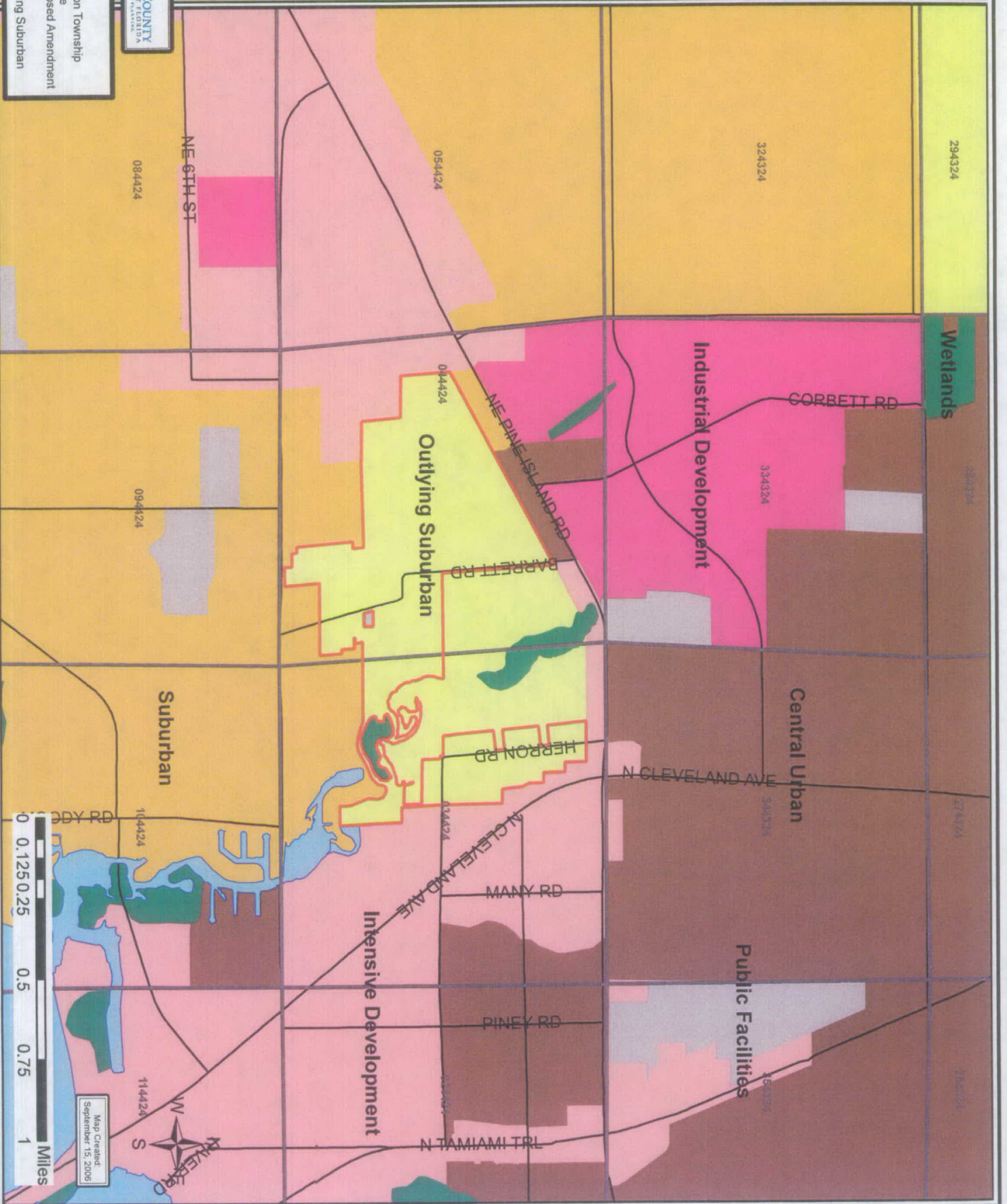
CPA2005-00040

Existing Future Land Use Designation - Area 1

**LEE COUNTY**  
SOUTHWEST FLORIDA  
SOUTHERN HAVEN

**Legend**

- Section Township
- Range
- Proposed Amendment
- Site
- Outlying Suburban





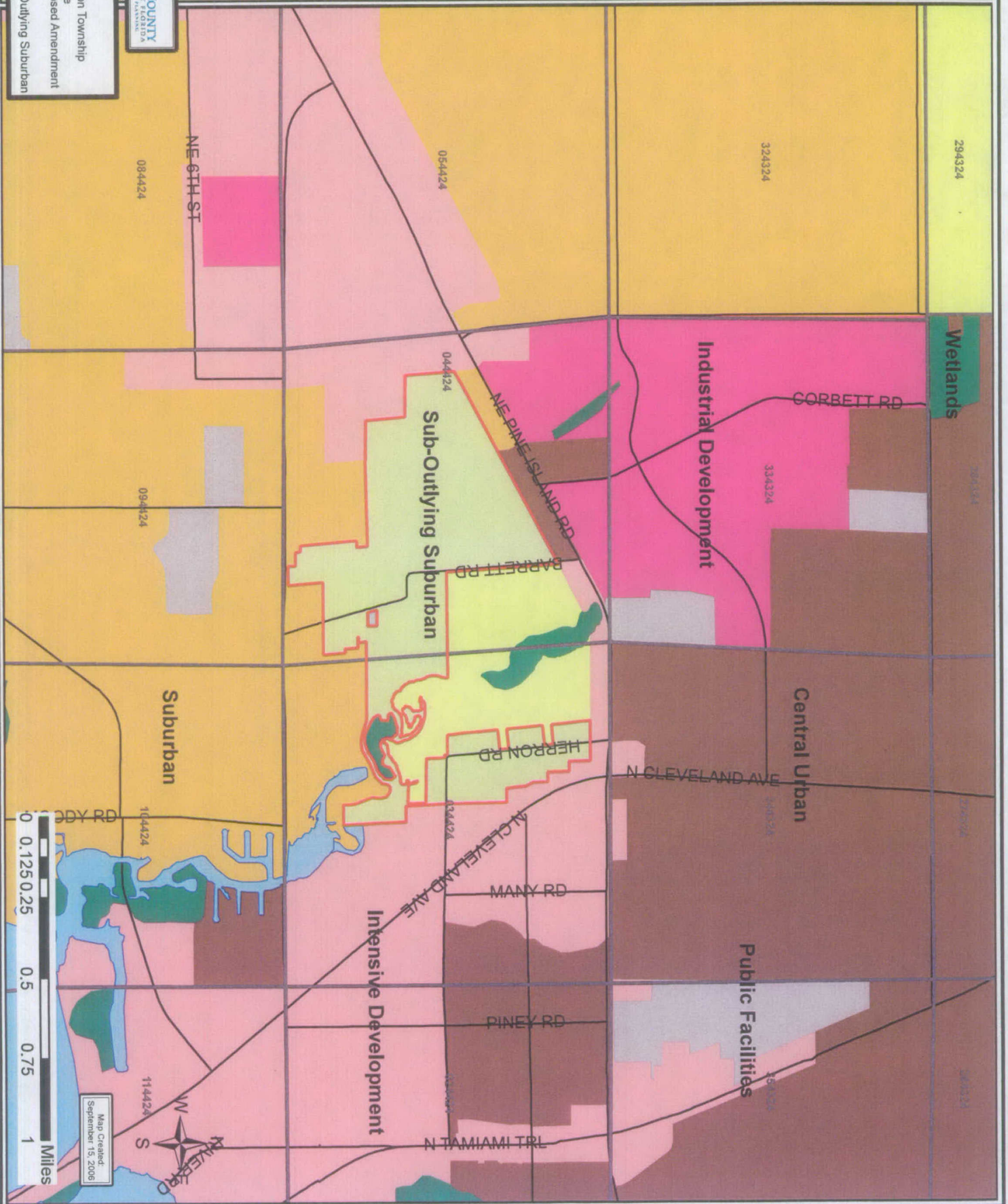
CPA2005-00040

Proposed Future Land Use Designation - Area 1



Legend

- Section Township
- Range
- Proposed Amendment
- Site
- Sub-Outlying Suburban



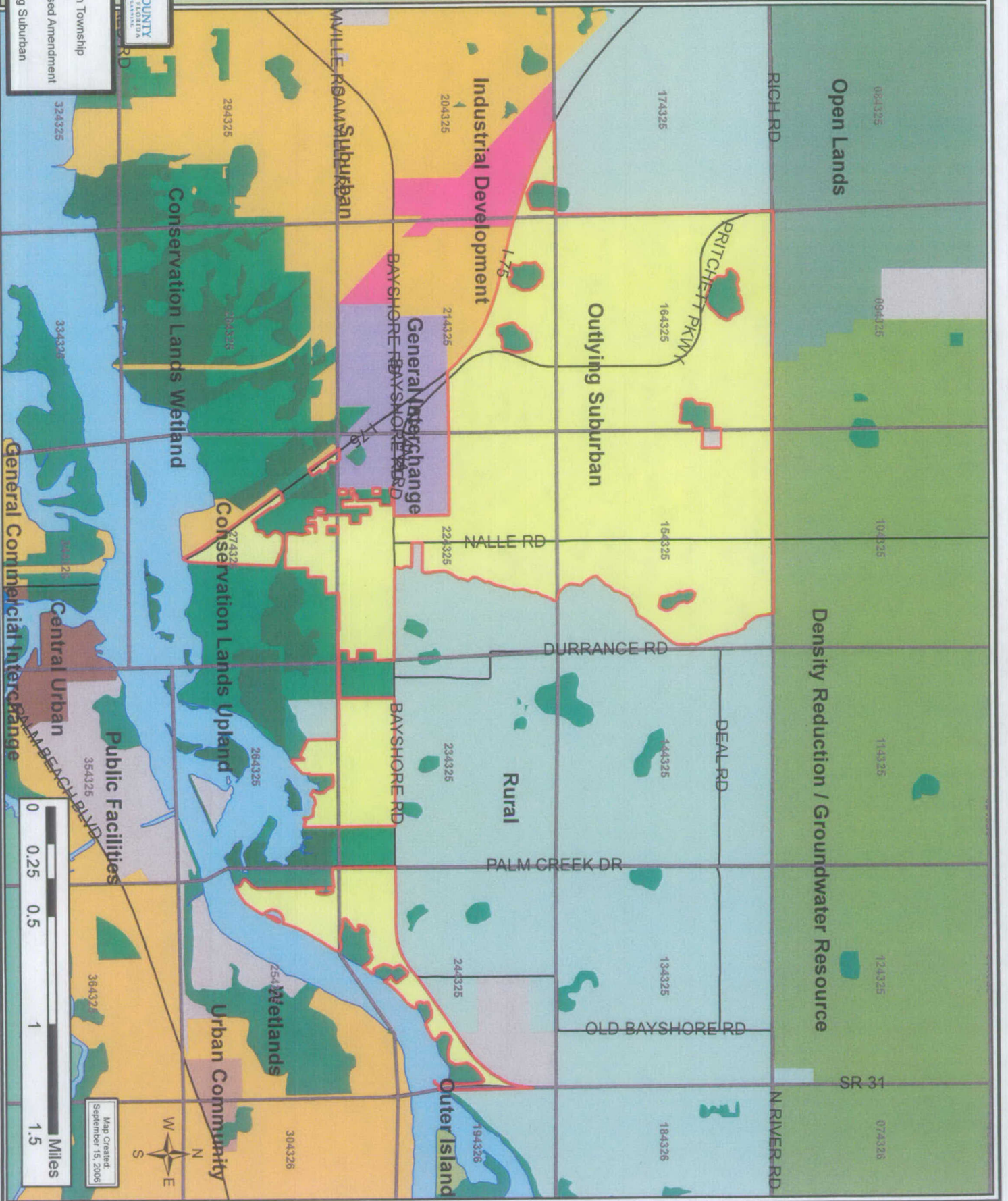


CPA2005-00040

Existing Future Land Use Designation - Area 2

**Legend**

- Section Township
- Range
- Proposed Amendment
- Site
- Outlying Suburban

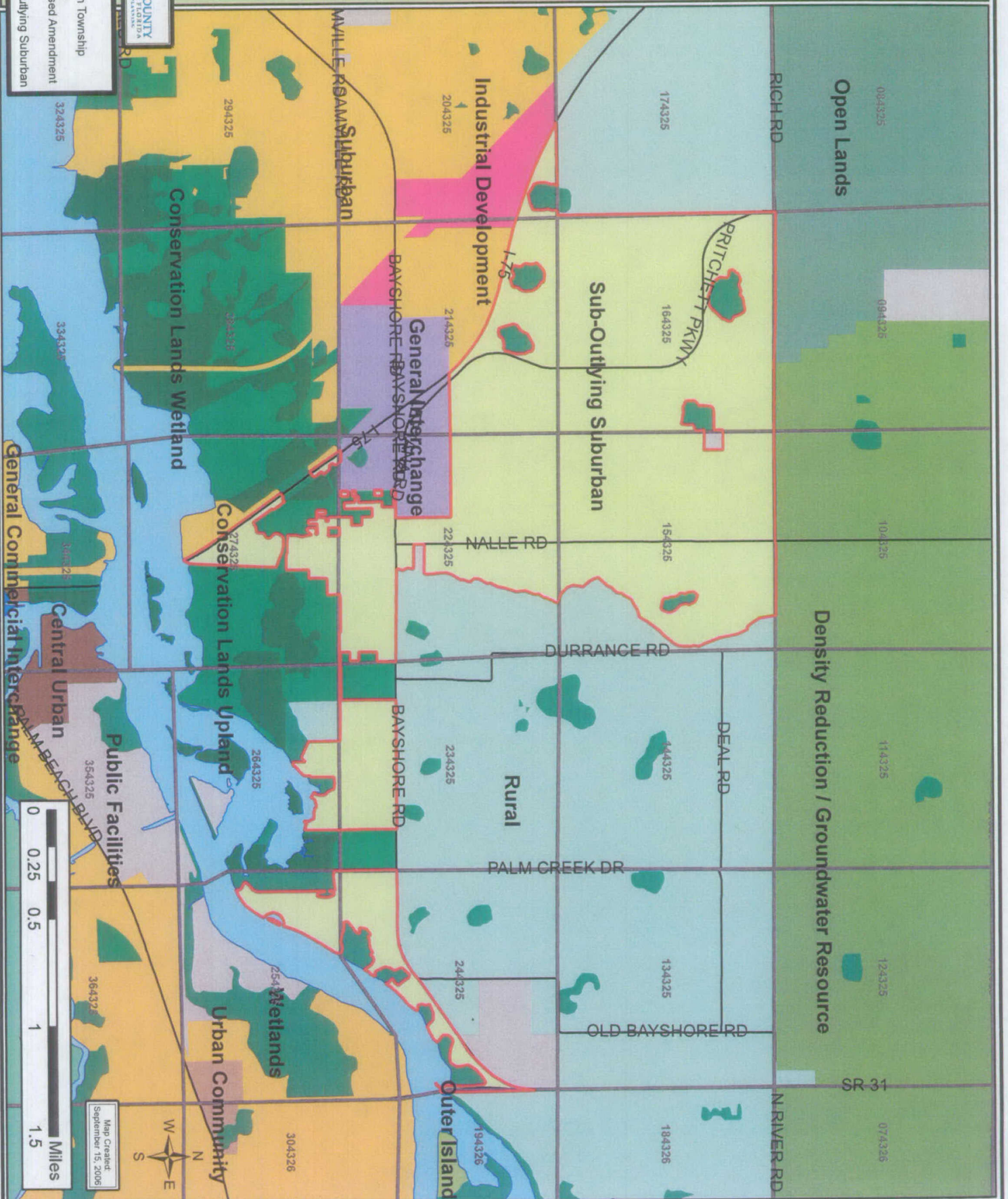




CPA2005-00040

Proposed Future Land Use Designation - Area 2

- Legend**
- Section Township
  - Range
  - Proposed Amendment
  - Site
  - Sub-Outlying Suburban





