



**LOCAL PLANNING AGENCY  
ADMINISTRATION EAST BUILDING  
2201 SECOND STREET, FORT MYERS, FL 33901  
ROOM 118 (FIRST FLOOR)  
MONDAY, FEBRUARY 23, 2026  
9:00 AM**

**AGENDA**

1. Call to Order/Review of Affidavit of Publication/Pledge of Allegiance
2. Public Forum
3. Election of Officers
4. Approval of Minutes – December 8, 2025
5. Lee Plan Amendment
  - A. CPA2025-00003 US 41 Pugliese Multi-Family – Map Amendment

Amend Lee Plan Map 1-A, Future Land Use Map, to change the future land use category of the 13.2-acre subject property from Suburban to Urban Community. The property is located approximately a tenth of a mile north of the intersection of South Tamiami Trail and Timberlakes Drive.
  - B. CPA2025-00012 Amenity Improvement – Text Amendment

Amend Goal 13 and associated Objectives and Policies to allow for golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22 CA-002743 approved under Sec. 70.001 F.S.
6. Land Development Code Amendments
  - A. Off-Street Parking and Loading Requirements (Amendments to move provisions for parking design requirements from Chapter 34 to Chapter 10 to more appropriately apply these requirements during the Local Development Order process).
  - B. Outdoor Lighting Standards (Amendments to similarly relocate outdoor lighting standards from Chapter 34 to Chapter 10 and eliminate requirements that apply only internally to a site and do not affect surrounding properties).

- C. Turn Lane Extension Exemption (Amendments to Chapter 10 to clarify decision-making authority and responsibilities for turn lane extension exemptions for private or public roads).
- 7. Other Business
  - 8. Adjournment

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

Lee County will not discriminate against individuals with disabilities. To request an accommodation, contact Ranice Monroe, (239) 533-0255, Florida Relay Service 711, or [ADArequests@leegov.com](mailto:ADArequests@leegov.com) at least five business days in advance. To receive agendas by e-mail, contact [jmiller@leegov.com](mailto:jmiller@leegov.com).

**MINUTES REPORT  
LOCAL PLANNING AGENCY  
DECEMBER 8, 2025**

**MEMBERS PRESENT:**

Ray Blacksmith	Don Schrotenboer (Vice Chair)
Dawn Russell	Stan Stouder (Chair)
Jennifer Sopen	Henry Zuba

**MEMBERS ABSENT:**

Dustin Gardner

**STAFF PRESENT:**

Joe Adams, Asst. Cty. Atty.	Brandon Dunn, Planning Manager
Nathan Beals, Utilities	Lindsey Karczewski, Planning
Kate Burgess, Principal Planner, Planning	Janet Miller, DCD Admin.
Erika Compean Garcia, DCD Admin.	Anthony Rodriguez, Zoning Manager

**REPRESENTATIVES**

Ms. Nilgun Kamp, AICP, Public Finance Group Manager and Principal Associate with Benesch

**Agenda Item 1 – Call to Order, Review of Affidavit of Publication/Pledge of Allegiance**

Mr. Stouder, Chair, called the meeting to order at 9:00 a.m.

Mr. Joe Adams, Assistant County Attorney, certified that the affidavit of publication for today's meeting was properly advertised.

**Agenda Item 2 – Public Forum**- None

**Agenda Item 3 – Approval of Minutes – October 27, 2025**

Mr. Schrotenboer made a motion to approve the October 27, 2025 meeting minutes. The motion was seconded by Mr. Blacksmith. The Chair called the motion, and it passed 6-0.

**Agenda Item 4 – Land Development Code Amendments**

**A. Fire/EMS Impact Fee Amendments**

Mr. Dunn stated there are three separate Land Development Code amendments for the Local Planning Agency's review today. The first item (Fire/EMS Impact Fee amendments) will be presented by a representative of Benesch (the consultant). The other two items (MPD Threshold and Floodplain Management and Building Code amendments) will be addressed by staff. Mr. Dunn stated that Section 34-115 of the Land Development Code provides that the LPA's role in reviewing amendments to the Land Development Code is to make recommendations to the Board of County Commissioners as to the consistency of the proposal with the adopted comprehensive plan.

Ms. Nilgun Kamp, AICP, Public Finance Group Manager and Principal Associate with Benesch gave an overview of the Fire/EMS Impact Fee amendments along with a PowerPoint presentation. At the end of

her presentation, she noted that on January 20, 2026, staff will ask the Board to direct the ordinance to public hearing. On February 3, 2026, it will be scheduled for the adoption hearing.

Mr. Blacksmith stated he felt these amendments were long overdue and he complimented Ms. Kamp on her presentation.

Mr. Stouder stated that retail seemed to be the most dramatically impacted/increased. He asked if there was a reason that retail is at more of an increase than other categories.

Ms. Kamp stated the increase for retail relates to the changes to the demand side. She explained they use data from the Institute of Transportation, Engineers Trip Generation Book, Hotel/Motel information, and visitor information, etc. Ms. Kamp stated that these variables change more in the case of retail. It is being kept at 50% of the current rate.

Mr. Stouder asked if there was a scientific reason that retail is dramatically increased compared to others.

Ms. Kamp stated it relates to how many people are at the retail sites compared to what the last study calculated. As the data gets updated, it shows that there are more people per square foot at the retail sites throughout the day.

Mr. Stouder asked what would happen to people that are already vested but have not pulled their building permit yet. When someone pulls their building permit, will they pay the old rate or the new amount?

Mr. Adams stated that during today's presentation, there was mention of a 90-day period for these impact fee increases before they are effective. If the ordinance is adopted, there will be 90 days before the impact fees become effective, so any building permits that are pulled now or for the first 90 days after the ordinance is adopted, would be the old rates before they are updated.

Mr. Stouder gave a scenario where someone has the zoning in place and they obtain their building permit before the 90 days, would they be locked in at the lower rate or exposed to the higher rate?

Ms. Kamp stated that impact fees cannot be collected any sooner than the building permit so if you are on the 89<sup>th</sup> day of that 90 day period, you will get charged at the current schedule, not the increased one. However, if you obtain your building permit after the 90 days, you will pay the higher amount.

Mr. Dunn stated that because the increases are 50%, they will be implemented over a four year period (essentially 12½% per year over a four year period).

Mr. Stouder referred to Table 2 of 3 that shows three separate columns for retail (1<sup>st</sup> column - 40,000 sf per 1,000 sq. ft., 2<sup>nd</sup> column - 50,000 sf per 1,000 sq. ft., and 3<sup>rd</sup> column - Greater than 150,000 sf per 1,000 sq. ft.). Even though there are three separate columns, Mr. Stouder noted the amounts are the same for all three sizes.

Ms. Kamp stated this is part of the new data. The data being received is tiered for retail. The reason for this is because in all cases the increase is more than 50%. Currently, there is only one retail number. All of the categories default back to 50% higher. It will end up that there will not be any tiers, but just a single category.

Mr. Stouder asked if we need three categories going forward or if it is just another level.

Ms. Kamp stated they are checking to make sure that none of the categories are lower than 50%. If one category is increasing 20%, then we do not necessarily want to automatically increase it to 50%. However, because they are all increasing more than that, in reality, the county will continue to have one single retail rate.

Mr. Stouder asked for clarification that having three categories might be beneficial if one category is not as dramatically impacted.

Ms. Kamp stated that is correct.

The LPA had no further questions and there was no public in attendance that wished to comment on these amendments, so the public comment portion was closed and the Chair called for a motion.

**Mr. Blacksmith made a motion to find the Fire/EMS Impact Fee Amendments to be consistent with the Lee Plan. The motion was seconded by Mr. Zuba. The Chair called the motion, and it passed 6-0.**

## **B. MPD Threshold Amendments**

Mr. Rodriguez gave an overview of the MPD Threshold amendments.

Ms. Russell stated she was in support of removing the threshold as well as having the increased flexibility. However, she asked about the word “*may*” in the verbiage because it could be interpreted that multiple uses are not a requirement. Does this verbiage mean that an MPD could possibly be all residential?

Mr. Rodriguez stated that the Executive Regulatory Oversight Committee asked the same question. If the verbiage says “*may*,” there is no requirement to mix the uses; however, there are other planned development avenues whether it be a commercial planned development or a residential planned development. In a case where someone just wants residential, there is nothing that would preclude a developer or an applicant in a rezoning to request an MPD and propose only a residential planned development. From staff’s perspective, they do not see a reason for someone to do that. These amendments allow an initial entitlement to occur, whatever that development program looks like, and then the Land Development Code provides an administrative process for amending planned developments. One of the criteria an applicant must meet in this context is they are required to demonstrate that there is no increase in density or intensity. Mr. Rodriguez stated that “*intensity*” can be measured in a variety of different ways. If there is an instance with an MPD that proposes only residential and market demand dictates non-residential square footage, there is an opportunity for an applicant to amend their entitlements to introduce non-residential square footage as long as they can demonstrate that there is no intensity increase in terms of offsite impacts, trip generation, utility demands, etc.

Ms. Sopen gave a scenario where instead of mixed uses, someone wanted to do all commercial. If staff determines that it involves an intensity change that cannot be approved administratively, would it be reviewed by the Hearing Examiner or the Board of County Commissioners?

Mr. Rodriguez stated that it is tied to the intensity definition. The Hearing Examiner does not have the ability to approve intensity increases, much like staff. In instances where intensity is being increased, it must go before the Board of County Commissioners for approval. However, Mr. Rodriguez noted that there is an opportunity that is presented through these changes that allows an applicant to offset some of

the intensity increases through the analysis that is put forth as part of the support of an application of that nature.

The LPA had no further questions, so Mr. Stouder opened this item for public comment.

Mr. Alan Freeman stated the following: 1) His company develops property throughout Lee County mostly in the southern part of the county; 2) This amendment applies to some things they have been doing to amend Section 940 for the mixed use planned development issue; 3) When they come in for zoning, it may be a different market than when they actually effectuate the plan, which is the main reason they support these amendments; 4) At the time of zoning, all of the impacts including what land uses they propose as well as square footage limits, traffic impacts, and other impacts, are evaluated. His company is not asking to change any of that, and he gave an example of a project that is commercial and industrial where there will be less square footage causing less impact; and 5) They deal with customers as they come in and their proposals are consistent and compatible with what has been evaluated originally. Mr. Freeman stated he was in support of these amendments as they make things a bit simpler, yet they do not change evaluations of intensity and square footage, etc.

Ms. Amy Thibaut with Roetzel and Andress Law Firm stated the following: 1) She is here to speak in favor of the proposed amendments to the Land Development Code; 2) She concurred with comments made by Mr. Freeman and Mr. Rodriguez and added that when they work on MPD applications oftentimes they are coming in with a mix of uses, potentially commercial and industrial or commercial and residential. She noted that the market demand can change at any time. 3) The MPD still exists because market demand can shift again at another point in time, thus potentially encouraging a mix of uses down the road; 4) One question is “why are we not doing a single use planned development?” The answer is that a single use planned development is one element of it; 5) Another question asked by two other boards was “Is this going to eliminate the threshold altogether?” The answer is “no” because all planned developments will still be evaluated on a site specific basis, so to the extent that a new MPD does need some sort of threshold, that can be applied on a site specific basis. It is just not mandated by the Land Development Code; and 6) These amendments allow for more flexibility and give some of these existing improved MPDs a path forward to building out in terms of market demand without having to go back before the Board of County Commissioners.

No other members of the public wanted to comment, so the public portion segment was closed. The LPA had no further questions or comments, so the Chair called for a motion.

**Ms. Russell made a motion to find the MPD Threshold amendments to be consistent with the Lee Plan. The motion was seconded by Mr. Schrottenboer. The Chair called the motion, and it passed 6-0.**

### **C. Floodplain Management and Building Code Amendments**

Mr. Rodriguez provided an overview of the Floodplain Management and Building Code amendments.

The LPA had no questions, so the Chair opened this item for public comment. No members of the public wished to comment so the public comment portion was closed.

Mr. Stouder stated he was in favor of removing barriers such as simplifying the mixed planned development, as well as other clean-up items. He complimented staff and the Board of County Commissioners for directing staff to do this.

Ms. Sopen stated she agreed that redundancies can cause issues because if verbiage in the Land Development Code is slightly different, it can be confusing.

**Mr. Schrotenboer made a motion to find the Floodplain and Building Code amendments consistent with the Lee Plan. The motion was seconded by Mr. Blacksmith. The Chair called the motion, and it passed 6-0.**

#### **Agenda Item 5 – Other Business**

Mr. Zuba made note that this would be Mr. Blacksmith's last meeting since he did not seek reappointment. He thanked Mr. Blacksmith for his opinions/input over the years and felt he always stayed on topic. Although he has not always agreed with Mr. Blacksmith's sentiments on intensity/density, he was appreciative of Mr. Blacksmith's service and support.

Mr. Blacksmith stated he has enjoyed being involved and has also enjoyed his time with the Local Planning Agency.

Mr. Stouder concurred with Mr. Zuba's comments and also stated that he appreciated Mr. Blacksmith's preparation and temerity when speaking on issues regardless of their popularity. He thanked Mr. Blacksmith for his service and stated he would be missed. Everyone gave him a round of applause.

#### **Agenda Item 6 – Adjournment**

The meeting adjourned at 9:32 a.m.

**CPA2025-00003**

**US 41 Pugliese  
Multi-Family  
Map Amendment**

# STAFF REPORT FOR CPA2025-00003: PUGLIESE MULTI-FAMILY CPA



## Privately Initiated Small-Scale Lee Plan Map Amendment

### Recommendation:

Adopt

### Applicant:

Land America, LLC

### Representatives:

Quattrone & Associates INC

### Amended Element(s):

Future Land Use

### Planning District:

District 13

### Commissioner District:

District 3

### Hearing Dates:

LPA: February 23, 2026

BoCC #1: TBD

### Attachment(s):

- 1: Map Amendment
- 2: Applicant Materials

### REQUEST

Amend Lee Plan Map 1-A, Future Land Use Map, to change the future land use category of the 13.20-acre subject property from Suburban to Urban Community. The subject property abuts the west side of South Tamiami Trail and borders the east side of the Forest Country Club. Just one and a half miles north of the subject property is the intersection of South Tamiami Trail and Ben C Pratt Six Mile Cypress, and less than a quarter of a mile south of the subject property is Island Park Road.

### SUMMARY

This is a privately initiated, small-scale Comprehensive Plan Amendment to the Future Land Use Map (Map 1-A), to change the future land use category of the subject property from Suburban to Urban Community.

### PROPERTY LOCATION

The subject property is located along the west side of South Tamiami Trail and abuts the eastern edge of the Forest Country Club.



Figure 1: Aerial location of the subject property

### RECOMMENDATION

Staff recommends that the Board of County Commissioners (BoCC) **adopt** the proposed amendment based on the analysis and findings provided in this staff report.

**PART 1**  
**STAFF DISCUSSION AND ANALYSIS**

**BACKGROUND AND REQUEST**

The proposed amendment is a privately initiated, small-scale Comprehensive Plan Amendment to the Future Land Use Map (Map 1-A), to change the future land use category of the 13.20-acre subject property from Suburban to Urban Community. The two parcels comprising the subject property are currently zoned C-1 Commercial District.

The subject property is undeveloped and almost entirely vegetated. Clara Point LLC, the applicant, has indicated plans to develop the site for multi-family housing. The C-1 zoning district allows Dwelling Unit: Multi-Family as a permitted use. The applicant has not yet submitted a development order (DO) application or concept plan to verify that this is the intended use.

The County's Future Land Use Map does not currently depict any wetlands on the subject property. However, the application materials indicate that wetlands are present on the property. If the State determines that wetlands exist on the property, future development will be required to meet the state permitting standards for wetlands.

Additionally, Lee Plan Map 5-A identifies the subject property within the Coastal High Hazard Area (CHHA).

***Future Land Use Category***

The subject property is currently within the Suburban future land use category, which allows a mixture of residential and commercial uses and does not permit industrial uses. **Policy 1.1.5** describes the Suburban future land use category and is reproduced below.

***POLICY 1.1.5:** The Suburban future land use category will consist of predominantly residential areas that are either on the fringe of the Central Urban or Urban Community future land use categories or in areas where it is appropriate to protect existing or emerging residential neighborhoods. This category provides housing near the more urban areas but does not provide the full mix of land uses typical of urban areas. Industrial land uses are not permitted. This category has a standard density range from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre). The maximum total density may only be increased to eight dwelling units per acre (8 du/acre) utilizing Greater Pine Island Transfer of Development Units except in areas that specifically prohibit bonus density. Other forms of bonus densities are not allowed.*

The Suburban future land use category is intended to serve as a predominantly residential area, prohibiting industrial land uses and supporting low to moderate residential densities. It protects the character of existing and emerging neighborhoods where appropriate.

The subject property is located on a major arterial road within an area of the county that includes a mixture of established uses, including relatively intense commercial uses, multi-family residential and single-family residential, as well as industrial uses. The Tamiami Trail corridor is also served by public transit, with multiple bus stops within walking distance of the site.

***Community Plan Area***

The subject property is not within, adjacent to, or abutting a Community Plan Area.

**Planning District**

The subject property is in the San Carlos Planning District (District 13). Table 1(b) in the Lee Plan displays projected allocations for the year 2045 for each Planning District. The proposed amendment to the Future Land Use Map will change the subject property’s future land use category from Suburban to Urban Community. In District 13, the Suburban future land use category allocates 2,069 acres for residential development, and the Urban Community future land use category allocates 1,207 acres for residential development. District 13 allocates 938 acres for commercial uses in all future land use categories. The subject property has a total acreage of 13.20 acres, and any future development is not anticipated to exceed the Planning District’s allocated acreage for those uses.

**Surrounding Properties**

The subject property comprises two parcels on the west side of South Tamiami Trail (US 41), approximately 1 mile north of Alico Road.

**TABLE 1: SURROUNDING PROPERTIES INFORMATION**

	<b>Future Land Use</b>	<b>Zoning</b>	<b>Existing Use</b>
<b>North</b>	Suburban	C-1	Commercial
<b>East</b>	Urban Community	C-1, IL	Commercial, Light Industrial
<b>South</b>	Suburban	C-1, RM-2	Commercial/Vacant/Residential
<b>West</b>	Suburban	RM-2	Residential

Table 1 above describes the subject property’s surrounding uses and zoning categories. The surrounding development includes a mix of commercial, residential, and light industrial uses. The property to the north is zoned commercial (C-1) and supports an appliance store and an automobile sales operation. The properties along the east side of US 41 are zoned commercial and light industrial (C-1, IL), including uses such as RV sales and service, retail commercial, and an industrial park. South of the subject property is zoned commercial (C-1) and supports a flooring store. The access point to Forest Boulevard is approximately a tenth of a mile south of the subject property along US 41, leading to The Forest County Club community, which contains multi-family and single-family development around a golf course. Timberlakes Drive, a private road that runs through the multi-family portion of the adjacent residential community, is immediately adjacent to the western property line of the subject property.

**PROCEDURAL REQUIREMENTS**

The Lee Plan is Lee County’s comprehensive plan, which provides the long-term vision for development in the county. Florida Statutes require comprehensive plans to include certain topics as elements. The Lee Plan divides these elements into chapters, which are further supported by goals, objectives, standards, and policies. Lee Plan Chapter XIII, entitled Administration, section “d” addresses Amendments to the Plan. The applicable paragraph is reproduced below.

*This plan, including the Future Land Use Map, may be amended in accordance with Florida Statutes and administrative procedures adopted by the Board of County Commissioners in Lee County Administrative Code 13-6. In accordance with §*

*163.3177(1)(f), Fla. Stat., all amendments must be based upon relevant and appropriate data and analysis.*

Lee County Administrative Code 13-6 establishes procedures for amendments to the Lee Plan, including notice requirements and provisions for public participation during the amendment process. The subject application requests privately initiated map amendments to the Lee Plan, meaning it has been requested by an entity other than the County and follows the amendment process described in Florida Statutes section 163.3184. **The applicant has met the procedural requirements in AC 13-6 and Florida Statutes.**

The 13.20-acre subject property is well below the 50-acre threshold for small-scale amendments, and no text amendments are proposed. **The proposed amendment is a small-scale amendment under F.S. 163.3187**, which will require one public hearing before the Local Planning Agency for recommendation to the BOCC and one adoption hearing with the BOCC.

Small-scale development amendments may not become effective until 31 days after adoption.

### **LEE PLAN ANALYSIS**

The comprehensive plan applies to all land use decisions within the county. Where goals, objectives, standards, or policies of particular elements conflict, those conflicts will be resolved based on an analysis of the Lee Plan altogether. The Lee Plan analysis included in this staff report considers the proposed amendments in relation to the applicable Lee Plan goals, objectives, and policies to determine overall consistency with the Lee Plan.

Lee Plan Policy 1.1.5 describes the Suburban future land use category, which generally allows a mixture of residential and commercial uses. This policy is included in full on page 2 of this report. The applicant argues that the existing Suburban future land use category is no longer appropriate for the subject property given the surrounding development characteristics. The two parcels are adjacent to US 41/South Tamiami Trail, a major arterial roadway. The area around the site includes a residential neighborhood to the west, zoned RM-2 Multiple Family. The properties located to the north, east, and south of the subject property are zoned C-1 Commercial. Additionally, the subject property's underlying zoning is C-1 Commercial. The C-1 zoning district allows for a more intense array of non-residential land uses, including animal clinics, contractors and builders' offices, schools, and vehicle dealerships. The Suburban future land use category prioritizes the protection of emerging residential neighborhoods and permits lower maximum densities than the proposed Urban Community future land use category. Given the subject property's location relative to major roadways and commercial and residential developments, the Suburban designation no longer reflects the area's existing conditions.

The applicant is proposing to change the subject property's future land use category to Urban Community. Policy 1.1.4 describes the Urban Community future land use category and is reproduced below.

***POLICY 1.1.4:** The Urban Community future land use category are areas characterized by a mixture of relatively intense commercial and residential uses. The residential development in these areas will be at slightly lower densities than other future urban categories described in this plan. As vacant properties within this category are developed, the existing base of public services will need to be maintained which may include expanding and strengthening them accordingly. As in the Central Urban future land use category, predominant land uses in this category will be residential, commercial, public*

*and quasi-public, and limited light industrial with future development encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 Future Land Use II-2 April 2024 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre). The maximum total density may be increased to fifteen dwelling units per acre (15 du/acre) utilizing Greater Pine Island Transfer of Development Units.*

The Urban Community future land use category applies to future urban areas of Lee County, intended to support urban activities, allow bonus density, and encourage a mix of uses. Urban Community properties are supported by public services that may need expansion as development occurs. The Lee Plan permits a standard density range of 1 to 6 dwelling units per acre, or up to 10 dwelling units per acre using the County's bonus density program.

Urban Community is well-suited for the site, given the existing conditions of the surrounding area. The subject property is adjacent to US 41 and abuts a saturated area of established urban community properties just on the other side of US 41. The nearby properties are developed with a mix of residential and commercial uses, and public facilities are readily available to serve the future development of the site. Additionally, Urban Community's higher maximum density through the County's Bonus Density program would support nearby employment hubs, potentially resulting in more efficient traffic patterns, particularly with the existing public transit facilities. **The characteristics of the subject property are more consistent with the Urban Community future land use category than the existing Suburban designation.**

**Objective 2.2** from the Lee Plan describes that future growth in Lee County should be concentrated in areas where public infrastructure is already in place or guaranteed, and where development can occur in a consistent and cohesive manner. The objective is reproduced below.

***OBJECTIVE 2.2: DEVELOPMENT TIMING.** Direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in §163.3164, Fla. Stat.) will be granted only when consistent with the provisions of §163.3202(2)(g) and § 163.3180, Fla. Stat. and the concurrency requirements in the LDC.*

The properties around the subject site include a mixture of developed and vacant sites and there are adequate public facilities available. Development of the site will result in a cohesive and contiguous development pattern. There are currently public facilities and services available at the site, allowing the subject property to be developed in a timely manner. **The proposed amendment would facilitate infill development in an area with adequate public facilities and compact development patterns, consistent with Lee Plan Objective 2.2.**

**Policy 5.1.5** protects existing and future residential areas from any violation of uses that could be harmful to the character and integrity of the residential environment. The policy is reproduced below.

***POLICY 5.1.5:** Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in the LDC, Chapter 10, are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a*

*Planned Development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The LDC will continue to require appropriate buffers for new developments.*

The subject property is in an area with a variety of residential, commercial, and light industrial uses. The Urban Community future land use category includes all use categories permitted under the current Suburban future land use category, as well as limited light industrial uses, when approved through the Planned Development process<sup>1</sup>. These uses are already present on the western side of Tamiami Trail, and the commercial uses adjacent to the site are intense commercial uses (car sales and a flooring center). Future development of the property must comply with the applicable Land Development Code standards, including requirements for buffering and other property development regulations, to help mitigate any potential incompatibilities with the surrounding development. Additionally, the subject property fronts US 41, meaning the proposed development will not intrude into a predominantly residential area. **The proposed future land use map amendment is consistent with Policy 5.1.5; it does not introduce incompatible uses and would not impair the character and integrity of the surrounding residential uses.**

**Policy 101.1.4** sets forth requirements for density increases within the CHHA. Both Suburban and Urban Community future land use categories support a maximum standard density of six (6) dwelling units per acre. Unlike the Suburban future land use category, Urban Community does allow general Bonus Density. The applicant has not indicated whether the proposed development will utilize Lee County's Bonus Density Program. If Bonus Density is proposed through a Bonus Density Application at Development Order, staff will assess the appropriateness of the request, consistent with the Lee Plan requirements, specifically with Policy 101.3.5. Additionally, any future residential development on this site would require flood and storm mitigation in accordance with the Lee Plan, LDC, Florida Building Code, and other applicable regulations. **The proposed map amendment is consistent with Lee Plan Policy 101.1.4, as it does not increase standard densities.**

#### **SERVICE AVAILABILITY**

Site-specific impacts on public services and service availability will be examined in any future development applications for construction on the impacted site. Preliminary analyses of the request are based on the "worst case scenario" for the proposed Future Land Use change.

**Transportation:** The CPA application is required to provide an analysis of the highest potential trip-generation scenario permissible under the proposed comprehensive plan designation. While the applicant has stated that the development is contemplated as "multi-family," no companion applications have been filed. The highest potential trip generator under the proposed Future Land Use designation is ITE Land Use Code 821 (Shopping Plaza (40k-150k; with Supermarket), generating a peak potential of 816 PM Peak Hour Trips. Lee County Department of Transportation analyzed the short-range (5 years) and long-range (20 years) level of service (LOS) analyses based on the highest trip-generating use scenario.

---

<sup>1</sup> See Policy 7.1.2

**5-Year Analysis (2030)**

The 5-year analysis indicates the following roadway segments are forecasted to operate at the following LOS without and with the proposed change, respectively:

<b><u>5 Year Analysis (2030)</u></b>					
<b>Roadway Segment</b>	<b>Location</b>	<b>Level of Service (LOS)</b>			
		<b>LOS without Change</b>		<b>LOS With Change</b>	
US 41	N. of Daniels Pkwy	F	1.16	F	1.17
	N. of Six Mile Cypress Pkwy	F	1.06	F	1.09
	N. of Site	F	1.35	F	1.42
	S. of Site	F	1.14	F	1.22
	S. of Alico Rd	F	1.19	F	1.24
Alico Rd	E. of US 41	C	0.47	C	0.50
Gladiolus Dr	W. of US 41	C	0.91	C	0.93
	W. of Summerlin Rd	C	0.51	C	0.52
	W. of Winkler Rd	C	0.51	C	0.52
Summerlin Rd	S. of Gladiolus Dr	C	0.64	C	0.66
	S. of Winkler Rd	C	0.64	C	0.66
Six Mile Cypress Pkwy	E. of US 41	F	1.34	F	1.36
	E. of Metro Pkwy	C	0.89	C	0.91
Metro Pkwy	N. of Six Mile Cypress Pkwy	C	0.56	C	0.57
Cypress Lake Dr	W. of US 41	C	0.81	C	0.81
Daniels Pkwy	E. of US 41	C	0.8	C	0.84

**Long Range Horizon Analysis (2045)**

The Long Range 2045 Horizon LOS analysis indicates the following roadway segments are forecasted to operate at the corresponding Level of Service (LOS) without, and with the proposed change, respectively:

<b><u>Long Range 2045 Horizon LOS Analysis (2045)</u></b>					
<b>Roadway Segment</b>	<b>Location</b>	<b>Level of Service (LOS)</b>			
		<b>LOS without Change</b>		<b>LOS With Change</b>	
US 41	N. of Daniels Pkwy	F	1.02	F	1.04
	N. of Six Mile Cypress Pkwy	C	0.85	D	0.89
	N. of Site	F	1.10	F	1.17
	S. of Site	F	1.07	F	1.14

	S. of Alico Rd	C	0.86	D	0.91
Alico Rd	E. of US 41	C	0.80	C	0.83
Gladiolus Dr	W. of US 41	F	1.06	F	1.08
	W. of Summerlin Rd	C	0.61	C	0.62
	W. of Winkler Rd	C	0.68	C	0.69
Summerlin Rd	S. of Gladiolus Dr	C	0.82	C	0.83
	S. of Winkler Rd	C	0.74	C	0.76
Six Mile Cypress Pkwy	E. of US 41	C	0.56	D	0.57
	E. of Metro Pkwy	C	0.52	C	0.53
Metro Pkwy	N. of Six Mile Cypress Pkwy	C	0.48	C	0.49
Cypress Lake Dr	W. of US 41	C	0.78	C	0.78
Daniels Pkwy	E. of US 41	C	0.88	C	0.89

Differences are noted in the two analysis scenarios above, in which the 5-Year Analysis (2030) appears to have a greater traffic impact than the Long-Range Horizon Analysis (2045).

The differences in the forecasted background traffic impacts between the 2030 and 2045 scenarios are due to how growth is calculated under short-term and long-range analysis methodologies. The 5-year analysis uses a "linear" forecasting method, applying a minimum 2% (or greater) annual growth rate directly to the recorded traffic volumes on existing roads, creating the appearance that traffic volumes can greatly exceed 100% of roadway capacity. In contrast, the 20-year analysis uses a regional travel model that "balances" the traffic volumes on the network by assuming traffic will redistribute to other roads and interact with other land uses.

While these two forecasting methods produce different results, both are standard practice and have been applied correctly before project traffic volumes were added to the roadway network. The 2030 analysis highlights pressure on the local road network under a minimum annual growth rate, while the 2045 analysis reflects long-term regional patterns that adjust to localized congestion. **Ultimately, both scenarios show that US 41 and potentially Six-Mile Cypress Parkway will exceed their carrying capacity with or without the proposed project.**

Regarding roadway maintenance, US 41, Six Mile Cypress Parkway (between US 41 and Metro Parkway), and Metro Parkway are owned and maintained by the State of Florida. Alico Road, Daniels Parkway, Gladiolus, Cypress Lake Drive, and Summerlin Rd are arterial roads owned and maintained by Lee County.

**Based on this analysis, Lee County DOT finds the application consistent with the Lee Plan and LOS standards.**

**LeeTran:** The proposed development is within one-quarter mile of a fixed-route corridor and the closest bus stop is #11561 - located approximately 250 feet to the south of the subject property. The letter also states that the developer may be required to incorporate improvements. Any such improvements will be reassessed at the time of Development Order review. Based on the letter of availability, **public transit is available to serve the subject property.**

**Utilities:** The subject property is within the Lee County Utilities' water infrastructure, as shown on Map 4-A, and the Forest Utilities Franchise sewer infrastructure. **Both utility providers have issued letters of no objection to the proposed future land use change.**

**Fire/EMS:** San Carlos Park Fire Protection and Rescue Service District has provided a letter of availability. This letter indicates that the **San Carlos Park Fire Protection and Rescue District can provide fire and EMS services to the subject property.**

**Sherrif:** The Lee County Sherrif's Office has provided a letter of availability. This letter confirmed that **Lee County police services will be ready to serve the subject property.**

**Solid Waste:** The Future Land Use Map amendment to redesignate the subject property from Suburban to Urban Community **does not increase the capacity needs of Lee County's solid waste program.**

**Lee County School District:** The Lee County School District has provided a letter of availability and has stated that the proposed map amendment **will not negatively impact school concurrency for the School District of Lee County.**

Site-specific impacts to public services and availability of service will be examined in any future development applications for construction on the impacted site.