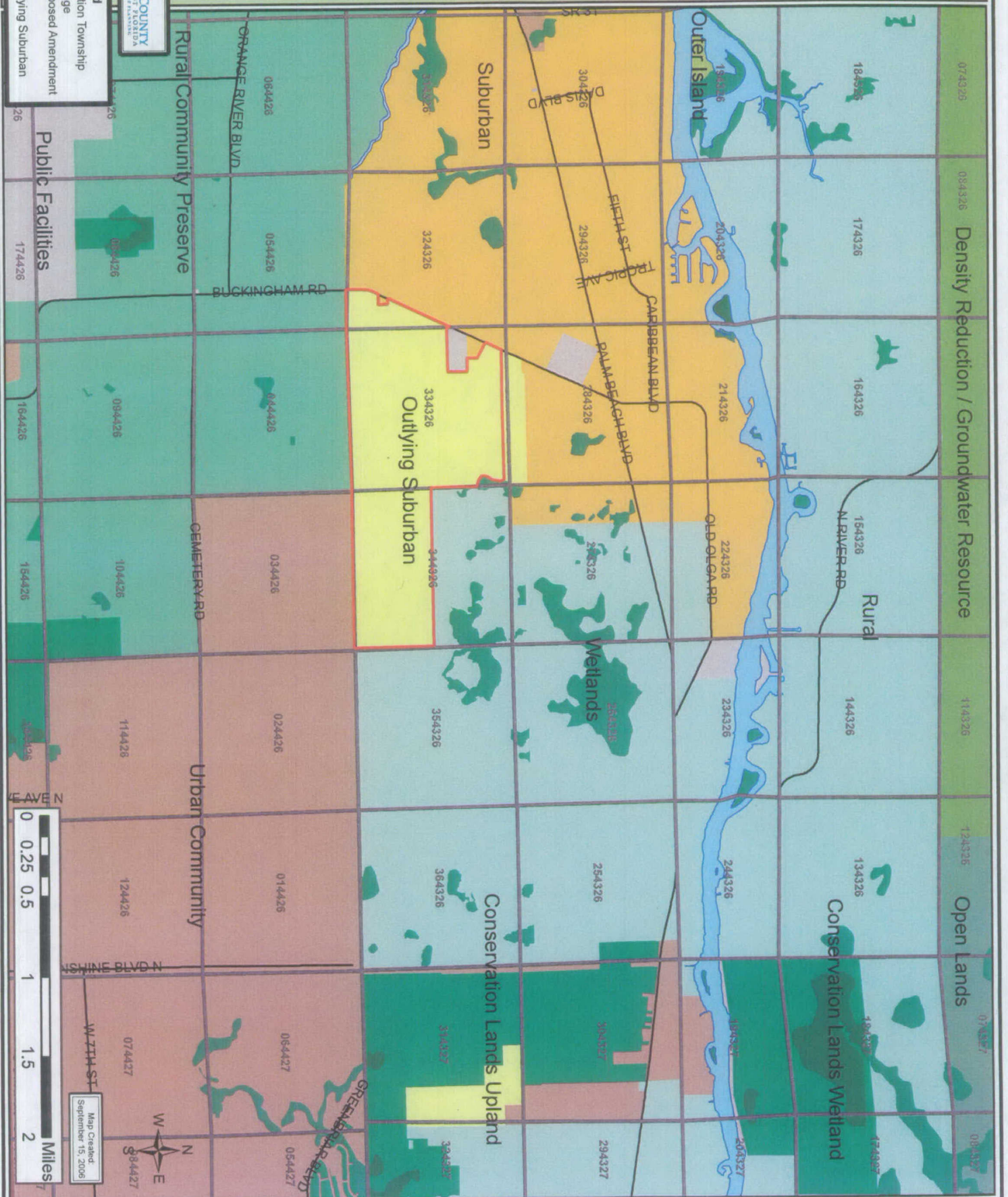
CPA2005-00040

Existing Future Land Use Designation - Area 3

**LEE COUNTY**  
FLORIDA

**Legend**

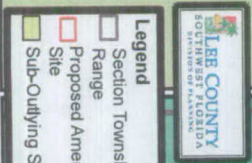
- Section Township
- Range
- Proposed Amendment
- Site
- Outlying Suburban



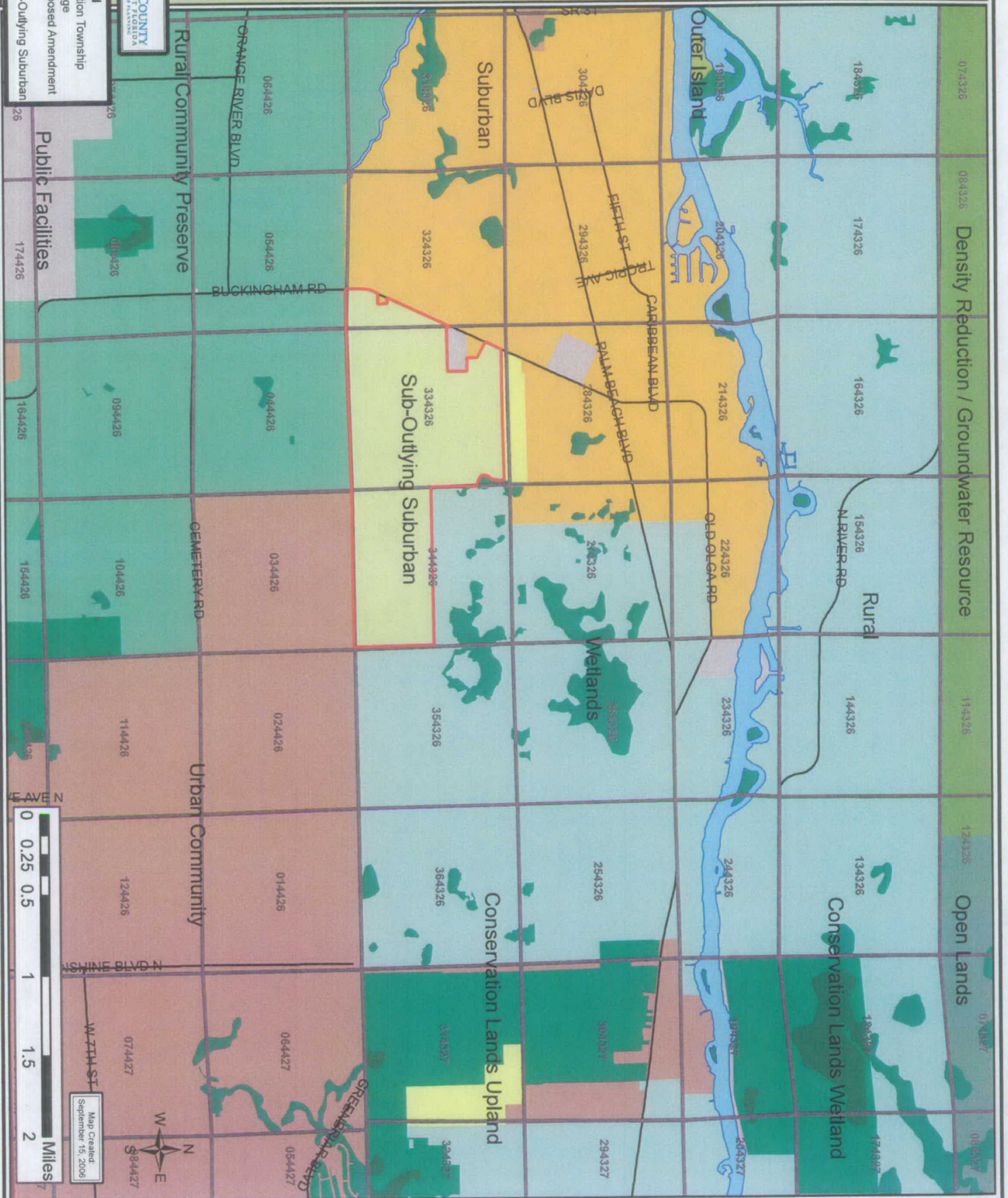


CPA2005-00040

Proposed Future Land Use Designation - Area 3



- Legend**
- Section Township
  - Range
  - Proposed Amendment
  - Site
  - Sub-Outlying Suburban



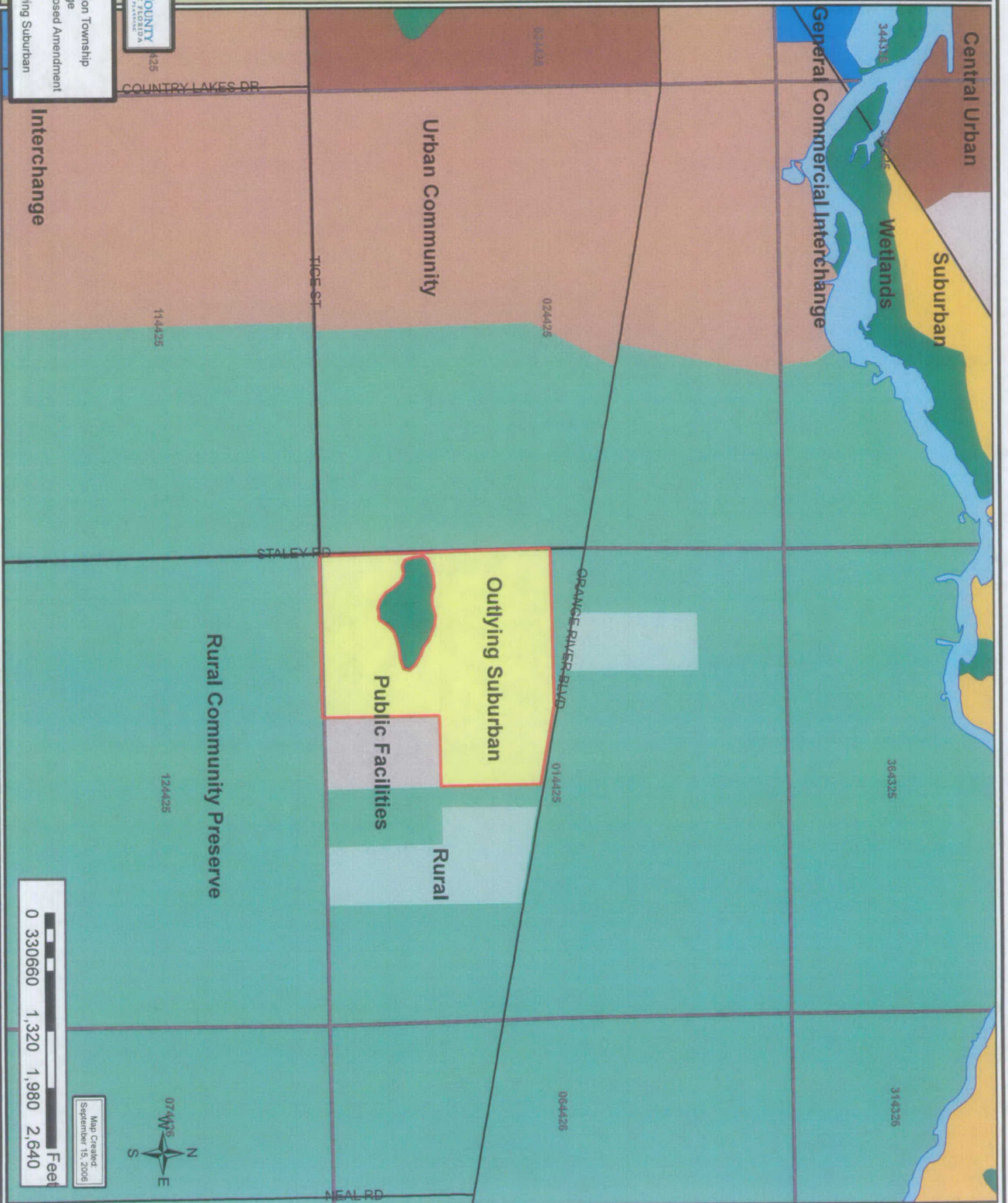


# CPA2005-00040

## Existing Future Land Use Designation - Area 4



- Legend**
- Section Township
  - Range
  - Proposed Amendment
  - Site
  - Outlying Suburban





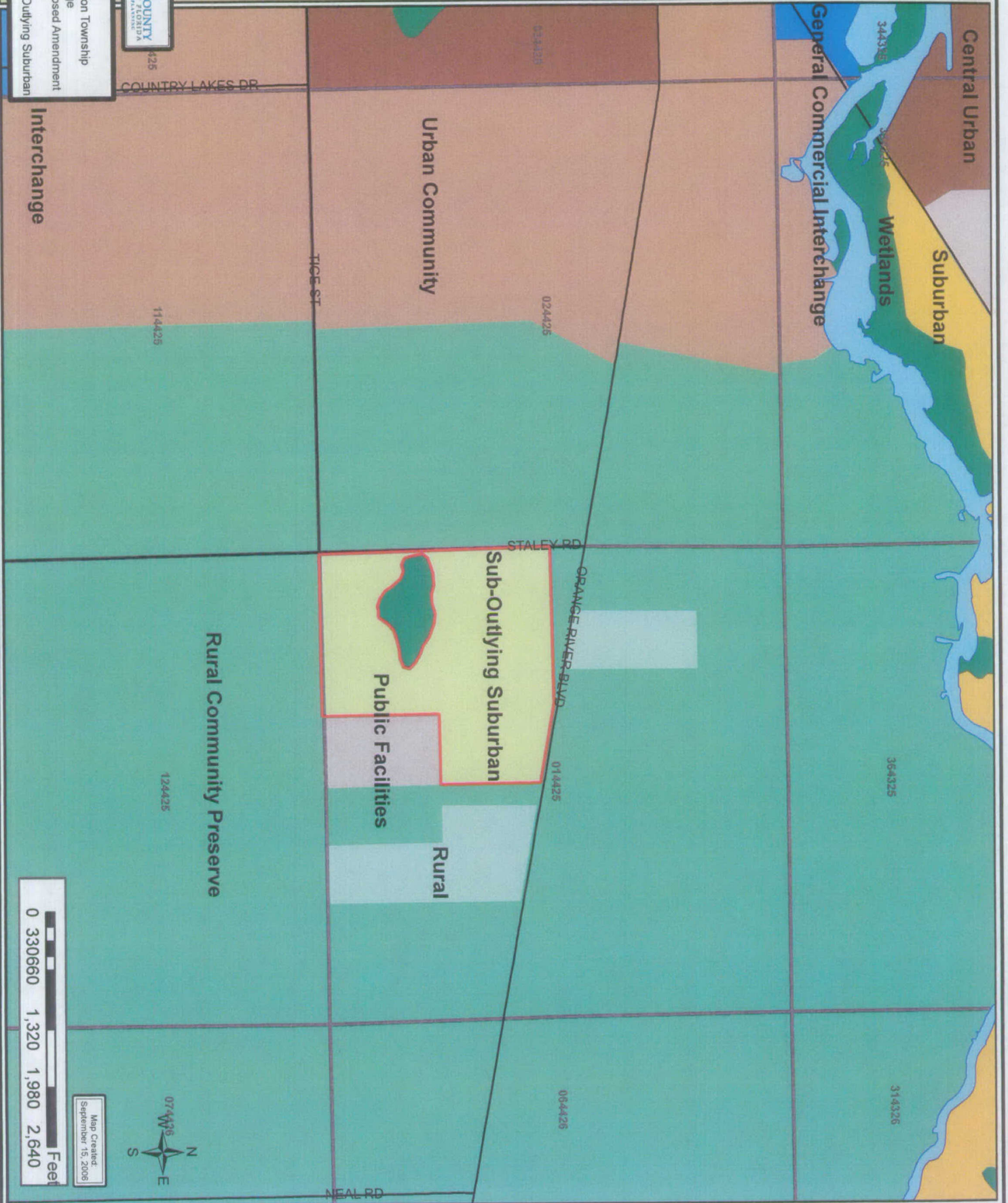
CPA2005-00040

Proposed Future Land Use Designation - Area 4

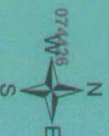


Legend

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- Range
- Proposed Amendment
- Site
- Sub-Outlying Suburban



Map Created:  
September 15, 2005



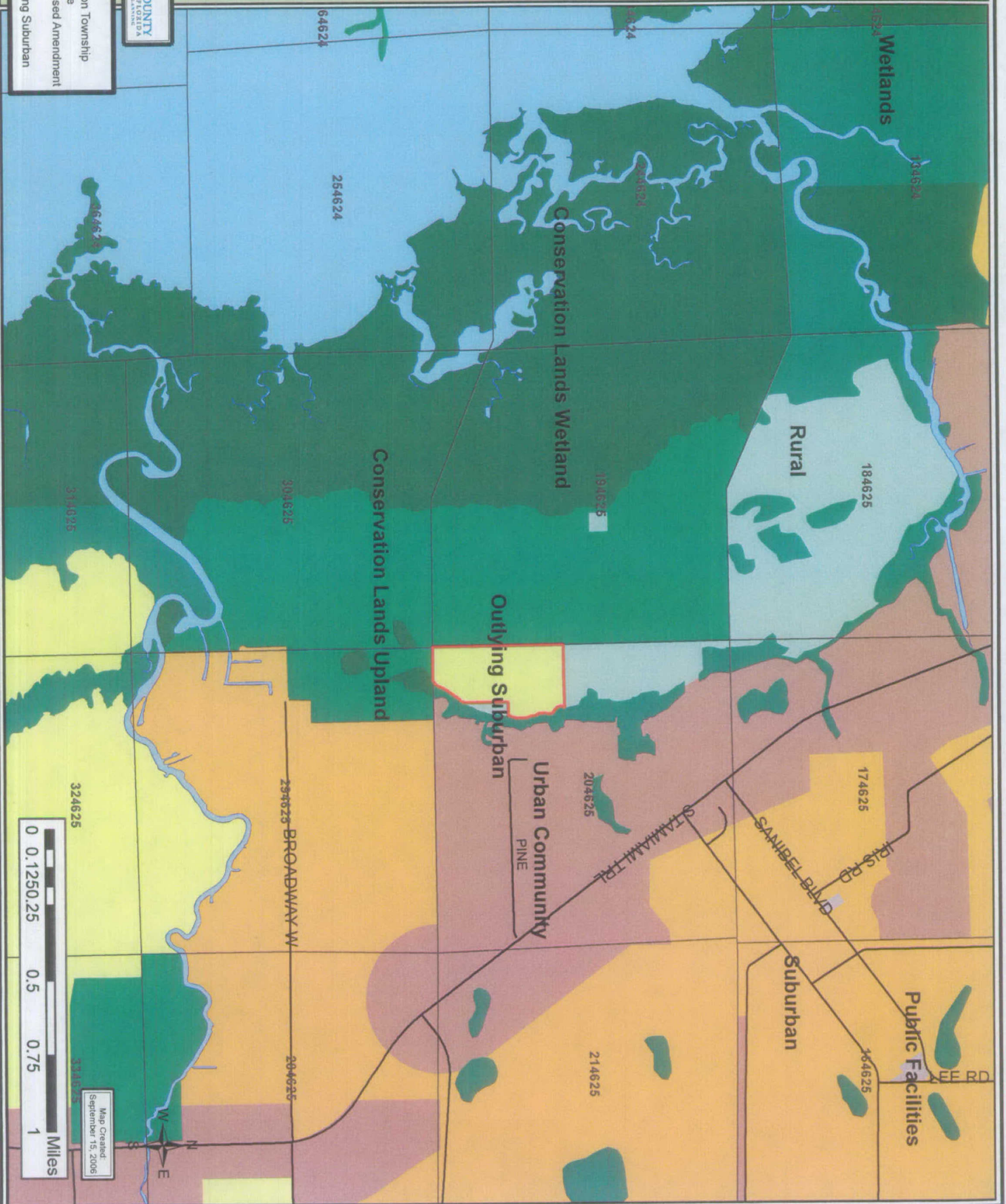


CPA2005-00040

Existing Future Land Use Designation - Area 5

**Legend**

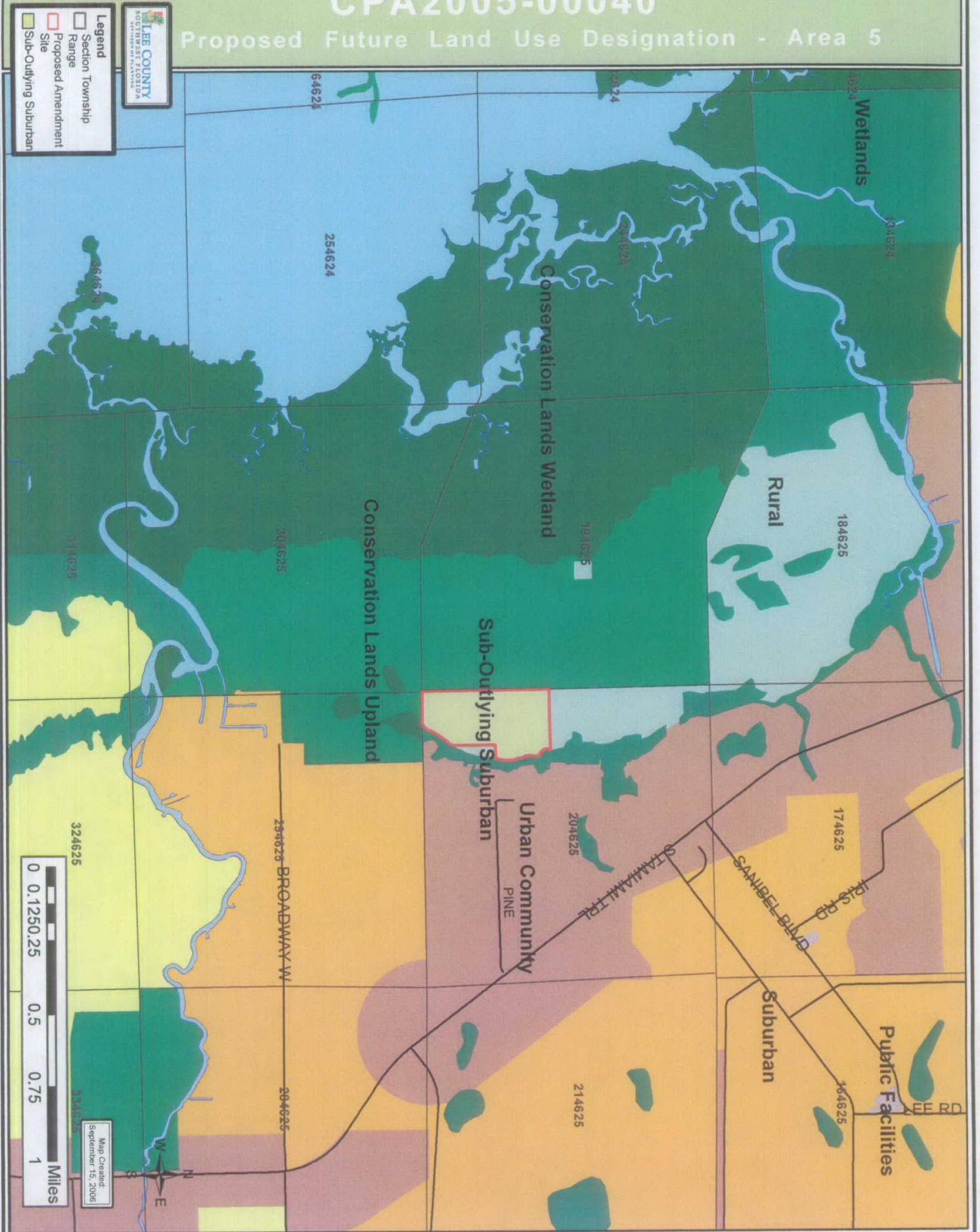
- Section Township
- Range
- Proposed Amendment
- Site
- Outlying Suburban





CPA2005-00040

Proposed Future Land Use Designation - Area 5





**CPA2005-43**

**SINGLE FAMILY PROVISION  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

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**LPA Public Hearing Document  
For the  
September 25th, 2006 Public Hearing**

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

**September 18, 2006**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2005-43**



**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: September 18, 2006

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT/REPRESENTATIVE:**

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

**2. REQUEST: Amend the Procedures and Administration Element by updating the Single-Family Residence Provision.**

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

**1. RECOMMENDATION:**

Planning staff recommend that the Board of County Commissioners amend Chapter XIII b. of the Lee Plan by including the following language:

**A. Subject Matter of Administrative Interpretations**

Administrative interpretations will be provided only as to the matters set forth below. In no event will administrative interpretations hereunder involve questions of the consistency of development or land use regulations with the Lee Plan. Administrative interpretations will be determined by the County Manager or his designee and are limited to:

~~1. County Attorney's Office:~~

- ~~1. a. Whether the single-family residence provision as hereinafter defined applies and the applicant desires a written opinion for future use, or in conjunction with a concurrent building permit application has not been approved under 2.a. below. If said single-family residence provision application is not approved, an application for appeal of the single-family residence denial may be submitted to the County Attorney's Office for final review.~~

~~2. County Administrator (or his designee):~~

- ~~a. Whether the single family residence provision as hereinafter defined applies and the applicant is also applying for a building permit. If said permit application is not approved, a separate application for the single family residence provision may be submitted to the County Attorney's Office for final review and, if applicable, written denial.~~
- ~~2. b. Whether an area has been (or should have been) designated Wetlands on the basis of a clear factual error. A field check will be made prior to the issuance of such an interpretation.~~
- ~~3. e. Clarification of land use map boundaries as to a specific parcel of property.~~

**B. Standards for Administrative Interpretations**

Administrative interpretations of the Lee Plan will be determined under the following standards:

1. Interpretations that would be confiscatory, arbitrary, capricious, unreasonable, or which would deny all economically viable use of property will be avoided;
2. Interpretations should be consistent with background data, other policies, and objectives of the plan as a whole;
3. Interpretations should, to the extent practical, be consistent with comparable prior interpretations;
4. Single Family Residence Provision:

a. Applicability

Notwithstanding any other provision of this plan, any entity owning property or entering or participating in a contract for purchase agreement of property, which property is not in compliance with the standard density requirements of the Lee Plan, will be allowed to construct one single family residence on said property PROVIDED THAT:

- 1) Date Created:
  - a) The lot or parcel must have been created and recorded in the official Plat Books of Lee County prior to the effective date of the Lee Plan (December 21, 1984), and the configuration of said lot has not been altered; OR
  - b) A legal description of the Lot or parcel was lawfully recorded in the Official Record books of the Clerk of Circuit Court prior to December 21, 1984; OR
  - c) The lot was lawfully created after December 21, 1984, and the lot area was created in compliance with the Lee Plan as it existed at that time.
- 2) Minimum Lot Requirements: In addition to meeting the requirements set forth above, the lot or parcel must:
  - a) Have a minimum of 4,000 square feet in area if it was created prior to June 27, 1962; OR
  - b) Have a width of not less than 50 feet and an area of not less than 5,000 square feet if part of a subdivision recorded in the official Plat Books of Lee County after June 27, 1962 and prior to December 21, 1984; OR
  - c) Have a minimum of 7,500 square feet in area if it was created on or after June 27, 1962 and prior to December 21, 1984, if not part of subdivision recorded in the official Plat Books of Lee County; OR
  - d) Have been in conformance with the zoning regulations in effect at the time the lot or parcel was recorded if it was created after December 21, 1984; OR
  - e) Have been approved as part of a Planned Unit development or Planned Development.
- 3) Access and Drainage: In addition to meeting the requirements set forth above:
  - a) the road that the lot or parcel fronts on must have been constructed according to the specifications of a grade "D" road as listed in Chapter 10, Section 296, Table 4 of the Lee County Land Development Code. ~~and the lot must be served by drainage swales or equivalent drainage measures. The road must have, at a minimum, a graded surface of shell, marl, gravel base rock, or other compacted fill material, suitable for year-round use;~~ OR
  - b) the lot or parcel must be located within a subdivision which was approved under Chapter 177, Florida Statutes, as long as the subdivision improvements have been made or security for their completion has been posted by the subdivider.