## **CONCLUSIONS**

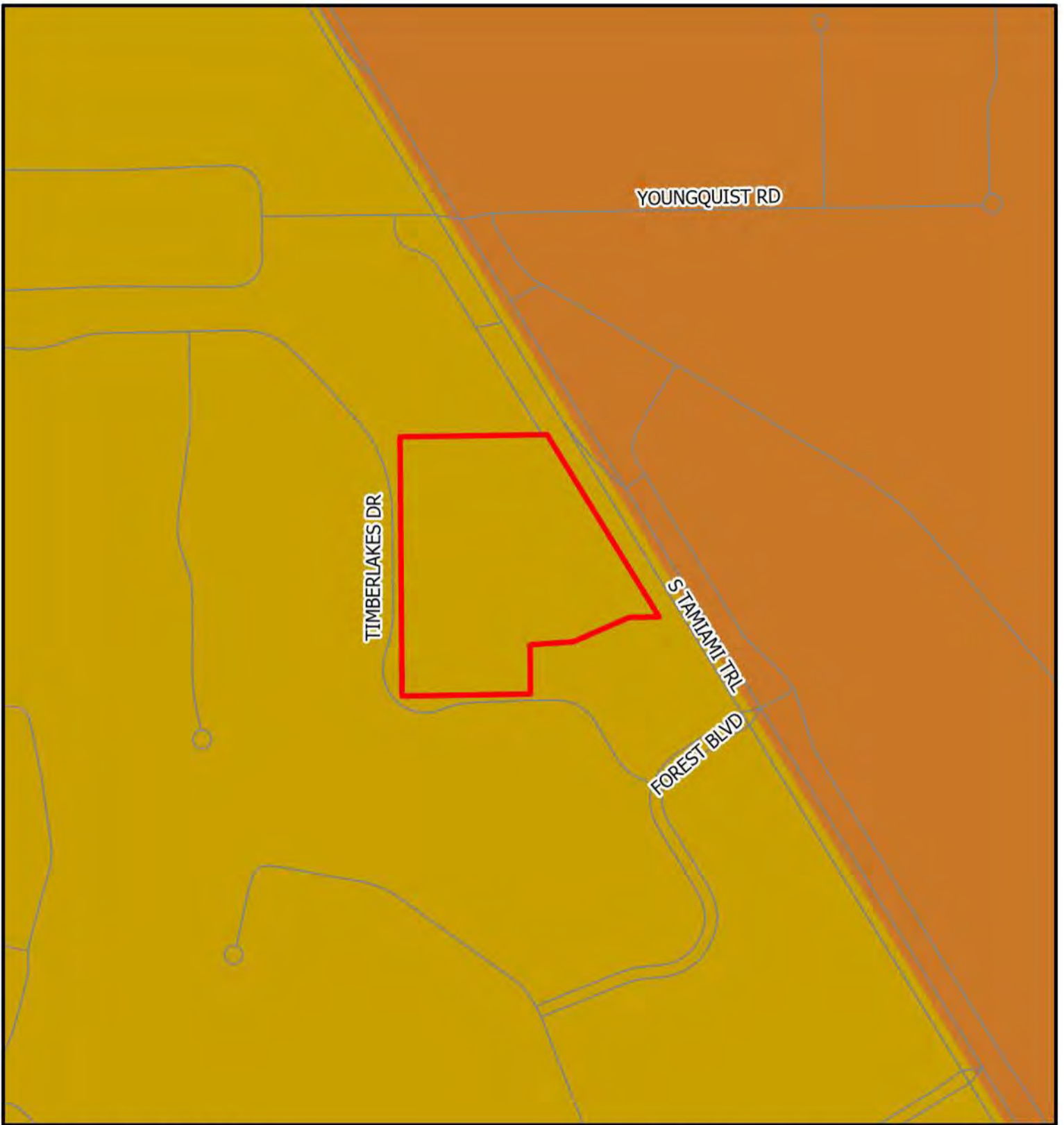
Staff has reviewed the proposed amendment and provides the following conclusions:

- The subject property is located on S. Tamiami Trail, a major arterial, and is adjacent to other Urban Community designated properties, minimizing the effects of urban sprawl.
- The characteristics of the subject property are more consistent with the Urban Community future land use category than the existing Suburban designation.
- Future development must be in compliance with Coastal High Hazard (CHHA), FEMA floodplain, and Land Development Code requirements and standards.
- Utilities and other public services and infrastructure are already established, with no availability issues for development of the subject property, making it an ideal infill development opportunity.
- The applicant has provided all the required documentation for the proposed amendments according to AC 13-6.

For the reasons discussed in this staff report, staff recommends that the Board of County Commissioners **adopt** the proposed amendment as provided in Attachment 1.

# **ATTACHMENT 1**




- **Map 1A Existing Future Land Use Map**
- **Map 1A Proposed Future Land Use Map**

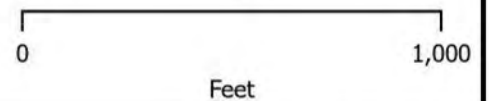
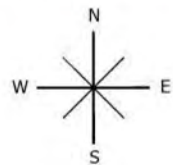


CPA2025-00003

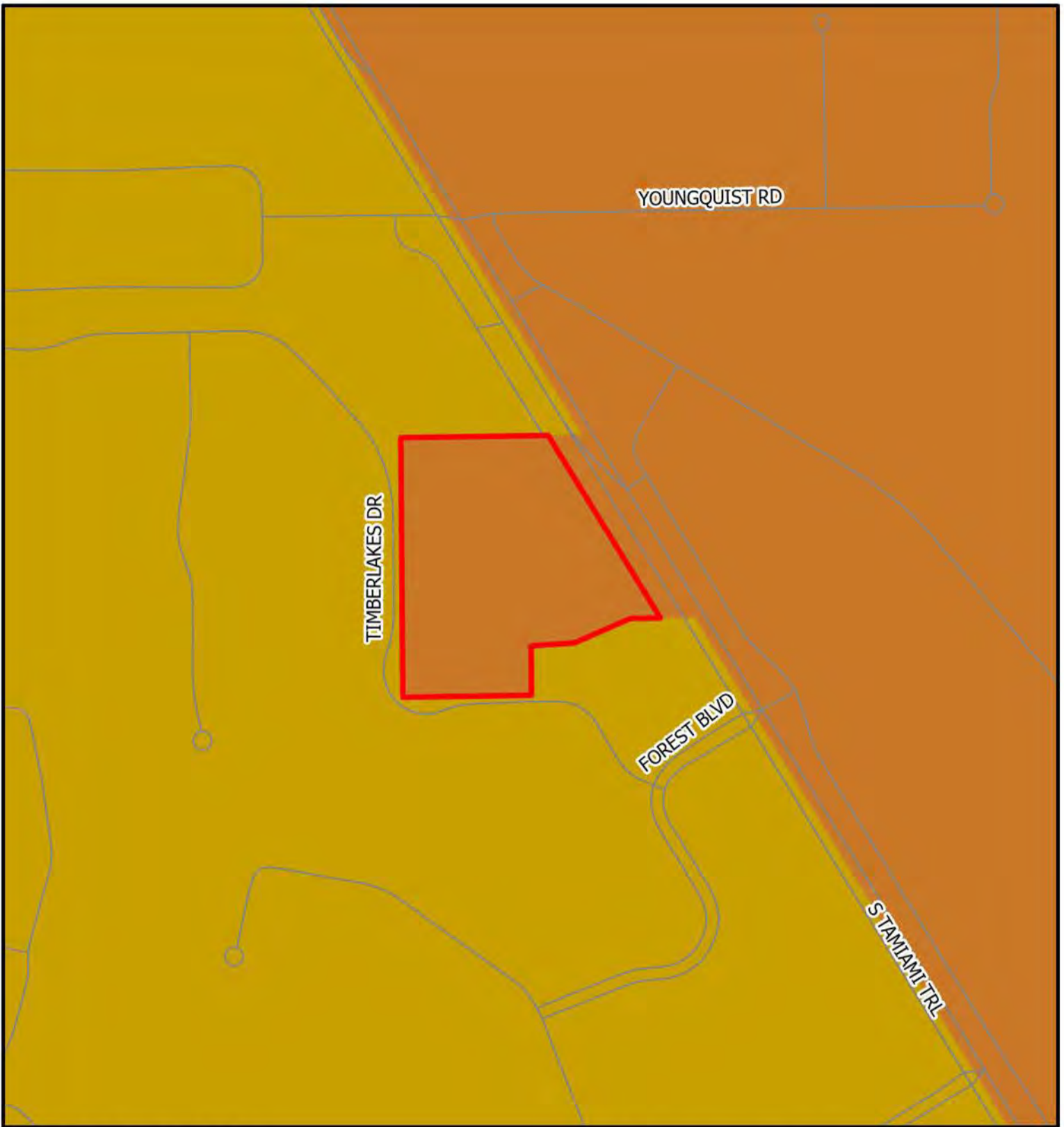
Existing Future Land Use



-  Subject Property
-  Urban Community
-  Suburban






Map Generated: December 2025

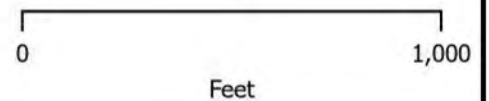
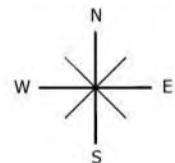


CPA2025-00003

Proposed Future Land Use



-  Subject Property
-  Urban Community
-  Suburban



Map Generated: December 2025



# APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - MAP

Project Name: Pugliese Multifamily

Project Description: The application is requesting a map Amendment to change the 13.2-acre site from Suburban to Urban Community

Map(s) to Be Amended: Map 1, Page 1

State Review Process:  Small-Scale Review  State Coordinated Review  Expedited State Review

1. Name of Applicant: Land America, LLC-Chris King  
Address: 101 Pugliese's Way, Suite 200  
City, State, Zip: Delray Beach, FL 33444  
Phone Number: 561-454-1606 E-mail: cking@puglieseco.com

2. Name of Contact: Quattrone & Associates, Inc  
Address: 4301 Veronica Shoemaker Blvd  
City, State, Zip: Fort Myers, FL 33916  
Phone Number: 239-936-5222 E-mail: permits@qanet.net

3. Owner(s) of Record: Clara Point, LLC  
Address: 101 Puglieses Way, 2nd Fl  
City, State, Zip: Delray Beach, FL 33444  
Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_



4. Property Location:  
1. Site Address: Access Undetermined (S. Tamimai Trail)  
2. STRAP(s): 01-46-24-00-00004.2020; 01-46-24-00-00004.2000

5. Property Information:  
Total Acreage of Property: 13.2 ac Total Acreage Included in Request: 13.2 ac  
Total Uplands: 8.94 ac Total Wetlands: 4.26 ac Current Zoning: C-1  
Current Future Land Use Category(ies): Suburban  
Area in Each Future Land Use Category: 13.2  
Existing Land Use: vacant

6. Calculation of maximum allowable development under current Lee Plan:  
Residential Units/Density: 6 du/ac, Commercial Intensity: 100,000 to 400,000 sf Industrial Intensity: Per "LDC"  
max of 8du/ac through greater Pine Island TDUs

7. Calculation of maximum allowable development with proposed amendments:  
Residential Units/Density: 6 du/ac Commercial Intensity: 100,000 to 400,000 sf Industrial Intensity: Per "LDC"  
max of 10du/ac with affordable housing bonus

## **Public Facilities Impacts**

NOTE: The applicant must calculate public facilities impacts based on the maximum development.

- 1. Traffic Circulation Analysis:** The analysis is intended to determine the effect of the land use change on the Financially Feasible Highway Plan Map 3A (20-year plus horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit a Traffic Impact Statement (TIS) consistent with Lee County Administrative Code (AC)13-17.
  - a. Proposals affecting less than 10 acres, where development parameters are contained within the Traffic Analysis Zone (TAZ) or zones planned population and employment, or where there is no change in allowable density/intensity, may be eligible for a TIS requirement waiver as outlined in the Lee County TIS Guidelines and AC-13-17. Identification of allowable density/intensity in order to determine socio-economic data for affected TAZ(s) must be coordinated with Lee County Planning staff. Otherwise a calculation of trip generation is required consistent with AC-13-17 and the Lee County TIS Guidelines to determine required components of analysis for:
    - i. Total peak hour trip generation less than 50 total trip ends – trip generation.
    - ii. Total peak hour trip generation from 50 to 300 total trip ends – trip generation, trip distribution and trip assignment (manual or Florida Standard Urban Transportation Modeling Structure (FSUTMS) analysis consistent with AC-13-17 and TIS Guidelines), short-term (5 year) and long-range (to current Lee Plan horizon year) segment LOS analysis of the nearest or abutting arterial and major collector segment(s) identified in the Transportation Inventory based on the trip generation and roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is recommended prior to submittal of the application to discuss use of FSUTMS, any changes to analysis requirements, or a combined CPA and Zoning TIS short term analysis.
    - iii. Total peak hour trip generation is over 300 total trip ends - trip generation, mode split, trip distribution and trip assignment (manual or FSUTMS analysis consistent with AC-13-17 and TIS Guidelines), short-term (five-year) and long-range (to current Lee Plan horizon year) segment LOS analysis of arterial and collector segments listed in the Transportation Inventory. LOS analysis will include any portion of roadway segments within an area three miles offset from the boundary of the application legal description metes and bounds survey. LOS analysis will also include any additional segments in the study area based on the roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is required prior to submittal of the application.
  - b. Map amendment - greater than 10 acres -Allowable density/intensity will be determined by Lee County Planning staff.
- 2. Provide an existing and future conditions analysis for the following (see Policy 95.1.3):**
  - a. Sanitary Sewer
  - b. Potable Water
  - c. Surface Water/Drainage Basins
  - d. Parks, Recreation, and Open Space
  - e. Public Schools

**Analysis for each of the above should include (but is not limited to) the following (see the Lee County Concurrency Management Report):**

- a. Franchise Area, Basin, or District in which the property is located
- b. Current LOS, and LOS standard of facilities serving the site
- c. Projected 2030 LOS under existing designation
- d. Projected 2030 LOS under proposed designation
- e. Existing infrastructure, if any, in the immediate area with the potential to serve the subject property
- f. Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements
- g. Provide a letter of service availability from the appropriate utility for sanitary sewer and potable water

**In addition to the above analysis, provide the following for potable water:**

- a. Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.
- b. Include the current demand and the projected demand under the existing designation, and the projected demand under the proposed designation.
- c. Include the availability of treatment facilities and transmission lines for reclaimed water for irrigation.
- d. Include any other water conservation measures that will be applied to the site (see Goal 54).

**3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:**

- a. Fire protection with adequate response times
- b. Emergency medical service (EMS) provisions
- c. Law enforcement
- d. Solid Waste
- e. Mass Transit
- f. Schools

In reference to above, the applicant must supply the responding agency with the information from application items 5, 6, and 7 for their evaluation. This application must include the applicant's correspondence/request to the responding agency.

**Environmental Impacts**

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed change based upon the following:

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
2. A map and description of the soils found on the property (identify the source of the information).
3. A topographic map depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
4. A map delineating the property boundaries on the most recent Flood Insurance Rate Map.
5. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
6. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

**Impacts on Historic Resources**

List all historic resources (including structure, districts, and/or archaeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

1. A map of any historic districts and/or sites listed on the Florida Master Site File which are located on the subject property or adjacent properties.
2. A map showing the subject property location on the archaeological sensitivity map for Lee County.

**Internal Consistency with the Lee Plan**

1. Discuss how the proposal affects established Lee County population projections, Lee Plan Table 1(b) and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment or that affect the subject property. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.

**State Policy Plan and Regional Policy Plan**

List State Policy Plan and Regional Policy Plan goals, strategies and actions, and policies which are relevant to this plan amendment.

**Justify the proposed amendment based upon sound planning principles**

Support all conclusions made in this justification with adequate data and analysis.

**Planning Communities/Community Plan Area Requirements**

If located within a planning community/community plan area, provide a meeting summary document of the required public informational session [Lee Plan Goal 17].

**Sketch and Legal Description**

The certified legal description(s) and certified sketch of the description for the property subject to the requested change. A metes and bounds legal description must be submitted specifically describing the entire perimeter boundary of the property with accurate bearings and distances for every line. The sketch must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning and the other an opposing corner. If the subject property contains wetlands or the proposed amendment includes more than one land use category a metes and bounds legal description, as described above, must be submitted in addition to the perimeter boundary of the property for each wetland or future land use category.

**SUBMITTAL REQUIREMENTS**

*Clearly label all submittal documents with the exhibit name indicated below.*

*For each map submitted, the applicant will be required to submit a 24"x36" version and 8.5"x11" reduced map for inclusion in public hearing packets.*

**MINIMUM SUBMITTAL ITEMS (3 Copies)**

<input checked="" type="checkbox"/>	Completed Application (Exhibit – M1)
<input checked="" type="checkbox"/>	Disclosure of Interest (Exhibit – M2)
<input checked="" type="checkbox"/>	Surrounding Property Owners List, Mailing Labels, and Map For All Parcels Within 500 Feet of the Subject Property (Exhibit – M3)
<input checked="" type="checkbox"/>	Existing Future Land Use Map (Exhibit – M4)
<input checked="" type="checkbox"/>	Map and Description of Existing Land Uses (Not Designations) of the Subject Property and Surrounding Properties (Exhibit – M5)
<input checked="" type="checkbox"/>	Map and Description of Existing Zoning of the Subject Property and Surrounding Properties (Exhibit – M6)
<input checked="" type="checkbox"/>	Signed/Sealed Legal Description and Sketch of the Description for Each FLUC Proposed (Exhibit – M7)
<input checked="" type="checkbox"/>	Copy of the Deed(s) of the Subject Property (Exhibit – M8)
<input checked="" type="checkbox"/>	Aerial Map Showing the Subject Property and Surrounding Properties (Exhibit – M9)
<input checked="" type="checkbox"/>	Authorization Letter From the Property Owner(s) Authorizing the Applicant to Represent the Owner (Exhibit – M10)
<input checked="" type="checkbox"/>	Proposed Amendments (Exhibit – M11)
<input checked="" type="checkbox"/>	Lee Plan Analysis (Exhibit – M12)
<input checked="" type="checkbox"/>	Environmental Impacts Analysis (Exhibit – M13)
<input checked="" type="checkbox"/>	Historic Resources Impact Analysis (Exhibit – M14)
<input checked="" type="checkbox"/>	Public Facilities Impacts Analysis (Exhibit – M15)
<input checked="" type="checkbox"/>	Traffic Circulation Analysis (Exhibit – M16)
<input checked="" type="checkbox"/>	Existing and Future Conditions Analysis - Sanitary Sewer, Potable Water, Surface Water/Drainage Basins, Parks and Rec, Open Space, Public Schools (Exhibit – M17)
<input checked="" type="checkbox"/>	Letter of Determination For the Adequacy/Provision of Existing/Proposed Support Facilities - Fire Protection, Emergency Medical Service, Law Enforcement, Solid Waste, Mass Transit, Schools (Exhibit – M18)
<input checked="" type="checkbox"/>	State Policy Plan and Regional Policy Plan (Exhibit – M19)
<input checked="" type="checkbox"/>	Justification of Proposed Amendment (Exhibit – M20)
<input type="checkbox"/>	Planning Communities/Community Plan Area Requirements (Exhibit – M21)

**APPLICANT – PLEASE NOTE:**

Changes to Table I(b) that relate directly to and are adopted simultaneously with a future land use map amendment may be considered as part of this application for a map amendment.

Once staff has determined the application is sufficient for review, 15 complete copies will be required to be submitted to staff. These copies will be used for Local Planning Agency hearings, Board of County Commissioners hearings, and State Reviewing Agencies. Staff will notify the applicant prior to each hearing or mail out to obtain the required copies.

If you have any questions regarding this application, please contact the Planning Section at (239) 533-8585.

AFFIDAVIT

I, Robert H Goodman, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

[Signature] 3/1/23  
Signature of Applicant Date

Robert H Goodman  
Printed Name of Applicant

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization on 3/1/23 (date) by Robert H Goodman (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

[Signature]  
Signature of Notary Public



Megan Shaw  
(Name typed, printed or stamped)

**DISCLOSURE OF INTEREST  
AFFIDAVIT**

BEFORE ME this day appeared David Cloran, as Vice President, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 01-46-24-00-00004.2000, 01-46-24-00-00004.2020 and is the subject of an application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Under penalty of perjury, I declare that I have read the foregoing, and the facts alleged are true to the best of my knowledge and belief.

 VP  
\_\_\_\_\_  
Property Owner

David Cloran, Vice President  
Print Name

\*\*\*\*\*NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS\*\*\*\*\*  
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA  
COUNTY OF LEE PALM BEACH

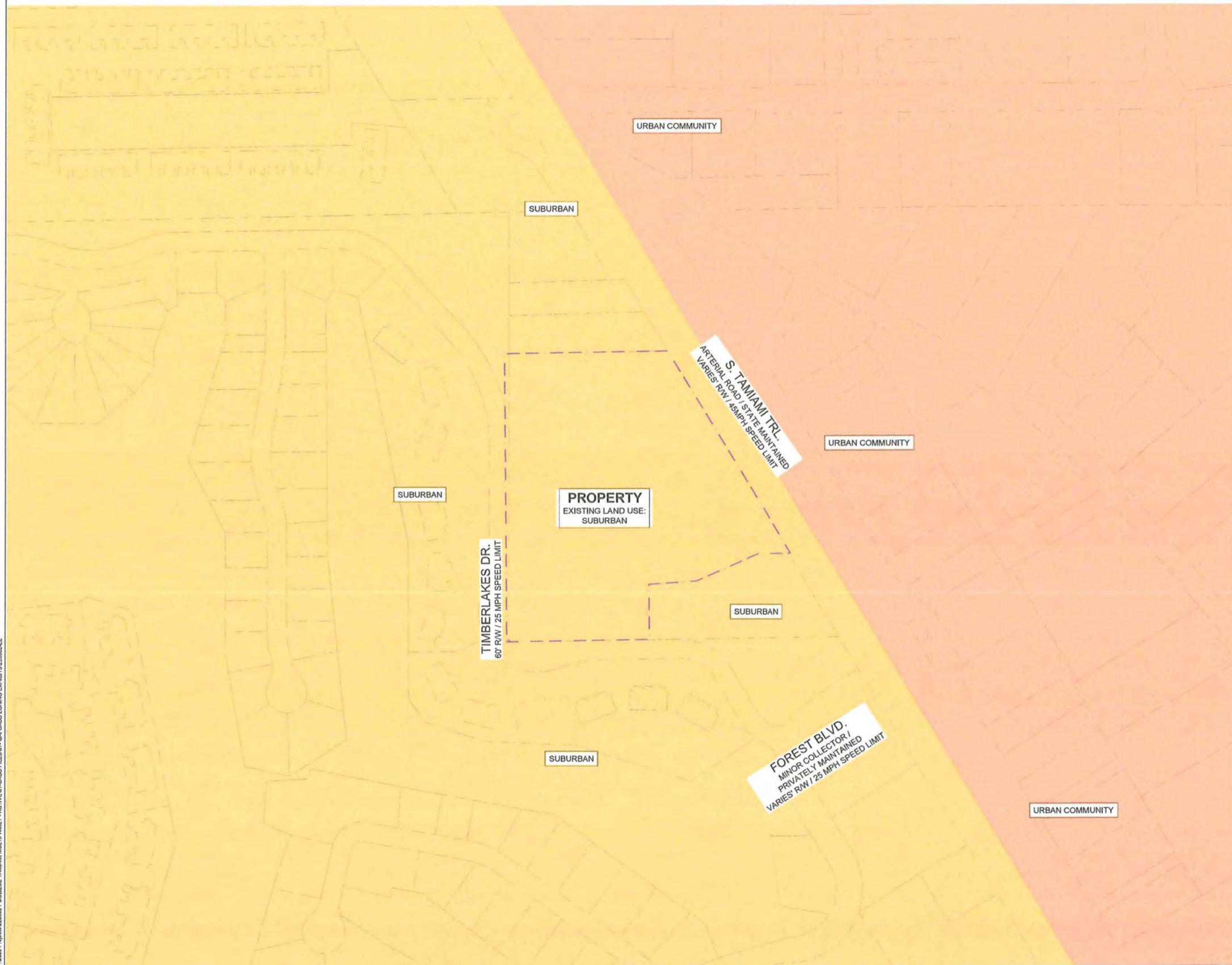
The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, on MAY 1, 2025 (date) by David Cloran as Vice President Clara Point, LLC (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

STAMP/SEAL



  
\_\_\_\_\_  
Signature of Notary Public

# EXHIBIT M-4 FUTURE LAND USE - EXISTING



**Future Urban Areas**

- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Outlying Suburban
- Sub-Outlying Suburban
- Commercial
- Industrial
- Public Facilities
- University Community
- Burnt Store Marina Village
- Destination Resort Mixed Use Water Dependent

**Special Urban Areas**

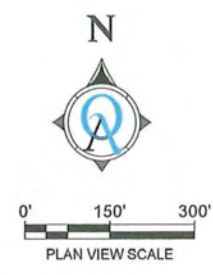
- Industrial Interchange
- General Interchange
- General Commercial Interchange
- Industrial Commercial Interchange
- University Village Interchange
- New Community
- Tradeport
- Airport

**Non-Urban Areas**

- Rural
- Rural Community Preserve
- Coastal Rural
- Outer Island
- Open Lands
- Density Reduction/Groundwater Resource
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland

**NOTES:**

- THIS AERIAL PHOTOGRAPH SHOWN WERE PROVIDED BY LEE COUNTY GOVERNMENT AND WERE TAKEN IN 2022.
- FUTURE LAND USE DATA FROM LEE COUNTY GIS OPEN DATA, UPDATED 2022.



REV	REVISION	DATE

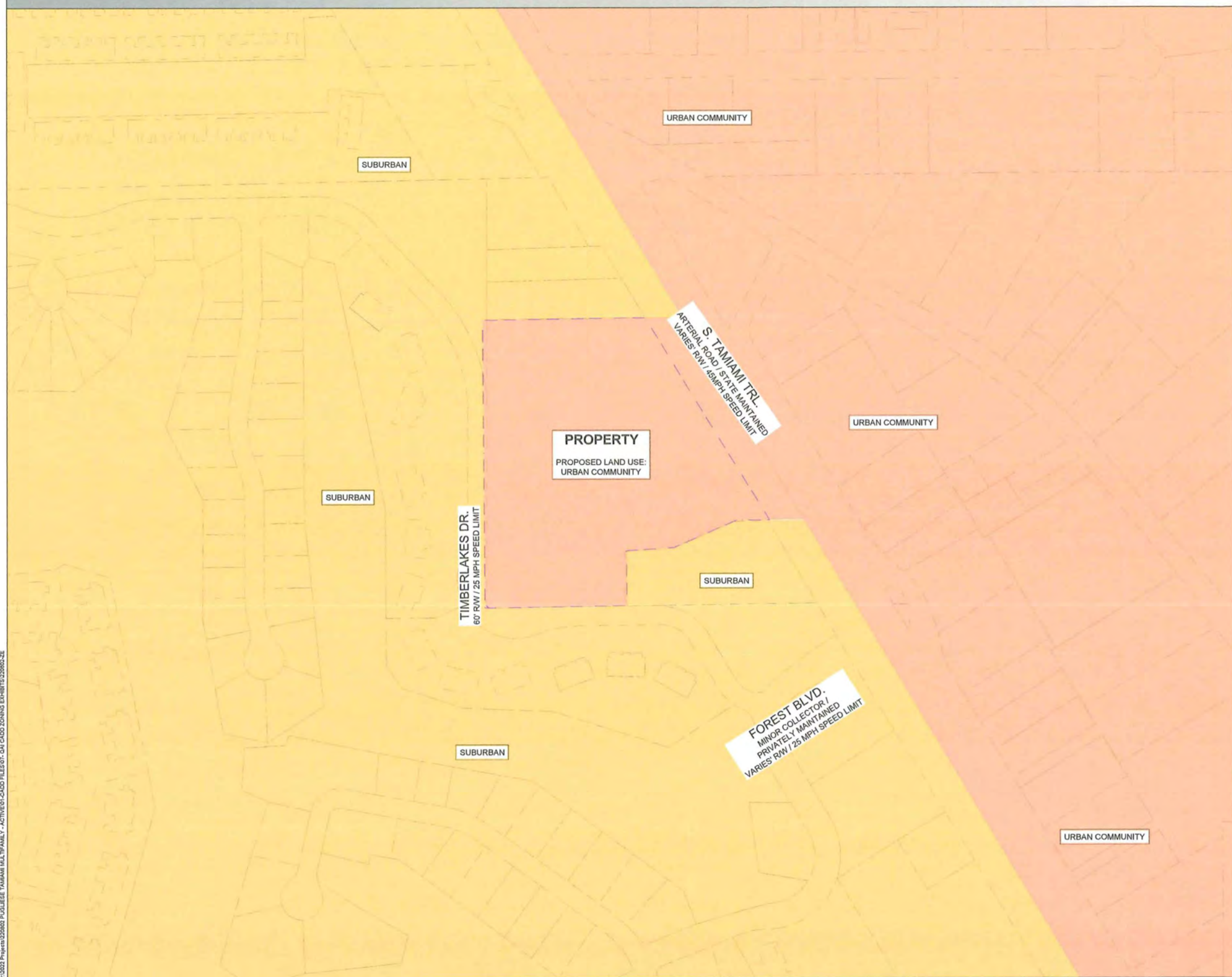
PUGLIESE TAMAMI MULTIFAMILY  
FUTURE LAND USE MAP - EXISTING  
ACCESS UNDETERMINED  
FORT MYERS, FL 33908

**Quattrone & Associates, Inc.**  
 Engineers, Planners, & Development Consultants  
 4301 Veronica Shoemaker Blvd - Fort Myers, Florida 33916 - 239-936-5222  
 Certificate of Authorization Number: 6465

ALFRED QUATTRONE, P.E.  
FL REG #52741  
SEAL ONLY WITH STAMPED SEAL  
 SAVED BY: Gabriela  
 SAVED ON: 9/10/25  
**SHEET**  
**M-4**  
 FUTURE LAND  
 USE EXISTING

P:\2022 Projects\202202 PUGLIESE TAMAMI MULTIFAMILY - ACTIVE\01-CADD FILES\07-DWG CADD ZONING EXHIBIT\202202-ZE

# EXHIBIT M-4 FUTURE LAND USE - PROPOSED



**Future Urban Areas**

- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Outlying Suburban
- Sub-Outlying Suburban
- Commercial
- Industrial
- Public Facilities
- University Community
- Burnt Store Marina Village
- Destination Resort Mixed Use Water Dependent

**Special Urban Areas**

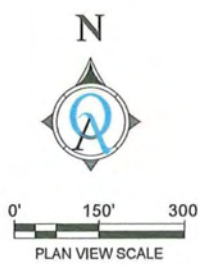
- Industrial Interchange
- General Interchange
- General Commercial Interchange
- Industrial Commercial Interchange
- University Village Interchange
- New Community
- Tradeport
- Airport

**Non-Urban Areas**

- Rural
- Rural Community Preserve
- Coastal Rural
- Outer Island
- Open Lands
- Density Reduction/Groundwater Resource
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland

**NOTES:**

- THIS AERIAL PHOTOGRAPH SHOWN WERE PROVIDED BY LEE COUNTY GOVERNMENT AND WERE TAKEN IN 2022.
- FUTURE LAND USE DATA FROM LEE COUNTY GIS OPEN DATA, UPDATED 2022.



P:\2022 Projects\220602 PUGLIESE TAMAMI MULTIFAMILY - ACTIVE\01-CADD FILES\07-041 CADD ZONING EXHIBITS\220602-ZE

REV	REVISION	DATE

PUGLIESE TAMAMI MULTIFAMILY  
 FUTURE LAND USE MAP - PROPOSED  
 ACCESS UNDETERMINED  
 FORT MYERS, FL 33908

**Quattrone & Associates, Inc.**  
 Engineers, Planners, & Development Consultants  
 4301 Veronica Shoemaker Blvd - Fort Myers, Florida 33916 - 239-936-5222  
 Certificate of Authorization Number: 9465

ALFRED QUATTRONE, P.E.  
 FL REG #52741  
UNOFFICIAL COPY - NOT FOR CONSTRUCTION  
 SAVED BY: Gabriela  
 SAVED ON: 8/10/25  
**SHEET**  
**M-4**  
 FUTURE LAND  
 USE PROPOSED

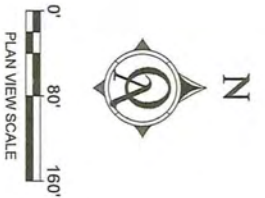




**EXHIBIT M-6 ZONING LAND USE**

NOTES:

THIS AERIAL PHOTOGRAPH SHOWN WERE PROVIDED BY LEE COUNTY GOVERNMENT AND WERE TAKEN IN 2022.  
 FUTURE LAND USE DATA FROM LEE COUNTY GIS OPEN DATA, UPDATED 2022.

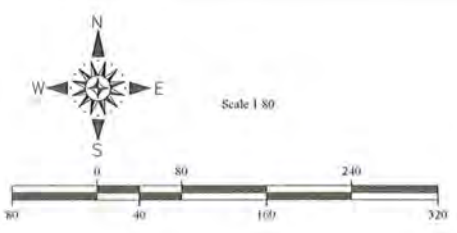
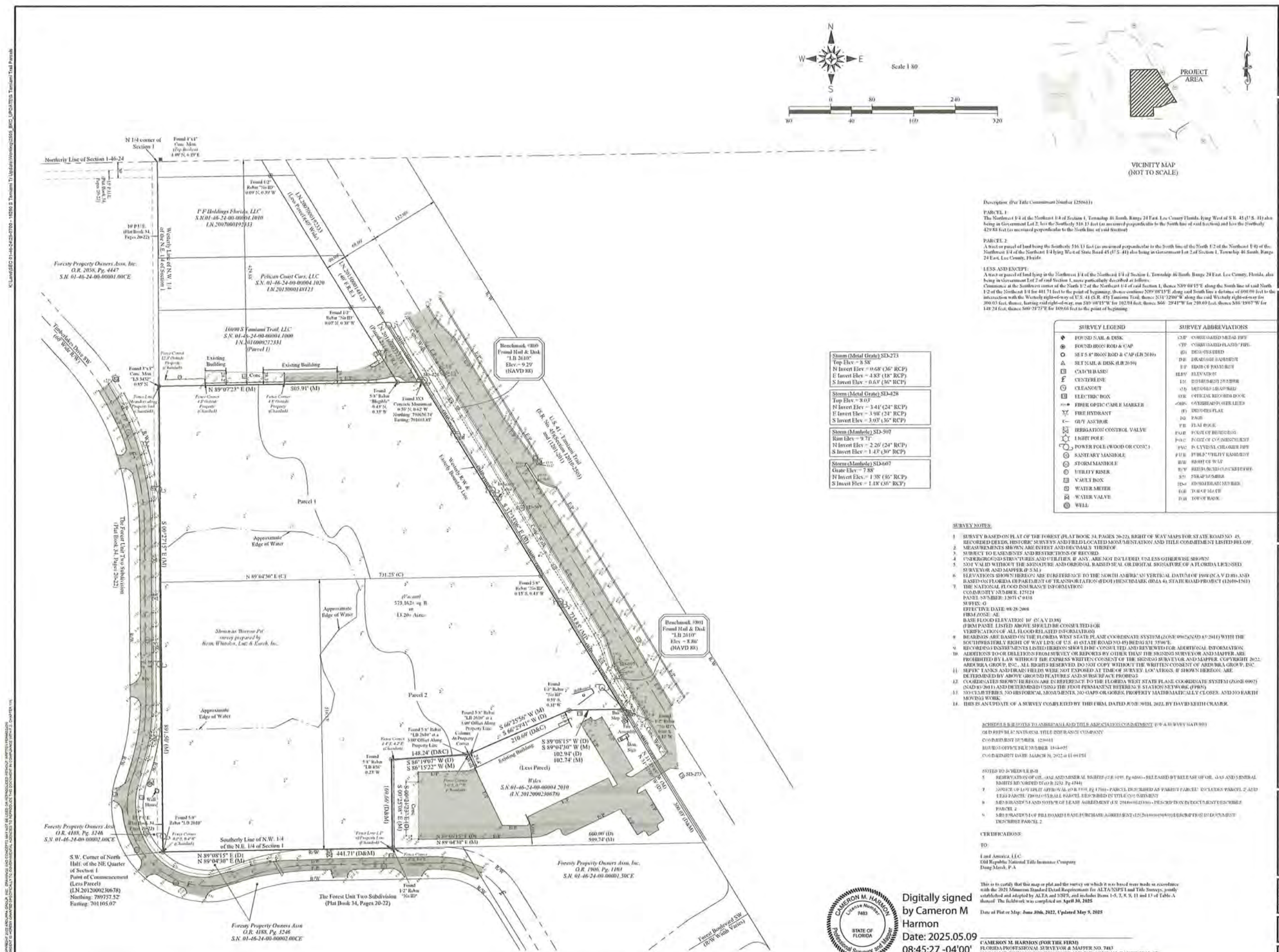


ALIGNED QUATTORNE, INC.  
 4301 VERONICA SHOEMAKER BLVD.  
 FORT MYERS, FL 33916  
 (813) 936-5222  
 SHEET  
**M-6**  
 ZONING

**Quattorne & Associates, Inc.**  
 Engineers, Planners, & Development Consultants  
 4301 Veronica Shoemaker Blvd - Fort Myers, Florida 33916 - 239-936-5222  
 Certificate of Authorization Number: 9465

PUGLIESE TAMIAMI MULTIFAMILY  
 ZONING LAND USE MAP  
 ACCESS UNDETERMINED  
 FORT MYERS, FL 33908

REV	REVISION	DATE



Description: (Per Title Commitment 25061 or 125061)

**PARCEL 1**  
The Northern 1/4 of the Northern 1/4 of Section 1, Township 46 South, Range 24 East, Lee County Florida, lying West of S.B. 45 (U.S. 91) and lying in Government Lot 2, less the Southwesterly 316.13 feet (as measured perpendicular to the North line of said Section 1) and less the Southwesterly 429.58 feet (as measured perpendicular to the South line of said Section 1).

**PARCEL 2**  
A tract or parcel of land lying the Southerly 516.13 feet (as measured perpendicular to the South line of the North 1/2 of the Northern 1/4 of the Northern 1/4 of the Northern 1/4 of Section 1, Township 46 South, Range 24 East, Lee County, Florida, also lying in Government Lot 2, less particularly described as follows:  
Commence at the Southwest corner of the North 1/2 of the Northern 1/4 of said Section 1, thence N89°08'15" E along the South line of said North 1/2 of the Northern 1/4 for 441.71 feet to the point of beginning; thence continue N89°08'15" E along said South line a distance of 600.00 feet to the intersection with the Westerly right-of-way of U.S. 41 (S.R. 45) Eastman Trail; thence S11°32'00" W along the said Westerly right-of-way for 200.00 feet, thence having said right-of-way, run S33°00'15" W for 103.00 feet, thence S66°29'41" W for 210.69 feet, thence S55°19'07" W for 149.24 feet, thence S50°27'27" E for 169.66 feet to the point of beginning.

**LESS AND EXCEPT:**  
A tract or parcel of land lying the Southerly 516.13 feet (as measured perpendicular to the South line of the North 1/2 of the Northern 1/4 of the Northern 1/4 of the Northern 1/4 of Section 1, Township 46 South, Range 24 East, Lee County, Florida, also lying in Government Lot 2, less particularly described as follows:  
Commence at the Southwest corner of the North 1/2 of the Northern 1/4 of said Section 1, thence N89°08'15" E along the South line of said North 1/2 of the Northern 1/4 for 441.71 feet to the point of beginning; thence continue N89°08'15" E along said South line a distance of 600.00 feet to the intersection with the Westerly right-of-way of U.S. 41 (S.R. 45) Eastman Trail; thence S11°32'00" W along the said Westerly right-of-way for 200.00 feet, thence having said right-of-way, run S33°00'15" W for 103.00 feet, thence S66°29'41" W for 210.69 feet, thence S55°19'07" W for 149.24 feet, thence S50°27'27" E for 169.66 feet to the point of beginning.

- Storm (Metal Grate) SD-273  
Top Elev = 8.58  
N Invert Elev = 0.68' (36" RCP)  
E Invert Elev = 4.83' (18" RCP)  
S Invert Elev = 0.63' (36" RCP)
- Storm (Metal Grate) SD-428  
Top Elev = 8.07  
N Invert Elev = 3.41' (24" RCP)  
E Invert Elev = 3.98' (24" RCP)  
S Invert Elev = 3.03' (36" RCP)
- Storm (Manhole) SD-507  
Rim Elev = 9.71  
N Invert Elev = 2.26' (24" RCP)  
S Invert Elev = 1.43' (36" RCP)
- Storm (Manhole) SD-607  
Rim Elev = 7.88  
N Invert Elev = 1.38' (36" RCP)  
S Invert Elev = 1.18' (36" RCP)

SURVEY LEGEND	SURVEY ABBREVIATIONS
FOUND NAIL & DISK	CONCRETE METAL PIPE
FOUND IRON ROD & CAP	CONCRETE PLASTIC PIPE
SET NAIL & DISK (LR 2010)	DISCONTINUED
SET NAIL & DISK (LR 2010)	DISCONTINUED
CATCH BASIN	EDGE OF PAVED BITH
CENTERLINE	ELEVATION
CLEARCUT	EXISTING SURFACE
ELECTRIC BOX	OFFICIAL RECORD BOOK
FIBER OPTIC CABLE MARKER	OFFSHORE POWER LEAD
FIRE HYDRANT	OPENING PLATE
GRIP ASCHOR	PILE BARGE
IRRIGATION CONTROL VALVE	POINT OF BEGINNING
LIGHT POLE	POINT OF COMMENCEMENT
POWER POLE (WOOD OR CONC)	RECTANGULAR CHARGER PIPE
SANITARY MANHOLE	RECTANGULAR CHARGER PIPE
STORM MANHOLE	RECTANGULAR CHARGER PIPE
UTILITY RISER	RECTANGULAR CHARGER PIPE
Vault Box	RECTANGULAR CHARGER PIPE
WATER METER	RECTANGULAR CHARGER PIPE
WATER VALVE	RECTANGULAR CHARGER PIPE
WELL	RECTANGULAR CHARGER PIPE

- SURVEY NOTES:**
1. SURVEY BASED ON PLAT OF THE FOREST (PLAT BOOK 34, PAGES 20-22), RIGHT OF WAY MAPS FOR STATE ROAD NO. 45, RECORDED DEEDS, HISTORIC SURVEYS AND FIELD LOCATED MONUMENTATION AND TITLE COMMITMENT LISTED BELOW.
  2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
  3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
  4. UNRECORDED STRIPES AND UTILITIES, IF ANY, ARE NOT EXCLUDED UNLESS OTHERWISE SHOWN.
  5. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER (P. 5 M.).
  6. ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D.) AND BASED ON FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) HEIGHT DATUM (GDA) 4 STATE ROAD PROJECT (25061-4501).
  7. THE NATIONAL FLOOD INSURANCE INFORMATION COMMUNITY NUMBER: 125124  
PARCEL NUMBER: 1201114018  
SUFFIX: 0  
EFFECTIVE DATE: 09/28/2008  
FIRM: 0505, AE  
BASE FLOOD ELEVATION: 10' (5' A.V.D. 8')  
(FIRM PANEL LISTED ABOVE SHOULD BE CONSULTED FOR VERIFICATION OF ALL FLOOD RELATED INFORMATION.)
  8. READINGS ARE BASED ON THE FLORIDA WEST STATE PLANE COORDINATE SYSTEM (ZONE 0902) (NAD 83 2011) WITH THE SOUTH WESTERLY RIGHT OF WAY LINE OF U.S. 41 (STATE ROAD NO. 45) BEING 531.3596'.
  9. REVISIONS AND EVIDENCE LISTED HEREON SHOULD BE CONSULTED AND REVIEWED FOR ADDITIONAL INFORMATION.
  10. ADDITIONS TO OR DELETIONS FROM SURVEY OR REPORTS BY OTHER THAN THE SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SURVEYOR AND MAPPER. COPYRIGHT 2022, ARDISA GROUP, INC. ALL RIGHTS RESERVED. NOT COPY WITHOUT THE WRITTEN CONSENT OF ARDISA GROUP, INC. SPLIT TANKS AND DRAIN FIELDS WERE NOT EXPOSED AT TIME OF SURVEY, LOCATIONS, IF SHOWN HEREON, ARE DETERMINED BY ABOVE GROUND FEATURES AND SURFACE PROBING.
  11. COORDINATES SHOWN ARE REFERENCED TO THE FLORIDA WEST STATE PLANE COORDINATE SYSTEM (ZONE 0902) (NAD 83 2011) AND DETERMINED USING THE POINT PERMANENT REFERENCE STATION NETWORK (PPRS).
  12. NO CLAIMS, NO HISTORICAL MONUMENTS, NO GAPS OR GORES, PROPERTY MATHEMATICALLY CLOSED, AND NO EARLY MEASURED BYRDS.
  13. THIS IS AN UPDATE OF A SURVEY COMPLETED BY THIS FIRM, DATED JUNE 30TH, 2022, BY DAVID KEITH CRAMER.

Digitally signed  
by Cameron M Harmon  
Date: 2025.05.09  
08:45:27 -04'00'

This is to certify that this map or plat and the survey on which it was based were made in accordance with the 2021 Minimum Standard and Detail Requirements for ALTA/NSPS and Title Surveys, jointly published and adopted by ALTA and NSPS, and includes Items 1-5, 7, 8, 9, 11 and 13 of Table A thereof. This fieldwork was completed on April 28, 2025.

Date of Plat or Map: June 26th, 2022, Updated May 5, 2025

CAMERON M. HARMON (FOR THE FIRM)  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 7483  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ARDURRA  
CONSULTANTS, LAND SURVEYING & ENGINEERING, INC.

---

SECTION 01, TOWNSHIP 46S, RANGE 24E  
Prepared for: Land America, LLC

---

ALTA/NSPS Survey  
of a Parcel of land lying in Section 01, Township 46  
South, Range 24 East, Lee County, Florida.

---

CAMERON M. HARMON  
LICENSE NUMBER 7483  
STATE OF FLORIDA  
Professional Surveyor & Mapper

---

JOB NO: 2022-0724-00-0001-001  
FIELD BOOK: 395.35.55  
DATE: 06-28-2022  
SCALE: AS SHOWN

---

1 of 1  
DRAWN BY  
D.K.C.

# Legal Description

**Subject Parcel Description:**

A TRACT OR PARCEL OF LAND BEING PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, ALSO BEING IN GOVERNMENT LOT 2, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE SOUTH 00 DEGREES 27 MINUTES 15 SECONDS EAST, ALONG THE WESTERLY LINE OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER, A DISTANCE OF 1321.39 FEET TO THE SOUTHWEST CORNER OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 1 AND THE **POINT OF BEGINNING**; THENCE NORTH 00 DEGREES 27 MINUTES 15 SECONDS WEST, ALONG SAID WESTERLY LINE, A DISTANCE OF 891.50 FEET; THENCE NORTH 89 DEGREES 07 MINUTES 23 SECONDS EAST, A DISTANCE OF 505.91 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 - TAMiami TRAIL (ALSO STATE ROAD 45 AS DEPICTED IN PLANS FOR SECTION 12010-2503); THENCE SOUTH 31 DEGREES 35 MINUTES 06 SECONDS EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 735.85 FEET TO THE NORTHERLY BOUNDARY OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NUMBER 2012000230678, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG THE BOUNDARIES OF SAID TRACT FOR THE FOLLOWING FOUR (4) COURSES: SOUTH 89 DEGREES 04 MINUTES 30 SECONDS WEST, A DISTANCE OF 102.74 FEET; 2) THENCE SOUTH 66 DEGREES 25 MINUTES 56 SECONDS WEST, A DISTANCE OF 210.69 FEET; 3) THENCE SOUTH 86 DEGREES 15 MINUTES 22 SECONDS WEST, A DISTANCE OF 148.24 FEET; 4) THENCE SOUTH 00 DEGREES 25 MINUTES 08 SECONDS EAST, A DISTANCE OF 169.66 FEET TO THE SOUTHERLY LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE SOUTH 89 DEGREES 04 MINUTES 30 SECONDS WEST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 441.72 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 575,162 SQUARE FEET, 13.20 ACRES (MORE OR LESS).

BEARINGS ARE BASED ON THE WESTERLY LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, BEING SOUTH 00 DEGREES 27 MINUTES 15 SECONDS EAST.

NOT VALID WITHOUT THE ATTACHED SHEET 2 OF 2 SKETCH OF DESCRIPTION.

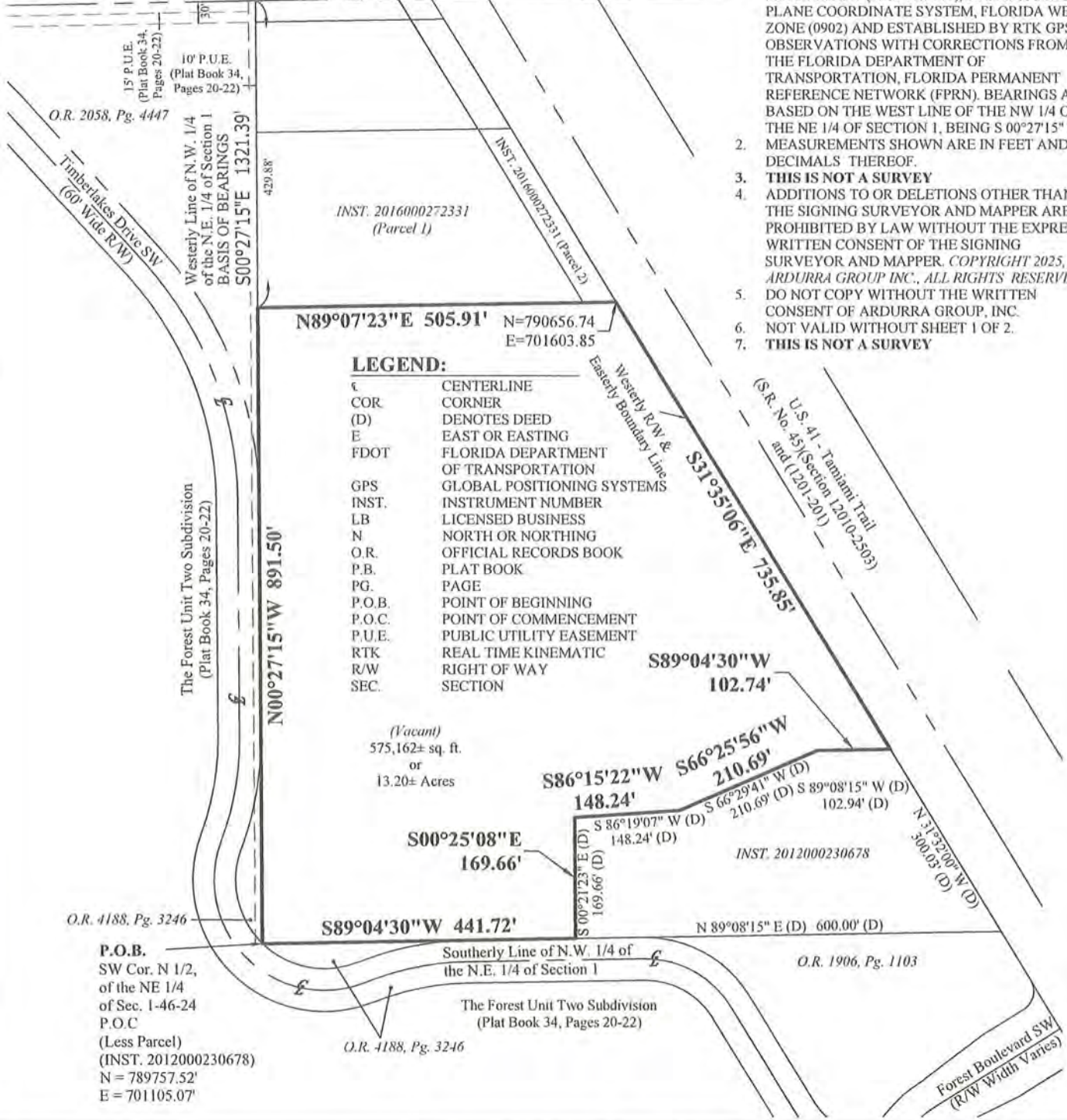
<b>THIS IS NOT A SURVEY</b>	<p>Description to Accompany Sketch</p> <p><b>Subject Parcel</b></p> <p><i>A Tract of Land lying in Section 1, Township 46 South, Range 24 East Lee County, Florida</i></p>	<p>I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on <b>September 3, 2025</b> is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors &amp; Mappers in Chapter 51-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.</p>
<i>Sheet 1 of 2</i>	 <p>324 Nicholas Parkway W, Unit A Cape Coral, Florida 33991 Phone: (239) 673-9541 www.Ardurra.com License #LB-2610</p> <p><b>ARDURRA</b> COLLABORATE. INNOVATE. CREATE.</p>	 <p><b>Digitally signed by Cameron M Harmon Date: 2025.09.03 14:19:06 -05'00'</b></p>
JOB # 25-0700      PREPARED FOR: LAND AMERICA, LLC	SECTIONS 1, TOWNSHIP 46S, RANGE 24E	<p><b>CAMERON M. HARMON (FOR THE FIRM)</b> FLORIDA PROFESSIONAL SURVEYOR &amp; MAPPER NO.7483 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER</p>

# Sketch

## SURVEY NOTES:

1. BEARINGS AND COORDINATES SHOWN HEREON ARE IN REFERENCE TO THE NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT (NAD 83/2011), FLORIDA STATE PLANE COORDINATE SYSTEM, FLORIDA WEST ZONE (0902) AND ESTABLISHED BY RTK GPS OBSERVATIONS WITH CORRECTIONS FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION, FLORIDA PERMANENT REFERENCE NETWORK (FPRN). BEARINGS ARE BASED ON THE WEST LINE OF THE NW 1/4 OF THE NE 1/4 OF SECTION 1, BEING S 00°27'15" E.
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. **THIS IS NOT A SURVEY**
4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2025, ARDURRA GROUP INC., ALL RIGHTS RESERVED.
5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF ARDURRA GROUP, INC.
6. NOT VALID WITHOUT SHEET 1 OF 2.
7. **THIS IS NOT A SURVEY**

P.O.C.  
NW COR, NE 1/4  
SEC. 1-46-24  
Northerly Line of Section 1-46-24



### LEGEND:

¢	CENTERLINE
COR.	CORNER
(D)	DENOTES DEED
E	EAST OR EASTING
FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION
GPS	GLOBAL POSITIONING SYSTEMS
INST.	INSTRUMENT NUMBER
LB	LICENSED BUSINESS
N	NORTH OR NORTHING
O.R.	OFFICIAL RECORDS BOOK
P.B.	PLAT BOOK
PG.	PAGE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
RTK	REAL TIME KINEMATIC
R/W	RIGHT OF WAY
SEC.	SECTION

(Vacant)  
575,162± sq. ft.  
or  
13.20± Acres

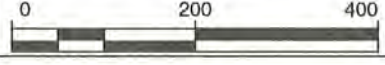
Sketch to Accompany Description  
**Subject Parcel**  
A Tract of Land lying in Section 1,  
Township 46 South, Range 24 East  
Lee County, Florida

**THIS IS NOT A SURVEY**



324 Nicholas Parkway W, Unit A  
Cape Coral, Florida 33991  
Phone: (239) 673-9541  
www.Ardurra.com  
License #LB-2610

**ARDURRA**  
COLLABORATE. INNOVATE. CREATE.



See Sheet 1 of 2 for Signature and Seal

Prepared by, Record and Return to  
Doug Marek, Esq.  
Doug Marek, P.A.  
101 Pineapple Grove Way, 2<sup>nd</sup> Floor  
Delray Beach, FL 33444  
561 454-1610

Parcel ID #01-46-24-00-00004.2000 &  
01-46-24-00-00004.2020

CORRECTIVE  
SPECIAL WARRANTY DEED

THIS CORRECTIVE SPECIAL WARRANTY DEED is made as of the \_\_\_\_ day of July 2024, by GP INVESTMENTS LLC, a Florida limited liability company ("Grantor") with a post office address of 11321 Compass Point Drive, Fort Myers, FL 33908, to CLARA POINT, LLC, a Florida limited liability company ("Grantee"), with a post office address of 101 Pugliese's Way 2nd Floor, Delray Beach, FL 33444. (Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto Grantee, all that certain land situate in Lee County, Florida, as described in Exhibit A attached hereto.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining,

TO HAVE AND TO HOLD, the same in fee simple forever.

AND Grantor hereby covenants with Grantee that Grantor is lawfully seized of said land in fee simple; that Grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under Grantor.

THIS CORRECTIVE SPECIAL WARRANTY DEED IS BEING RECORDED BECAUSE THE SPECIAL WARRANTY DEED RECORDED AS INSTRUMENT #2024000123880, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, INCORRECTLY STATES THE GRANTEE TO BE "CLARA POINT DEVELOPERS, LLC" RATHER THAN "CLARA POINT, LLC"

EXHIBIT A  
Legal Description

PARCEL 1:

The Northwest 1/4 of the Northeast 1/4 of Section 1, Township 46 South, Range 24 East, Lee County Florida, lying West of S.R. 45 (U.S. 41) also being in Government Lot 2; less the Southerly 516.13 feet (as measured perpendicular to the South line of said fraction) and less the Northerly 429.88 feet (as measured perpendicular to the North line of said fraction).

PARCEL 2:

A tract or parcel of land being the Southerly 516.13 feet (as measured perpendicular to the South line of the North 1/2 of the Northeast 1/4) of the Northwest 1/4 of the Northeast 1/4 lying West of State Road 45 (U.S. 41) also being in Government Lot 2 of Section 1, Township 46 South, Range 24 East, Lee County, Florida.

LESS AND EXCEPT:

A tract or parcel of land lying in the Northwest 1/4 of the Northeast 1/4 of Section 1, Township 46 South, Range 24 East, Lee County, Florida, also being in Government Lot 2 of said Section 1, more particularly described as follows:

Commence at the Southwest corner of the North 1/2 of the Northeast 1/4 of said Section 1; thence N89°08'15"E along the South line of said North 1/2 of the Northeast 1/4 for 441.71 feet to the point of beginning; thence continue N89°08'15"E along said South line a distance of 600.00 feet to the intersection with the Westerly right-of-way of U.S. 41 (S.R. 45) Tamiami Trail; thence N31°32'00"W along the said Westerly right-of-way for 300.03 feet; thence, leaving said right-of-way, run S89°08'15"W for 102.94 feet; thence S66° 29'41"W for 210.69 feet; thence S86°19'07"W for 148.24 feet; thence S00°21'23"E for 169.66 feet to the point of beginning.

IN WITNESS WHEREOF Grantor has caused these presents to be executed in its name, and its company seal to be hereunto affixed, by its proper officer thereunto duly authorized, the day and year first above written.

GP INVESTMENTS, LLC, a Florida limited liability company

By: [Signature]  
Robert Goodman, Managing Member

Signed, sealed and delivered in the presence of:

[Signature]

Witness #1 - signature

Megan Shaw

Witness #1 - printed name

207 Venetian Pointe Dr. Ft. Myers FL 33910

Address

Witness #2 - signature

Sarah Goodman

Witness #2 - printed name

4306 Lyric Court, North Fort Myers, 33903

Address

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization this 16 day of July 2024 by Robert Goodman, Managing Member of GP INVESTMENTS LLC, a Florida limited liability company, who is  personally known to me or  who produced \_\_\_\_\_ as identification.

[Signature]

Notary Public - State of Florida

Print Name: Megan Shaw

My Commission Expires: 7/25/25

(Notary Seal)




**LETTER OF AUTHORIZATION**

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as address and strap number as follows:

**ADDRESS** Access Undertermined (S. Tamiami Trail)  
**STRAP NUMBER** 01-46-24-00-00004.2020, 01-46-24-00-00004.2000

The property described herein is the subject of an application for zoning or development. We hereby designate **QUATTRONE & ASSOCIATES, INC.** as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning, water management and development on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered.

 VP  
Owner / Authorized Representative  
David Cloran, Vice President  
Printed Name  
Clara Point, LLC  
Name of Company / LLC /

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization on this 1<sup>st</sup> day of MAY, 2025, by DAVID CLORAN who is personally known to me or who has produced \_\_\_\_\_ as identification.

(Affix Notary Seal)



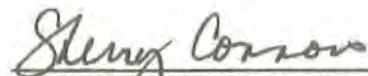
  
NOTARY PUBLIC SIGNATURE ABOVE  
NOTARY NAME: SHERY CONNORS  
COMMISSION NO.: HH 635106  
COMMISSION EXP. DATE: 3/3/2029

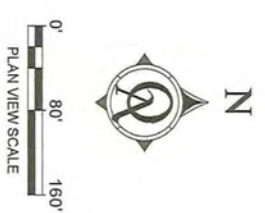


EXHIBIT M-9 AERIAL MAP

NOTES

THIS AERIAL PHOTOGRAPH SHOWS WERE PROVIDED BY LEE COUNTY GOVERNMENT AND WERE TAKEN IN 2022.

**SUBJECT PROPERTY**  
 STRAP #s  
 01-46-24-00-00004, 2000  
 01-46-24-00-00004, 2020



DATE: 08/24/2022  
 TIME: 10:00 AM  
 USER: GABRIELA  
 SHEET: M9  
 AERIAL MAP

**Quattrone & Associates, Inc.**  
 Engineers, Planners, & Development Consultants  
 4301 Veronica Shoemaker Blvd - Fort Myers, Florida 33916 - 239-936-5222  
 Certificate of Authorization Number: 9465

PUGLIESE TAMAMI MULTIFAMILY  
 AERIAL MAP  
 ACCESS UNDETERMINED  
 FORT MYERS, FL 33908

REV	REVISION	DATE

**US 41 Pugliese Multifamily**

Lee Plan Analysis  
Exhibit M12

**Request**

The proposed Lee Plan Map Amendment is to re-designate subject property from the Suburban Future Land Use to the Urban Community Future Land Use category. The property is located on the west side of US 41 (S. Tamiami Trail) approximately 1.0 mile north of Alico Road. The overall site is 13.20 ± acres consisting of two parcels, including straps # 01-46-24-00-00004.2020 and #01-46-24 00-00004.2020, as demonstrated in the aerial below



**Existing and Surrounding Conditions**

The subject property is located within the San Carlos Planning. The property is vacant and almost entirely vegetated. The two parcels are zoned Commercial (C-1). The surrounding area has been mostly developed with a mixture of Residential and Commercial uses. Future Land Use Designations zoning and current use of the adjacent parcels is identified in the table below.



	Future Land Use	Zoning	Use
Subject Property (±13.20ac)	Suburban	C-1	Vacant Commercial
North	Suburban	C-1	Best Home Services (Air Cond, Repair Svc)
East	Urban Community	C-1	RV Superstore, RV Palm (RV/Car Sales Center) Habitat for Humanity (Retail Thrift Store) PCC Tile (Retail- Tile Store)
South	Suburban	C-1	Wayne Wiles Floor Covering (Retail-Flooring Store)
West	Suburban	RM-2	Forrest County Club (M/F-SF Golf Community)

### Lee Plan Consistency Narrative

#### Future Land Use Element

*OBJECTIVE 1.1: FUTURE URBAN AND SUBURBAN AREAS. Designate areas with varying intensities on the Future Land Use Map (Map 1-A) that provide for a full range of urban activities. These designations are based upon soil conditions, historic and developing growth patterns, and existing or future availability of public facilities and services. (Ord. No. 17-13)*

*POLICY 1.1.5: The Suburban future land use category will consist of predominantly residential areas that are either on the fringe of the Central Urban or Urban Community future land use categories or in areas where it is appropriate to protect existing or emerging residential neighborhoods. This category provides housing near the more urban areas but does not provide the full mix of land uses typical of urban areas. Industrial land uses are not permitted. This category has a standard density range from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre). The maximum total density may only be increased to eight dwelling units per acre (8 du/acre) utilizing Greater Pine Island Transfer of Development Units except in areas that specifically prohibit bonus density. Other forms of bonus densities are not allowed. (Ord. No. 94- 30, 16-07, 17-13)*

**The site is currently designated as Suburban; however, this classification is no longer appropriate given its surroundings, which include commercial development, major roadways, and mixed-use areas. The Suburban Future Land Use Category (FLUC) prioritizes the protection of emerging residential neighborhoods and limits bonus density to 8 dwelling units per acre using Greater Pine Island Transfer of Development Units (TDUs). Since the site is located within the Coastal High Hazard Area, the use of these TDUs is prohibited. This restriction conflicts with the site's location and its potential for urban infill or mixed-use development.**

*POLICY 1.1.4: The Urban Community future land use category are areas characterized by a mixture of relatively intense commercial and residential uses. The residential development in these areas will be at slightly lower densities than other future urban categories described in this plan. As vacant properties within this category are developed, the existing base of public services will need to be maintained which may include expanding and strengthening them accordingly. As in the Central Urban future land use category, predominant land uses in this category will be residential, commercial, public and quasi-public, and limited light industrial with future development encouraged to be mixed use, as described in Objective 1.1.1, where appropriate. The standard density range is from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 Future Land Use II-2 April 2024 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre). The maximum total density may be increased to fifteen dwelling units per acre (15 du/acre) utilizing Greater Pine Island Transfer of Development Units. (Ord. No. 94-30, 02-02, 09-06, 10-10, 10-33, 16-07, 21-09)*



The proposed Urban Community designation is well-suited for this site due to its location adjacent to US 41 (South Tamiami Trail) and the US 41 Service Road to the north and its proximity to established urban development. The area is already well-developed with a mix of residential and commercial uses since its prior Suburban designation.