If the lot or parcel cannot meet the requirement of access and drainage, this requirement will not apply to the extent that it may result in an unconstitutional taking of land without due process.

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

- The current process for determining consistency with Lee Plan density involves two separate county offices.
- The LDC contains minimum road specifications.
- Grade "D" is the lowest quality road permitted by the Lee County Land Development Code (LDC).
- The current standard in the Lee Plan for road access and drainage is not sufficiently defined.

## **C. BACKGROUND INFORMATION**

There are currently two different county offices involved in approving applications for Minimum Use Determinations. The Department of Community Development performs the review if an application for a building permit is also being requested. The County Attorney's Office issues the determination, following an application for review and a recommendation from Community Development staff, if no building permit application has been requested.

An applicant for a building permit is required to apply for a Minimum Use Determination if the subject parcel does not conform to the standard density requirements of the Lee Plan. In these situations, planning staff performs the determination. If the recommended determination is positive, it is signed by the Director of Zoning. If the recommendation is for denial, the case is sent to the County Attorneys Office (CAO). This is because the CAO is the office that oversees any possible appeals of the denied determination.

The maximum permitted residential density for each future land use category is listed in Table 1 (a) of the Lee Plan. Those categories that permit residential development have a "Standard or Base Density Range." Some categories also have a "Bonus Density" which can be achieved through the Transfer of Development Rights or through the Affordable Housing Bonus Density Program. When determining whether a parcel of land conforms to the density regulations of Table 1 (a), planning staff have always used the standard density column, although this is not clearly specified by the current regulations.

Three of the Future Urban land use categories have provisions allowing Bonus Density. These categories are Intensive Development, Central Urban and Urban Community. Other non-urban future land use categories have special conditions attached to their maximum permitted density, such as the Coastal Rural and Open Lands categories.

The Single Family Provision does not provide sufficient specifications for road conditions. The access and drainage standard of the Single Family Provision provides the following:

- a) *The road that the lot or parcel fronts on must have been constructed and the lot must be served by drainage swales or equivalent drainage measures. The road must have, at a minimum, a graded surface of shell, marl, gravel base rock, or other compacted fill material, suitable for year-round use;*

The land Development Code Chapter 10, Section 296, Table 4 provides the engineering specifications for all permitted road types in Lee County (See Attachment 1). Currently, Grade "D" is the lowest permitted road criterion in the LDC.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

DCD should be the single authority for approving MUDs. Sending MUDs to the CAO for approval creates unnecessary delay for applicants and causes duplication. In addition, keeping all MUDs within DCD maintains a consistent review process.

The "Standard or Base Density Range" listed in Table 1(a) is the proper criterion for determining the need for a MUD, but current regulations do not explicitly specify this criterion. The intent of the Single Family Provision is to allow relief for parcels of land that do not conform to the standard density regulations in the future land use categories. Many parcels of land in Lee County conformed to the density regulations of the Lee Plan at the time they were first recorded but have since become non-conforming due to changes to the density regulations. Other parcels were created prior to the adoption of the Lee Plan or in some cases prior to the adoption of zoning regulations. Performing a MUD prevents constitutional takings by allowing an applicant a reasonable use of their land that was permitted at the time the parcel was first recorded.

Approving MUDs on parcels in the Open Lands category greater than 5 acres but less than 10 acres will reduce potential maximum density in those portions of Lee County in the Open Land category. This conforms to the intent of both the Open Lands category and the Single Family Provision.

Denying MUDs on parcels in the Coastal Rural category that are greater than 1 acre but less than 10 acres can result in greater residential density, possibly up to 10 times greater potential density than approving a single MUD. This is contrary to the intent of the Single Family Provision.

The minimum road access conditions currently required by the Single Family Provision are vague and insufficiently defined. By bringing the Single Family Provision in conformance with the Land Development Code Chapter 10 Section 296, the minimum required road specifications will have an objective set of criteria.

### **B. CONCLUSIONS**

Staff finds that adopting the proposed language will appropriately clarify the access and drainage requirements of the Single Family Provision. By specifying that the DCD is to handle all

approved MUDs, this amendment will speed the processing of MUD cases and maintain a consistent review process. Specifying "Standard Density" (versus "Bonus Density") as the criteria for determining whether a parcel meets density conforms to the intent of the Single Family Provision and clarifies a vague regulation.

**C. STAFF RECOMMENDATION**

Staff recommends that the Board of County Commissioners transmit the proposed amendment to the Single Family Provision of the Lee Plan.

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

PUBLIC HEARING DATE. September 25, 2006

**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**

**DEREK BURR**

**RONALD INGE**

**CARLETON RYFFEL**

**RAYMOND SCHUMANN, ESQ**

**RAE ANN WESSEL**

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

**DATE OF TRANSMITTAL HEARING:**

**A. BOARD REVIEW:**

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

**1. BOARD ACTION:**

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

**C. VOTE:**

**JOHN ALBION**

**TAMMY HALL**

**BOB JANES**

**RAY JUDAH**

**DOUG ST. CERNY**

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**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:**

**D. BOARD REVIEW:**

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

**1. BOARD ACTION:**

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

**F. VOTE:**

**JOHN ALBION**

**TAMMY HALL**

**BOB JANES**

**RAY JUDAH**

**DOUG ST. CERNY**

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circular turnaround for vehicles and constructed according to the following standards:

- a. Diameter of pavement to inside edge of curb or edge of pavement must be a minimum of 90 feet outside diameter, and a maximum of 45 feet inside diameter.
  - b. Diameter of right-of-way for curb and gutter section: 110 feet.
  - c. The diameter of right-of-way for ditch and swale drainage must be a minimum of 130 feet.
- (2) The island in the center of the circular turnaround may be paved solid, kept unpaved to preserve existing vegetation, or enhanced with additional vegetation, provided that vegetation does not cause a visual obstruction between 2½ feet and seven feet in height above grade, and provided further that proper maintenance agreements have been filed with the board.
  - (3) The transition from the cul-de-sac pavement to the regular approaching pavement width must be as shown in section 10-714.
  - (4) On all roads to be maintained by and dedicated to the county, the length of a cul-de-sac must be 500 feet or less. This length may be extended to a maximum length of 1,000 feet for single-family residential development only. The length of the dead-end street with cul-de-sac will be measured along the centerline of the pavement from the centerline of the nearest lane of the intersecting street to the center point of the cul-de-sac. This subsection does not apply to privately maintained roads.
  - (5) All streets ending in culs-de-sac that are over 250 feet long must have a standard "No Outlet" traffic sign installed at the street entrance and paid for by the developer.
- (1) *On-road and off-road bikeways.* All county-maintained arterial, collector and local streets must be designed and constructed in accordance

with the county administrative code policy relating to on-road and off-road bikeways and associated roadway width.

(m) *Privately maintained accessways.* The following privately maintained accessways are not required to meet the minimum roadway right-of-way widths specified in subsection (b) of this section:

- (1) Parking lot aisles (as defined in chapter 34);
- (2) Parking lot accesses (as defined in chapter 34);
- (3) Driveways (as defined in this chapter); and
- (4) Accessways which meet the following three requirements:
  - a. Provide vehicle access to 100 or fewer multi-family residential units;
  - b. Pavement width meets the dimensional requirements for parking lot aisles at areas of back-out parking; and
  - c. Provide for utility easements in accordance with section 10-355(a)(1) if utilities are to be located in or adjacent to the accessway

(n) *Streets and driveways in wetland areas.* Notwithstanding other provisions of this chapter, new roads or driveways permitted in wetland areas in accordance with Lee Plan policy 25.1.6. must be culverted or bridged to maintain the pre-development volume, direction, distribution and surface water hydroperiod.

(o) *Work in county right-of-way.*

- (1) Except for emergency repair work, no individual, firm or corporation may commence any work within county-maintained rights-of-way or easements without first having obtained a permit from the county department of transportation. For the purposes of this section only, "work" means:
  - a. excavation, grading or filling activity of any kind, except the placement of sod on existing grade; or

(e) *Conformance with state standards.* All construction materials, methods and equipment shall conform to the requirements of the FDOT Standard Specifications for Road and Bridge Construction, current edition, and such other editions, amendments or supplements as may be adopted by the FDOT.

(f) *Dedication of right-of-way and completion of improvements.* Prior to acceptance of the streets or the release of security, the developer shall dedicate such rights-of-way and complete such improvements, or provide funds for the completion or installation of such improvements in conformance with the standards and specifications of this chapter.

(g) *Horizontal curve for changes in direction.* Horizontal curves shall be used for all changes in direction greater than ten degrees.

(h) *Existing nonconforming access routes.* Existing nonconforming access routes to new proposed subdivisions shall be permitted upon approval of a variance or a planned development deviation.

(i) *State roads.* Streets which are designated as state roads shall be required to meet all additional state department of transportation requirements.

(j) *Intersection design.* Streets shall be designed to intersect as nearly as possible at right angles. Multiple intersections involving the junction of more than two streets shall be prohibited. A minimum sight distance of 200 feet from every intersection shall be maintained on all intersecting streets. This requirement shall not be construed to increase the minimum allowable intersection separation of 125 feet.

- (1) The angle of intersection of intersecting streets shall be in accordance with the requirements of table 5.

TABLE 5. ANGLE OF INTERSECTION

Street Type	Intersecting Street Type	Angle	
		Minimum	Maximum
Local or access	Local or access	75	105
	Collector	80	100

Street Type	Intersecting Street Type	Angle	
		Minimum	Maximum
	Arterial	85	95
Collector	Collector	85	95
	Arterial	85	95
Arterial	Arterial	85	95

- (2) The inside edge of the pavement at street intersections must be rounded with a minimum radius as shown in table 6.

TABLE 6. MINIMUM EDGE OF PAVEMENT RADIUS AT INTERSECTING STREETS

Street Type	Intersecting Street Type	Minimum Radius (feet)	
		Residential	Commercial/Industrial
Local	Local	25	30
	Collector	30	35
	Arterial	40	45
Collector	Collector	40	50
	Arterial	50	60
Arterial	Arterial	50	60

These values apply to a street type having two lanes without a median. Whenever the street type is divided by a median, the minimum pavement width is 14 feet on each side of the median and the edge of pavement radius will be determined by a special study using a WB-40 vehicle that negotiates the turn without encroaching on the median. Greater radii may be required where school buses will be routed or if an engineering study determines that traffic conditions warrant a larger radius.

- (3) The property line radius shall follow the curvature of the inside edge of pavement and be offset a minimum distance equivalent to the pavement/property line offset used on the roadway design section.
- (k) *Culs-de-sac.*
- (1) Dead-end streets, designed to be so permanently, must be closed at one end by a

## Category

## Minimum Specifications

- A (10) *Street lighting.* Street lighting may be installed at the developer's option and expense. Where street lighting is to be provided, the streetlight improvements must be maintained and operated through a covenant which runs with the land in the form of deed restrictions, a homeowners' or condominium association, or such other legal mechanisms as will assure the beneficiaries of the service that the street lighting will be continually operated and maintained. Regardless of the method chosen to provide for the continual maintenance and operation of the streetlights, the beneficiaries of the service must be provided with a legal right to enforce the assurance that the lighting will be continually operated and maintained. The legal documents which provide for the continual maintenance and operation of the lighting may only be accepted after they are reviewed and approved by the county attorney's office for compliance with this section. In the alternative, the board may satisfy this requirement by establishing a street lighting municipal service taxing or benefit unit which includes operation and maintenance of the streetlights.
- (11) *Street and intersection improvements; traffic control devices.*
- A B C D (a) All streets and intersections within a development must operate at service level C or higher. The developer must design and construct such traffic control devices and acceleration, deceleration, turning or additional lanes, referred to in this subsection as traffic improvements, as may be needed to bring the level of service up to service level C.
- A B C D (b) Traffic control devices and acceleration, deceleration, turning and additional lanes must be indicated on the development plan. These traffic control devices must be designed and shown on the development plans as per MUTCD standards. Additional lane and turn lanes must be as indicated by the Manual of Uniform Traffic Standards for Design, Construction, and Maintenance of Streets and Highways adopted by F.S. § 336.045, and sound engineering practice, for state facilities. For streets in the county, turn lanes must be as indicated in the county administrative code, the turn lane policy and sound engineering practice.
- (c) Traffic control devices installed in accord with Table 9-4-11b may be mounted on a nonstandard type of support system as described in the Traffic Control Devices Handbook (FHWA publication), provided that mounting height, location standards and all other standards as described in sections 2A-24 through 2A-27 of the MUTCD may not be compromised, and all such supports must be of break away design. The sign support system may not provide borders around the sign that have the effect of changing the required shape, message, or border area of the sign. An enforceable agreement providing for maintenance and upkeep of such signs by the installer must be provided to the county department of transportation. This agreement must include the name, address and phone number of a contact person who will represent the installing party.
- A B C D (12) *Underdrains.* Underdrains may be required on both sides of streets if, in the opinion of the director of development review, soils data indicate that such drains would be necessary. In cases where there is a prevalence of soils that exhibit adverse water table characteristics, underdrains or fill or some other acceptable alternative that will provide necessary measures to maintain the structural integrity of the road will be required. The determination of need will be made by reference to the applicable portions of the most recent edition of the Soil Survey for Lee County, Florida, as prepared by the U.S. Department of Agriculture, Soil Conservation Service, or according to information generated by the developer's engineer. See section 10-712 for suggested underdrain details.
- (a) Wherever road construction or lot development is planned in areas having soil types with unacceptable water table characteristics, underdrains or fill must be provided and shown on the engineering plans. Underdrains must be designed with outlets at carefully selected discharge points. Erosion control measures must be provided as needed at all discharge points.
- (b) Wherever road cuts in otherwise suitable soils indicate that the finish grade will result in a road surface to water table relationship that adversely exceeds the degree of limitation stated above, underdrains or other acceptable alternative that will provide necessary measures to maintain the structural integrity of the road will be required.
- A B C D (13) *Road shoulders.* Stabilized roadway shoulders or paved roadway shoulders must be provided as shown on the typical roadway cross section diagrams in article V of this chapter.

<i>Category</i>	<i>Minimum Specifications</i>
-----------------	-------------------------------

- |     |   |
|-----|---|
| A   | 1. Eight-inch compacted limerock.                           |
| B C | 2. Six-inch compacted limerock.                             |
| D   | 3. Six-inch compacted limerock, shell rock, or soil cement. |

Any deviation from these standards must meet the specifications established by FDOT standards.

(7) *Wearing surface.*

- (a) *Arterial streets.* Two-and-one-half-inch asphaltic concrete of FDOT type S-1. A skid-resistant surface typically one inch of S-III in conformance with the provisions of section 331, FDOT specifications, is required for the surface course. Note: The wearing surface for turn lanes that are added to existing roadways must match the materials and surface of the existing roadway.

(b) *Collector streets.*

- |       |   |
|-------|---|
| A     | 1. One-and-one-half-inch asphaltic concrete of FDOT type S-1 plus one inch of S-III. Note: The wearing surface for turn lanes that are added to existing roadways must match the materials and surface of the existing roadway. |
| B C D | 2. One-and-one-half-inch asphaltic concrete of FDOT type S-III. Note: The wearing surface for turn lanes that are added to existing roadways must match the materials and surface of the existing roadway.                      |

(c) *Local and access streets.*

- |     |  |
|-----|--|
| A   | 1. One-and-one-half-inch asphaltic concrete of FDOT type S-III.*   |
| B C | 2. For roads to be publicly maintained, one-and-one-half-inch asphaltic concrete of FDOT type S-III*. The applicant may install two three-quarter-inch-thick courses of asphalt concrete with the second course to be placed after substantial build-out of the development. An assurance of completion is required for the second course of asphalt. This provision is subject to the approval of the director of development services in consultation with the director of the department of transportation. |

For roads to be privately maintained, one-inch asphaltic concrete of FDOT type S-III is acceptable.\*\*

- |   |                  |
|---|------------------|
| D | 3. Not required. |
|---|------------------|

\*However, the applicant may submit a request for an Administrative Deviation in accordance with section 10-104(a)(5) for an alternative design, including but not limited to Portland cement concrete, for public or private streets. The design will be subject to structural analysis for comparison with asphaltic concrete.

\*\*The use of paver block is permitted subject to approval of the director at time of development order approval without the need to file for an administrative deviation pursuant to section 10-104.

- |         |   |
|---------|---|
| A B C D | (8) <i>Grassing and mulching.</i> Prior to the acceptance of the streets or the release of the security, the developer will be responsible for ensuring that all swales, parkways, medians, percolation areas and planting strips are sodded, seeded or planted and mulched in accordance with section 570 of the FDOT standard specifications. |
| A B C D | (9) <i>Street name and regulatory signs.</i> Street name and regulatory signs will be installed by the developer at all intersections and on the streets in the development prior to the acceptance of the streets or the release of the security.  |

Regulatory signs will not be required at parking lot entrances for parking lots containing less than 25 parking spaces.

## Category

## Minimum Specifications

A B C D

(c) *Local streets.*

1. *Publicly maintained streets.* Required pavement widths must provide for on-road or off-road bikeways and will depend on the type of street drainage planned. Pavement widths will be as indicated in the county administrative code policy relating to bikeways and associated roadway widths. See section 10-709.

2. *Privately maintained streets.*

A B C D

- a. 14-foot pavement for one-way traffic with swale drainage or valley gutter drainage, or 16-foot pavements for one-way traffic with curb and gutter drainage.

A

- b. 24-foot pavements for two-way traffic with swale drainage, valley gutter drainage or curb and gutter drainage (27 feet minimum from face of curb to face of curb on nonmountable curbs).

B C D

- c. 20-foot pavements for two-way traffic with swale drainage or valley gutter drainage, or 24-foot pavement with curb and gutter drainage (27 feet minimum from face of curb to face of curb on nonmountable curbs). See section 10-710.

- d. *Access streets.*

A B

- i. 22-foot pavements. See section 10-711.

C D

- ii. 20-foot pavement. See section 10-711.

Note: Typical street cross sections are shown in sections 10-707 through 10-711.

A B C D

- (3) *Curb and gutter type B, F, and drop or shoulder (valley).* See FDOT Roadway and Traffic Design Standards, current edition.

A B C D

- (4) *Roadside swales.* Roadside swales may be used in excessively drained and somewhat excessively drained to moderately well-drained soils, except where closed drainage is required by the director of development services. \*(Refer to section 10-720.)

Roadside swales within street rights-of-way must have side slopes no steeper than three horizontal to one vertical. Normal swale sections must be a minimum of 12 inches deep.

Where run-off is accumulated or carried in roadway swales and flow velocities in excess of two feet per second are anticipated, closed drainage or other erosion control measures must be provided.

The director of development services may grant deviations from these requirements under the provisions of section 10-104. However, no violations of SFWMD requirements or any other regulatory requirements may occur through the granting of any such deviations.

- (5) *Subgrade.*

A B C D

- (a) *Arterial and collector streets.* Twelve-inch-thick (minimum), stabilized subgrade LBR 40. If the LBR value of the natural soil is less than 40, the subgrade must be stabilized in accordance with section 160 of the FDOT standard specifications.

- (b) *Local and access streets.*

A

1. 12-inch-thick (minimum), stabilized subgrade LBR 40. If the LBR value of the natural soil is less than 40, the subgrade must be stabilized in accordance with section 160 of the FDOT standard specifications.

B C D

2. Six-inch-thick (minimum), stabilized subgrade LBR 40. If the LBR value of the natural soil is less than 40, the subgrade must be stabilized in accordance with section 160 of the FDOT standard specifications.

- (6) *Pavement base.*

A B C D

- (a) *Arterial and collector streets.* Eight-inch minimum compacted limerock.

- (b) *Local and access streets.*



TABLE 3. SPECIFICATIONS FOR PRIVATELY MAINTAINED STREETS

	Local Street	Access Street
Minimum right-of-way/easement widths:		
One-way:		
Closed drainage, rear lot drainage or inverted crown	30'	30'
Open drainage	40'	35' <sup>a</sup>
Two-way:		
Closed drainage or inverted crown	40'	40'
Open drainage	45'	40' <sup>a</sup>
Minimum distance between reverse curves	N/A	N/A
Minimum centerline radius for horizontal curves	50' <sup>b</sup>	50' <sup>b</sup>
Minimum grade of streets with:		
Closed drainage	0.2%	0.2%
Inverted crown	0.4%	0.4%
Open drainage	0.0%	0.0%

<sup>a</sup>This standard applies to frontage streets. The local street standard applies to all other access streets, including reverse frontage roads.

<sup>b</sup>If the centerline radius is less than 100 feet, the inside lane width must be increased by two feet at the center of the curve.

(c) *Street and bridge design and construction standards.* All street and bridge improvements shall comply with the standards and specifications

listed in table 4, pertaining to minimum specifications for street improvements, and section 10-706, pertaining to minimum specifications for bridge improvements, for the applicable development category.

(d) *Street and bridge development categories.* For purposes of interpreting the specifications contained in table 4 and section 10-706, development categories are defined as follows:

- (1) Category A shall include commercial and industrial developments and all developments not described in categories B, C and D.
- (2) Category B shall include residential developments of five or more dwelling units per acre, except for such developments on islands where direct vehicular access to the mainland by a bridge, causeway or street system is not attainable.
- (3) Category C shall include residential developments of more than 0.40 but less than five dwelling units per acre, except for such developments on islands where direct vehicular access to the mainland by a bridge, causeway or street system is not attainable.
- (4) Category D shall include residential development of 0.4 or less dwelling units per acre, and all residential developments, regardless of size, located on islands where direct vehicular access to the mainland by bridge, causeway or street system is not attainable.

TABLE 4. MINIMUM SPECIFICATIONS FOR STREET IMPROVEMENTS

Category	Minimum Specifications
A B C D (1)	Grading and centerline gradients. Per plans and profiles approved by the director of development services.
A B C D (2)	Pavement widths.
A (a)	Arterial streets. Required pavement widths must provide for on-road or off-road bikeways and will depend on the type of street drainage planned. Pavement widths will be as indicated in the county administrative code policy relating to bikeways and associated roadway width. Typical median width and representative cross sections are shown as in section 10-707.
A B C D (b)	Collector streets. Required pavement widths must provide for on-road or off-road bikeways and will depend on the type of street drainage planned. Pavement widths will be as indicated in the county administrative code policy relating to bikeways and associated roadway widths. See sections 10-707 and 10-708.

**CPA2005-00045  
POLICY 113.3.1  
BEACH AND DUNE MANAGEMENT PLANS  
BoCC SPONSORED  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

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**LPA Public Hearing Document  
for the  
September 25<sup>th</sup>, 2006 Public Hearing**

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

**September 18, 2006**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2005-00045**

☒

**Text Amendment**

☐

**Map Amendment**

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

STAFF REPORT PREPARATION DATE: September 18, 2006

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT/REPRESENTATIVE:**

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

**2. REQUEST:** Amend Policy 113.3.1 to update the beach and dune management program policy.

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

**1. RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners transmit the proposed amendment to Policy 113.3.1.

The existing policy language is shown below, with modifications proposed by staff shown in strike through, underline format.

**POLICY 113.3.1:** 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:~~ designated by the Florida Department of Environmental Protection as critically eroded in the report entitled *Critically Eroded Beaches in Florida* (as updated April, 2006).
  - 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.~~
2. Coordinating with local municipalities and the Captiva Erosion Prevention District in preparing beach and dune management plans ~~for Captiva Island.~~
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 aquatic resources.
4. Preparing renourishment plans for eroding areas where public facilities and access exist, including ~~central-south Gasparilla Island, south end of Captiva Island, and northwest and central-south Estero Island~~ areas designated by the Florida Department of Environmental Protection as critically eroded in the report entitled critically Eroded Beaches in Florida (as updated April, 2006).
5. Recommending regulations and policies to restrict hardened coastal engineering structures such as groin fields and seawalls, protect eroding coastal areas and sand dunes, and discourage development of undeveloped coastal barriers.
6. Maintaining a central clearinghouse for information on beach and dune studies and recommendations by both public and private organizations.
7. Educating citizens and developers about the costs and benefits of ~~alternative~~ beach and dune conservation approaches.
8. Preparing a sand ~~preservation~~ conservation plan that emphasizes the importance of maintaining beach quality sand within the littoral system ~~and discourages ocean dumping of usable sand from channel dredging.~~
9. ~~Lee County will continue~~ Continuing to participate in the Federal Shore Project as the local sponsor; ~~and it will also~~ coordinate beach renourishment activities, as appropriate, for the

Estero Island segment with the Town of Fort Myers Beach. (Amended by Ordinance No. 94-30, 98-09, 00-22)

10. Pursuing all available sources of funding, to specifically include state and federal funding, for implementation of beach and dune projects.

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

- The Department of Environmental Protection (DEP) maintains a list of critically eroded beaches in Florida. This policy update is necessary to accurately reflect the DEP list of critically eroded beaches in Lee County.
- Other changes are editorial in nature or bring the language more in line with federal and state permitting and policy guidelines.

**PART II - STAFF ANALYSIS**

**A. STAFF DISCUSSION**

Policy 113.3.1 was reviewed and discussed by staff and the Coastal Advisory Council (CAC). The CAC is a standing group of citizens with expertise on beach issues with a mission to advise the BOCC on items related to coastal beach and dune issues. In general it was agreed that specific references in the existing language were out of date and needed to be updated or broadened.

The dynamic nature of the shoreline dictates that areas of erosion will change. The state of Florida has an active and ongoing program to map critical erosion areas and changes to them over time. The DEP report is the best scientific data available and corresponds to the priority areas for beach and dune management needs.

Additionally, there have been changes in the governance of several project locations. It was necessary to expand the existing language to address the need for coordination with the municipal governments having jurisdiction over critical erosion areas. This increased need for coordination is also reflected in the complex funding scenarios for many of the ongoing projects. The CAC felt an additional point specifically about funding was warranted.

Other minor changes were editorial in nature or changes that will bring the language more in line with federal and state permitting and policy guidelines.