Policy 1.1.4 supports mixed-use development, higher densities, and a blend of residential, commercial, and light industrial uses, all of which align with the character and potential of this area. The site's access to public infrastructure and nearby employment centers further justifies a higher density designation, aligning with the County's urban planning goals.

The Urban Community category is designed to encourage infill and redevelopment in areas with adequate services that are met by this site. The proposed change will also support increased residential and economic development in a location that has both the infrastructure capacity and access necessary to accommodate future growth.

*POLICY 1.6.5: The Planning Districts Map and Acreage Allocation Table (Map 1-B and Table 1(b)) depict the proposed distribution, extent, and location of generalized land uses through the Plan's horizon. Acreage totals are provided for land in each Planning District in unincorporated Lee County. No development orders or extensions to development orders will be issued or approved by Lee County that would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded. This policy will be implemented as follows: 1. For each Planning District the County will maintain a parcel based database of existing land use. 2. Project reviews for development orders must include a review of the capacity, in acres, that will be consumed by buildout of the development order. No development order, or extension of a development order, will be issued or approved if the acreage for a land use, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Table 1(b) regardless of other project approvals in that Planning District. 3. When updating the Lee Plan's planning horizon, a comprehensive evaluation of the Planning Districts Map and Acreage Allocation Table will be conducted. (Ord. No. 94-29, 98-09, 00-22, 07-13, 10-20, 19-13, 21-09)*

The proposed amendment would allow for Light Industrial in addition to the already existing allowable residential and commercial uses. However, the amendment does not create additional capacity but simply allows the existing allowable acreage to be used under a different Future Land Use (FLU) category. Any future development order will be subject to a detailed capacity review per Policy 1.6.5 to ensure continued consistency with Table 1(b)

**TABLE 1(b)  
YEAR 2045 ALLOCATIONS**

Future Land Use Category	Planning District											
	District 11 Daniels Parkway	District 12 Iona / McGregor	District 13 San Carlos	District 14 Sanibel	District 15 South Fort Myers	District 16 Pine Island	District 17 Lehigh Acres	District 18 Southeast Lee County	District 19 North Fort Myers	District 20 Buckingham	District 21 Estero	District 22 Bashore
<b>Residential By Future Land Use Category</b>												
Intensive Development	-	-	-	-	801	1	30	-	376	-	-	-
Central Urban	-	656	20	-	3,113	-	7,362	-	2,225	-	-	-
Urban Community	-	978	1,318	-	663	540	17,014	-	-	115	-	-
Suburban	-	2,566	2,009	-	1,202	659	-	-	6,387	-	-	-
Outlying Suburban	1,213	438	-	-	-	502	-	-	406	-	90	-
Sub-Outlying Suburban	-	-	13	-	-	-	-	-	145	66	-	950
Commercial	-	-	-	-	-	-	-	-	-	-	-	-
Industrial	-	3	3	-	3	-	-	-	-	-	-	-
Public Facilities	-	-	-	-	-	-	-	-	-	-	-	-
University Community	-	-	503	-	-	-	-	-	-	-	-	-
Destination Resort Mixed Use Water Dependent	-	8	-	-	-	-	-	-	-	-	-	-
Burnt Store Marina Village	-	-	-	-	-	-	-	-	-	-	-	-
Industrial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
General Interchange	58	-	-	-	-	-	-	8	14	-	-	20
General Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
Industrial Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-	-
University Village Interchange	-	-	-	-	-	-	-	-	-	-	-	-
New Community	-	-	-	-	-	-	-	-	-	-	-	-
Airport	-	-	-	-	-	-	-	-	-	-	-	-
Tradeport	-	-	-	-	-	-	-	-	-	-	-	-
Rural	1,573	-	99	-	-	227	14	-	454	50	-	1,387
Rural Community Preserve	-	-	-	-	-	-	-	-	-	3,517	-	-
Coastal Rural	-	-	-	-	-	1,338	-	-	-	-	-	-
Outer Island	-	2	-	-	-	55	-	-	-	-	-	-
Open Lands	80	-	-	-	-	-	-	-	30	-	-	1,607
Density Reduction/ Groundwater Resource	-	-	-	-	-	-	-	4,742	-	-	-	2,101
Conservation Lands Upland	-	-	-	-	-	-	-	-	-	-	-	-
Wetlands	-	-	-	-	-	-	-	-	-	-	-	-
Conservation Lands Wetland	-	-	-	-	-	-	-	-	-	-	-	-
<b>Unincorporated County Total Residential</b>	<b>2,964</b>	<b>6,650</b>	<b>4,034</b>	<b>-</b>	<b>5,982</b>	<b>3,322</b>	<b>24,440</b>	<b>4,750</b>	<b>10,035</b>	<b>3,748</b>	<b>90</b>	<b>6,135</b>
<b>Commercial</b>	<b>314</b>	<b>774</b>	<b>934</b>	<b>-</b>	<b>2,012</b>	<b>288</b>	<b>900</b>	<b>118</b>	<b>1,121</b>	<b>19</b>	<b>18</b>	<b>72</b>
<b>Industrial</b>	<b>5</b>	<b>199</b>	<b>387</b>	<b>-</b>	<b>566</b>	<b>67</b>	<b>218</b>	<b>215</b>	<b>244</b>	<b>4</b>	<b>2</b>	<b>4</b>
<b>Non Regulatory Allocations</b>												
Public	3,214	4,898	6,304	-	5,883	4,831	20,207	17,992	10,117	3,052	653	3,351
Active AG	5	13	5	-	-	2,700	35	12,000	90	630	4	900
Passive AG	10	-	5	-	-	70	50	2,500	250	2,000	-	2,100
Conservation	1,077	9,766	2,232	-	211	15,489	1,077	41,031	1,607	382	1,865	895
Vacant	20	55	158	-	4	2,200	14,804	2,400	1,183	850	130	1,425
<b>Total</b>	<b>8,321</b>	<b>20,374</b>	<b>14,114</b>	<b>-</b>	<b>14,658</b>	<b>29,047</b>	<b>61,791</b>	<b>81,001</b>	<b>24,649</b>	<b>10,681</b>	<b>2,302</b>	<b>14,523</b>
<b>Population Distribution (unincorporated Lee County)</b>	<b>14,322</b>	<b>44,132</b>	<b>54,615</b>	<b>-</b>	<b>76,582</b>	<b>13,431</b>	<b>162,245</b>	<b>17,369</b>	<b>110,722</b>	<b>5,951</b>	<b>741</b>	<b>8,653</b>



**OBJECTIVE 2.1: DEVELOPMENT LOCATION.** *Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Ordinance No. 94-30, 00-22)*

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

**POLICY 2.1.2:** *New land uses will be permitted only if they are consistent with the Future Land Use Map and the goals, objectives, policies, and standards of this plan. (Ordinance No. 00-22)*

**POLICY 2.1.5:** *Residential and commercial development proposals within the vicinity of existing or proposed commodity movement facilities must demonstrate land use compatibility with these uses during the rezoning process and propose mitigation measures for adverse impacts. (Ordinance No. 99-15, 19-02)*

**Objective 2.1 and implementing policy 2.1.1, 2.1.2 and 2.1.5 encourage the use of existing urban areas where services and infrastructure exist to serve new development. The requested Urban Community FLU category is a future urban area with a full range of existing urban services available directly at the subject property. This includes, but not limited to, potable water, sanitary sewer, and roadway capacity. Development in this location provides for a compact and contiguous growth pattern.**

**OBJECTIVE 2.2: DEVELOPMENT TIMING.** *Direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in Section 163.3164(7), F.S.) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, F.S. and the concurrency requirements in the Land Development Code. (Ordinance No.94-30, 00-22, 17-19)*

**POLICY 2.2.1:** *Rezoning's and Development of Regional Impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare. (Ordinance No. 94-30, 00-22)*

**The primary access to the site will be provided by US 41 (S. Tamiami Trail), a State maintained Arterial roadway. Secondary access can be provided to US 41 Service Rd., north of the property. The subject property is located within the Lee County Utilities franchise area for potable water and central sewer with adequate capacity available. Urban services are available at or near the project site. Schools, EMS, Fire, and sheriff's office services are available in the vicinity of the project consistent with objective 2.2 and policy 2.2.1 of the FLU element. Letters of adequacy of service providers are attached in the application.**



**POLICY 2.2.2:** Map 1 of the Future Land Use Map series indicates the uses and density ranges that will ultimately be permitted on a given parcel. However, it is not a guarantee that such densities or uses are immediately appropriate, as the map provides for the county's growth beyond the Lee Plan's planning horizon of 2030. During the rezoning process the Board of County Commissioners will balance the overall standards and policies of this plan with three additional factors:

1. Whether a given proposal would further burden already overwhelmed existing and committed public facilities such that the approval should be delayed until the facilities can be constructed; and
2. Whether a given proposal is for land so far beyond existing development or adequate public facilities that approval should be delayed in an effort to encourage compact and efficient growth patterns; and
3. Whether a given proposal would result in unreasonable development expectations that may not be achievable because of the acreage limitations contained in the Acreage Allocation Table (see Table 1(b)).

In all cases where rezoning is approved, such approval does not constitute a determination that the minimum acceptable levels of service (see Policy 95.1.3) will be available concurrent with the impacts of the proposed development. Such a determination must be made prior to the issuance of Future Land Use II-13 April 2024 additional development permits, based on conditions which exist at that time, as required by Lee County's concurrency management system. (Ord. No. 94-30, 98-09, 10-20, 21-09)

**The applicant has analyzed public service availability and confirmed that capacity is available at the present time to serve the uses permitted by the proposed Urban Community FLU map designation. Development of the site with residential uses will not burden any existing public facilities.**

**OBJECTIVE 2.6: COASTAL ISSUES.** Development in coastal areas is subject to the additional requirements found in the Conservation and Coastal Management Element of this plan, particularly those found under Goals 72, 73 and 101. (Ord. No. 18-28).

**The property is in the Coastal High Hazard Area which restricts the option to build bonus density to site built affordable housing only.**

**OBJECTIVE 2.9: CARRYING CAPACITY.** Understand the carrying capacity of the future land use map and integrate the concept into planning strategies. (Ordinance No. 07-16)

**The modification is to a FLU category which permits residential uses in addition to commercial land uses is addressing the carrying capacity of the Lee Plan FLU map. Providing more residential development capacity to urban services and employment where capacity exists to accommodate this growth is consistent with good urban planning strategies.**



**GOAL 4: GENERAL DEVELOPMENT STANDARDS.** Pursue or maintain land development regulations which protect the public health, safety and welfare, encourage creative site designs and balance development with service availability and protection of natural resources. (Ordinance No. 94-30, 07-15, 17-13)

**STANDARD 4.1.1: WATER.**

2. If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), then the development must be connected to that utility.
3. The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility
4. All waterline extensions to new development will be designed to provide minimum fire flows, as well as adequate domestic services as required by Chapter 62-555, FAC.

**The subject property is within the Lee County Utilities potable water franchise area as depicted on Lee Plan Map 6 of the Lee Plan. Potable water will be provided from the Green Meadows Water Treatment Plant. An adequacy letter stating that this plant has adequate capacity to provide service to the proposed development is provided as part of this application.**

**STANDARD 4.1.2: SEWER.**

2. If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within 1/4 mile from any part of the development.

**The proposed development is within the Forest Utilities sewer franchise area as depicted on Lee Plan Map 7 of the Lee Plan. Wastewater treatment will be provided by the Forrest Utilities. A letter stating that this facility has adequate capacity to provide service to the proposed development has been requested.**

**STANDARD 4.1.4: ENVIRONMENTAL FACTORS.**

1. In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District, or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses existing or anticipated environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources.



The proposed land use change will have no impact on environmentally sensitive lands. Whether the site is developed with uses under the Urban Community FLU or uses currently permitted within the Suburban FLU. Efforts will be made to preserve and protect any wetlands or environmentally sensitive areas that may be encountered on site.

**GOAL 5: RESIDENTIAL LAND USES.** To accommodate the projected population of Lee County in the year 2045 in appropriate locations, guided by the Future Land Use Map, and in attractive and safe neighborhoods with a variety of price ranges and housing types. (Ord. No. 94-30, 07-12, 21-09)

**POLICY 5.1.3:** During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities. (Ord. No. 94-30)

There are existing commercial developments offering employment and shopping opportunities all along S. Tamiami Trail/US 41 with restaurants, businesses, and shopping centers. These uses include a Walmart (2.3 miles north), Publix, CVS pharmacy (1.9 Miles south) and Home Depot and Lowes (2.7 mile north). Rayma C Page Elementary School is 1.5± miles from the site, Three Oaks Middle School is 5.1± miles from the site and Island Park High School is 0.6± miles from the site. Lakes Park is within 2.7± miles, San Carlos Community Pool is 4.8± miles, Three Oaks Park is within 6.7± miles, and Koreshan State Park is within 6.5± miles. Lee Tran Routes 240 and 140 run along US 41 at this location with existing bus stop #1156, ±0.1 mile to the south and bus stop # 11560, ±.33 mile to the north. There are existing sidewalks on both sides of US 41, an existing bike lane, existing paved shoulder and proposed shared use path. The requested Map amendment is consistent with Policy 5.1.3

**POLICY 5.1.5:** Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in the LDC, Chapter 10, are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The LDC will continue to require appropriate buffers for new developments. (Ord. No. 94-30, 99-15, 00-22)

The subject property is located in an area characterized by a mix of existing residential and commercial development. The requested Future Land Use Map amendment from Suburban to Urban Community would allow for infill development that is compatible with the surrounding land use pattern and supported by existing public infrastructure and services.

While both the Suburban and Urban Community Future Land Use Categories allow the same base density of 6 dwelling units per acre, the Urban Community category provides for the potential of additional density through the use of bonus provisions. However, because the subject property is located within the Coastal High Hazard Area (CHHA), Transfer of Development Units (TDUs) are prohibited. Therefore, any increase in density above the base level would require the provision of on-site affordable housing, in accordance with the applicable requirements.



The requested amendment is not anticipated to be destructive to the character or integrity of the existing residential environment. Rather, it supports compatible infill that utilizes available infrastructure while maintaining appropriate safeguards through the Land Development Code, including required buffers and development standards. As no concurrent rezoning is being proposed, this amendment solely pertains to the Future Land Use designation and does not authorize any specific development at this time.

Accordingly, the requested Future Land Use Map amendment is consistent with Policy 5.1.5, as it does not introduce incompatible uses and maintains the integrity of the surrounding residential areas.



**POLICY 5.1.6:** *Maintain development regulations that require high-density, multi-family, cluster, and mixed use developments to have open space, buffering, landscaping, and recreation areas appropriate to their density and design. (Ord. No. 94-30)*

**The proposed development will maintain the requirement of 40% open space, all required buffers, landscaping and recreation areas.**

**POLICY 5.1.7:** *Maintain development regulations that require that community facilities (such as park, recreational, and open space areas) in residential developments are functionally related to all dwelling units and easily accessible via pedestrian and bicycle pathways. These pathways must be interconnected with adjoining developments and public pathways whenever possible. Townhouses, condominiums, apartments, and other types of multi-family residential development must have directly accessible common open space. (Ord. No. 94-30, 00-22)*

**The proposed project includes 40% open space, recreational area and amenities center with additional recreational facilities. Sidewalks are proposed on both sides of the internal roadway and parking areas. Pedestrian and bicycle connections to US 41. A multi-use pathway is located along US-41. All open space and amenities will be directly accessible to all residents with the development.**

**POLICY 5.2.4:** *The site design of the proposed development must be compatible with surrounding land uses to the maximum extent possible. (Ord. No. 10-08)*

**The request will ensure that the property is developed with uses similar to neighboring properties. The Urban Community land use category is adjacent to and well within a one-quarter mile distance of existing Urban Community FLU.**

**Impacts on surrounding land uses are minimal due to the similarity of intent and intensity of the uses. The zoning conditions and LDC requirements will adequately address any potential impacts on adjacent uses during Development Order review.**

**GOAL 37: LEVEL OF SERVICE (LOS) STANDARDS.** *Establish and maintain specified transportation LOS standards. (Ordinance No. 98-09, 99-15, 00-08, 17-13)*

**POLICY 37.1.3:** *Lee County will use the most current Highway Capacity Manual, FDOT Quality Level of Service Handbook, and other best practices to calculate LOS. (Ordinance No. 98-09, 99-15, 07-09, 17-13)*

**The proposed land use change will have no adverse impact on the Level of Service of the Adjacent roads. As discussed in the attached traffic analysis, the change in land use is not expected to substantially increase and will likely decrease the number of potential new trips generated by the development at buildout. The proposed development will comply with all transportation requirements of the LDC at time of development order.**



**GOAL 59: PROTECTION OF LIFE AND PROPERTY.** To reduce the hazards to life, health, and property created by flooding due to rainfall in a manner consistent with the community's criteria for the preservation of environmental values and the conservation of natural resources.

**OBJECTIVE 59.1:** Lee County will continue its efforts in developing a surface water management planning process designed to produce and maintain an up-to-date body of technical information, and, based on that information, the necessary surface water management plans, regulatory mechanisms, and facility proposals that will improve the protection of present and future uses of real property from stormwater flooding, while preserving or enhancing the environmental and natural resource values of both land and water. (Ord. No. 94-30, 00-22)

**POLICY 59.1.3:** Maintain floodplain regulations in accordance with the most recently adopted Flood Insurance Rate Map (FIRM) and other available sources. (Ord. No. 94-30, 07-12, 18-28)

**POLICY 59.1.4:** Continue to develop, update, and improve technical information, with the assistance of the USDA Natural Resources Conservation Service, United States Geological Survey, Federal Emergency Management Agency (FEMA), SFWMD, and other agencies, in order to better determine the current flooding risks associated with severe rainfall events. (Ord. No. 91-19, 94-30, 99-15, 02-02)

**POLICY 59.1.9:** Maintain the floodplain management plan and analyze the flooding problem in the unincorporated areas of Lee County, inventory the flood hazard area, review possible activities to remedy identified flooding problems, select appropriate alternatives, and formulate a schedule for implementation. (Ord. No. 92-35, 94-30, 00-22, 07-12, 18-28)

**OBJECTIVE 61.3: GENERAL SURFACE WATER MANAGEMENT STANDARDS.** Lee County will continue to provide sufficient performance and/or design standards for development protective of the function of natural drainage systems. (Ord. No. 94-30, 00-22)

**The property is within FEMA flood zone AE 11.00. This will be mitigated by placing fill that the finished floor elevation is one foot above the FEMA base flood elevation as required by Florida Building Code and Chapter 6, LDC. Prior to future development on the property, the applicant will obtain the prerequisite Environmental Resource Permit (ERP) from South Florida Water Management District, and all other applicable state agencies. The request is consistent with Policies 59.1.3, 59.1.4, 59.1.9, 61.3.2 and 61.3.5.**

**POLICY 95.1.3:** LOS standards will be the basis for planning and provision of required public facilities and services within Lee County. Regulatory LOS standards will be the basis for determining the adequacy of public facilities for the purposes of permitting new development. Compliance with non-regulatory LOS standards will not be a requirement for continued development permitting but will be used for facility planning purposes. The LOS will be the basis for facility design, for setting impact fees, and (where applicable) for the operation of the Concurrency Management System (CMS).

**a. Sanitary Sewer – The site will provide Sanitary Sewer, meeting all the requirements in accordance with LDC requirements for development**



- b. Potable Water** – The site will provide Potable Water, meeting all the requirements in accordance with LDC requirements for development
- c. Surface Water/Drainage Basins** – The property will include controlled discharge into the Hendry Creek system, meeting all requirements of South Florida Water Management District and Lee County at the time of development order.
- d. Parks, Recreation, and Open Space** – Any proposed development will provide all required Landscaping and Open Space as required by LDC.

**GOAL 101: COASTAL AREAS.** *Protect human life along with current and future development from the impacts of coastal flooding. Coastal flooding includes, but is not limited to, high tide events, storm surge, flash floods, stormwater runoff, and impacts of sea level rise. (Ord. No. 94-30, 18-28)*

**POLICY 101.1.1:** *Require that development within the Coastal High Hazard Area be compatible with natural systems, such as, water retention and purification, wildlife habitat, primary productivity, and defense against coastal flooding. (Ord. No. 00-22, 18-28)*

**The proposed site plan that will eventually be associated with the amendment will be designed to comply with Policy 101.1.1 of the Lee Plan by demonstrating compatibility with natural systems in the Coastal High Hazard Area. The project will implement a stormwater management system that improves water retention and purification functions relative to existing conditions, including water-quality treatment meeting or exceeding current minimum requirements. Wildlife habitat will be supported through the enhancement and preservation of a portion of the existing wetland with the restoration of native landscaping, and the integration of ecological buffers that maintain habitat connectivity. Finally, the project will strengthen defense against coastal flooding by elevating finished floors consistent with FEMA requirements, constructing flood-resilient infrastructure, and providing on-site stormwater lakes that function as flood storage and surge attenuation features. Together, these measures ensure that the amendment advances the intent of Policy 101.1.1 by maintaining and enhancing the natural systems critical to the resilience of the Coastal High Hazard Area.**

**POLICY 101.1.4:** *Require that comprehensive plan amendments which increase density within the Coastal High Hazard Area or on islands meet one of the following criteria in accordance with § 163.3178(8), Fla. Stat.: 1. Will not result in an out of County hurricane evacuation time that exceeds 16 hours for a Category 5 storm event (Level E storm surge threat); or 2. Will maintain a 12 hour evacuation time to shelter for a Category 5 storm event (Level E storm surge threat) and ensure shelter space is available to accommodate the additional population; or 3. Will provide appropriate mitigation as determined by Lee County Department of Public Safety, to satisfy both criteria above, which may include the payment of money or construction of hurricane shelters and transportation facilities. (Ord. No. 09-17, 16-07, 18-28, 21-09)*

**Because the subject property is located within the Coastal High Hazard Area (CHHA), Transfer of Development Units (TDUs) are prohibited. Therefore, the only allowable method for achieving Bonus Density on this site is through the provision of on-site affordable housing, in compliance with the Land Development Code.**

**Any future request to utilize Bonus Density would be subject to a detailed evaluation to ensure consistency with Policy 101.1.4. This evaluation would confirm the proposed development:**



- Does not result in an out-of-county evacuation time exceeding 16 hours for a Category 5 storm event.
- Maintains a 12-hour evacuation time to shelter with adequate shelter capacity; or
- Provides appropriate mitigation as determined by the Lee County Department of Public Safety.

Because this amendment does not directly authorize additional units or intensity but only establishes the potential for increased intensity through on-site affordable housing, it does not adversely impact hurricane evacuation or shelter capacity. Therefore, the amendment is consistent with Policy 101.1.4

**POLICY 101.3.2: Restrict development in the Coastal High Hazard Area to uplands except as needed for the provision of public facilities. (Ord. No. 18-28)**

Although the property has wetlands, the area is highly disturbed and of poor quality. The wetlands will be mitigated through SFWMD permit application for prior to Development Order approval. These impacts are necessary to accommodate the water quality and quantity storage requirements through SFWMD.

*POLICY 101.3.4: Encourage new residential development, as required by the LDC, to provide continuing information to residents concerning hurricane evacuation and shelters. (Ord. No. 94-30, 00-22, 07-12, 18-28)*

**A Hurricane Preparedness Plan will be implemented at the time of Development order review.**



**POLICY 101.3.7:** Bonus density for site-built affordable housing development will be considered within the Coastal High Hazard Area. (Ord. No. 18-28)

The subject property is located within the Coastal High Hazard Area (CHHA). In accordance with Lee Plan Policy 101.3.7, bonus density for site-built affordable housing may be considered within the CHHA under specific conditions. The applicant is requesting to utilize bonus density solely through the affordable housing program, consistent with this policy.

The site's characteristics support the use of bonus density for affordable housing in this location, as it is situated within an existing urbanized area and a major employment center, contributing to the job-housing balance. It is adjacent to residential neighborhoods, providing a logical transition from the higher-intensity commercial uses along US 41 to lower-density areas. The property has direct access to US 41, a major arterial roadway, with planned ingress/egress improvements to enhance connectivity. It is located within one mile of Lakes Park, offering convenient access to recreational amenities, and within ¼ mile of a Lee Tran bus stop, supporting multimodal transportation options. Additionally, the site is fully served by existing urban infrastructure, as confirmed by letters of availability submitted with this amendment request.

The proposed density increase aligns with the intent of Policy 101.3.7 by encouraging affordable housing within a strategic, infrastructure-rich location in the CHHA.

**GOAL 124: WETLANDS.** To maintain and enforce a regulatory program for development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems. (Ord. No. 94-30, 18-28)

**OBJECTIVE 124.1:** Protect and conserve the natural functions of wetlands and wetland systems by maintaining wetland protection regulations. (Ord. No. 94-30, 00-22, 18-28)

**POLICY 124.1.1:** Ensure that development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII. Owners of wetlands adjacent to Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, New Community, Outlying Suburban, Sub-Outlying Suburban, and Rural future land use categories may transfer dwelling units from preserved freshwater wetlands to developable contiguous uplands under common ownership at the same underlying density as permitted for those uplands. (Ord. No. 94-30, 00-22, 10-20, 18-06, 18-28, 19-13, 21-09, 22-25)

The existing onsite wetland is 4.26 acres but is infested with *Melaleuca* and is of very poor quality. The applicant is proposing to mitigate 2.7 acres of the wetland and enhance the remaining 1.6 acres by removing the existing *Melaleuca* and revegetating the wetland with native plants. The preserved portion of the wetland will be buffered from the development.

**POLICY 125.1.2:** New development and additions to existing development must not degrade surface and ground water quality. (Ord. No. 00-22, 18-28)



**POLICY 125.1.3:** *The design, construction, and maintenance of artificial drainage systems must provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems. (Ord. No. 00-22, 18-28)*

**The permit process will require a water quality management plan addressing the issues in these policies. The draft plane is part of Exhibit M14**

**POLICY 126.1.4:** *Development designs must provide for maintaining or improving surface water flows, groundwater levels, and lake levels at or above existing conditions. (Ord. No. 00-22, 18-28)*

**The project will be designed in accordance with the latest SFWMD regulations in effect at time of permitting which ensures that water levels are set at the current levels of both onsite and offsite, and that the project provides the required water quality and water quantity attenuation.**

### **Conclusion**

The Future Land Use change from Suburban to Urban Community will allow for a infill development with residential uses and supportive neighborhood commercial uses. The property is located within a mature developed area of Lee County as evidence by surrounding land use, densities, and intensities. The site is in proximately to goods, services, recreation, and public infrastructure. Flexibility in the uses for the subject site will not provide for additional intensity, nor provide any new deficiencies or impact the public health, safety or welfare, only residential density can increase with bonus density, with the change from Suburban to Urban Community. Urban Community will continue to protect the natural resources and environmental features of the property through compliance with the Land Development Code and will efficiently utilize the existing public facilities and services in the area. The change will allow continued support of residential development within an appropriate location, thereby accommodating growth in areas intended by Lee County Comprehensive Plan. This narrative confirms that the proposed request from Suburban to Urban Community is consistent with the LeePlan and Land Development Code for the future land use change.



### **US 41 Pugliese Multifamily**

Environmental Analysis  
Exhibit M13

The total site area is ±13.20 ac which consists of undisturbed land. The site is bordered by roadways, commercial and residential development.

The existing vegetation for the property was identified as Mixed Exotic Upland Forest and Hydric Melaleuca. There is no evidence of listed species utilizing the south side of the property for habitat as most of the site has been developed/disturbed.

The change in land use from Suburban to Urban Community will not have an effect on the environmental aspects of the site. In both cases, the development intensity will be similar, indigenous preserve areas will be provided in accordance with the Land Development code, wetland impacts will be avoided in accordance with SFWMD and county requirements, and any listed species, if encountered will be addressed per local and state requirements.

# **16260 S Tamiami Trail**

Section 1, Township 46 South, Range 24 East  
Lee County, Florida

## **Environmental Assessment Report**

**May 2025**

Prepared for:

**Land America, LLC  
101 Pugliese's Way, Suite 200  
Delray Beach, FL 33444**

Prepared by:



**ENVIRONMENTAL CONSULTING, LLC  
15957 Tropical Breeze Drive, Fort Myers, FL 33908  
(239) 994-9007**

## Introduction

The 13.20± acre property consists of Strap Numbers 01-46-24-00-00004.2000, and 01-46-24-00-00004.2020. The property is located in Fort Myers within a portion of Section 1, Township 46 South, Range 24 East (Exhibit A). The site is undeveloped forested uplands and wetlands infested with exotic vegetation.

## Vegetation

The predominant upland and wetland vegetation associations were mapped in the field on 2024 digital color 1" = 150' scale aerial photography. The approximate property boundary was obtained from Lee County Property Appraiser and inserted into the digital aerial. The property boundaries were not staked in the field at the time of our site inspection and were, therefore, estimated based on the overlay of the approximate boundary on the aerial photography. Three vegetation associations were identified using the Florida Land Use, Cover and Forms Classification System (FLUCCS). Exhibit B depicts the approximate location and configuration of these vegetation associations and Table 1 summarizes the acreages by property and FLUCCS Code. A brief description of each FLUCCS Code is provided below.

Table 1. Acreage Summary by FLUCCS Code

FLUCCS CODE	DESCRIPTION	ACREAGE
450	Mixed Exotic Upland Forest	8.59
*619M	Hydric Melaleuca	4.26
740	Disturbed Land	0.35
	<b>Upland Subtotal</b>	<b>8.94</b>
	<b>Wetland Subtotal</b>	<b>4.26</b>
	<b>Total</b>	<b>13.20</b>

\* Potential jurisdictional wetland

## Surrounding Land

Based on a review of the Lee County Property Appraiser's website, South Tamiami Trail borders the property to the east. The south and west edge of the property border Timberlakes Drive. The north edge is adjacent to a commercial building. See Exhibit C for the Surrounding Land Map.

## Soils

The Soil Survey of Lee County, Florida depicts one soil type as occurring on the Tamiami Trail property. The soil type is considered to be non-hydric (upland) soil by the Hydric Soils of Florida Handbook. Under native conditions the soil survey describes this as typically occurring in pine flatwoods. This soils information is provided for general informational purposes and the accuracy of the soils mapping contained in the Soil Survey of Lee County, Florida has not been confirmed.

**36-Immokalee-Urban land complex.** This map unit consists of nearly level Immokalee fine sand and areas of Urban land. The areas of the Immokalee soil and of Urban land are so intermingled that it was not practical to map them separately at the scale used for mapping. About 55 to 75 percent of each mapped area consists of nearly level Immokalee soil or Immokalee soil that has been reworked or reshaped. Typically, the surface layer is very dark gray fine sand about 6 inches thick. The subsurface layer is light gray fine sand about 31 inches thick. The subsoil is fine sand about 33 inches thick. The upper 4 inches is black and friable, the next 6 inches is dark reddish brown, and the lower 23 inches is dark brown. The substratum is brown fine sand that extends to a depth of more than 80 inches. About 15 to 50 percent of each mapped area is Urban land. Houses, streets, driveways, buildings, and parking lots cover the surface. Areas that have been modified by grading and shaping are not as extensive in the older communities as in the newer ones. Most areas have drainage ditches that alter the depth to the seasonal high water table. In undrained areas, the water table is within 10 inches of the surface for 1 to 4 months in most years. It recedes to more than 40 inches below the surface during the dry seasons. Myakka, Pompano, and Smyrna soils make up as much as 15 percent of the land not covered by urban facilities. In a few areas, Urban land makes up as much as 70 percent of the areas or as little as 10 percent. Present land use precludes the use of this complex for cultivated crops, citrus, or improved pasture.