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

DATE OF PUBLIC HEARING: September 25, 2006

**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**

**DEREK BURR**

**RONALD INGE**

**CARLETON RYFFEL**

**RAYMOND SCHUMANN, ESQ.**

**RAE ANN WESSEL**

**VACANT**

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**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**

**TAMMARA HALL**

**BOB JANES**

**RAY JUDAH**

**DOUG ST. CERNY**

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**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**

**TAMMARA HALL**

**BOB JANES**

**RAY JUDAH**

**DOUG ST. CERNY**

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# DIVISION OF PLANNING

## MEMORANDUM



# LEE COUNTY

SOUTHWEST FLORIDA

**to:** Local Planning Agency  
**from:** *McMurtre*  
Paul O Connor *for*  
**subject:** Supplement to September LPA Packet  
**date:** September 19, 2006

Attached please find the Staff Report for CPA 2005-46. CPA 2005-46 is the Smart Growth Committee's recommended additional objectives and policies. It should be noted that several additional Smart growth proposed amendments are being included in other comp plan amendments, such as the Mixed Use Overlay and Community Planning amendments. This staff report has the Smart Growth Committee's recommendations up front, followed by their basis and recommended finding of fact, followed by the background and their analysis. Part II, Section B of the report includes Planning Staff's review and analysis of the proposed objectives and policies. There are areas of agreement and areas of disagreement. I ask that you consider both positions and come prepared to have an in depth discussion of these issues.

The report for CPA 2005-42, the update to the Economic Element, and CPA2005-02 will not be complete in time for the September meeting and will need to be continued to the October meeting.

**CPA 2005-46**

**SMART GROWTH  
INITIATED  
AMENDMENT TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

**Publicly Initiated Application  
and Staff Analysis**

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**LPA Public Hearing Document  
For The  
September 25, 2006 Public Hearing**

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

**September 19, 2006**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA 2005-10**

☒

**Text Amendment**

☐

**Map Amendment**

	<b>This document contains the following reviews:</b>
<input checked="" type="checkbox"/>	<b>Staff Review</b>
	<b>Local Planning Agency Review and Recommendation</b>
	<b>Board of County Commissioners Hearing for Transmittal</b>
	<b>Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report</b>
	<b>Board Of County Commissioners Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: September 18, 2006

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT/REPRESENTATIVE:**

BOARD OF COUNTY COMMISSIONERS  
REPRESENTED BY THE SMART GROWTH COMMITTEE  
REVIEWED BY DIVISION OF PLANNING

**REQUEST:**

Incorporate provisions of the Smart Growth Committee's recommendations, not otherwise included in other components of the 2005 cycle of amendments.

Given the nature of the packaging of all the recommendations into one submission, alphabetic separations will be employed for changes in subject.

**B. SMART GROWTH COMMITTEE RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

**1. RECOMMENDATION:**

The Smart Growth Committee recommends that the Board of County Commissioners transmit the proposed amendment as part of the 2004 EAR Amendment Cycle.

**A. BUILDOUT AND CARRYING CAPACITY:**

**Objective 2.11: Carrying Capacity.** Define carrying capacity and integrate the concept into planning strategies, with the assistance of area professionals.

**Policy 2.11.1:** Utilizing carrying capacity information, determine the constraints to continual development as a quality of life characteristic.

**Objective 4.2:** Develop an up to date estimate, and revise for each EAR the County Build Out estimate.

**Policy 40.5.8:** The flowways plan should be integrated with the County Build Out estimate.

**B. MASTER PLANNING FOR ENVIRONMENT, MASTER MITIGATION PLAN**

**Policy 2.11.2:** Prepare a general assessment (barometer of variables) that links the goal of (and) capacity of development (built environment) to environment (natural or green space).

**Policy 2.11.3:** Set science based goals to assess what is necessary to maintain desired environmental factors (i.e. panthers extant, Estero Bay health, etc.).

**Policy 2.11.4:** Identify and map and update, through a science based process, those lands with the environmental science based opportunities for mitigation, remediation, or preservation. Promote such areas for such uses through County programs.

**Policy 4.1.5:** Promote optimal conditions rather than minimum conditions for the natural system as the basis for sound planning.

**Objective 4.3:** Pursue a common set of local permitting criteria, incentives, and regulatory measures specifically for Southwest Florida conditions.

**Policy 4.3.1:** The permitting measures developed should aim towards rehydrating the region and attaining minimum flows and levels for county waterbodies.

**Policy 40.5.4:** Improve the storage within existing natural and manmade flowways.

**Policy 40.5.5:** Develop a capital improvements program to provide for the reconstruction and maintenance of all programmed flowways and include incentives for private participation.

**Policy 40.5.6:** The master flowways plan should be identified on a map and ground-

truthed. It should incorporate opportunities for canal restoration and the creation of urban greenways that need restoration, preservation, and maintenance.

**Policy 41.1.6:** Pursue funding a “mixing model” (freshwater flow into saltwater) as a management tool that will benefit recreation, water quality, public health, etc.

**Policy 41.3.15:** To ensure most effective treatment, the County will reevaluate the relationship of volume/area to stormwater management and storage, and promote permit agencies to do the same.

**Policy 41.3.16:** To improve water quality in more impacted areas, the County will link Best Management Practices (BMPs) to impervious cover of the impacted sub-watershed and to runoff from various land use types.

**Policy 77.1.2:** To increase protection of natural resources, the County will create a public/private management team to coordinate area wide conservation easements.

**Policy 77.1.4:** The County will build upon the Conservation 20/20 program for funding a green infrastructure and natural functions program, which will be within the County CIP program.

**Policy 77.1.7:** Create a formalized regional land management restoration collaboration to plan and pool resources and equipment.

**Objective 77.13: Environmental Monitoring.** Ensure criteria for local programmatic monitoring and enforcement are specific to Southwest Florida.

#### *C. ENHANCED MOBILITY:*

**Policy 28.1.14:** The County will work to ensure that road ownership is not an impediment to transit or pedestrian service/facilities.

**Policy 28.4.4:** Along with the School Board, the County will develop a joint plan for transporting students on public transportation and school buses, and utilize this planning during special events.

#### *D. IV. COMMUNITY FACILITIES AND SERVICES ELEMENT*

**Policy 46.3.13:** The County will promote smaller, geographically-diversified neighborhood school campuses, which are incorporated into relevant community plans.

**Objective 46.5 Environmental Education.** Support and promote a three-tiered program of environmental education targeting Pre-K through 12<sup>th</sup> grade school children, the general adult population, and newcomers to heighten awareness of our area’s special environmental characteristics.

**Policy 46.5.1:** Support a coordinated community education and outreach program that fosters the construction and implementation of environmental projects, such as the filter marshes, land acquisition, and local mitigation opportunities.

**Policy 34.1.13:** Promote water conservation through the use of incentives and evaluate and apply a community based planning approach to water conservation, enabling more precision to be applied in achieving reduction targets.

**Policy 87.1.9:** As a component of water utility operations, require rain sensors, and provide for periodic inspection of irrigation systems.

**E. VI. CAPITAL IMPROVEMENTS ELEMENT**

**Policy 70.1.8:** Ensure that all large CIP projects include broad public education efforts and information exchange as a component for securing public support.

**F. VII. CONSERVATION AND COASTAL MANAGEMENT ELEMENT**

**Policy 77.2.14:** Pursue an exotic eradication, management, and compliance plan, and involve private land owners, with incentives for exotics removal.

**Policy 77.2.15:** Update current exotic priority list and evaluate current related education programs for need and expansion.

**Objective 88.2: Vehicle Emissions.** The County will evaluate the impact of vehicle emissions on air quality.

**Policy 88.2.1:** To improve air quality, consider county-based emission standards, with particular focus on heavy trucks.

**Policy 88.2.2:** Research the use of bio diesel and other clean fuels in public vehicles.

**Policy 88.2.3:** Incorporate vehicle emission impacts into alternative analyses for the appropriate transportation projects.

**G. VIII. HOUSING ELEMENT**

**Policy 100.1.14:** Encourage development regulations and incentives that provide a better mix of high income and low income housing.

**Policy 100.4.13:** Pursue community wide, broad based participation in solving the problems of infrastructure and workforce/affordable housing.

**Policy 100.4.15:** Through County housing programs, the County will promote diversity to

increase integration, workforce housing, and economic development zones.

#### **H. IX. HISTORIC PRESERVATION ELEMENT**

**Policy 104.2.2:** The County will continue to encourage the preservation of archeological sites through Leasing of Development Rights (LDRs) and encourage historical tourism, sense of place, and natural areas

#### **I. X. INTERGOVERNMENTAL COORDINATION**

**Policy 109.1.9:** Lee County will support and participate in the region's Natural Resources Conservation Service program.

**Policy 109.1.10:** The County will enter into interagency cooperative programs to achieve mutual goals for the protection of the Caloosahatchee River.

**Policy 109.1.11:** The County will utilize basin wide planning and work with sovereign local governments to promote greater protections for the Caloosahatchee River.

#### **J. XI. ECONOMIC ELEMENT**

**Policy 110.1.11:** Evaluate the current land development regulatory and fiscal structure to identify the impediments to ensuring development is fiscally beneficial.

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

- In April 2002, the Board of County Commissioners empowered an advisory committee, the Smart Growth Committee, to evaluate the results the County should be achieving through its management of population growth. After 20 months, four open full day workshops, three special issue workshops, and eighteen regular meetings, all advertised and with open invitation to the public, the Committee concluded its deliberations largely in support of current activities, but with greater focus on results, and with additions or expansions recommended to improve results.
- The Smart Growth initiative identified several key areas that are often considered in areawide planning, but lack the breadth of supporting policy for consistent evaluations. Further, a number of individual topics were recognized as issues within Lee County that need a policy established so that direction on the issue can be considered given.
- The key initiatives are infill and redevelopment (separate CPA); community planning (separate CPA); buildout and carrying capacity; master planning for the environment; and individual conclusions, grouped by LeePlan element.
- The incorporation of these recommendations into the LeePlan provides the appropriately complete policy framework to address the issues raised by the Smart Growth Committee,



and raised by the Environmental Protection Agency in its several publications related to Smart Growth.

- August 26, 2004 the Lee County Board of County Commissioners adopted the Evaluation and Appraisal Report, identifying New Urbanism and Smart Growth as among the Major Issues, with support text.

### **C. BACKGROUND INFORMATION**

The 2004 Evaluation and Appraisal Report included an assessment of the Smart Growth initiative, along with specific components that stemmed from the initiative. The background information for each initiative came from a series of workshops, each supported by its own book of information (Transportation Element, Land Use Element, Water and Environmental Quality Element, and Community Character Element, all dated 2003) and with an initial set of issues. These workshops, held from January to April, 2003, provided the basis for subsequent workshops and meetings of the Smart Growth Committee. The result of the workshops and meetings was a set of 190 recommendations provided to the Board of County Commissioners in December 2003. A number of those related in part or in whole to the Lee Plan. An initial total of 118 recommendations to the Lee Plan were subsequently reduced to 60 through subsequent deliberations of the Committee with assistance from all departments. This reduction was able to occur due to actions taken that fulfilled the recommendations, further identification of duplication, or a subsequent determination by the Committee that the recommendation had been superseded by events.

## **PART II - ANALYSIS**

### **A. SMART GROWTH COMMITTEE DISCUSSION**

#### **INTRODUCTION**

**BUILDOUT AND CARRYING CAPACITY.** "Buildout" is a concept that locally means the population that will be within Lee County once all approved development is built out. Lee County has committed to widespread development patterns through platting practices in the past, before the County had planning and zoning authority, as well as development approvals granted since such authority was provided. This level of development will have stresses upon infrastructure and natural systems beyond any current planning program. In order to get a better understanding of the long term consequences of such past decisions, an update of the estimated buildout population should be undertaken, along with an assessment of what our natural and build systems can support at current levels of service. Build out estimates have been provided in the past, the first in 1975. Past buildout estimates concluded Lee County (including the municipalities) had approved levels of development that totaled a population of 1.5 million people, which has been referred to as "buildout." A more recent review of just the Lehigh Acres subdivision (Population Model to Forecast Population Growth of Lehigh Acres Over Time To Buildout) estimated in April, 2004, a buildout population 303,000 persons.

“Carrying Capacity” is the current ability to meet the population demand for services. This capacity varies for each type of infrastructure, and is capable of being altered to produce a population higher or lower, based upon the level of service and the expansion of the service. Each year Lee County Department of Community Development compiles reports from different County Departments and produces an annual Concurrency Report. This report addresses the current and short term conditions of a subset of County services for the unincorporated County. These services are water utilities, sewer utilities, solid waste, drainage, transportation, and parks and recreation. The current version is on the internet at this web address: <http://www.lee-county.com/dcd/AnnualReports/Concurrency.pdf>.

Different components of these services have reached their “capacity” in the past and at present, and have identified constraints to the provision of further service without expansions of service or reductions in per capita use. Further, certain services have constraints that cannot be expanded beyond certain levels without dramatic increases in per user cost of service. These points indicate the “carrying capacity” of the service has been reached under current paradigms, and policy makers need to be aware of such points before they are reached in order to prevent crisis. Examples are hurricane evacuation within set time periods; transitioning from at grade intersections to grade separated intersections; changing from traditional water sources to salt water sources; from landfills to incineration.

Interaction between the concepts of “build out” and “carrying capacity” will make the transitions smoother through better planning, and provide better assessments as to where expanding the ultimate buildout of the population results in unavoidable declines in current levels of service.

**Objective 2.11: Carrying Capacity.** Define carrying capacity and integrate the concept into planning strategies, with the assistance of area professionals.

**Policy 2.11.1:** Utilizing carrying capacity information, determine the constraints to continual development as a quality of life characteristic.

**Objective 4.2:** Develop an up to date estimate, and revise for each EAR the County Build Out estimate.

**Policy 40.5.8:** The flowways plan should be integrated with the County Build Out estimate.

**MASTER PLANNING FOR THE ENVIRONMENT.** The condition of our natural systems is critical for our own sense of community, as well as the greatest contribution to our economic success. Lee County recognizes that the natural system needs to have its own planning program, interrelated to all of the other capital improvement programs and growth plans.

Given the high buildout numbers, it is critical for communities to recognize the resource base needed to support the population. It is also critical to protect the natural resources, or remedy the problems for those resources in order to maintain our tourism and retirement economy.