Please see Exhibit D for the Soils Map.

#### **FEMA Flood Elevation Summary**

In review of the effective FIRM map, Map Number 12071C0438H, Panel 0438 (Revised 11/17/2022), the property appears to be within the Coastal Floodplain Zone AE with a base flood elevation (BFE) of 11.00' NAVD. The Zone AE designation indicates the existing undeveloped site would be subject to inundation by 1-percent-annual-chance with waves less than 3 feet. The South Florida Water Management District (SFWMD) has jurisdiction over the site development with respect to stormwater management. The Finished Floor, road elevations, and perimeter berm elevations will be identified as part of the South Florida Water Management District permitting.

Please see Exhibit E for the FEMA Firmette map with project site location highlighted.

#### **Wetlands**

Areas mapped as FLUCCS Codes 619M are likely to be claimed as jurisdictional wetlands by South Florida Water Management District (SFWMD) (Exhibit F). It appears that the potential wetlands are not connected to Waters of the United States and therefore not subject to US Army Corps of Engineers (COE) regulation per the amended Sackett Decision.

The wetland area on site is very low quality (FLUCCS Codes 619) as it was excavated from uplands several years ago and is dominated by exotic vegetation. The short term effects of Hurricane Ian on the wetland communities includes loss of trees and shrubs

and stripping of leaves. Long term it is expected that invasive exotic vegetation will spread further across this habitat.

**Listed Species**

The property has been evaluated for the potential presence of listed species. Prior to inspecting the site, the Florida Fish and Wildlife Conservation Commission (FWC) listed species occurrence data base (updated June 2024) was reviewed to determine the known occurrences of species listed by the FWC and/or U.S. Fish and Wildlife Service (FWS) as threatened, endangered, or species of special concern or regulated by FWS in the project area. According to those databases, no species listed by either the FWS or the FWC were observed on the site during the protected species survey (Exhibit G).

This assessment focuses on identifying the federal and state listed species that potentially could be found within the various vegetative habitats on the project site (Table 2).

Table 2. Listed Species That Could Potentially Occur Onsite

FLUCCS CODE	Species Name	Status
450	none	
619M	none	
740	none	

- ST – State designated Threatened
- SE – State designated Endangered
- FT – Federally designated Threatened
- FE – Federally designated Endangered

According to the FWC listed species occurrence database the property is located within the FWS Red-cockaded Woodpecker Consultation Area. Red-cockaded woodpeckers (*Picoides borealis*) (RCW) are listed as endangered by both the FWC and the FWS. There is no RCW foraging or nesting habitat onsite.

According to the FWC listed species occurrence database the property is located within the FWS designated Core Foraging Area of a wood stork colony. The wood stork (*Myrcteria americana*) is listed as threatened by both the FWC and the FWS. In the event that a COE permit is required for the development of this project, the FWS will require that the quality of wood stork foraging habitat to be impacted is evaluated using their evaluation matrix and that suitable in-kind compensation is provided.

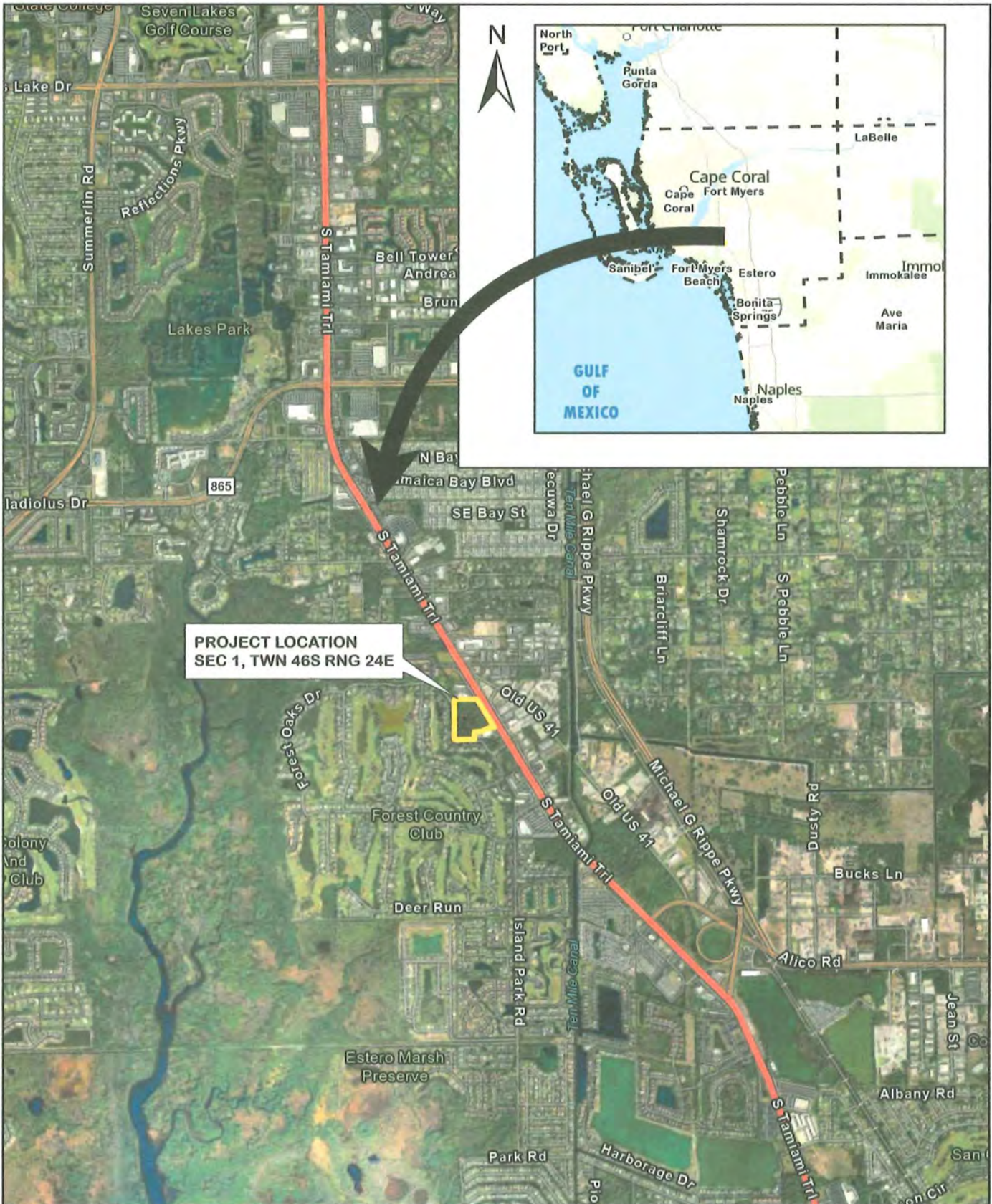
The Florida bonneted bat (*Eumpos floridanus*) is listed as endangered by the FWS and the FWC. The FWS has established a Consultation Area and Focal Area for this species.

The subject parcel is located within the overall Consultation Area and Focal Area. This bat typically roosts in cavities within large live or dead trees but may also roost in abandoned buildings and under bridges. Scattered dead trees containing potential cavity entrances were observed during our cursory inspection. The vast majority of these trees consist of pine tree snags in advanced stages of decay. These potential cavity entrances are primarily less than approximately two inches in diameter and are likely very shallow, not penetrating the heartwood of the snag. No evidence of bat utilization (bat vocalization/chatter from within the potential cavities or guano on or around the snags) was observed. Therefore, the Florida bonneted bat is not likely to be adversely affected by the project.

The wetlands onsite may provide opportunistic foraging habitat for a variety of listed and non-listed wading birds. Periodic foraging by these species on-site is not likely to be a significant issue in the future potential development of the property.

# 16260 South Tamiami Trail

22-027



**Exhibit A. Project Location Map**

**OWEN ENVIRONMENTAL  
CONSULTING, LLC.**  
FORT MYERS 239-994-9007

16260 South Tamiami Trail



SECTION: 1  
TOWNSHIP: 46S  
RANGE: 24E

0 75 150  
SCALE FEET

- Notes:
1. Property boundary is Surveyed and was obtained from Alta Survey, February 2023.
  2. Mapping is based on photo interpretation of 2022 aerial photography and ground truthing in April 2022.
  3. Delineation of jurisdictional wetlands is preliminary and subject to field review/approval by applicable regulatory agencies.

FLUCCS	Description	Acreage
450	Mixed Exotic Upland Forest	8.59 Ac.±
619M*	Hydric Melaleuca	4.26 Ac.±
740	Disturbed Land	0.35 Ac.±
<b>Total</b>		<b>13.20 Ac.±</b>
* Potential Jurisdictional Wetlands		

22-027

Exhibit B. Vegetation Map

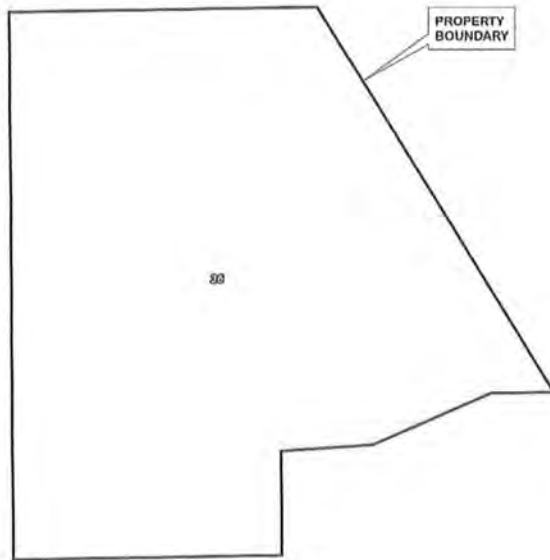
OWEN ENVIRONMENTAL  
CONSULTING, LLC.  
FORT MYERS 239-904-0007



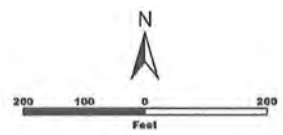
**Exhibit C. Surrounding Lands Map**

**16260 South Tamiami Trail**

**OWEN ENVIRONMENTAL  
CONSULTING, L.L.C.**  
FORT MYERS 239-994-9007



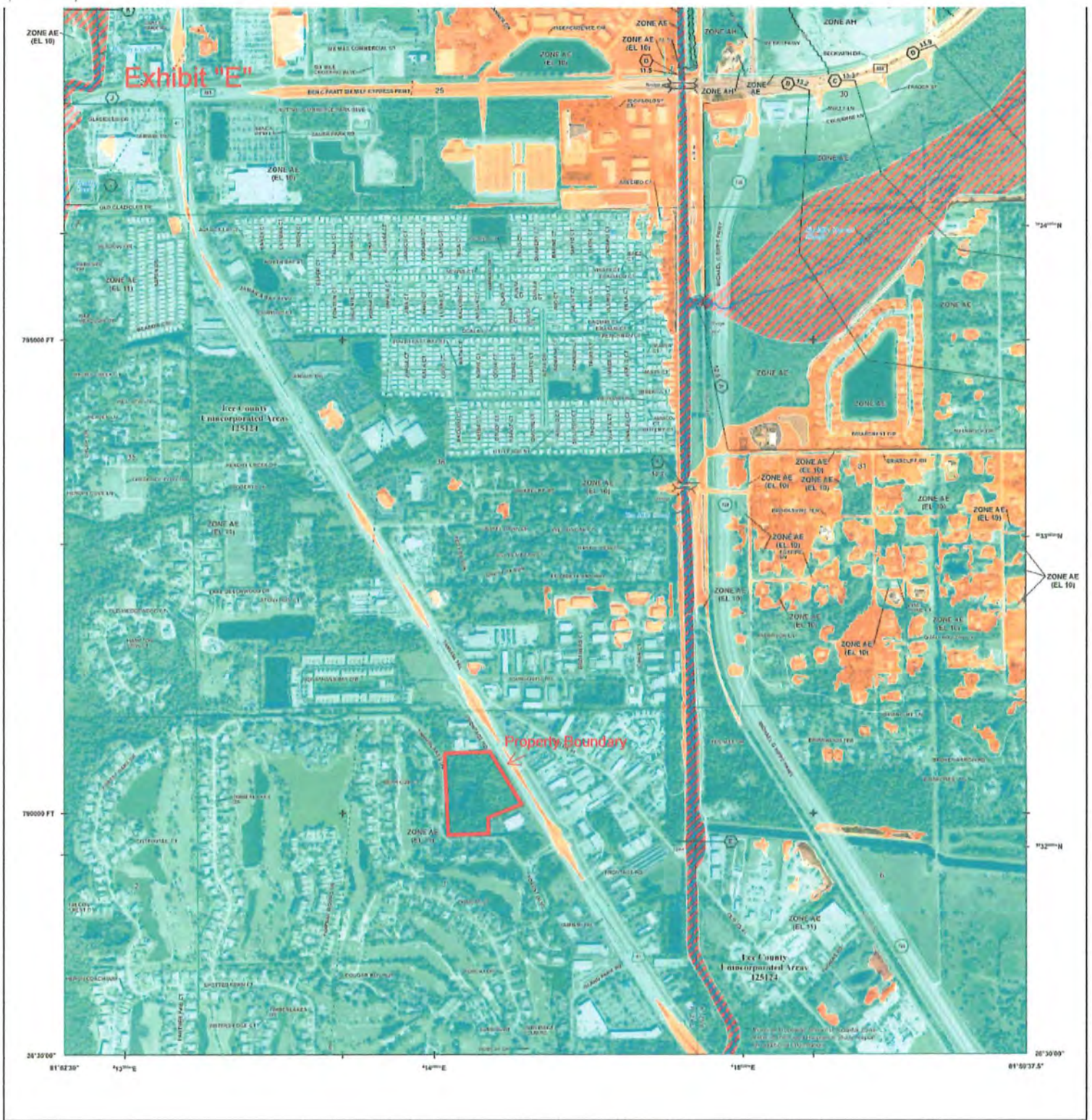
Soil Legend	
36	IMMOXLAEE SAND-URBAN LAND COMPLEX, 0 TO 2 PERCENT SLOPES



*Exhibit D. Soils Map*

*16260 South Tamiami Trail*

*OWEN ENVIRONMENTAL  
CONSULTING, L.L.C.  
FORT MYERS 239-994-9007*



### FLOOD HAZARD INFORMATION

SEE THIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT. THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT [HTTPS://MSC.FEMA.GOV](https://MSC.FEMA.GOV)

<b>SPECIAL FLOOD HAZARD AREAS</b>	Without Base Flood Elevation (BFE)
	With BFE or Depth Zone AE, AD, AH, AE, AH
	Regulatory Floodway
	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
	Future Conditions 1% Annual Chance Flood Hazard Zone X
<b>OTHER AREAS OF FLOOD HAZARD</b>	Area with Reduced Flood Risk due to Levee See Notes. Zone X
	Area with Flood Risk due to Levee Zone X
<b>OTHER AREAS</b>	Area of Minimal Flood Hazard Zone X
	Area of Undetermined Flood Hazard Zone X
<b>GENERAL STRUCTURES</b>	Channel, Culvert, or Storm Sewer
	Levee, Dike, or Floodwall
	Cross Sections with 1% Annual Chance Water Surface Elevation

### NOTES TO USERS

For information and questions about the Flood Insurance Rate Map (FIRM) available products associated with the FIRM including zoning, visit the Federal Emergency Management Agency (FEMA) website at [www.fema.gov](https://www.fema.gov). For more information about the National Flood Insurance Program (NFIP) in general, please call the FEMA Map Information Hotline at 1-877-FEMA-MAP (1-877-364-7275) or visit the FEMA Flood Map Service Center website at <https://www.fema.gov/flood-map-service-center>. Certain products of this report may be available for purchase through the FEMA Flood Map Service Center website at <https://www.fema.gov/flood-map-service-center>. Certain products of this report may be available for purchase through the FEMA Flood Map Service Center website at <https://www.fema.gov/flood-map-service-center>.

Coordinate accuracy based on adjacent FIRM panels may show a small gap or an adjacent panel as well as the current FIRM issue. These may be related directly from the Flood Map Service Center at the number listed above.

For community and corporate maps refer to the Flood Insurance Study Report for the jurisdiction.

To determine if flood insurance is available in the community, contact your insurance agent or call the National Flood Insurance Program at 1-800-352-7622.

Base map information shown on this FIRM was provided by Lee County, dated 2008 and 2010, by Florida Department of Transportation, dated 2017 and 2018, the U.S. Department of Agriculture, dated 2018, and the U.S. Department of Transportation, dated 2017.

### SCALE

Graphic scale bars showing 3 inch = 500 feet and 1:6,000. Includes a North arrow.

### PANEL LOCATOR

Lee County	0417	0435	0457
	0419	0438	0433

## National Flood Insurance Program

**NATIONAL FLOOD INSURANCE PROGRAM**  
FLOOD INSURANCE RATE MAP  
LEE COUNTY, FLORIDA  
and Incorporated Areas  
Panel 438 of 685

Printed Online  
COMMUNITY  
LEE COUNTY

NUMBER PANEL SUFFIX  
125124 0438

16260 South Tamiami Trail

PROPERTY  
BOUNDARY



Legend:



Potential Jurisdictional Wetlands  
(4.26 Ac.±)

Notes:

1. Property boundary is Surveyed and was obtained from Alta Survey, February 2023.
2. Mapping is based on photo interpretation of 2022 aerial photography and ground truthing in April 2022.
3. Delineation of jurisdictional wetlands is preliminary and subject to field review/approval by applicable regulatory agencies.

FLUCCS	Description	Acreage
450	Mixed Exotic Upland Forest	8.59 Ac.±
619M*	Hydric Melaleuca	4.26 Ac.±
740	Disturbed Land	0.35 Ac.±
<b>Total</b>		<b>13.20 Ac.±</b>
* Potential Jurisdictional Wetlands		

22-027

Exhibit F. Wetland Map

OWEN ENVIRONMENTAL  
CONSULTING, L.L.C.  
FORT MYERS 239-984-9007

16260 South Tamiami Trail



— Approximate Pedestrian Survey Transects  
 X Potential FBB Cavity Snag (15)

FLUCCS	Description	Acreage
450	Mixed Exotic Upland Forest	8.59 Ac.±
619M*	Hydic Melaleuca	4.26 Ac.±
740	Disturbed Land	0.35 Ac.±
<b>Total</b>		<b>13.20 Ac.±</b>

\* Potential Jurisdictional Wetlands

Notes:

1. Property boundary is Surveyed and was obtained from Alla Survey, February 2023.
2. Mapping is based on photo interpretation of 2022 aerial photography and ground truthing in April 2022.
3. Delineation of jurisdictional wetlands is preliminary and subject to field review/approval by applicable regulatory agencies.

22-027

Exhibit G. Protected Species Survey Map

OWEN ENVIRONMENTAL  
 CONSULTING, LLC.  
 FORT MYERS 888-604-0007

**Sharon Hrabak**

---

**From:** Vovsi, Eman M. <Eman.Vovsi@DOS.MyFlorida.com>  
**Sent:** Monday, March 6, 2023 12:23 PM  
**To:** Sharon Hrabak  
**Subject:** RE: Pugliese  
**Attachments:** Template\_102.pdf

**EXTERNAL SENDER**

Completed; no cultural resources detected  
Kind regards,

Eman M. Vovsi, Ph.D. (he/him/his)  
Sr. Data Base Analyst – Florida Department of State  
Bureau of Historic Preservation - Florida Master Site File – Tallahassee, FL 32399-0250 – Phone:  
850.245.6377 – e-mail: [Eman.Vovsi@DOS.MyFlorida.com](mailto:Eman.Vovsi@DOS.MyFlorida.com)

“Due to and depending on the requested information, work load and limited staffing, it may take longer than usual to get a response. Thank you for your patience and understanding during this time.”

**From:** Sharon Hrabak <Sharon@qainc.net>  
**Sent:** Monday, March 6, 2023 11:58 AM  
**To:** FMSFILE <FMSFILE@dos.myflorida.com>  
**Cc:** Tobias, Jennifer L. <Jennifer.Tobias@dos.myflorida.com>  
**Subject:** Pugliese

**EMAIL RECEIVED FROM EXTERNAL SOURCE**

The attachments/links in this message have been scanned by Proofpoint.

To Whom it May Concern,

Can you please send us a list of any known historical resources located on Address undetermined, straps # 01-46-24-00-00004.2020 and #01-46-24 00-00004.2020?

Thank you,

*Sharon Hrabak*



4301 Veronica Shoemaker Blvd.  
Fort Myers, Florida 33916  
P: 239-936-5222 | F: 239-936-7228  
[sharon@gainc.net](mailto:sharon@gainc.net) | [www.gainc.net](http://www.gainc.net)

**US 41 Pugliese Multifamily**  
Historical Resources Impact Analysis  
Exhibit M14

**Florida Master Site File**

Per the Florida Master Site File, there are not any previously recorded cultural or historic resources located within 150 feet of the subject property.

**Archaeological Sensitivity Map**

A site  $\pm$  360 ft Southwest of the subject property is identified as being archaeologically sensitive 2 on the Lee County Archaeological Sensitivity Map dated December 2014. See below, map depicts in lower left corner shaded light green.





## **US 41 Pugliese Multifamily**

Existing and Future Public Facilities Impacts Analysis  
Exhibit M15

### **Potable Water and Sanitary Sewer**

The subject property is within the Lee County Utilities (LCU) potable water franchise area as depicted on Maps 4A and 4B of the Lee Plan. LCU owns and maintains existing potable water and wastewater lines along the adjacent streets. Green Meadows Treatment Plant will provide potable water service to the proposed development while Forest Utilities will provide wastewater service.

Lee County utilities have sufficient capacity to provide water service and Forest Utilities has sufficient capacity to provide sewer service at buildout for both the existing Suburban land use as well as the proposed Urban Community land use to include multi-family residential units. As similar uses could be developed in both land use categories, the difference in the expected water and sewer demand would be only due to the addition of the residential units and is summarized below.

Per F.A.C. 64E-6, residential/commercial:

Residential:

- 100 gallons per day per 1-bedroom unit (750 sf or less of building area)
- 200 gallons per day per 2-bedroom unit (751-1200 or less of building area)
- 300 gallons per day per 3-bedroom unit (1201-2250 sf or less of building area)
- 400 gallons per day per 4- bedroom unit (2251-3300 sf or less of building area)

(290) 2-bedroom multi-family residential units = 58,000 gpd. The proposed project can expect an average potable water and sanitary sewer demand of 58,000 GPD.

Water and sewer demand for the balance of the property would remain unchanged whether in the Suburban or Urban Community land use.

According to the 2024 Lee County Concurrency Report, LCU's interconnected water distribution system is permitted with a capacity of 54.4 million gallons per day (MGPO) and is projected planned future to operate at 46.7 MGPO. Therefore, there is sufficient capacity within the existing water distribution system to serve the project at build-out.

This project is in the Forest Utilities Franchise and is not mentioned in the concurrency report. However, a letter of availability submitted with this application states Forest Utilities has sufficient capacity.

### **Surface Water/Drainage Basins**



The existing site consists of vacant undisturbed parcels. There is an existing stormwater swale along ROW of S. Tamiami Trail. The existing stormwater runoff sheet flows generally to the south into Hendry Creek flow way. The property has permitted SFWMD with existing Master System Environmental Resource Permit # 36-00161-S Application 080804-03 serving the combined 13.20-acre parcel.

The subject site is currently in a FEMA Zone AE-EL11 per map panel 12071C0438H, which has an established base flood elevation of 11" NAVD.

The Lee Plan Policy 95.1.3 establishes regulatory standards and non-regulatory standards for public facilities and states as follows:

Stormwater Management Facilities LOS: The existing surface water management system in the unincorporated areas of the county will be sufficient to prevent the flooding of designated evacuation routes (see Map 3J) from the 25-year, 3-day storm event (rainfall) for more than 24 hours.

The 2024 Concurrency Report confirms that none of the evacuation routes in the studied watersheds are anticipated to be flooded for more than 24 hours, and that new developments that receive approval from the South Florida Water Management District and comply with standards in Florida Administrative Code Chapter 62- 330 will be deemed concurrent with the Lee Plan's surface water management LOS. The US41 Pugliese Multi-family project will receive approval for an Environmental Resource Permit from the South Florida Water Management District and, as such, will be consistent with the surface water management Level of Service standards of the Lee Plan.

The change in land use from Suburban to Urban Community will change the developable area. The proposed development will include a surface water management system which will provide both stormwater attenuation and water quality treatment. The surface water management system will include controlled discharge into the Hendry Creek system, meeting all requirements of South Florida Water Management District and Lee County at the time of development order.

The change in land use will have no impacts on the design or function of the surface water management system, drainage basin, discharge rates, nutrient loadings, water quality or flood zone.

### **Parks, Recreation and Open Space**

#### **Regional Parks:**

The Lee County Public Facilities Level of Service and Concurrency Report 2024 indicates a total of 7,127 acres of existing regional parks operated by county, local, state, and federal governments within Lee County. The capacity required to meet The Lee Plan Policy 95.1.3 non-regulatory level of-service standard of 6 acres per 1,000 total seasonal county population is equal to:

$$945,000 \text{ [seasonal county population]} \times (6 \text{ acres}/1,000 \text{ population}) = 5,670 \text{ acres}$$

The Bureau of Economic and Business Research (BEBR) Projections of Florida Population by County, 2025-2050, with Estimates for 2023 provided a medium projected population of 1,075,100



for Lee County in 2050. This would require 6,450 acres to meet the level of service standard. There is more than adequate existing Regional Park acreage in Lee County to meet the needs of the project.

#### Community Parks

The Lee County Public Facilities Level of Service and Concurrency Report 2024 indicates a total of 829.3 acres of existing community parks operated by Lee County or jointly operated with The School District of Lee County within Lee County. The capacity required to meet the Lee Plan Policy 95.1.3 non-regulatory level of-service standard of 0.8 acres per 1,000 total permanent county population is equal to:

$$389,000 \text{ [permanent unincorporated county population]} \times (0.8 \text{ ac/1,000 population}) = 311 \text{ ac}$$

The existing inventory of community parks within Lee County meets the community park level of service standard in the County for the year 2023 and will continue to do so at least through the next five years. The level of service standard increased from 743.6 acres in 2023 to 829.3 acres in 2024 which represents here is more than adequate existing Community Park acreage in Lee County to meet the needs of the project.

#### Public Schools

The subject property is within the South Zone, Lee Plan Policy 95.1.3 provides that Public Schools Facilities LOS standards for Elementary Schools, Middle Schools, High Schools and Special Purpose Facilities is based upon Permanent Florida Inventory School Houses (FISH) capacity and is 100% as adjusted by the School Board annually to account for measurable programmatic changes.

According to the Lee County Public Facilities Level of Service and Concurrency Report 2024, the South Zone showed an available capacity of 252 elementary school seats, 63 middle school seats, and 255 high school seats. The letter of review and recommendation has been requested from the School District of Lee County.

MEMORANDUM

TO: Mr. Chris King  
Land America, LLC

FROM: Yury Bykau, P.E.  
Senior Project Manager

DATE: Revised November 5, 2025

RE: Pugliese CPA  
Comprehensive Plan Amendment  
Lee County, Florida

TR Transportation Consultants, Inc. has completed a traffic circulation analysis for the proposed Comprehensive Plan Amendment for approximately 13.2 acres of property located on the west side of US 41 just north of Forest Boulevard in Lee County, Florida. Based on the discussion with the Developer, approximately 13.2 of property will be subject to a Map Amendment that will change the land use designation from Suburban to Urban Community.

The transportation related impacts of the proposed Amendment to the Lee Plan were evaluated pursuant to the criteria in the application document. This included an evaluation of the long-range impact (20-year horizon) and short-range impact (5-year horizon) the proposed amendment would have on the existing and future roadway infrastructure.

The Applicant is proposing a Map Amendment on approximately 13.2 acres of property to change the land use designation from Suburban to Urban Community. Based on discussions with County Staff, the worst-case development scenario under the proposed Urban Community was assumed to be 132,000 square feet of commercial retail uses at a density of 10,000 square feet per acre. Note, commercial retail uses are also permitted under the existing Suburban Future Land Use Category (FLU). **Table 1** summarizes the commercial intensity that was utilized for the purposes of the traffic analysis.

**Table 1**  
**Land Use**  
**Pugliese CPA**

Land Use Category	Intensity
Urban Community (13.2 Acres)	132,000 Sq. Ft. (10,000 Sq. Ft./Acre)

The trip generation was determined by referencing the Institute of Transportation Engineer’s (ITE) report, titled *Trip Generation Manual*, 12<sup>th</sup> Edition. Land Use Code 821 (Shopping Plaza with Supermarket) was utilized for the trip generation purposes of commercial retail uses. **Table 2** outlines the anticipated weekday AM and PM peak hour and daily trip generation for the proposed amendment scenario. The trip generation equations utilized are attached to this Memorandum for reference. Table 2 also includes the reduction in trips due to “pass-by” traffic associated with a commercial retail use. Consistent with the historical traffic studies prepared in Lee County for general commercial retail developments, the pass-by rate was limited to 30%.

**Table 2**  
**Trip Generation**  
**Based on Proposed Map Amendment**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Plaza (132,000 Sq. Ft.)	292	194	486	572	594	1,166	15,326
Less Pass-By (Lee County 30%)	-73	-73	-146	-175	-175	-350	-4,598
<b>Net New Trips</b>	<b>219</b>	<b>121</b>	<b>340</b>	<b>397</b>	<b>419</b>	<b>816</b>	<b>10,728</b>

**Long Range Impacts (20-year horizon)**

The Lee County Metropolitan Planning Organization’s (MPO) 2045 Long Range Transportation Plan was reviewed to determine if any future roadway improvements were planned in the vicinity of the subject site. Based on the review, there are no programmed improvements within the vicinity of the subject site. The Lee County 2045 Highway Cost Feasible Plan is attached to this Memorandum for reference.

The Lee County Metropolitan Planning Organization’s (MPO) long range transportation travel model was also reviewed in order to determine the impacts the amendment would have on the surrounding area. The base 2045 loaded network volumes were determined for the roadways within the study area and then the net new PM peak hour trips to be generated by additional trips in Table 2 were added to the projected 2045 volumes. The Level of Service for the surrounding roadways was then evaluated. The Level of Service

threshold volumes were derived based on the attached *Lee County Generalized Peak Hour Directional Service Volumes* table as well as *FDOT's Generalized Peak Hour Directional Volumes Table*.

The results of the analysis indicate that the addition of the trips as a result of the proposed amendment to the projected 2045 volumes will not cause any roadway link to fall below the recommended minimum acceptable Level of Service thresholds as recommended in Policy 37.1.1 of the Lee County Comprehensive Plan. Therefore, no changes to the adopted long range transportation plan are required as result of the proposed Map Amendment. Attached **Table 1A** and **Table 2A** reflect the Level of Service analysis based on the 2045 conditions.

#### **Short Term Impacts Analysis (5-year horizon)**

The 2024-2029 Lee County Transportation Capital Improvement Plan and the 2025-2030 Florida Department of Transportation Adopted Work Program were reviewed to determine the short term impacts the proposed land use change would have on the surrounding roadways. Based on the review, there are no programmed roadway capacity improvements in the vicinity of the subject site.

**Table 3A** and **Table 4A** attached to this report indicate the projected 5-year planning Level of Service on the surrounding roadways based on the additional new trips shown in Table 2. The existing peak hour, peak season, peak direction traffic volumes on the various roadway links were obtained from the most recent *Lee County Public Facilities Level of Service and Concurrency Report*.

The existing peak hour, peak season, peak direction traffic volumes were then factored by the appropriate annual growth rates in order to obtain the 2030 background traffic conditions on the area roadway network. The growth rates for each roadway were calculated based on historical traffic data obtained from the FDOT's *Florida Traffic Online* webpage. Based on the project traffic distribution illustrated within Table 4A, the roadway link data was analyzed for the year 2030 without the proposed amendment and year 2030 with the proposed amendment. Traffic data obtained from the aforementioned FDOT resource is attached to this Memorandum for reference.