Recognizing the importance of managing towards the sustainability of our resources, Lee County commissioned the preparation of the Lee Master Mitigation Plan (August 2004). The Plan is based upon a county wide assessment of the remaining natural resources of the County and identified those which should have the highest priority for preservation, for remediation of current problems, and as most suitable for mitigation for the unavoidable consequences of the County public works program. The Plan was developed under contract through the Southwest Florida Regional Planning Council, and was assisted by the Charlotte Harbor National estuary Program, and a variety of Federal, State, and local agencies, and private persons from both the development and environmental sectors.

**Policy 2.11.2:** Prepare a general assessment (barometer of variables) that links the goal of (and) capacity of development (built environment) to environment (natural or green space).

**Policy 2.11.3:** Set science based goals to assess what is necessary to maintain desired environmental factors (i.e. panthers extant, Estero Bay health, etc.).

**Policy 2.11.4:** Identify and map and update, through a science based process, those lands with the environmental science based opportunities for mitigation, remediation, or preservation. Promote such areas for such uses through County programs.

**Policy 4.1.5:** Promote optimal conditions rather than minimum conditions for the natural system as the basis for sound planning.

**Objective 4.3:** Pursue a common set of local permitting criteria, incentives, and regulatory measures specifically for Southwest Florida conditions.

**Policy 4.3.1:** The permitting measures developed should aim towards rehydrating the region and attaining minimum flows and levels for county waterbodies.

**Policy 40.5.4:** Improve the storage within existing natural and manmade flowways.

**Policy 40.5.5:** Develop a capital improvements program to provide for the reconstruction and maintenance of all programmed flowways and include incentives for private participation.

**Policy 40.5.6:** The master flowways plan should be identified on a map and ground-truthed. It should incorporate opportunities for canal restoration and the creation of urban greenways that need restoration, preservation, and maintenance.

**Policy 41.1.6:** Pursue funding a “mixing model” (freshwater flow into saltwater) as a management tool that will benefit recreation, water quality, public health, etc.

**Policy 41.3.15:** To ensure most effective treatment, the County will reevaluate the relationship of volume/area to stormwater management and storage, and promote permit agencies to do the same.

**Policy 41.3.16:** To improve water quality in more impacted areas, the County will link Best Management Practices (BMPs) to impervious cover of the impacted sub-watershed and to runoff from various land use types.

**Policy 77.1.2:** To increase protection of natural resources, the County will create a public/private management team to coordinate area wide conservation easements.

**Policy 77.1.4:** The County will build upon the Conservation 20/20 program for funding a green infrastructure and natural functions program, which will be within the County CIP program.

**Policy 77.1.7:** Create a formalized regional land management restoration collaboration to plan and pool resources and equipment.

**Objective 77.13: Environmental Monitoring.** Ensure criteria for local programmatic monitoring and enforcement are specific to Southwest Florida.

**ENHANCED MOBILITY.** The single occupancy vehicle is not affordable or usable by large components of the County population. For nearby trips and for many circumstances, the common automobile may be implausible or conflict with other priorities. Further, the focus on major arterials overlooks opportunities that satisfy travel with less expensive or intrusive approaches.

Community planning efforts should examine which aspects of the community need and should have provided improved mobility options. Further, land uses that can be added to reduce traffic burdens need examination for inclusion into the community. Finally, greenspace planning—trails and walkways-- that promotes nonmotor vehicle trips should be pursued between different parcels, within a community effort.

The current Lee Plan provides for opportunities for addressing mobility, and the recommendations contained herein focus on gaps in existing policy.

**Policy 28.1.14:** The County will work to ensure that road ownership is not an impediment to transit or pedestrian service/facilities.

**Policy 28.4.4:** Along with the School Board, the County will develop a joint plan for transporting students on public transportation and school buses, and utilize this planning during special events.

#### **AMENDMENTS TO THE COMMUNITY FACILITIES AND SERVICES ELEMENT.**

Different areas within the County have success in achieving water conservation measures. The areas with the most success are the ones with local—less than county wide—efforts in pursuing goals. The additional policies provide for greater coordination of community plans with localized efforts of environmental education, and with “less than county wide” water conservation measures.

**Policy 46.3.13:** The County will promote smaller, geographically-diversified neighborhood school campuses, which are incorporated into relevant community plans.

**Objective 46.5 Environmental Education.** Support and promote a three-tiered program of environmental education targeting Pre-K through 12<sup>th</sup> grade school children, the general adult population, and newcomers to heighten awareness of our area's special environmental characteristics.

**Policy 46.5.1:** Support a coordinated community education and outreach program that fosters the construction and implementation of environmental projects, such as the filter marshes, land acquisition, and local mitigation opportunities.

**Policy 34.1.13:** Promote water conservation through the use of incentives and evaluate and apply a community based planning approach to water conservation, enabling more precision to be applied in achieving reduction targets.

**Policy 87.1.9:** As a component of water utility operations, require rain sensors, and provide for periodic inspection of irrigation systems.

**AMENDMENTS TO THE CAPITAL FACILITIES ELEMENT.** Large public works projects often have issues raised by incorporated or informal groups. A formalized public involvement program can reduce the frequency and depth of concern of such issues.

**Policy 70.1.8:** Ensure that all large CIP projects include broad public education efforts and information exchange as a component for securing public support.

**AMENDMENTS TO THE CONSERVATION AND COASTAL ZONE ELEMENT.**

Exotics management is becoming a greater issue, as the sensitivity of the remaining natural features to exotics and water management becomes better known. Everglades Restoration (Lee County is part of the area designated the western Everglades) has identified a number of exotic plant and animal species, which are in these web site reports:

<http://www.sfrestore.org/scg/documents/index.html>

<http://www.sfrestore.org/issueteams/exotic/documents/index.html>

<http://www.sfrestore.org/issueteams/fiatt/documents/index.html>

The reports indicate a strong need to have coordinated actions, and also that State and Federal efforts by themselves have only been applied to lands under their ownership. The nature of various exotics in Lee County are publicized, but there is no coordinated effort locally to get to the sources of the exotic propagation.

Regarding the recommendations for air quality, the MPO process addresses the system wide impacts of a road construction program on air quality. In the past, congestion was the leading contributor of concerns for diminishment of air quality; road and bridge improvements that reduced congestion resulted in immediate improvements in air quality. Inclusion of air quality calculations in the alternatives review will give attention to the issue of air quality, as will the

policy on inspections.

Tourism is affected by adverse air quality, as is our retirement industry.

**Policy 77.2.14:** Pursue an exotic eradication, management, and compliance plan, and involve private land owners, with incentives for exotics removal.

**Policy 77.2.15:** Update current exotic priority list and evaluate current related education programs for need and expansion.

**Objective 88.2: Vehicle Emissions.** The County will evaluate the impact of vehicle emissions on air quality.

**Policy 88.2.1:** To improve air quality, consider county-based emission standards, with particular focus on heavy trucks.

**Policy 88.2.2:** Research the use of bio diesel and other clean fuels in public vehicles.

**Policy 88.2.3:** Incorporate vehicle emission impacts into alternative analyses for the appropriate transportation projects.

**AMENDMENTS TO THE HOUSING ELEMENT.** Various housing reports commissioned by the County, through the Department of Community Development or through the Horizon Council, have emphasized how the current housing affordability disparity has existed, and has become more expanded by recent price elevations. On June 22<sup>nd</sup> Dr James Nicholas estimated that 70% of the working families cannot afford the 50 percentile home. Various approaches are being suggested, and the policies provided herein are additions recommended by the Smart Growth Committee through its own discussions of this issue.

Relevant websites are these:

<http://www.lee-county.com/dcd/AffordableHousing/HousingMain.htm>

<http://www.swflworkforcehousing.com>

**Policy 100.1.14:** Encourage development regulations and incentives that provide a better mix of high income and low income housing.

**Policy 100.4.13:** Pursue community wide, broad based participation in solving the problems of infrastructure and workforce/affordable housing.

**Policy 100.4.15:** Through County housing programs, the County will promote diversity to increase integration, workforce housing, and economic development zones.

**AMENDMENTS TO THE HISTORIC PRESERVATION ELEMENT.** The Smart Growth Committee, in its review of historic preservation, determined that a current practice and gap can be remedied through the policy referenced.

**Policy 104.2.2:** The County will continue to encourage the preservation of archeological sites through Leasing of Development Rights (LDRs) and encourage historical tourism, sense of place, and natural areas.

**AMENDMENTS TO THE INTERGOVERNMENTAL COORDINATION ELEMENT.**

The coordination with cities, other counties, and other public agencies for our water resource issues—supply for natural system, utilities, domestic self supplied, and the quality of the system—has required the County to take a leadership role in regional forums. The supporting policy framework enables this to be a regular, budgeted, task in fulfillment of the Plan.

Specific activities include the Caloosahatchee Basin's subcommittee of the SWFRPC; the Mayors/Chairman meetings, commonly held after the MPO; the 9 County Coalition; and the Estero Bay agency for bay management.

**Policy 109.1.9:** Lee County will support and participate in the region's Natural Resources Conservation Service program.

**Policy 109.1.10:** The County will enter into interagency cooperative programs to achieve mutual goals for the protection of the Caloosahatchee River.

**Policy 109.1.11:** The County will utilize basin wide planning and work with sovereign local governments to promote greater protections for the Caloosahatchee River.

**AMENDMENTS TO THE ECONOMIC ELEMENT.** Legislation during the 2005 session called for local governments to analyze the fiscal impacts of growth, to pursue financial feasibility. The policy referenced provides for that support. The SWFRPC has draft fiscal impact models under analysis which should be the vehicle for the fulfillment of the policy. The model is accessed through this web address:

<http://www.swfrpc.org>

**Policy 110.1.11:** Evaluate the current land development regulatory and fiscal structure to identify the impediments to ensuring development is fiscally beneficial.

## **B. PLANNING DIVISION DISCUSSION**

The Division of planning has reviewed the recommendations of the Smart Growth Committee and offers the following comments, revisions, deletions and recommendations. Below is a staff discussion on the proposed Smart Growth Committee (SGC) language followed by a revised objective or policy in double underline and strike through format.

### **A. *BUILDOUT AND CARRYING CAPACITY:***

Planning staff concurs with the SGC discussion regarding Buildout and Carrying Capacity. The concept of the carrying capacity of the future land use map is one planning staff have

utilized several times in the past. A new evaluation of the buildout of Florida comprehensive plans was recently completed by the Bureau of Economic and Business Research (BEBR). The figure for Lee County was established at 1.4 million people. This corresponds closely with the recent Planning staff calculation of 1.39 million. The location of flowways is not germane to the buildout calculation. This issue is more a matter of placement than unit generation, affording protection to the flowway through appropriate design. Staff offers the following revisions to the proposed Lee Plan language.

**Objective 2.11: Carrying Capacity. Define Understand the carrying capacity of the Future Land Use Map and integrate the concept into planning strategies, with the assistance of area professionals.**

**Policy 2.11.1: During each Evaluation and Appraisal Report process, calculate an estimate of the carrying capacity information.**

**Policy 2.11.12: Utilizing carrying capacity information, determine the constraints to continual development as a quality of life characteristic.**

**Objective 4.2: Develop an up to date estimate, and revise for each EAR the County Build Out estimate.**

**Policy 40.5.8: The flowways plan should be integrated with the County Build Out estimate.**

#### **B. MASTER PLANNING FOR ENVIRONMENT, MASTER MITIGATION PLAN**

The following 2 policies should be included under the carrying capacity objective to give further direction on the implementation of the concept of carrying capacity. Staff is renumbering these policies so they fit under the objective.

**Policy 2.11.23: Prepare a general assessment (barometer of variables) that links the goal of (and) capacity of development (built environment) to environment (natural or green space).**

**Policy 2.11.34: Set science based goals to assess what is necessary to maintain desired environmental factors (i.e. panthers extant, Estero Bay health, etc.).**

This policy has been implemented through the creation in the last 2 years of the Master Mitigation Plan. Staff is recommending to modify the policy to recognize the existence of the Master Mitigation Plan and to periodically update the plan and change the policy number.

**Policy 2.11.45: Maintain a Master Mitigation Plan that will identify and map and update, through a science based process, those lands with the environmental science based opportunities for mitigation, remediation, or preservation. Promote such areas for such uses through County programs.**



The following policy is problematic. The term “optimal conditions” for the “natural system” could be interpreted as not allowing any conversion of open land to urban development. Staff recommends it not be adopted.

~~Policy 4.1.5: Promote optimal conditions rather than minimum conditions for the natural system as the basis for sound planning.~~

The following objective and 8 policies represent a major commitment of staff time and resources. Without further work defining the level of County commitment and the parameters to be addressed, staff can not recommend that the Board of County Commissioners agree to these policies.

~~Objective 4.3: Pursue a common set of local permitting criteria, incentives, and regulatory measures specifically for Southwest Florida conditions.~~

~~Policy 4.3.1: The permitting measures developed should aim towards rehydrating the region and attaining minimum flows and levels for county waterbodies.~~

~~Policy 40.5.4: Improve the storage within existing natural and manmade flowways.~~

~~Policy 40.5.5: Develop a capital improvements program to provide for the reconstruction and maintenance of all programmed flowways and include incentives for private participation.~~

~~Policy 40.5.6: The master flowways plan should be identified on a map and ground-truthed. It should incorporate opportunities for canal restoration and the creation of urban greenways that need restoration, preservation, and maintenance.~~

~~Policy 41.1.6: Pursue funding a “mixing model” (freshwater flow into saltwater) as a management tool that will benefit recreation, water quality, public health, etc.~~

~~Policy 41.3.15: To ensure most effective treatment, the County will reevaluate the relationship of volume/area to stormwater management and storage, and promote permit agencies to do the same.~~

~~Policy 41.3.16: To improve water quality in more impacted areas, the County will link Best Management Practices (BMPs) to impervious cover of the impacted sub-watershed and to runoff from various land use types.~~

~~Policy 77.1.2: To increase protection of natural resources, the County will create a public/private management team to coordinate area wide conservation easements.~~

The current Conservation 20/20 program relies on a willing seller. The following Policy includes a new direction for the County to utilize the program as a more focused vehicle with

targeted acquisition areas. The Lee Plan in Policy 107.1.1.4 already identifies a sensitive land acquisition program, staff recommends relocating the proposed Policy there.