The results of the analysis indicate that the addition of the trips as a result of the proposed amendment to the projected 2030 volumes will not cause any roadway link to fall below the minimum acceptable Level of Service standards. Therefore, based on this analysis no modifications will be necessary to the Lee County or FDOT short term capital improvement programs. Capacity analysis will be evaluated again at the time the project will seek a local Development Order approval.

**Conclusion**

The proposed Comprehensive Plan Amendment is for a property located on the west side of US 41 just north of Forest Boulevard in Lee County, Florida. Based upon the roadway link Level of Service analysis conducted as a part of this Memorandum, the proposed amendment will not cause any roadway links to fall below the recommended minimum acceptable Level of Service thresholds as recommended in Policy 37.1.1 of the Lee County Comprehensive Plan. Therefore, no roadway capacity improvements will be warranted as a result of the additional traffic to be generated by the proposed amendment.

No modifications are necessary to the Short Term Capital Improvement Plan or the Long Range Transportation Plan to support the proposed Amendment.

Attachments

**TABLES 1A & 2A**  
**2045 LOS ANALYSIS**

**TABLE 1A  
LEVEL OF SERVICE THRESHOLDS  
2045 LONG RANGE TRANSPORTATION ANALYSIS - PUGLIESE CPA**

ROADWAY	ROADWAY SEGMENT	2045 E + C NETWORK LANES		GENERALIZED SERVICE VOLUMES				
		# Lanes	Roadway Designation	LOS A	LOS B	LOS C	LOS D	LOS E
				VOLUME	VOLUME	VOLUME	VOLUME	VOLUME
US 41	N. of Daniels Pkwy	6LD	Arterial	0	0	2,478	2,814	2,814
	N. of Six Mile Cypress Pkwy	6LD	Arterial	0	0	2,478	2,814	2,184
	N. of Site	6LD	Arterial	0	0	2,478	2,814	2,184
	S. of Site	6LD	Arterial	0	0	2,478	2,814	2,184
	S. of Alico Rd	6LD	Arterial	0	0	2,478	2,814	2,184
Alico Rd	E. of US 41	6LD	Arterial	0	400	2,840	2,940	2,940
Gladolus Dr	W. of US 41	6LD	Arterial	0	400	2,840	2,940	2,940
	W. of Summerlin Rd	6LD	Arterial	0	400	2,840	2,940	2,940
	W. of Winkler Rd	6LD	Arterial	0	400	2,840	2,940	2,940
Summerlin Rd	S. of Gladolus Dr	6LD	Controlled Access Facility	0	430	3,050	3,180	3,180
	S. of Winkler Rd	6LD	Controlled Access Facility	0	430	3,050	3,180	3,180
Six Mile Cypress Pkwy	E. of US 41	4LD	Arterial	0	0	1,596	1,900	1,900
	E. of Metro Pkwy	4LD	Controlled Access Facility	0	270	1,970	2,100	2,100
Metro Pkwy	N. of Six Mile Cypress Pkwy	6LD	Arterial	0	0	2,478	2,814	2,814
Cypress Lake Dr	W. of US 41	6LD	Arterial	0	400	2,840	2,940	2,940
Daniels Pkwy	E. of US 41	6LD	Controlled Access Facility	0	430	3,050	3,180	3,180

- Denotes the LOS Standard for each roadway segment

\* Level of Service Thresholds for Lee County roadways were taken from the Generalized Peak Hour Directional Service Volume tables for Urbanized Areas (dated April 2016)

\* Level of Service Thresholds for State maintained roadways were taken from FDOT's Generalized Peak Hour Directional Volumes Table.

**TABLE 2A  
2045 ROADWAY LINK LEVEL OF SERVICE CALCULATIONS  
PUGLIESE CPA**

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 816 VPH IN= 397 OUT= 419

ROADWAY	ROADWAY SEGMENT	2045		AADT	K-100	100TH HIGHEST		PM PK HR	2045		PROJECT	PK DIR	2045 BACKGROUND PLUS PROJ	
		FSUTMS	COUNTY PCS /			BACKGROUND	FACTOR		HOUR PK DIR	D			PEAK	TRAFFIC VOLUMES & LOS
		AADT	FDOT SITE #	TRAFFIC	FACTOR	2-WAY VOLUME	FACTOR	DIRECTION	VOLUME	LOS	DIST.	TRAFFIC	VOLUME	LOS
US 41	N. of Daniels Pkwy	59,367	125041	59,367	0.090	5,343	0.539	NORTH	2,880	F	10%	40	2,920	F
	N. of Six Mile Cypress Pkwy	49,304	120037	49,304	0.090	4,437	0.539	NORTH	2,392	C	25%	99	2,491	D
	N. of Site	63,948	120025	63,948	0.090	5,755	0.539	NORTH	3,102	F	50%	199	3,300	F
	S. of Site	62,169	120098	62,169	0.090	5,595	0.539	NORTH	3,016	F	50%	199	3,214	F
	S. of Alico Rd	50,161	120066	50,161	0.090	4,514	0.539	NORTH	2,433	C	30%	119	2,552	D
Alico Rd	E. of US 41	45,128	124177	45,128	0.090	4,082	0.554	WEST	2,250	C	20%	79	2,330	C
Gladiolus Dr	W. of US 41	59,546	126046	59,546	0.090	5,359	0.554	EAST	2,969	F	15%	60	3,028	F
	W. of Summerlin Rd	34,833	126039	34,833	0.090	3,117	0.554	WEST	1,727	C	5%	20	1,747	C
	W. of Winkler Rd	38,658	126039	38,658	0.090	3,479	0.554	WEST	1,927	C	5%	20	1,947	C
Summerlin Rd	S. of Gladiolus Dr	46,095	126019	46,095	0.090	4,149	0.554	NORTH	2,299	C	10%	40	2,338	C
	S. of Winkler Rd	41,924	126019	41,924	0.090	3,773	0.554	NORTH	2,090	C	10%	40	2,130	C
Six Mile Cypress Pkwy	E. of US 41	31,400	125054	31,400	0.090	2,826	0.554	EAST	1,566	C	10%	40	1,605	D
	E. of Metro Pkwy	29,968	124387	29,968	0.090	2,697	0.539	EAST	1,454	C	7%	28	1,481	C
Metro Pkwy	N. of Six Mile Cypress Pkwy	27,160	125055	27,160	0.090	2,444	0.554	SOUTH	1,354	C	3%	12	1,366	C
Cypress Lake Dr	W. of US 41	43,755	124257	43,755	0.090	3,938	0.554	WEST	2,182	C	5%	20	2,202	C
Daniels Pkwy	E. of US 41	51,307	126030	51,307	0.090	4,618	0.539	WEST	2,489	C	5%	20	2,509	C

\* The K-100 and D factors were obtained from Florida Traffic Online resource.

**TABLES 3A & 4A**  
**5-YEAR LOS ANALYSIS**

**TABLE 3A  
LEVEL OF SERVICE THRESHOLDS  
PUGLIESE CPA**

ROADWAY	ROADWAY SEGMENT	# LANES	ROADWAY DESIGNATION	GENERALIZED SERVICE VOLUMES				
				LOS A	LOS B	LOS C	LOS D	LOS E
				VOLUME	VOLUME	VOLUME	VOLUME	VOLUME
US 41	N. of Daniels Pkwy	6LD	Arterial	0	0	2,478	2,814	2,814
	N. of Six Mile Cypress Pkwy	6LD	Arterial	0	0	2,478	2,814	2,184
	N. of Site	6LD	Arterial	0	0	2,478	2,814	2,184
	S. of Site	6LD	Arterial	0	0	2,478	2,814	2,184
	S. of Allico Rd	6LD	Arterial	0	0	2,478	2,814	2,184
Allico Rd	E. of US 41	6LD	Arterial	0	400	2,840	2,940	2,940
Gladiolus Dr	W. of US 41	6LD	Arterial	0	400	2,840	2,940	2,940
	W. of Summerlin Rd	6LD	Arterial	0	400	2,840	2,940	2,940
	W. of Winkler Rd	6LD	Arterial	0	400	2,840	2,940	2,940
Summerlin Rd	S. of Gladiolus Dr	6LD	Controlled Access Facility	0	430	3,050	3,180	3,180
	S. of Winkler Rd	6LD	Controlled Access Facility	0	430	3,050	3,180	3,180
Six Mile Cypress Pkwy	E. of US 41	4LD	Arterial	0	0	1,596	1,900	1,900
	E. of Metro Pkwy	4LD	Controlled Access Facility	0	270	1,970	2,100	2,100
Metro Pkwy	N. of Six Mile Cypress Pkwy	6LD	Arterial	0	0	2,478	2,814	2,814
Cypress Lake Dr	W. of US 41	6LD	Arterial	0	400	2,840	2,940	2,940
Daniels Pkwy	E. of US 41	6LD	Controlled Access Facility	0	430	3,050	3,180	3,180

\* Level of Service Thresholds for Lee County arterials/collectors taken from the Generalized Peak Hour Directional Service Volume tables for Urbanized Areas (dated April 2016)

\* Level of Service Thresholds for State maintained roadways were taken from FDOT's Generalized Peak Hour Directional Volumes Table.

**TABLE 4A  
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS  
PUGLIESE CPA**

TOTAL PROJECT TRAFFIC AM = 340 VPH IN = 219 OUT = 121  
 TOTAL PROJECT TRAFFIC PM = 816 VPH IN = 397 OUT = 419

ROADWAY	ROADWAY SEGMENT	LCDOT PCS OR FDOT SITE #	BASE YR	2024	YRS OF GROWTH <sup>1</sup>	ANNUAL RATE	2023		2030		PERCENT			2030 BCKGRND			2030 BCKGRND		
							PK HR	PK HR	PK SEASON	V/C	PROJECT	AM PROJ	PM PROJ	+ AM PROJ	V/C	+ PM PROJ	V/C		
							PK SEASON	PEAK DIRECTION	VOLUME	LOS	Ratio	TRAFFIC	TRAFFIC	TRAFFIC	VOLUME	LOS	Ratio	VOLUME	LOS
US 41	N. of Daniels Pkwy	125041	66,000	70,000	15	2.00%	2,842	3,285	F	1.16	10%	22	42	3,265	F	1.17	3,305	F	1.16
	N. of Six Mile Cypress Pkwy	120037	53,000	54,500	15	2.00%	2,500	2,975	F	1.06	25%	55	105	3,030	F	1.08	3,080	F	1.09
	N. of Site	120025	68,500	69,500	15	2.00%	3,306	3,798	F	1.35	50%	110	210	3,907	F	1.39	4,007	F	1.42
	S. of Site	120098	60,500	62,000	15	2.00%	2,801	3,217	F	1.14	50%	110	210	3,327	F	1.18	3,427	F	1.22
	S. of Alcoa Rd	120086	42,500	62,500	15	2.60%	2,801	3,353	F	1.19	30%	66	126	3,419	F	1.22	3,479	F	1.24
Alcoa Rd	E. of US 41	124177	21,500	29,500	13	2.46%	1,170	1,387	C	0.47	20%	44	84	1,431	C	0.49	1,471	C	0.50
Gladiolus Dr	W. of US 41	126046	35,852	43,500	15	2.00%	2,330	2,676	C	0.91	15%	33	63	2,709	C	0.92	2,739	C	0.93
	W. of Summerlin Rd	126039	19,599	28,500	11	3.46%	1,193	1,514	C	0.51	5%	11	21	1,525	C	0.52	1,535	C	0.52
	W. of Winkler Rd	126039	19,599	28,500	11	3.46%	1,193	1,514	C	0.51	5%	11	21	1,525	C	0.52	1,535	C	0.52
Summerlin Rd	S. of Gladiolus Dr	126019	30,141	37,000	14	2.00%	1,761	2,046	C	0.64	10%	22	42	2,068	C	0.65	2,088	C	0.66
	S. of Winkler Rd	126019	30,141	37,000	14	2.00%	1,761	2,046	C	0.64	10%	22	42	2,068	C	0.65	2,088	C	0.66
Six Mile Cypress Pkwy	E. of US 41	125054	28,500	44,000	15	2.70%	2,109	2,542	F	1.34	10%	22	42	2,563	F	1.35	2,583	F	1.36
	E. of Metro Pkwy	124387	26,000	34,000	15	2.00%	1,630	1,872	C	0.69	7%	15	29	1,888	C	0.90	1,902	C	0.91
Metro Pkwy	N. of Six Mile Cypress Pkwy	125055	24,000	29,000	12	2.00%	1,373	1,677	C	0.66	9%	7	13	1,564	C	0.66	1,590	C	0.66
Cypress Lake Dr	W. of US 41	124257	27,500	24,000	15	2.00%	2,064	2,371	C	0.81	5%	11	21	2,382	C	0.81	2,392	C	0.81
Daniels Pkwy	E. of US 41	126030	44,040	51,500	15	2.00%	2,307	2,650	C	0.83	5%	11	21	2,661	C	0.84	2,671	C	0.84

1 AGR for roadways was calculated based the historical traffic data obtained from Florida Traffic Online webpage and Lee County Traffic Count Report.

2 Current peak hour peak season peak direction traffic volumes for all roadways were obtained from the 2024 Lee County Public Facilities Level of Service and Concurency Report.

**LEE COUNTY GENERALIZED  
SERVICE VOLUME TABLE**

**Lee County  
Generalized Peak Hour Directional Service Volumes  
Urbanized Areas**

April 2016

c:\input5

<b>Uninterrupted Flow Highway</b>						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	130	420	850	1,210	1,640
2	Divided	1,060	1,810	2,560	3,240	3,590
3	Divided	1,600	2,720	3,840	4,860	5,380
<b>Arterials</b>						
Class I (40 mph or higher posted speed limit)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	140	800	860	860
2	Divided	*	250	1,840	1,960	1,960
3	Divided	*	400	2,840	2,940	2,940
4	Divided	*	540	3,830	3,940	3,940
Class II (35 mph or slower posted speed limit)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	330	710	780
2	Divided	*	*	710	1,590	1,660
3	Divided	*	*	1,150	2,450	2,500
4	Divided	*	*	1,580	3,310	3,340
<b>Controlled Access Facilities</b>						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	160	880	940	940
2	Divided	*	270	1,970	2,100	2,100
3	Divided	*	430	3,050	3,180	3,180
<b>Collectors</b>						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	310	660	740
1	Divided	*	*	330	700	780
2	Undivided	*	*	730	1,440	1,520
2	Divided	*	*	770	1,510	1,600
Note: the service volumes for I-75 (freeway), bicycle mode, pedestrian mode, and bus mode should be from FDOT's most current version of LOS Handbook.						

**FDOT GENERALIZED PEAK HOUR  
DIRECTIONAL VOLUMES  
TABLE**

# C3C & C3R

## Motor Vehicle Arterial Generalized Service Volume Tables

### Peak Hour Directional

### Peak Hour Two-Way

### AADT



(C3C-Suburban Commercial)

	B	C	D	E
1 Lane	*	760	1,070	**
2 Lane	*	1,520	1,810	**
3 Lane	*	2,360	2,680	**
4 Lane	*	3,170	3,180	**

	B	C	D	E
2 Lane	*	1,380	1,950	**
4 Lane	*	2,760	3,290	**
6 Lane	*	4,290	4,870	**
8 Lane	*	5,760	5,780	**

	B	C	D	E
2 Lane	*	15,300	21,700	**
4 Lane	*	30,700	36,600	**
6 Lane	*	47,700	54,100	**
8 Lane	*	64,000	64,200	**



(C3R-Suburban Residential)

	B	C	D	E
1 Lane	*	970	1,110	**
2 Lane	*	1,700	1,850	**
3 Lane	*	2,620	2,730	**

	B	C	D	E
2 Lane	*	1,760	2,020	**
4 Lane	*	3,090	3,360	**
6 Lane	*	4,760	4,960	**

	B	C	D	E
2 Lane	*	19,600	22,400	**
4 Lane	*	34,300	37,300	**
6 Lane	*	52,900	55,100	**

### Adjustment Factors

The peak hour directional service volumes should be adjusted by multiplying by 1.2 for one-way facilities  
 The AADT service volumes should be adjusted by multiplying 0.6 for one way facilities  
 2 Lane Divided Roadway with an Exclusive Left Turn Lane(s): Multiply by 1.05  
 2 lane Undivided Roadway with No Exclusive Left Turn Lane(s): Multiply by 0.80

Exclusive right turn lane(s): Multiply by 1.05  
 Multilane Undivided Roadway with an Exclusive Left Turn Lane(s): Multiply by 0.95  
 Multilane Roadway with No Exclusive Left Turn Lane(s): Multiply by 0.75  
 Non-State Signalized Roadway: Multiply by 0.90

This table does not constitute a standard and should be used only for general planning applications. The table should not be used for corridor or intersection design, where more refined techniques exist.

\* Cannot be achieved using table input value defaults.

\*\* Not applicable for that level of service letter grade. For the automobile mode, volumes greater than level of service D become F because intersection capacities have been reached.

**TRAFFIC DATA**  
**FDOT FLORIDA TRAFFIC ONLINE**

FLORIDA DEPARTMENT OF TRANSPORTATION  
 TRANSPORTATION STATISTICS OFFICE  
 2024 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0066 - SR 45/US 41, SOUTHEAST OF ALICO ROAD

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2024	62500 S	N 30500	S 32000	9.00	53.90	5.00
2023	63500 F	N 31000	S 32500	9.00	53.80	5.00
2022	62500 C	N 30500	S 32000	9.00	53.70	5.00
2021	55000 C	N 27500	S 27500	9.00	53.10	5.30
2020	43500 C	N 21500	S 22000	9.00	52.80	5.80
2019	52500 C	N 26000	S 26500	9.00	53.30	4.40
2018	50500 C	N 25000	S 25500	9.00	53.30	5.10
2017	49500 C	N 24500	S 25000	9.00	53.20	4.00
2016	50000 C	N 25000	S 25000	9.00	56.20	4.60
2015	48000 C	N 24000	S 24000	9.00	54.50	4.30
2014	43000 C	N 21500	S 21500	9.00	54.60	3.50
2013	41000 C	N 20500	S 20500	9.00	59.70	4.50
2012	41000 C	N 20500	S 20500	9.00	54.30	5.10
2011	43000 C	N 21000	S 22000	9.00	55.00	3.90
2010	42500 C	N 21000	S 21500	10.32	57.60	3.60
2009	42500 C	N 21000	S 21500	10.24	54.47	4.40

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE  
 S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE  
 V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN  
 \*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION  
 TRANSPORTATION STATISTICS OFFICE  
 2024 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0098 - SR 45/US 41, NORTHWEST OF ISLAND PARK ROAD LC434

YEAR	AADT	DIRECTION 1		DIRECTION 2		*K FACTOR	D FACTOR	T FACTOR
2024	62000 F	N	30500	S	31500	9.00	53.90	5.30
2023	63000 C	N	31000	S	32000	9.00	53.80	5.30
2022	56500 F	N	28000	S	28500	9.00	53.70	5.00
2021	56500 C	N	28000	S	28500	9.00	53.10	5.10
2020	47000 C	N	23500	S	23500	9.00	52.80	6.00
2019	56000 C	N	28000	S	28000	9.00	53.30	4.40
2018	54000 C	N	26500	S	27500	9.00	53.30	5.30
2017	56500 C	N	29000	S	27500	9.00	53.20	3.30
2016	58500 C	N	29000	S	29500	9.00	56.20	3.30
2015	58000 C	N	29000	S	29000	9.00	54.50	3.30
2014	54000 C	N	26500	S	27500	9.00	54.60	3.50
2013	51500 C	N	25500	S	26000	9.00	59.70	4.40
2012	60500 C	N	30000	S	30500	9.00	54.30	4.30
2011	61000 C	N	30500	S	30500	9.00	55.00	4.20
2010	59500 C	N	30000	S	29500	10.32	57.60	4.00
2009	60500 C	N	31000	S	29500	10.24	54.47	3.90

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE  
 S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE  
 V = FIFTH YEAR ESTIMATE; G = SIXTH YEAR ESTIMATE; X = UNKNOWN  
 \*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION  
 TRANSPORTATION STATISTICS OFFICE  
 2024 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0025 - SR45/US41, S OF GLADIOLUS/SR 865/6-MI TURNOUT LC435

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2024	69500 F	N 34500	S 35000	9.00	53.90	5.30
2023	70500 C	N 35000	S 35500	9.00	53.80	5.30
2022	71000 C	N 35000	S 36000	9.00	53.70	5.00
2021	65500 C	N 32500	S 33000	9.00	53.10	4.70
2020	50000 C	N 25000	S 25000	9.00	52.80	5.50
2019	62500 C	N 31500	S 31000	9.00	53.30	4.30
2018	59500 F	N 29500	S 30000	9.00	53.30	4.20
2017	59500 C	N 29500	S 30000	9.00	53.20	4.20
2016	65500 C	N 33000	S 32500	9.00	56.20	4.50
2015	60500 C	N 30500	S 30000	9.00	54.50	4.70
2014	57500 F	N 29000	S 28500	9.00	54.60	4.00
2013	57500 C	N 29000	S 28500	9.00	59.70	4.00
2012	70000 C	N 35500	S 34500	9.00	54.30	4.00
2011	72000 C	N 36500	S 35500	9.00	55.00	3.90
2010	70500 C	N 35000	S 35500	10.32	57.60	4.10
2009	68500 C	N 34500	S 34000	10.24	54.47	4.60

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE  
 S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE  
 V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN  
 \*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE R30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION  
 TRANSPORTATION STATISTICS OFFICE  
 2024 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0037 - SR45/US41, N OF SR865/6-MI CYPRESS PKWY/CR865 LC418

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2024	54500 C	N 27000	S 27500	9.00	53.90	4.10
2023	53500 S	N 27000	S 26500	9.00	53.80	3.90
2022	52500 F	N 26500	S 26000	9.00	53.70	3.90
2021	52500 C	N 26500	S 26000	9.00	53.10	3.90
2020	43500 C	N 22000	S 21500	9.00	52.80	4.40
2019	52500 C	N 26500	S 26000	9.00	53.30	3.70
2018	50500 C	N 25000	S 25500	9.00	53.30	4.00
2017	48500 C	N 24000	S 24500	9.00	53.20	4.10
2016	55500 C	N 27500	S 28000	9.00	56.20	3.90
2015	94000 C	N 26500	S 27500	9.00	54.50	4.00
2014	54000 C	N 26500	S 27500	9.00	54.60	4.30
2013	50000 C	N 25000	S 25000	9.00	59.70	3.40
2012	55000 C	N 28000	S 27000	9.00	54.30	3.10
2011	55000 C	N 27500	S 27500	9.00	55.00	3.00
2010	54000 C	N 27000	S 27000	10.32	57.60	3.10
2009	53000 C	N 26500	S 26500	10.24	54.47	3.90

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE  
 S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE  
 V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN  
 \*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION  
 TRANSPORTATION STATISTICS OFFICE  
 2024 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 5041 - SR45/US41, N OF CYPRESS LAKE DR/DANIELS PKWY LC426

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2024	70000 F	N 34000	S 36000	9.00	53.90	3.40
2023	71000 C	N 34500	S 36500	9.00	53.80	3.40
2022	71500 C	N 34000	S 37500	9.00	53.70	3.10
2021	63000 C	N 31500	S 31500	9.00	53.10	2.70
2020	57000 C	N 28500	S 28500	9.00	52.80	3.70
2019	61500 C	N 32000	S 29500	9.00	53.30	3.50
2018	62500 C	N 30500	S 32000	9.00	53.30	3.80
2017	68000 C	N 34500	S 33500	9.00	53.20	3.50
2016	58000 C	N 28000	S 30000	9.00	56.20	3.50
2015	63500 C	N 31500	S 32000	9.00	54.50	3.50
2014	67000 C	N 33000	S 34000	9.00	54.60	2.90
2013	65000 C	N 31500	S 33500	9.00	59.70	3.10
2012	67000 C	N 34000	S 33000	9.00	54.30	3.10
2011	64500 C	N 31500	S 33000	9.00	55.00	3.00
2010	65000 C	N 31500	S 33500	10.32	57.60	2.40
2009	66000 C	N 32500	S 33500	10.24	54.47	2.50

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE  
 S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE  
 V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN  
 \*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION  
 TRANSPORTATION STATISTICS OFFICE  
 2024 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 4177 - ALICO ROAD, EAST OF S.R. 45 / U.S. 41

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2024	29500 F	E 15000	W 14500	9.00	55.40	11.90
2023	28500 C	E 14500	W 14000	9.00	55.40	11.90
2022	30000 C	E 15500	W 14500	9.00	53.90	11.60
2021	25000 T	E 13000	W 12000	9.00	53.50	5.10
2020	24000 S	E 12500	W 11500	9.00	53.80	9.60
2019	24000 F	E 12500	W 11500	9.00	54.90	9.60
2018	23000 C	E 12000	W 11000	9.00	55.20	9.60
2017	22500 T	E 11500	W 11000	9.00	54.90	4.40
2016	21500 S	E 11000	W 10500	9.00	54.80	8.30
2015	20500 F	E 10500	W 10000	9.00	55.50	8.30
2014	19700 C	E 10000	W 9700	9.00	55.20	8.30
2013	21500 S	E 10500	W 11000	9.00	55.00	4.00
2012	21500 F	E 10500	W 11000	9.00	55.30	4.20
2011	21500 C	E 10500	W 11000	9.00	55.20	4.20

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE  
 S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE  
 V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN  
 \*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION  
 TRANSPORTATION STATISTICS OFFICE  
 2024 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 6046 - GLADIOLUS DR, W OF SR 45/US 41, PTMS 2046, LCPR 46

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2024	43500 X	0	0	9.00	55.40	6.80
2023	43000 X	0	0	9.00	55.40	5.00
2022	41500 X	0	0	9.00	53.90	4.10
2021	41500 T	0	0	9.00	53.50	4.20
2020	41000 S	0	0	9.00	53.40	3.40
2019	42000 F	0	0	9.00	53.80	3.70
2018	41365 C	0	0	9.00	56.80	4.10
2017	41500 F	0	0	9.00	56.80	4.00
2016	42094 C	E 23728	W 18366	9.00	56.80	2.80
2015	40184 C	E 22830	W 17354	9.00	57.20	2.90
2014	38568 C	E 21879	W 16689	9.00	57.00	2.30
2013	37516 C	E 21240	W 16276	9.00	57.60	4.00
2012	35633 C	E 19908	W 15725	9.00	52.60	3.50
2011	39432 C	E 21173	W 18259	9.00	52.60	3.20
2010	39139 C	E 20396	W 18743	9.97	52.58	2.40
2009	35852 C	E 19866	W 15986	10.19	55.36	2.70

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE  
 S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE  
 V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN  
 \*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION  
 TRANSPORTATION STATISTICS OFFICE  
 2024 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 6039 - GLADIOLUS DR, 720' W OF BASS RD, PTMS 2039, LCPR 39

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2024	28500 X	0	0	9.00	55.40	6.80
2023	25000 X	0	0	9.00	55.40	5.00
2022	24000 X	0	0	9.00	53.90	4.10
2021	23500 T	0	0	9.00	53.50	4.20
2020	23000 S	0	0	9.00	59.30	3.40
2019	23500 F	0	0	9.00	59.60	3.70
2018	22612 C	0	0	9.00	53.30	4.10
2017	22000 X	0	0	9.00	59.80	4.00
2016	21500 E	0	0	9.00	55.70	2.80
2015	20500 E	0	0	9.00	52.80	2.90
2014	19900 F			9.00	52.80	3.70
2013	19599 C	E 9739	W 9860	9.00	52.80	3.90

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE  
 S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE  
 V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN  
 \*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION  
TRANSPORTATION STATISTICS OFFICE  
2024 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 6019 - SUMMERLIN RD, 1200' E OF PINE RIDGE RD, PTMS 2019, LCPR 19

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2024	37000 X	0	0	9.00	55.40	6.40
2023	36500 X	0	0	9.00	55.40	4.80
2022	35000 X	0	0	9.00	53.90	5.40
2021	35000 T	0	0	9.00	53.50	4.50
2020	34500 S	0	0	9.00	53.40	4.30
2019	35500 F	0	0	9.00	53.80	4.10
2018	35033 C	0	0	9.00	53.30	4.80
2017	34000 F	0	0	9.00	55.20	4.70
2016	34034 C	E 16959	W 17075	9.00	55.70	4.60
2015	33656 C	E 16730	W 16926	9.00	52.30	4.70
2014	33571 C	E 16729	W 16842	9.00	52.30	4.30
2013	31791 C	E 15974	W 15817	9.00	52.30	4.30
2012	25766 C	E 12481	W 13285	9.00	52.00	3.50
2011	30026 C	E 14826	W 15200	9.00	51.90	4.60
2010	30141 C	E 14934	W 15207	11.54	51.89	3.10

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE  
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE  
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN  
\*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION  
TRANSPORTATION STATISTICS OFFICE  
2024 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 5054 - SR 865/6-MILE CYPRESS PRWY, EAST OF US 41 LC386

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2024	44000 S	E 21000	W 23000	9.00	54.40	9.60
2023	43000 F	E 20500	W 22500	9.00	54.50	9.60
2022	40000 C	E 19000	W 21000	9.00	52.70	9.60
2021	41000 C	E 20000	W 21000	9.00	52.60	6.70
2020	32500 C	E 15500	W 17000	9.00	51.70	6.60
2019	39000 C	E 18500	W 19500	9.00	52.00	5.10
2018	36500 C	E 18000	W 18500	9.00	52.30	7.00
2017	36500 C	E 18000	W 18500	9.00	53.20	6.40
2016	36500 C	E 18500	W 18000	9.00	57.90	5.30
2015	35500 C	E 18000	W 17500	9.00	58.40	5.00
2014	33000 F	E 16500	W 16500	9.00	56.40	5.20
2013	31000 C	E 15500	W 15500	9.00	64.00	5.20
2012	33000 C	E 16500	W 16500	9.00	63.40	7.30
2011	32000 F	E 16000	W 16000	9.00	62.50	5.70
2010	33000 C	E 16500	W 16500	11.16	63.35	5.70
2009	29500 C	E 14500	W 15000	11.00	63.18	4.60

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE  
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE  
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN

\*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION  
TRANSPORTATION STATISTICS OFFICE  
2024 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 4387 - SIX MILE CYPRESS/CR 865, E OF METRO PKWY/SR 739 LC 387

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2024	34000 F	E 17500	W 16500	9.00	53.90	7.60
2023	35000 C	E 18000	W 17000	9.00	53.50	7.60
2022	32500 E			9.00	54.00	7.30
2021	32500 S	E 16000	W 16500	9.00	57.00	5.10
2020	32500 F	E 16000	W 16500	9.00	52.80	5.10
2019	33500 C	E 16500	W 17000	9.00	53.30	5.10
2018	34000 C	E 17000	W 17000	9.00	53.30	5.00
2017	34500 C	E 17500	W 17000	9.00	53.20	5.00
2016	33000 S	E 16500	W 16500	9.00	56.10	6.10
2015	32000 F	E 16000	W 16000	9.00	52.00	6.10
2014	30000 C	E 15000	W 15000	9.00	52.30	6.10
2013	26500 S	E 13500	W 13000	9.00	55.70	6.80
2012	26500 F	E 13500	W 13000	9.00	52.10	6.80
2011	27500 C	E 14000	W 13500	9.00	51.60	6.80
2010	26000 S	E 13500	W 12500	10.36	54.31	4.40
2009	26000 F	E 13500	W 12500	9.94	54.56	4.40

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE  
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE  
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN

\*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION  
 TRANSPORTATION STATISTICS OFFICE  
 2024 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 5055 - SR739/METRO PKWY, N OF SR865/6-MI CYPRESS PKW LC337

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2024	29000 F	N 15000	S 14000	9.00	54.40	6.60
2023	28000 C	N 14500	S 13500	9.00	54.50	6.60
2022	25000 F	N 12500	S 12500	9.00	52.70	7.30
2021	24000 C	N 12000	S 12000	9.00	52.60	7.50
2020	21000 C	N 10500	S 10500	9.00	51.70	5.10
2019	24000 C	N 12500	S 11500	9.00	52.00	5.90
2018	23500 C	N 12000	S 11500	9.00	52.30	6.40
2017	23500 C	N 12000	S 11500	9.00	53.20	6.20
2016	23000 C	N 11500	S 11500	9.00	57.90	6.20
2015	21500 C	N 11000	S 10500	9.00	58.40	6.20
2014	21000 C	N 10500	S 10500	9.00	56.40	5.20
2013	29000 C	N 15000	S 14000	9.00	64.00	5.50
2012	24000 C	N 12000	S 12000	9.00	63.40	4.30
2011	8300 F	N 3700	S 4600	9.00	62.50	7.00
2010	8500 C	N 3800	S 4700	11.16	63.35	7.00
2009	9100 F	N 4200	S 4900	11.00	63.18	7.80

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE  
 S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE  
 V = FIFTH YEAR ESTIMATE; G = SIXTH YEAR ESTIMATE; X = UNKNOWN  
 \*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION  
 TRANSPORTATION STATISTICS OFFICE  
 2024 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 4257 - CYPRESS LAKE DR, EAST OF SOUTH POINTE BLVD LC 257

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2024	24000 F	E 11500	W 12500	9.00	55.40	3.80
2023	23000 C	E 11000	W 12000	9.00	55.40	3.80
2022	28500 X	0	0	9.00	53.90	9.80
2021	27500 X	0	0	9.00	53.50	2.80
2020	26000 E	0	0	9.00	54.00	2.80
2019	26000 C	E 0	W 0	9.00	56.00	2.80
2018	23500 C	E 11000	W 12500	9.00	53.30	3.00
2017	28500 T			9.00	55.40	7.40
2016	27500 S	E 13000	W 14500	9.00	55.70	2.50
2015	26500 F	E 12500	W 14000	9.00	55.00	2.50
2014	25500 C	E 12000	W 13500	9.00	55.40	2.50
2013	27500 S	E 13500	W 14000	9.00	55.30	2.40
2012	27500 F	E 13500	W 14000	9.00	55.40	2.40
2011	28000 C	E 13500	W 14500	9.00	54.40	2.40
2010	27500 S	E 13500	W 14000	10.68	53.94	2.80
2009	27500 F	E 13500	W 14000	10.43	55.23	2.80

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE  
 S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE  
 V = FIFTH YEAR ESTIMATE; G = SIXTH YEAR ESTIMATE; X = UNKNOWN  
 \*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION  
TRANSPORTATION STATISTICS OFFICE  
2024 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 6030 - DANIELS PKWY, 100? FT E OF PONDEROSA WY, PTMS 2030, LCPR 30

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2024	51500 X	0	0	9.00	53.90	4.10
2023	51000 X	0	0	9.00	53.50	9.00
2022	49000 X	0	0	9.00	54.00	9.60
2021	48500 T	0	0	9.00	57.00	7.70
2020	47500 S	0	0	9.00	52.80	4.80
2019	49500 F	0	0	9.00	53.30	3.40
2018	49596 C	0	0	9.00	53.30	3.40
2017	50500 F	0	0	9.00	52.00	4.30
2016	48893 C	E 24096	W 24797	9.00	52.00	4.90
2015	47979 C	E 23545	W 24434	9.00	52.00	5.20
2014	46931 C	E 23035	W 23896	9.00	52.30	3.00
2013	45780 C	E 22521	W 23259	9.00	51.70	4.20
2012	40796 C	E 18683	W 22113	9.00	51.70	3.90
2011	43054 C	E 21269	W 21785	9.00	51.60	3.10
2010	43618 C	E 21560	W 22058	10.20	51.56	3.40
2009	44040 C	E 21816	W 22222	9.83	53.02	4.30

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE  
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE  
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN  
\*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

**LEE COUNTY PUBLIC FACILITIES  
LEVEL OF SERVICE AND  
CONCURRENCY REPORT**

LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)

Link No.	ROAD NAME	LOCATION		ROAD TYPE	PERFORMANCE STANDARD			2023 100TH HIGHEST HOUR			2028 FUTURE FORECAST <sup>4</sup>			Notes
		FROM	TO		LOS <sup>(1)</sup>	CAPACITY <sup>(2)</sup>	LOS <sup>(1)</sup>	VOLUME <sup>(2)</sup>	V/C <sup>(3)</sup>	LOS <sup>(1)</sup>	VOLUME <sup>(2)</sup>	V/C <sup>(3)</sup>		
00100	A & W BULB RD	GLADIOLUS DR	McGREGOR BLVD	2LN	E	860	C	384	0.45	C	404	0.47		
00200	ALABAMA RD	SR 82	MILWAUKEE BLVD	2LN	E	990	C	428	0.43	D	479	0.48	pre-development order res development	
00300	ALABAMA RD	MILWAUKEE BLVD	HOMESTEAD RD	2LN	E	990	D	481	0.49	D	506	0.51		
00400	ALEXANDER BELL BLVD	SR 82	MILWAUKEE BLVD	2LN	E	990	D	547	0.55	D	575	0.58		
00500	ALEXANDER BELL BLVD	MILWAUKEE BLVD	LEELAND HEIGHTS	2LN	E	990	D	547	0.55	D	637	0.64	pre-development order res development	
00590	ALICO RD	US 41	DUSTY RD	4LD	E	1,980	B	1,170	0.59	B	1,230	0.62		
00600	ALICO RD	DUSTY RD	LEE RD	6LD	E	2,960	B	1,170	0.40	B	1,298	0.44		
00700	ALICO RD	LEE RD	THREE OAKS PKWY	6LD	E	2,960	B	1,170	0.40	B	1,422	0.48	Three Oaks Distribution Center	
00800	ALICO RD	THREE OAKS PKWY	I-75	6LD	E	2,960	E	2,761	0.93	E	2,902	0.98		
00900	ALICO RD	I-75	BEN HILL GRIFFIN BLVD	6LD	E	2,960	B	1,448	0.49	B	1,521	0.51	(4)	
01000	ALICO RD	BEN HILL GRIFFIN BLVD	GREEN MEADOW DR	2LN/4LN	E	1100/1960	E	853	0.78	C	1,171	0.60	(4)(5); unincorporated Lee Co; Ctr Pl/Pm Aprt Pk	
01050	ALICO RD	GREEN MEADOW DR	CORKSCREW DR	2LN	E	1,100	B	256	0.23	B	269	0.24	(4)	
01200	BABCOCK RD	US 41	ROCKEFELLER CIR	2LN	E	860	C	60	0.07	C	65	0.08	(4)	
01400	BARRETT RD	PONDELLA RD	PINE ISLAND RD (US 78)	2LN	E	860	C	150	0.17	C	158	0.18		
01500	BASS RD	SUMMERLIN RD	GLADIOLUS DR	4LN	E	1,790	C	655	0.37	C	709	0.40		
01600	BAYSHORE RD (SR 78)	BUS 41	NEW POST RD/MART RD	4LD	D	1,942		2,046	1.05		2,302	1.19		
01700	BAYSHORE RD (SR 78)	HART RD	SLATER RD	4LD	D	1,942		2,070	1.07		2,515	1.30		
01800	BAYSHORE RD (SR 78)	SLATER RD	I-75	4LD	D	2,910	B	1,275	0.44	B	1,426	0.49		
01900	BAYSHORE RD (SR 78)	I-75	NALLE RD	2LN	D	1,166	C	846	0.73	C	1,007	0.86		
02000	BAYSHORE RD (SR 78)	NALLE RD	SR 31	2LN	D	1,166	C	846	0.73	C	1,007	0.86	Bayshore Ranch/Stonehill Manor	
02100	BEN HILL GRIFFIN PKWY	CORKSCREW RD	FGCU ENTRANCE	4LD	E	2,000	B	1,548	0.77	B	1,700	0.85	Grandeza	
02200	BEN HILL GRIFFIN PKWY	FGCU BOULEVARD S	COLLEGE CLUB DR	4LD	E	2,000	B	1,548	0.77	B	1,627	0.81		
02250	BEN HILL GRIFFIN PKWY	COLLEGE CLUB DR	ALICO RD	6LD	E	3,000	B	1,525	0.51	B	1,603	0.53		
26950	BEN HILL GRIFFIN PKWY	ALICO RD	TERMINAL ACCESS RD	4LD	E	1,980	B	1,041	0.53	B	1,094	0.55	unincorporated Lee County	
02300	BETH STACEY BLVD	23RD ST	HOMESTEAD RD	2LN	E	860	C	314	0.37	C	451	0.52	Ibis Landing (a.k.a. Copperhead Gif Community)	
02400	BONITA BEACH RD	HICKORY BLVD	VANDERBILT DR	4LD	E	1,900	C	572	0.30	C	601	0.32	(4); constrained in city plan	
02500	BONITA BEACH RD	VANDERBILT DR	US 41	4LD	E	1,900	C	1,124	0.59	C	1,181	0.62	constrained in city plan	
02600	BONITA BEACH RD	US 41	OLD 41	4LD	E	1,860	C	1,713	0.92	C	1,800	0.97	constrained; old count projection (2010)	
02700	BONITA BEACH RD	OLD 41	IMPERIAL ST	6LD	E	2,800	C	2,184	0.78	C	2,295	0.82	constrained in city plan	
02800	BONITA BEACH RD	IMPERIAL ST	W OF I-75	6LD	E	2,800	C	2,144	0.77	C	2,253	0.80	constrained in city plan	
02900	BONITA BEACH RD	E OF I-75	BONITA GRAND DR	4LD	E	2,020	B	868	0.43	B	912	0.45	constrained in city plan	
02950	BONITA BEACH RD	BONITA GRANDE DR	Logan Boulevard	4LD	E	2,020	B	868	0.43	B	912	0.45	constrained in city plan	
03100	BONITA GRANDE DR	BONITA BEACH RD	E TERRY ST	2LN	E	860	C	497	0.58	C	522	0.61		
03200	BOYSCOUT RD	SUMMERLIN RD	US 41	6LN	E	2,520	E	1,757	0.70	E	1,847	0.73		
03300	BRANTLEY RD	SUMMERLIN RD	US 41	2LN	E	860	C	270	0.31	C	284	0.33		
03400	BRIARCLIFF RD	US 41	TRIPLE CROWN CT	2LN	E	860	C	160	0.19	C	168	0.20		
03500	BROADWAY RD (ALVA)	SR 80	North RIVER RD	2LN	E	860	C	284	0.33	C	298	0.35		
03700	BUCKINGHAM RD	SR 82	GUNNERY RD	2LN	E	990	D	470	0.47	D	504	0.51		
03730	BUCKINGHAM RD	GUNNERY RD	ORANGE RIVER BLVD	2LN	E	990	C	346	0.35	C	383	0.39		
03800	BUCKINGHAM RD	ORANGE RIVER BLVD	SR 80	2LN	E	990	E	718	0.73	E	976	0.99	Lee County Homes (a.k.a. Buckingham 345)	
03900	BURNT STORE RD	SR 78	VAN BUREN PKWY	4LD	E	2,950	A	847	0.29	B	890	0.30	City of Cape Coral	
04000	BURNT STORE RD	VAN BUREN PKWY	COUNTY LINE	2LN	E	1,140	D	724	0.64	D	761	0.67	partially located in City of Cape Coral	
04200	BUS 41 (N TAMIAHI TR, SR 739)	CITY LIMITS (N END EDISON BRG)	PONDELLA RD	6LD	D	2,950	C	1,936	0.66	C	2,274	0.77		
04300	BUS 41 (N TAMIAHI TR, SR 739)	PONDELLA RD	SR 78	6LD	D	2,950	C	1,936	0.66	C	2,274	0.77		
04400	BUS 41 (N TAMIAHI TR, SR 739)	SR 78	LITTLETON RD	4LD	D	1,900	C	1,177	0.62	C	1,406	0.74		
04500	BUS 41 (N TAMIAHI TR, SR 739)	LITTLETON RD	US 41	4LD	D	1,900	C	682	0.36	C	846	0.45		
04600	CAPE CORAL BRIDGE	DEL PRADO BLVD	McGREGOR BLVD	4LB	E	4,000	D	3,073	0.77	D	3,230	0.81		
04700	CAPTIVA DR	BLIND PASS	SOUTH SEAS PLANTATION RD	2LN	E	860	C	267	0.31	C	281	0.33	constrained, old count (2010)	

LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)

Link No.	ROAD NAME	LOCATION		ROAD TYPE	PERFORMANCE				2021 100TH HIGHEST HOUR		2028 FUTURE FORECAST*		Notes
					STANDARD		LOS <sup>(1)</sup>		LOS <sup>(1)</sup>		LOS <sup>(1)</sup>		
					LOS <sup>(1)</sup>	CAPACITY <sup>(2)</sup>	LOS <sup>(1)</sup>	VOLUME <sup>(3)</sup>	LOS <sup>(1)</sup>	VOLUME <sup>(3)</sup>	LOS <sup>(1)</sup>	VOLUME <sup>(3)</sup>	
04800	CEMETERY RD	BUCKINGHAM RD	HIGGINS AVE	2LN	E	860	C	315	0.37	C	331	0.38	
04900	CHAMBERLIN PKWY	AIRPORT ENT	DANIELS PKWY	4LN	E	1,790	C	450	0.25	C	473	0.26	<sup>(1)</sup> ; Port Authority maintained
05000	COCONUT RD	WEST END	VIA VENETTO BLVD	2LN	E	860	C	275	0.32	C	289	0.34	<sup>(1)</sup> ; non-county maintained to east
05100	COLLEGE PKWY	MCGREGOR BLVD	WINKLER RD	6LD	E	2,980	D	2,600	0.87	E	2,733	0.92	
05200	COLLEGE PKWY	WINKLER RD	WHISKEY CREEK DR	6LD	E	2,980	D	1,838	0.62	D	1,932	0.65	
05300	COLLEGE PKWY	WHISKEY CREEK DR	SUMMERLIN RD	6LD	E	2,980	D	1,838	0.62	D	1,932	0.65	
05400	COLLEGE PKWY	SUMMERLIN RD	US 41	6LD	E	2,980	D	1,830	0.61	D	1,923	0.65	
05500	COLONIAL BLVD	MCGREGOR BLVD	SUMMERLIN RD	6LD	E	2,840	D	2,589	0.91	D	2,721	0.96	<sup>(1)</sup>
05600	COLONIAL BLVD	SUMMERLIN RD	US 41	6LD	E	2,840	D	2,589	0.91	D	2,721	0.96	<sup>(1)</sup>
06200	COLONIAL BLVD	DYNASTY DR	SR 82	6LD	D	3,040	D	2,104	0.69	D	2,211	0.73	<sup>(1)</sup>
06300	COLUMBUS BLVD	SR 82	MILWAUKEE BLVD	2LN	E	860	C	105	0.12	C	110	0.13	<sup>(1)</sup>
06400	CONSTITUTION BLVD	US 41	CONSTITUTION CIR	2LN	E	860	C	371	0.43	C	390	0.45	
06500	CORBETT RD	SR 78 (PINE ISLAND RD)	LITTLETON RD	2LN	E	860	C	30	0.03	C	32	0.04	<sup>(1)</sup>
06600	CORKSCREW RD	US 41	THREE OAKS PKWY	4LD	E	1,900	C	971	0.51	C	1,021	0.54	
06700	CORKSCREW RD	THREE OAKS PKWY	W OF I-75	4LD	E	1,900	C	1,582	0.83	C	1,663	0.88	
06800	CORKSCREW RD	E OF I-75	BEN HILL GRIFFIN BLVD	4LD	E	1,900	C	1,069	0.56	C	1,124	0.59	
06900	CORKSCREW RD	BEN HILL GRIFFIN BLVD	ALICO RD	4LD	E	1,960	C	1,186	0.61	C	1,246	0.64	Corkscrew Woods/Wildblue
07000	CORKSCREW RD	ALICO RD	COUNTY LINE	2LN	E	1,140	D	668	0.59		1,412	1.24	Verdana Village RPD
07100	COUNTRY LAKES BLVD	LUCKETT RD	TICE ST	2LN	E	860	C	145	0.17	C	154	0.18	<sup>(1)</sup>
07200	CRYSTAL DR	US 41	METRO PKWY	2LN	E	860	C	505	0.59	C	531	0.62	
07300	CRYSTAL DR	METRO PKWY	PLANTATION RD	2LN	E	860	C	356	0.43	C	385	0.45	
07400	CYPRESS LAKE DR	MCGREGOR BLVD	SOUTH POINT BLVD	4LD	E	1,940	D	1,142	0.59	D	1,200	0.62	
07500	CYPRESS LAKE DR	SOUTH POINT BLVD	WINKLER RD	4LD	E	1,940	D	1,449	0.75	D	1,523	0.79	
07600	CYPRESS LAKE DR	WINKLER RD	SUMMERLIN RD	4LD	E	1,940	D	1,449	0.75	D	1,523	0.79	
07700	CYPRESS LAKE DR	SUMMERLIN RD	US 41	6LD	E	2,940	D	2,064	0.70	D	2,169	0.74	
07800	DANIELS PKWY	US 41	METRO PKWY	6LD	E	2,680	D	2,307	0.86	D	2,425	0.90	unincorporated Lee County
07900	DANIELS PKWY	METRO PKWY	SIX MILE PKWY	6LD	E	2,680	D	2,307	0.86	D	2,425	0.90	unincorporated Lee County; constrained
08000	DANIELS PKWY	SIX MILE PKWY	PALOMINO LN	6LD	E	3,040	E	2,953	0.97		3,108	1.02	unincorporated Lee Co; constrained; Dan Falls
08100	DANIELS PKWY	PALOMINO LN	I-75	6LD	E	3,040	E	2,953	0.97		3,104	1.02	unincorporated Lee County; constrained
08200	DANIELS PKWY	I-75	TREELINE AVE	6LD	E	3,260	E	2,963	0.91	E	3,114	0.96	unincorporated Lee County
08300	DANIELS PKWY	TREELINE AVE	CHAMBERLIN PKWY	6LD	E	3,260	E	2,963	0.91	E	3,114	0.96	unincorporated Lee County
08400	DANIELS PKWY	CHAMBERLIN PKWY	GATEWAY BLVD	6LD	E	3,260	E	3,197	0.98		3,360	1.03	unincorporated Lee County
08500	DANIELS PKWY	GATEWAY BLVD	SR 82	4LD	E	2,160		2,304	1.07		2,469	1.14	unincorporated Lee County; Timber Creek RPD
08600	DANLEY DR	US 41	METRO PKWY	2LN	E	860	C	395	0.46	C	415	0.48	
08700	DAVIS RD	MCGREGOR BLVD	IONA RD	2LN	E	860	C	17	0.02	C	18	0.02	<sup>(1)</sup>
08800	DEL PRADO BLVD	CAPE CORAL PKWY	SE 46TH ST	6LD	E	2,660	D	2,069	0.78	D	2,175	0.82	
08900	DEL PRADO BLVD	SE 46TH ST	CORONADO PKWY	6LD	E	2,660	D	2,069	0.78	D	2,175	0.82	
09000	DEL PRADO BLVD	CORONADO PKWY	CORNWALLIS PKWY	6LD	E	2,660	D	2,069	0.78	D	2,174	0.82	
09100	DEL PRADO BLVD	CORNWALLIS PKWY	CORAL POINT DR	6LD	E	2,660	E	2,600	0.98		2,733	1.03	
09200	DEL PRADO BLVD	CORAL POINT DR	HANCOCK B. PKWY	6LD	E	2,800	D	2,041	0.73	D	2,145	0.77	
09300	DEL PRADO BLVD	HANCOCK B. PKWY	SR 78	6LD	E	2,800	C	1,757	0.63	C	1,847	0.66	<sup>(1)</sup>
09400	DEL PRADO BLVD	US 41	SLATER RD	2LN	E	860	C	538	0.63	D	643	0.75	Crane Landing Golf Course Community
09700	EAST 21ST ST	JOEL BLVD	GRANT AVE	2LN	E	860	C	30	0.03	C	32	0.04	<sup>(1)</sup>
09800	ESTERO BLVD	BIG CARLOS PASS BRIDGE	PESCADORA AVE	2LN	E	726	A	264	0.36	A	277	0.38	<sup>(1)</sup> ; constrained
09900	ESTERO BLVD	PESCADORA AVE	VOORHIS ST	2LN	E	726	D	648	0.89	D	681	0.94	<sup>(1)</sup> ; constrained
10000	ESTERO BLVD	VOORHIS ST	TROPICAL SHORES WAY	2LN	E	726	D	648	0.89	D	681	0.94	<sup>(1)</sup> ; constrained
10100	ESTERO BLVD	TROPICAL SHORES WAY	CENTER ST	2LN	E	671		722	1.08		759	1.13	<sup>(1)</sup> ; constrained
14400	ESTERO PKWY	US 41	THREE OAKS PKWY	4LD	E	2,000	B	921	0.46	B	1,092	0.55	non-county maint; T and T DRI/Cyp Vw CPD

LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)

Link No.	ROAD NAME	LOCATION		ROAD TYPE	PERFORMANCE			2023 100TH HIGHEST HOUR			2028 FUTURE FORECAST*			Notes
		FROM	TO		STANDARD LOS <sup>(1)</sup>	CAPACITY <sup>(2)</sup>	LOS <sup>(1)</sup>	VOLUME <sup>(2)</sup>	V/C <sup>(3)</sup>	LOS <sup>(1)</sup>	VOLUME <sup>(2)</sup>	V/C <sup>(3)</sup>		
14450	ESTERO PKWY	THREE OAKS PKWY	BEN HILL GRIFFIN PKWY	4LD	E	2,000	B	1,040	0.52	B	1,093	0.55		
10200	EVERGREEN RD	US 41	BUS 41	2LN	E	860	C	103	0.12	C	108	0.13	(4)	
10300	FIDDLESTICKS BLVD	GUARDHOUSE	DANIELS PKWY	2LN	E	860	C	290	0.34	C	305	0.35		
10400	FOWLER ST	US 41	N AIRPORT RD	6LD	E	2,300	D	1,276	0.55	D	1,341	0.58		
10500	FOWLER ST	N AIRPORT RD	COLONIAL BLVD	6LD	E	2,300	D	1,541	0.67	D	1,620	0.70		
10800	GASPARILLA BLVD	FIFTH ST	COUNTY LINE	2LN	E	860	C	309	0.36	C	325	0.38	constrained	
	GATEWAY BLVD	DANIELS PKWY	GATEWAY LAKES BLVD	4LD	E	1,790	C	1,233	0.69	C	1,296	0.72	(4)	
	GATEWAY BLVD	GATEWAY LAKES BLVD	SR82	2LN	E	860	C	505	0.59	C	531	0.62	(4)	
10900	GLADIOLUS DR	MCGREGOR BLVD	PINE RIDGE RD	4LD	E	1,840	C	547	0.30	C	575	0.31		
11000	GLADIOLUS DR	PINE RIDGE RD	BASS RD	4LD	E	1,840	C	1,193	0.65	C	1,254	0.68		
11100	GLADIOLUS DR	BASS RD	WINKLER RD	6LD	E	2,780	C	1,193	0.43	C	1,254	0.45		
11200	GLADIOLUS DR	WINKLER RD	SUMMERLIN RD	6LD	E	2,780	C	1,193	0.43	C	1,254	0.45		
11300	GLADIOLUS DR	SUMMERLIN RD	US 41	6LD	E	2,780	C	2,330	0.84	C	2,449	0.88		
11400	GREENBRIAR BLVD	RICHMOND AVE	JOEL BLVD	2LN	E	860	C	125	0.15	C	146	0.17	(4)	
11500	GUNNERY RD	SR 82	LEE BLVD	4LD	E	1,920	B	1,426	0.74	B	1,545	0.80	pre-development order res development	
11600	GUNNERY RD	LEE BLVD	BUCKINGHAM RD	2LN	E	1,020	C	742	0.73	C	799	0.78	pre-development order res development	
11700	HANCOCK BRIDGE PKWY	DEL PRADO BLVD	NE 24TH AVE	4LD	E	1,880	B	1,120	0.60	B	1,177	0.63		
11800	HANCOCK BRIDGE PKWY	NE 24TH AVE	ORANGE GROVE BLVD	4LD	E	1,880	B	1,473	0.78	B	1,548	0.82		
11900	HANCOCK BRIDGE PKWY	ORANGE GROVE BLVD	MOODY RD	4LD	E	1,880	B	1,433	0.76	B	1,506	0.80		
12000	HANCOCK BRIDGE PKWY	MOODY RD	US 41	4LD	E	1,880	B	1,433	0.76	B	1,506	0.80		
12100	HART RD	SR 78	TUCKER LANE	2LN	E	860	C	291	0.34	C	306	0.36	(4)	
12200	HICKORY BLVD	BONITA BEACH RD	McLAUGHLIN BLVD	2LN	E	890	E	479	0.54	E	503	0.57	(4), constrained	
12300	HICKORY BLVD	McLAUGHLIN BLVD	MELODY LANE	2LN	E	890	E	479	0.54	E	503	0.57	(4), constrained	
12400	HICKORY BLVD	MELODY LANE	ESTERO BLVD	2LN	E	890	E	479	0.54	E	503	0.57	(4), constrained	
12480	HOMESTEAD RD	SR 82	MILWAUKEE BLVD	2LN	E	1,030	C	473	0.47	D	497	0.49	(4)	
12490	HOMESTEAD RD	MILWAUKEE BLVD	SUNRISE BLVD	2LN	E	1,030	C	473	0.47	D	497	0.49	(4)	
12500	HOMESTEAD RD	SUNRISE BLVD	LEELAND HEIGHTS	4LN	E	1,960	C	473	0.24	C	518	0.26		
12600	HOMESTEAD RD	LEELAND HEIGHTS	LEE BLVD	4LN	E	1,960	D	1,324	0.68	D	1,392	0.71		
31800	I-75	BONITA BEACH RD	CORKSCREW RD	6LF/BLF	D	6080/3090	D	5,453	0.90	C	6,395	0.70		
31900	I-75	CORKSCREW RD	ALICO RD	6LF	D	6,080	D	6,387	1.05	D	7,465	1.23		
32000	I-75	ALICO RD	DANIELS PKWY	6LF	D	7,080	D	6,478	0.91	D	7,435	1.05		
32100	I-75	DANIELS PKWY	COLONIAL BLVD	6LF	D	6,080	E	6,109	1.00	D	7,187	1.18		
		COLONIAL BLVD	DR MLK JR BLVD (SR 82)	6LF	D	7,080	C	5,529	0.78	D	6,217	0.88		
32300	I-75	DR MLK JR BLVD (SR 82)	LUCKETT RD	6LF	D	6,080	D	5,756	0.95	D	6,683	1.10		
32400	I-75	LUCKETT RD	SR 80	6LF	D	7,080	C	5,554	0.78	D	6,405	0.90		
32500	I-75	SR 80	SR 78	6LF	D	7,080	B	3,888	0.55	B	4,564	0.64		
32600	I-75	SR 78	COUNTY LINE	6LF	D	6,080	C	3,652	0.60	C	4,164	0.68		
12700	IDLEWILD ST	METRO PKWY	RANCHETTE RD	2LN	E	860	C	213	0.25	C	224	0.26		
13000	IMMOKALEE RD (SR 82)	E OF COLONIAL BLVD	GATEWAY BLVD	6LD	D	2,814	C	2,357	0.84	D	2,957	1.05		
13100	IMMOKALEE RD (SR 82)	GATEWAY BLVD	GUNNERY RD	6LD	D	2,866	C	1,743	0.61	C	2,203	0.77	Timber Creek RPD	
13200	IMMOKALEE RD (SR 82)	GUNNERY RD	ALABAMA RD	6LD	D	2,866	C	2,330	0.81	D	2,817	0.98		
13300	IMMOKALEE RD (SR 82)	ALABAMA RD	BELL BLVD	4LD	D	1,942	C	1,002	0.52	C	1,247	0.64		
13400	IMMOKALEE RD (SR 82)	BELL BLVD	COUNTY LINE	4LD	D	1,942	C	770	0.40	C	950	0.49		
13500	IMPERIAL PKWY	COLLIER COUNTY LINE	BONITA BEACH RD	4LD	E	1,920	B	1,605	0.84	B	1,687	0.88		
13550	IMPERIAL PKWY	E TERRY ST	COCONUT RD	4LD	E	1,920	B	1,211	0.63	B	1,273	0.66	City of Bonita Springs/Village of Estero	
13600	IONA RD	DAVIS RD	MCGREGOR BLVD	2LN	E	860	C	426	0.50	C	468	0.54	Watrous Plantation	
13700	ISLAND PARK RD	PARK RD	US 41	2LN	E	860	C	97	0.11	C	158	0.18	Coves of Estero Bay	
13800	JOEL BLVD	ALEX GRAHAM BELL BLVD	18TH ST	4LN	E	2,120	B	567	0.27	B	625	0.29		

LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)

Link No.	ROAD NAME	LOCATION		ROAD TYPE	PERFORMANCE			2028 FUTURE FORECAST*			Notes		
					STANDARD		2021 100TH HIGHEST HOUR		2028 FUTURE FORECAST*				
					LOS <sup>(1)</sup>	CAPACITY <sup>(2)</sup>	LOS <sup>(1)</sup>	VOLUME <sup>(3)</sup>	LOS <sup>(1)</sup>	VOLUME <sup>(3)</sup>			
13900	JOEL BLVD	18TH ST	SR 80	2LN	E	1,010	D	547	0.54	D	575	0.57	
14000	JOHN MORRIS RD	BUNCHE BEACH	SUMMERLIN RD	2LN	E	860	C	65	0.08	C	68	0.08	(H)
14100	JOHN MORRIS RD	SUMMERLIN RD	IONA RD	2LN	E	860	C	210	0.24	C	221	0.26	
14200	KELLY RD	McGREGOR BLVD	SAN CARLOS BLVD	2LN	E	860	C	230	0.27	C	242	0.28	
14300	KELLY RD	SAN CARLOS BLVD	PINE RIDGE RD	2LN	E	860	C	230	0.27	C	242	0.28	
14500	LAUREL DR	BUS 41	BREEZE DR	2LN	E	860	C	338	0.39	C	355	0.41	
14600	LEE BLVD	SR 82	ALVIN AVE	6LD	E	2,840	E	2,440	0.86	E	2,564	0.90	
14700	LEE BLVD	ALVIN AVE	GUNNERY RD	6LD	E	2,840	E	2,182	0.77	E	2,293	0.81	
14800	LEE BLVD	GUNNERY RD	HOMESTEAD RD	6LD	E	2,840	E	1,944	0.68	E	2,091	0.74	pre-development order res development
14900	LEE BLVD	HOMESTEAD RD	WILLIAMS AVE	4LD	E	1,980	B	913	0.46	B	960	0.48	
14930	LEE BLVD	WILLIAMS AVE	LEELAND HEIGHTS	2LN	E	1,020	B	913	0.90	E	960	0.94	
15000	LEE RD	SAN CARLOS BLVD	ALICO RD	2LN	E	860	C	407	0.47	C	428	0.50	
15100	LEELAND HEIGHTS	HOMESTEAD RD	JOEL BLVD	4LN	E	1,800	B	764	0.42	B	803	0.45	
15200	LEONARD BLVD	GUNNERY RD	WESTGATE BLVD	2LN	E	860	D	714	0.83		895	1.04	Fairway Villages/pre-dev order res dev
15300	LITTLETON RD	CORBETT RD	US 41	2LN	E	860	D	587	0.68	D	617	0.72	
15400	LITTLETON RD	BUS 41	BUS 41	2LN	E	860	D	570	0.66	D	599	0.70	
15500	LUCKETT RD	ORTIZ AVE	I-75	2LN	E	880	C	364	0.41	C	416	0.47	Luckett Landing Hotel/Luckett Road C-Store
15600	LUCKETT RD	I-75	COUNTRY LAKES DR	2LN	E	860	C	320	0.37	C	336	0.39	
15700	MAPLE DR*	SUMMERLIN RD	2ND AVE	2LN	E	860	C	79	0.09	C	83	0.10	(H)
15800	McGREGOR BLVD	SANBEL T PLAZA	HARBOR DR	4LD	E	1,960	A	980	0.50	B	1,030	0.53	
15900	McGREGOR BLVD	HARBOR DR	SUMMERLIN RD	4LD	E	1,960	B	1,396	0.71	B	1,467	0.75	
16000	McGREGOR BLVD	SUMMERLIN RD	KELLY RD	4LD	E	1,960	A	815	0.42	A	857	0.44	
16100	McGREGOR BLVD	KELLY RD	GLADIOLUS DR	4LD	E	1,960	A	815	0.42	A	857	0.44	
16200	McGREGOR BLVD (SR 867)	OLD McGREGOR /GLADIOLUS DR	IONA LOOP RD	4LD	D	1,942	C	1,542	0.79	C	1,658	0.85	
16300	McGREGOR BLVD (SR 867)	IONA LOOP RD	PINE RIDGE RD	4LD	D	1,942	C	1,542	0.79	C	1,658	0.85	
16400	McGREGOR BLVD (SR 867)	PINE RIDGE RD	CYPRESS LAKE DR	4LD	D	1,900	D	1,810	0.95		1,961	1.03	
16500	McGREGOR BLVD (SR 867)	CYPRESS LAKE DR	COLLEGE PKWY	4LD	D	1,900	D	1,810	0.95		1,961	1.03	
16600	McGREGOR BLVD (SR 867)	COLLEGE PKWY	WINKLER RD	2LN	D	1,124	C	775	0.69	D	842	0.75	constrained
16700	McGREGOR BLVD (SR 867)	WINKLER RD	TANGLEWOOD BLVD	2LN	D	1,224	D	1,114	0.91	D	1,208	0.99	constrained
16800	McGREGOR BLVD (SR 867)	TANGLEWOOD BLVD	COLONIAL BLVD	2LN	D	1,224	D	1,114	0.91	D	1,208	0.99	constrained
16900	METRO PKWY (SR 739)	SIX MILE PKWY	DANIELS PKWY	6LD	D	2,866	C	1,373	0.48	C	1,618	0.56	
17000	METRO PKWY (SR 739)	DANIELS PKWY	CRYSTAL DR	4LD	D	1,900	C	1,275	0.67	C	1,440	0.76	
17100	METRO PKWY (SR 739)	CRYSTAL DR	DANLEY DR	4LD	D	1,900	D	1,786	0.94		2,118	1.11	
17200	METRO PKWY (SR 739)	DANLEY DR	COLONIAL BLVD	4LD	D	1,900	D	1,786	0.94		2,118	1.11	
	MICHAEL RIPPE PKWY	US41	SIX MILES PKWY	6LD	D	2,866	C	1,766	0.62	C	2,252	0.79	
17600	MILWAUKEE BLVD	ALABAMA BLVD	BELL BLVD	2LN	E	860	C	171	0.20	C	180	0.21	(H)
17700	MILWAUKEE BLVD	BELL BLVD	COLUMBUS BLVD	2LN	E	860	C	171	0.20	C	213	0.25	(H)
17800	MOODY RD	HANCOCK B, PKWY	PONDELLA RD	2LN	E	860	C	184	0.21	C	193	0.22	(H)
17900	NALLE GRADE RD	SLATER RD	NALLE RD	2LN	E	860	C	82	0.10	C	86	0.10	
18000	NALLE RD	SR 78	NALLE GRADE RD	2LN	E	860	C	136	0.16	C	143	0.17	
18100	NEAL RD	ORANGE RIVER BLVD	BUCKINGHAM RD	2LN	E	860	C	155	0.18	C	163	0.19	
18200	NORTH RIVER RD	SR 31	FRANKLIN LOCK RD	2LN	E	1,140	B	224	0.20	B	344	0.30	The Broadlands
18300	NORTH RIVER RD	FRANKLIN LOCK RD	BROADWAY RD	2LN	E	1,140	B	224	0.20	B	358	0.31	River Run Estates
18400	NORTH RIVER RD	BROADWAY RD	COUNTY LINE	2LN	E	1,140	A	100	0.09	A	135	0.12	
18900	OLGA RD*	SR 80 W	SR 80 E	2LN	E	860	C	84	0.10	C	88	0.10	(H)
19100	ORANGE GROVE BLVD	CLUB ENTR.	HANCOCK B, PKWY	2LN	E	860	C	539	0.63	D	566	0.65	
19200	ORANGE GROVE BLVD	HANCOCK B, PKWY	PONDELLA RD	4LN	E	1,790	C	539	0.30	D	566	0.32	
19300	ORANGE RIVER BLVD	SR 80	STALEY RD	2LN	E	1,000	C	368	0.37	C	387	0.39	