**Policy 77.1.4:107.1.1.4.g.** The County will build upon the Conservation 20/20 program for funding a green infrastructure and natural functions program, which will be within the County CIP program.

The following Policy could be explored without inclusion in the Lee Plan. This proposed Policy could require substantial commitments of staff and resources. Staff does not recommend including this Policy in the Lee Plan.

**Policy 77.1.7:** Create a formalized regional land management restoration collaboration to plan and pool resources and equipment.

This proposed new objective lacks policies to give guidance on its implementation.

**Objective 77.13: Environmental Monitoring.** Ensure criteria for local programmatic monitoring and enforcement are specific to Southwest Florida..

#### **C. ENHANCED MOBILITY:**

The latest codification has renumbered much of the Lee Plan's goals, objectives and policies. These policies would now fall under objectives 43.1 and 43.4.

**Policy 2843.1.14:** The County will work to ensure that road ownership is not an impediment to transit or pedestrian service/facilities.

**Policy 2843.4.4:** Along with the School Board, the County will develop a joint plan for transporting students on public transportation and school buses, and utilize this planning during special events.

#### **D. IV. COMMUNITY FACILITIES AND SERVICES ELEMENT**

The county has little control over these issues. The Lee County School District has the authority to make these decisions. Including the following in the Lee Plan helps to convey the County's intentions to the District. The latest codification has renumbered much of the Lee Plan's goals, objectives and policies. These policies would now fall under objectives under Goal 66.

**Policy 466.3.13:** The County will promote smaller, geographically-diversified neighborhood school campuses, which are incorporated into relevant community plans.

**Objective 466.5 Environmental Education.** Support and promote a three-tiered program of environmental education targeting Pre-K through 12<sup>th</sup> grade school children.

the general adult population, and newcomers to heighten awareness of our area's special environmental characteristics.

**Policy 466.5.1:** Support a coordinated community education and outreach program that fosters the construction and implementation of environmental projects, such as the filter marshes, land acquisition, and local mitigation opportunities.

The latest codification has renumbered much of the Lee Plan's goals, objectives and policies. This policy would now fall under objective 54.1.

**Policy 354.1.13:** Promote water conservation through the use of incentives and evaluate and apply a community based planning approach to water conservation, enabling more precision to be applied in achieving reduction targets.

The Lee County Land Development Code, in Section 10-417 Irrigation design standards states:

To improve the survivability of required landscaping, cultivated landscape areas must be provided with an automatic irrigation system. All required irrigation systems must be designed to eliminate the application of water to impervious areas, including roads, drives and other vehicle areas. Required irrigation must also be designed to avoid impacts on existing native vegetation.

All new developments that have required landscaping must be irrigated by the use of an automatic irrigation system with controller set to conserve water. Moisture detection devices must be installed in all automatic sprinkler systems to override the sprinkler activation mechanism during periods of increased rainfall. Where existing irrigation systems are modified requiring the acquisition of a permit, automatic activation systems and overriding moisture detection devices must be installed.

This policy has already been implemented.

~~**Policy 87.1.9:** As a component of water utility operations, require rain sensors, and provide for periodic inspection of irrigation systems.~~

#### **E. VI. CAPITAL IMPROVEMENTS ELEMENT**

The latest codification has renumbered much of the Lee Plan's goals, objectives and policies. This policy would now fall under objective 95.1. Policy 95.1.1.a already contains language concerning public outreach and notification during the preparation of the CIP. Staff recommends adding this proposed language to paragraph a.2 as the second sentence.

~~**Policy 70.1.8:**~~ **95.1.1.a.2.** Staff and members of the Board of County Commissioners will communicate with the general public in this process to ascertain the perceived need for each kind of public facility in each commission district and planning district. Ensure that

all large CIP projects include broad public education efforts and information exchange as a component for securing public support.

#### **F. VII. CONSERVATION AND COASTAL MANAGEMENT ELEMENT**

The latest codification has renumbered much of the Lee Plan's goals, objectives and policies. This policy would now fall under objective 107.2. Staff recommends adding this proposed language as a new policy under this objective.

**Policy 77.2.14107.2.13:** Pursue an exotic eradication, management, and compliance plan, and involve private land owners, with incentives for exotics removal.

The Land Development Code list of invasive exotics has been updated to the fullest extent allowed by Florida Statutes. LDC Section 10-420(h) provides that highly invasive exotic plants may not be planted, (ie. are prohibited) and must be removed from the development area. Methods to remove and control invasive exotic plants must be included on the development order plans. A statement must also be included on the development order that the development area will be maintained free from invasive exotic plants in perpetuity. Planning staff does not recommend that this policy be adopted.

**Policy 77.2.15:** Update current exotic priority list and evaluate current related education programs for need and expansion.

Lee County does not currently have a documented air quality issue. Through the MPO, the County is certified as an attainment area under federal Air Quality Guidelines. In fact, the County's major point source of emissions, the oil burning FP&L power plant, has been converted to natural gas. This conversion has substantially lowered emissions, positively affecting our air quality. The cost of establishing and enforcing county based vehicle emission standards would be prohibitive. Staff recommends that the objective and its first and last policy be deleted. The second policy should be located under Objective 118.1.

**Objective 88.2: Vehicle Emissions.** The County will evaluate the impact of vehicle emissions on air quality.

**Policy 88.2.1:** To improve air quality, consider county-based emission standards, with particular focus on heavy trucks.

**Policy 88.2.2118.1.4:** Research the use of bio diesel and other clean fuels in public vehicles.

**Policy 88.2.3:** Incorporate vehicle emission impacts into alternative analyses for the appropriate transportation projects.

#### **G. VIII. HOUSING ELEMENT**

The latest codification has renumbered much of the Lee Plan's goals, objectives and policies. This policy would now fall under objectives 135.1 and 135.4.

**Policy 10035.1.14:** Encourage development regulations and incentives that provide a better mix of high income and low income housing.

**Policy 10035.4.13:** Pursue community wide, broad based participation in solving the problems of infrastructure and workforce/affordable housing.

**Policy 10035.4.15:** Through County housing programs, the County will promote diversity to increase integration, workforce housing, and economic development zones.

#### **H. IX. HISTORIC PRESERVATION ELEMENT**

The leasing of development rights involves the long term leasing of part of the bundle of rights inherent in fee simple property. This is a fairly new technique that should be further investigated. Staff recommends an evaluation of the technique prior to its implementation. The latest codification has renumbered much of the Lee Plan's goals, objectives and policies. This policy would now fall under objective 143.

**Policy 1043.2.2:** The County will ~~continue to~~ encourage the preservation of archeological sites and evaluate the preservation of these lands through Leasing of Development Rights (LDRs) and encourage historical tourism, sense of place, and natural areas.

#### **I. X. INTERGOVERNMENTAL COORDINATION**

The latest codification has renumbered much of the Lee Plan's goals, objectives and policies. This policy would now fall under objective 152.1.

**Policy 10952.1.9:** Lee County will support and participate in the region's Natural Resources Conservation Service program.

**Policy 10952.1.10:** The County will consider entering into interagency cooperative programs to achieve mutual goals for the protection of the Caloosahatchee River.

**Policy 10952.1.11:** The County will utilize basin wide planning and work with sovereign local governments to promote greater protections for the Caloosahatchee River.

#### **J. XI. ECONOMIC ELEMENT**

The latest codification has renumbered much of the Lee Plan's goals, objectives and policies. This policy would now fall under objective 158.1.

**Policy 11058.1.11:** Evaluate the current land development regulatory and fiscal structure to identify the impediments to ensuring development is fiscally beneficial.

### **C. PLANNING DIVISION RECOMMENDATION**

Planning staff recommends the above modified objectives and policies be transmitted by the Board of County Commissioners.

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

DATE OF PUBLIC HEARING: September 25, 2006

**A. LOCAL PLANNING AGENCY REVIEW**

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

**1. RECOMMENDATION:**

The LPA recommended that the board ### transmit the proposed amendment.

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

**C. VOTE:**

**NOEL ANDRESS**

**DEREK BURR**

**RONALD INGE**

**CARLTON RYFFEL**

**FRED SCHILFFARTH**

**RAYMOND SCHUMANN**

**RAE ANN WESSEL**

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

**DATE OF TRANSMITTAL HEARING: \_\_\_\_\_**

**A. BOARD REVIEW:**

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

**1. BOARD ACTION:**

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

**C. VOTE:**

**JOHN ALBION**

**TAMMY HALL**

**BOB JANES**

**RAY JUDAH**

**DOUG ST. CERNY**

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

**DATE OF ORC REPORT: \_\_\_\_\_**

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**
  
- B. STAFF RESPONSE**

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

**DATE OF ADOPTION HEARING:** \_\_\_\_\_

**A. BOARD REVIEW:**

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

**1. BOARD ACTION:**

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

**C. VOTE:**

**JOHN ALBION**

\_\_\_\_\_

**TAMMY HALL**

\_\_\_\_\_

**RAY JUDAH**

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**BOB JANES**

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**DOUG ST. CERNY**

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**Daltry, Wayne E.**


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**From:** Daltry, Wayne E.  
**Sent:** Thursday, September 21, 2006 8:56 AM  
**To:** O Connor, Paul S.; Gibbs, Mary ; Noble, Matthew A.  
**Cc:** Ottolini, Roland E.; Harclerode, Kurt; Pellicer, Tony; Kibbey, Keith A.; Boutelle, Stephen J.  
**Subject:** LPA and SG  
**Attachments:** CPA2005-46PoC(2).doc

Good Morning

First, thank you for your attention to this matter. The discourse, as you might expect, still continues. Last night the SG committee reviewed the staff report, and concurred with some changes and not others:

1. Obj 2:11. SG wanted to emphasize the importance of the number/relationship of build out (what has been approved) to the current and planned state of built and natural infrastructure. So they would like the introduction to be "define and demonstrate and understanding of..." The end line deletion is fine. Deletion of last policy (flowway) is fine since it is a term of art that is being superseded (I believe) by other activities, at least in this context.
2. To that end, they wish the object 4.2 to continue, but it could be reworked as a policy related to carrying capacity (and the term build out, put in objective 2.11.)
3. 4.1.5. and the related deletions on page 14 (of 23). I think there is an information gap between what is being done by other divisions/departments and DCD. The County is on record in support of localized (not local governmentized) criteria (4.3), improving situations over minimal conditions (such as flows higher than the MFL for the Caloosahatchee River), rehydration and improved storage and water quality (the 9 yr plan endorsed by the BoCC and directed to be pursued, which even got a second year of funding –presuming tonight works out to be pursued, with these principles), by watershed. Roland is on vacation, I don't know who of my cc's are up on enough of this (or if I am), but several have been seminal parts of the SWFFS which is the one place articulation of many of the policies/objectives on this deleted page. If any are available for a quick meeting tomorrow, I would suggest it for the LPA.
4. 77.1.7 Again this is something that I think we are trying to evolve, and JY is meeting with Jon Iglehart on just an aspect of the ROMA component, and the SWFFS is –if it is to mean anything—going to need something like this. If Lee County doesn't lead, I (\*looks left and right\*) don't know who will. If we pull off a meeting on Friday, perhaps someone from Parks could attend.
5. 77.2.15. The deletion could perhaps be instead a rewritten coordination with the SFRESTORE effort to keep up to date an exotic lists, which they show geographically. If there is some accord, here is a web link, click on the plant and animal. <http://www.sfrestore.org/issueteams/index.html>
6. 88.2 and 88.2.1. Simply said, the SG Committee feels that the County needs to be proactive in regard to air quality, particularly related to transportation patterns. There is a general feel, though, that vehicle emissions are part of the alternative analysis (88.2.3), so its deletion is fine.

And related to the Community Plan amendment

7. Deletion of last policy XX, p 3. FYN/Extension recognizes the need for neighborhood approaches for water conservation and application of fertilizers/pesticides, to reduce unneeded use of both. This policy provides a link between the efforts. Would we want a quick word with Tom Becker/Steve Brown/Tim Eckert? (Tim has been point person, btw, with the BMPs for various rural industries, and we have been tailoring those BMPs and priorities for funding to SW Fla conditions).

Again, thank you for your attention to this matter, we are on the home swing.

BTW, Last night, the Committee took on the charge –post LeePlan amendment—on the urban form and design  
 9/22/2006

# **Proposed County Initiated 2006/07 Lee Plan Amendments**

## **2005 Senate Bill 360 - Related Amendments**

Amend the Lee Plan to adopt a public schools facility element.

Amend the Lee Plan to incorporate schools as required public facilities for concurrency purposes and to provide for proportionate fair share mitigation options.

Amend the Lee Plan to incorporate the Lee County School Districts School Capital Improvement Program into the Capital Improvement Element and Tables.

Amend the Future Land Use Map to show the anticipated location of educational and ancillary plants, location of improvements to existing schools, and the location of new schools over the five-year or long-term planning period.

Include the selected water supply projects that are identified in the Lower West Coast Water Supply Plan as required public facilities for concurrency purposes.

Incorporate the newest Lee County Capital Improvement Program and show that the element is "Financial Feasible."

Amend the Transportation Element to reflect that facilities needed to serve new development must be in place or under construction within three years.

Amend the Transportation Element to include the sub DRI proportionate fair share program.

Amend the Capital Improvement Element to reflect long-term concurrency management planning and to provide for a definition of "Financially Feasible."

## **County Initiated Amendments**

Amend Objective 113.3 and add new language to Policy 113.3.1 to consider adding the concept of inlet management, in a similar manner to current beach and dune management, and provide a dedicated funding source and/or solicitation of state/federal funds.

Amend the Future Land Use Map to update the Conservation Lands categories.

Amend Future Land Use Element to update Policy 1.8.2 to reflect the Corridor Access Management Plan for S.R. 82.

Update Lee Plan Map 8, the Potable Wellfield Cones of Influence.

Amend the Future Land Use Element to include regulatory incentives and criteria that encourage the preservation of recreational and commercial working waterfronts, as defined in F.S. 342.07.

Update the Mass Transit sub-element to reflect current mass transit policy.

Update the Transportation Element to reflect current transportation policy.