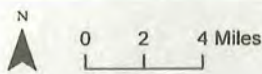
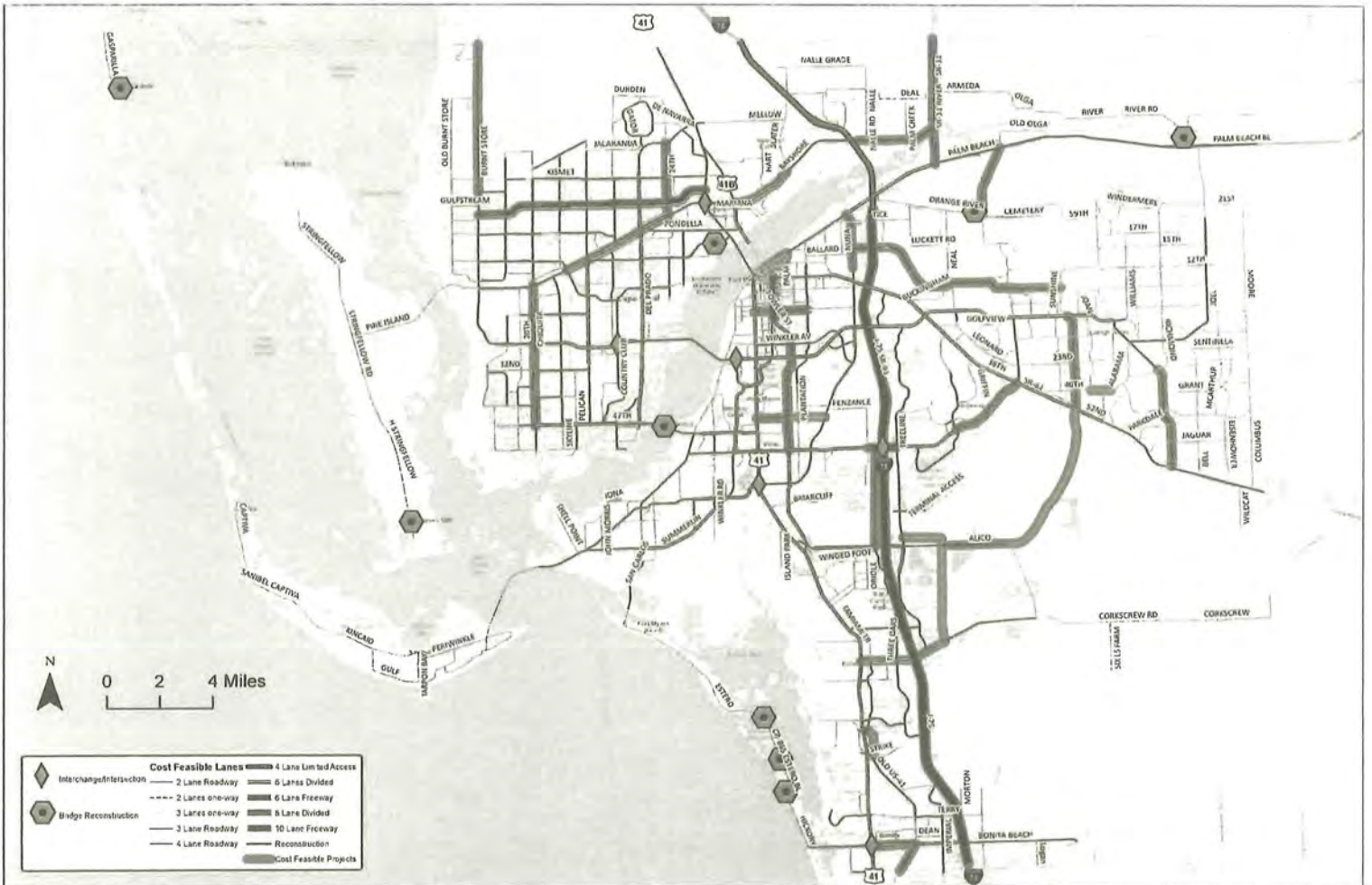
LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)

Link No.	ROAD NAME	LOCATION		ROAD TYPE	PERFORMANCE			2013 100TH HIGHEST HOUR			2018 FUTURE FORECAST*			Notes
		FROM	TO		STANDARD	LOS <sup>(1)</sup>	CAPACITY <sup>(2)</sup>	LOS <sup>(1)</sup>	VOLUME <sup>(3)</sup>	V/C <sup>(4)</sup>	LOS <sup>(1)</sup>	VOLUME <sup>(3)</sup>	V/C <sup>(4)</sup>	
19400	ORANGE RIVER BLVD	STALEY RD	BUCKINGHAM RD	2LN	E	1,000	C	368	0.37	C	387	0.39		
19500	ORIOLE RD	SAN CARLOS BLVD	ALICO RD	2LN	E	860	C	131	0.15	C	138	0.16		
19600	ORTIZ AVE	COLONIAL BLVD	SR 82	2LN	E	900		1,115	1.24		1,172	1.30	City of Fort Myers	
19700	ORTIZ AVE	SR 82	LUCKETT RD	2LN	E	900		947	1.05		995	1.11	partially located in City of Fort Myers	
19800	ORTIZ AVE	LUCKETT RD	SR 80	2LN	E	900	B	374	0.42	B	393	0.44	(4)	
19900	PALM BEACH BLVD (SR 80)	PROSPECT AVE	ORTIZ AVE	4LD	D	1,900	C	1,306	0.69	C	1,471	0.77		
20000	PALM BEACH BLVD (SR 80)	ORTIZ AVE	I-75	6LD	D	2,814	C	1,453	0.52	C	1,624	0.58		
20100	PALM BEACH BLVD (SR 80)	I-75	SR 31	6LD	D	2,814	C	1,840	0.65	C	2,030	0.72		
20200	PALM BEACH BLVD (SR 80)	SR 31	BUCKINGHAM RD	4LD	D	1,900		2,275	1.20		2,604	1.37		
20300	PALM BEACH BLVD (SR 80)	BUCKINGHAM RD	WERNER DR	4LD	D	1,942	E	1,943	1.00		2,277	1.17	River Hall (f.k.a. Hawks Haven)	
20330	PALM BEACH BLVD (SR 80)	WERNER DR	JOEL BLVD	4LD	C	1,785	C	1,457	0.82	C	1,735	0.97		
20400	PALM BEACH BLVD (SR 80)	JOEL BLVD	HENDRY CO. LINE	4LD	C	1,785	C	1,295	0.73	C	1,541	0.86		
20500	PALOMING LN	DANIELS PKWY	PENZANCE BLVD	2LN	E	860	C	343	0.40	C	405	0.47	The Springs at Daniels Road	
20600	PARK MEADOWS DR	SUMMERLIN RD	US 41	2LN	E	860	C	202	0.23	C	219	0.26		
20800	PENZANCE BLVD	RANCHETTE RD	SIX MILE PKWY	2LN	E	860	C	150	0.17	C	180	0.21		
20900	PINE ISLAND RD	STRINGFELLOW RD	BURNT STORE RD	2LN	E	950	E	594	0.63	E	640	0.67	constrained	
21400	PINE ISLAND RD (SR 78)	CITY LIMITS E OF BARRETT RD	US 41	4LD	D	1,900		1,902	1.00		2,312	1.22		
21500	PINE ISLAND RD (SR 78)	US 41	BUS 41	4LD	D	1,900	D	1,647	0.86	D	1,861	0.98		
21600	PINE RIDGE RD	SAN CARLOS BLVD	SUMMERLIN RD	2LN	E	860	C	459	0.53	C	549	0.64	Heritage Isles	
21700	PINE RIDGE RD	SUMMERLIN RD	GLADIOLUS DR	2LN	E	860	C	280	0.33	C	486	0.56	Heritage Isles	
21800	PINE RIDGE RD	GLADIOLUS DR	MCGREGOR BLVD	2LN	E	860	C	280	0.33	C	294	0.34		
21900	PLANTATION RD	SIX MILE PKWY	DANIELS PKWY	2LN	E	860	C	317	0.37	C	333	0.39		
22000	PLANTATION RD	DANIELS PKWY	IDLEWILD ST	2LN	E	860	D	651	0.76	D	684	0.80		
22050	PLANTATION RD	IDLEWILD ST	COLONIAL BLVD	4LN	E	1,790	C	673	0.38	C	707	0.40		
22100	PONDELLA RD	SR 78	ORANGE GROVE BLVD	4LD	E	1,890	B	994	0.53	B	1,045	0.55		
22200	PONDELLA RD	ORANGE GROVE BLVD	US 41	4LD	E	1,890	B	1,319	0.70	B	1,386	0.73		
22300	PONDELLA RD	US 41	BUS 41	4LD	E	1,890	B	1,396	0.74	B	1,467	0.78		
22400	PRITCHETT PKWY	SR 78	RICH RD	2LN	E	860	C	78	0.09	D	658	0.76	(4), Bightwater RPD (f.k.a. Stoneybrook North)	
22500	RANCHETTE RD	PENZANCE BLVD	IDLEWILD ST	2LN	E	860	C	105	0.12	C	110	0.13	(4)	
22600	RICH RD	SLATER RD	PRITCHETT PKWY	2LN	E	860	C	62	0.07	C	65	0.08	(4)	
22700	RICHMOND AVE	LEELAND HEIGHTS	E 12TH ST	2LN	E	860	C	129	0.15	C	149	0.17	pre-development order res development	
22800	RICHMOND AVE	E 12TH ST	GREENBRIAR BLVD	2LN	E	860	C	129	0.15	C	198	0.23	pre-development order res development	
23230	SAN CARLOS BLVD	US 41	THREE OAKS PKWY	2LN	E	860	C	324	0.38	C	341	0.40		
23000	SAN CARLOS BLVD (SR 865)	MANTARZAS PASS BRIDGE	MAIN ST	2LD	D	1,900	C	1,114	0.59	C	1,208	0.64	constrained	
23100	SAN CARLOS BLVD (SR 865)	MAIN ST	SUMMERLIN RD	4LD	D	1,900	C	1,114	0.59	C	1,208	0.64		
23180	SAN CARLOS BLVD (SR 865)	SUMMERLIN RD	KELLY RD	2LD	D	1,180	C	702	0.59	C	762	0.65		
23280	SAN CARLOS BLVD (SR 865)	KELLY RD	GLADIOLUS DR	4LD	D	1,180	C	702	0.59	C	762	0.65		
23260	SANIBEL BLVD	US 41	LEE RD	2LN	E	860	C	501	0.58	C	527	0.61		
23300	SANIBEL CAUSEWAY	SANIBEL SHORELINE	TOLL PLAZA	2LN	E	1,140		1,172	1.03		1,232	1.08		
23400	SHELL POINT BLVD	MCGREGOR BLVD	PALM ACRES	2LN	E	860	C	269	0.31	C	283	0.33		
23500	SIX MILE PKWY (SR 739)	US 41	METRO PKWY	4LD	D	1,900		2,109	1.11		2,341	1.23		
23600	SIX MILE CYPRESS	METRO PKWY	DANIELS PKWY	4LD	E	2,000	B	1,630	0.82	B	1,713	0.86	unincorporated Lee County	
23700	SIX MILE CYPRESS	DANIELS PKWY	WINKLER EXT.	4LD	E	1,900	B	1,272	0.67	B	1,434	0.75	unincorporated Lee Co; Cr Mir RPD/Ok VIII RPD	
23800	SIX MILE CYPRESS	WINKLER EXT.	CHALLENGER BLVD	4LD	E	1,900	B	1,200	0.63	B	1,261	0.66	incorporated Lee County	
23900	SIX MILE CYPRESS	CHALLENGER BLVD	COLONIAL BLVD	6LD	E	2,860	A	1,200	0.42	A	1,261	0.44	incorporated Lee County	
24000	SLATER RD	SR 78	NALLE GRADE RD	2LN	E	1,010	C	444	0.44	C	467	0.46		
24100	SOUTH POINTE BLVD	CYPRESS LAKE DR	COLLEGE PKWY	2LD	E	910	C	514	0.56	C	540	0.59		
24200	SR 31 (ARCADIA RD)	SR 80	SR 78	2LN	D	766/1180	E	966	1.26	E	1,168	0.99		

LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)

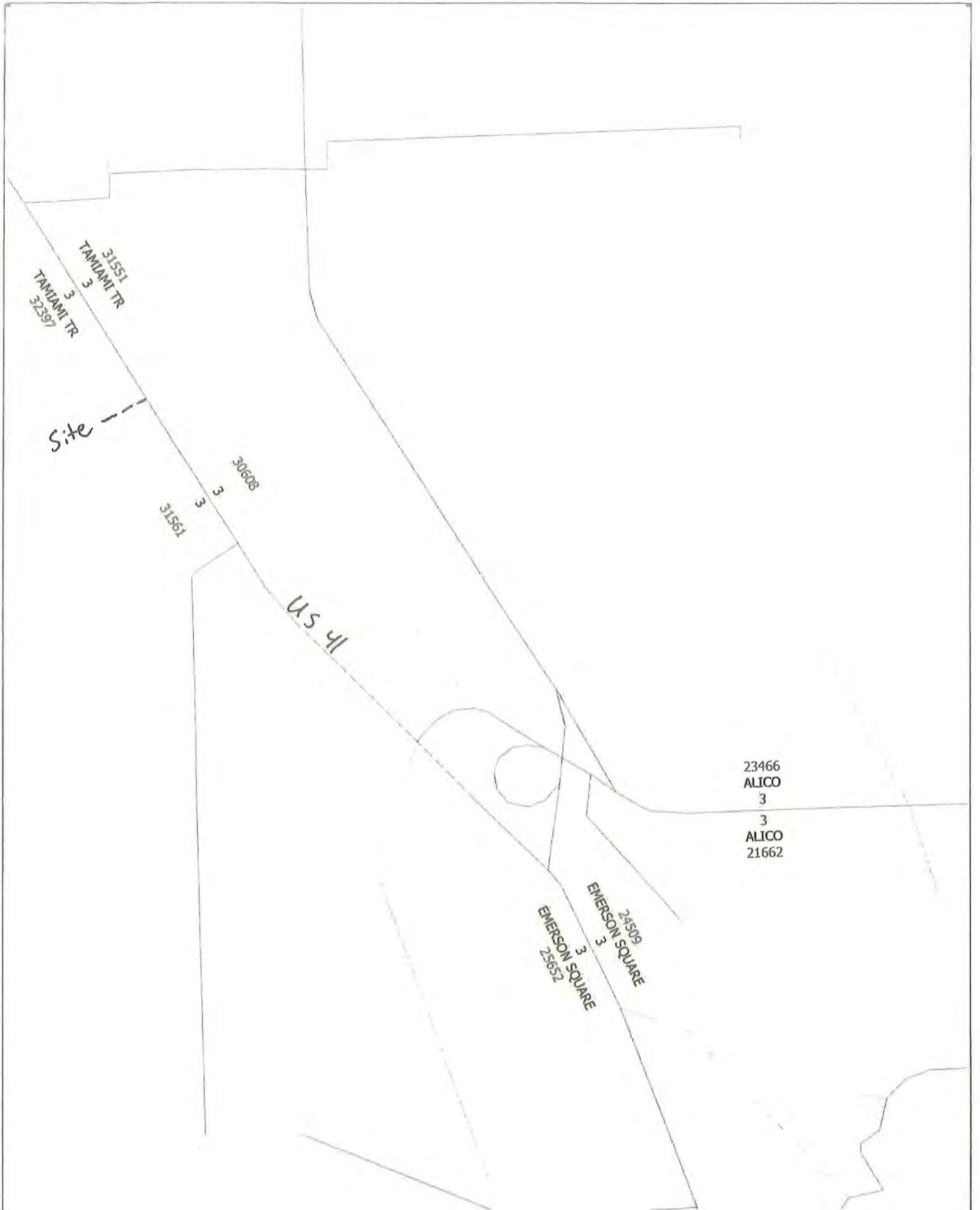
Link No.	ROAD NAME	LOCATION		ROAD TYPE	PERFORMANCE STANDARD			2021 100TH HIGHEST HOUR			2028 FUTURE FORECAST*			Notes
		FROM	TO		LOS <sup>(1)</sup>	CAPACITY <sup>(2)</sup>	LOS <sup>(1)</sup>	VOLUME <sup>(1)</sup>	V/C <sup>(1)</sup>	LOS <sup>(1)</sup>	VOLUME <sup>(1)</sup>	V/C <sup>(1)</sup>		
24300	SR 33 (ARCADIA RD)	SR 78	COUNTY LINE	2LN/4LN	C	730/1942	E	1,068	1.46	B	1,317	0.68	Babcock MPD	
24400	STALEY RD	TICE	ORANGE RIVER BLVD	2LN	E	860	C	191	0.22	C	201	0.23	(4)	
24500	STRINGFELLOW RD	1ST AVE	BERKSHIRE RD	2LN	E	1,060	B	329	0.31	C	410	0.39	constrained; Tr Cove at Ch Est/Turtle Cy Subd	
24600	STRINGFELLOW RD	BERKSHIRE RD	PINE ISLAND RD	2LN	E	1,060	D	651	0.61	D	868	0.82	constrained; Villages of Pine Island	
24700	STRINGFELLOW RD	PINE ISLAND RD	PINELAND RD	2LN	E	1,060	D	573	0.54	D	602	0.57	constrained	
24800	STRINGFELLOW RD	PINELAND RD	MAIN ST	2LN	E	1,060	D	573	0.54	D	660	0.62	constrained; Boleelia Harbor Resort	
24900	SUMMERLIN RD	MCGREGOR BLVD	KELLY COVE RD	4LD	E	1,980	A	1,197	0.60	A	1,258	0.64	unincorporated Lee County	
25000	SUMMERLIN RD	KELLY COVE RD	SAN CARLOS BLVD	4LD	E	1,980	A	1,197	0.60	A	1,258	0.64	unincorporated Lee County	
25100	SUMMERLIN RD	SAN CARLOS BLVD	PINE RIDGE RD	6LD	E	3,000	A	1,781	0.59	A	1,872	0.62	unincorporated Lee County	
25200	SUMMERLIN RD	PINE RIDGE RD	BASS RD	6LD	E	3,000	A	1,781	0.59	A	1,872	0.62	unincorporated Lee County	
25300	SUMMERLIN RD	BASS RD	GLADIOLUS DR	6LD	E	3,000	A	1,781	0.59	A	1,872	0.62	unincorporated Lee County	
25400	SUMMERLIN RD	GLADIOLUS DR	CYPRESS LAKE DR	4LD	E	1,900	C	1,621	0.85	C	1,704	0.90	unincorporated Lee County	
25500	SUMMERLIN RD	CYPRESS LAKE DR	COLLEGE PKWY	6LD	E	2,880	B	1,858	0.65	B	1,953	0.68	unincorporated Lee County	
25600	SUMMERLIN RD	COLLEGE PKWY	PARK MEADOW DR	6LD	E	2,880	B	2,022	0.70	B	2,125	0.74	unincorporated Lee County	
25700	SUMMERLIN RD	PARK MEADOW DR	BOY SCOUT	6LD	E	2,880	B	2,022	0.70	B	2,125	0.74	unincorporated Lee County	
25800	SUMMERLIN RD	BOY SCOUT	MATHEWS DR	4LD	E	1,820	D	1,197	0.66	D	1,258	0.69		
25900	SUMMERLIN RD	MATHEWS DR	COLONIAL BLVD	4LD	E	1,820	D	1,197	0.66	D	1,258	0.69		
26000	SUNRISE BLVD	BELL BLVD	COLUMBUS BLVD	2LN	E	860	C	45	0.05	C	53	0.06	(4)	
26100	SUNSHINE BLVD	SR 82	23RD ST SW	2LN	E	1,010	D	544	0.54	D	572	0.57		
26150	SUNSHINE BLVD	23RD ST SW	LEE BLVD	2LN	E	1,010	D	544	0.54	D	637	0.63	pre-development order res development	
26200	SUNSHINE BLVD	LEE BLVD	W 12TH ST	2LN	E	1,010	E	738	0.73	E	839	0.83	pre-development order res development	
26300	SUNSHINE BLVD	W 12TH ST	W 75TH ST	2LN	E	860	E	738	0.86	E	863	1.00	pre-development order res development	
26500	THREE OAKS PKWY	COCONUT RD	ESTERO PKWY	4LD	E	1,940	B	1,368	0.71	B	1,438	0.74		
26600	THREE OAKS PKWY	ESTERO PKWY	SAN CARLOS BLVD	4LD	E	1,940	B	806	0.42	B	926	0.48	Villages of San Carlos DRI (Portofino Vineyards)	
26700	THREE OAKS PKWY	SAN CARLOS BLVD	ALICO RD	4LD	E	1,940	E	806	0.42	B	1,210	0.62	Alico Interchange Park DRI	
26800	TICE ST	SR 80	ORTIZ AVE	2LN	E	860	C	234	0.27	C	247	0.29		
26900	TICE ST	ORTIZ AVE	STALEY RD	2LN	E	860	C	234	0.27	C	248	0.29		
27000	TREELINE AVE	TERMINAL ACCESS RD	DANIELS PKWY	4LD	E	1,980	A	1,033	0.52	A	1,162	0.59	(4); unincorporated Lee County; Treeline ACP IPD	
27030	TREELINE AVE	DANIELS PKWY	AMBERWOOD RD	4LD	E	1,980	A	946	0.48	A	994	0.50		
27070	TREELINE AVE	AMBERWOOD RD	COLONIAL BLVD	4LD	E	1,980	A	946	0.48	A	994	0.50		
29800	US 41 (S TAMIAHI TR)	OLD 41	CORKSCREW RD	6LD	D	2,814	D	2,808	1.00		3,044	1.08		
29900	US 41 (S TAMIAHI TR)	CORKSCREW RD	SANIBEL BLVD	6LD	D	2,814	D	2,542	0.90		2,960	1.05		
30000	US 41 (S TAMIAHI TR)	SANIBEL BLVD	ALICO RD	6LD	D	2,814	D	2,801	1.00		3,191	1.13		
30100	US 41 (S TAMIAHI TR)	ALICO RD	ISLAND PARK RD	6LD	D	2,814	D	2,801	1.00		3,191	1.13	Island Park Commercial Center	
30200	US 41 (S TAMIAHI TR)	ISLAND PARK RD	BRIARCLIFF RD	6LD	D	2,814		3,306	1.17		3,582	1.27		
30300	US 41 (S TAMIAHI TR)	BRIARCLIFF RD	SIX MILE PKWY	6LD	D	2,814		3,306	1.17		3,582	1.27		
30400	US 41 (S TAMIAHI TR)	SIX MILE PKWY	DANIELS PKWY	6LD	D	2,814	D	2,590	0.92	D	2,807	1.00		
30500	US 41 (CLEVELAND AVE)	DANIELS PKWY	COLLEGE PKWY	6LD	D	2,814		2,842	1.01		3,082	1.10	SR 739 6-in design/right-of-way programmed	
30600	US 41 (CLEVELAND AVE)	COLLEGE PKWY	SOUTH AIRPORT RD	6LD	D	2,814		2,842	1.01		3,082	1.10	SR 739 6-in design/right-of-way programmed	
30700	US 41 (CLEVELAND AVE)	SOUTH AIRPORT RD	BOY SCOUT RD	6LD	D	2,814	D	2,615	0.93		2,835	1.01	SR 739 6-in design/right-of-way programmed	
30800	US 41 (CLEVELAND AVE)	BOY SCOUT RD	NORTH AIRPORT RD	6LD	D	2,814	D	2,615	0.93		2,835	1.01	SR 739 6-in design/right-of-way programmed	
30910	US 41 (CLEVELAND AVE)	NORTH AIRPORT RD	COLONIAL BLVD	6LD	D	2,814	D	2,615	0.93		2,835	1.01		
30900	US 41 (CLEVELAND AVE)	CITY LIMITS	H. KEY DR	4LD	D	1,900		2,126	1.12		2,302	1.21		
31000	US 41 (CLEVELAND AVE)	H. KEY DR	HANCOCK B. PKWY	4LD	D	1,900		2,126	1.12		2,302	1.21		
31100	US 41 (CLEVELAND AVE)	HANCOCK B. PKWY	PONDELLA RD	4LD	D	1,900		2,126	1.12		2,302	1.21		
31200	US 41 (CLEVELAND AVE)	PONDELLA RD	SR 78	4LD	D	1,900	C	1,490	0.78	D	1,616	0.85		
31300	US 41 (CLEVELAND AVE)	SR 78	LITTLETON RD	4LD	D	1,942	C	1,490	0.77	C	1,616	0.83	Diplomat Property RPD/CPD; Merch Crssng DRI	
31400	US 41 (N TAMIAHI TR)	LITTLETON RD	BUS 41	4LD	D	1,942	C	1,427	0.73	C	1,620	0.83	Coral Bay (aka Estates at Entrada RPD/CPD)	

**LEE COUNTY MPO 2045 COST  
FEASIBLE HIGHWAY PLAN**

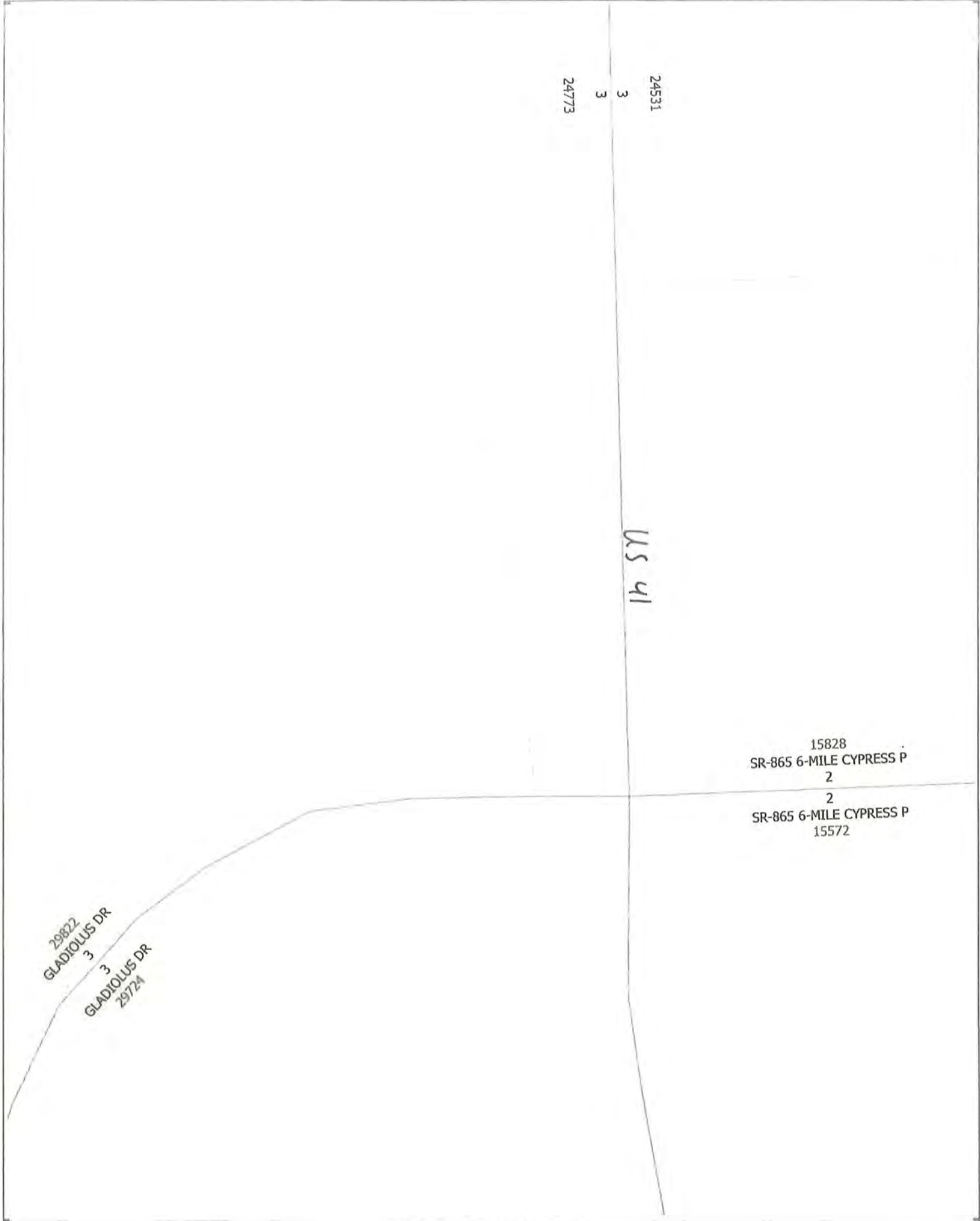


Cost Feasible Lanes	
	Interchange/Intersection
	2 Lane one-way
	3 Lane one-way
	4 Lane Roadway
	6 Lane Divided
	8 Lane Freeway
	10 Lane Freeway
	Reconstruction
	Cost Feasible Projects

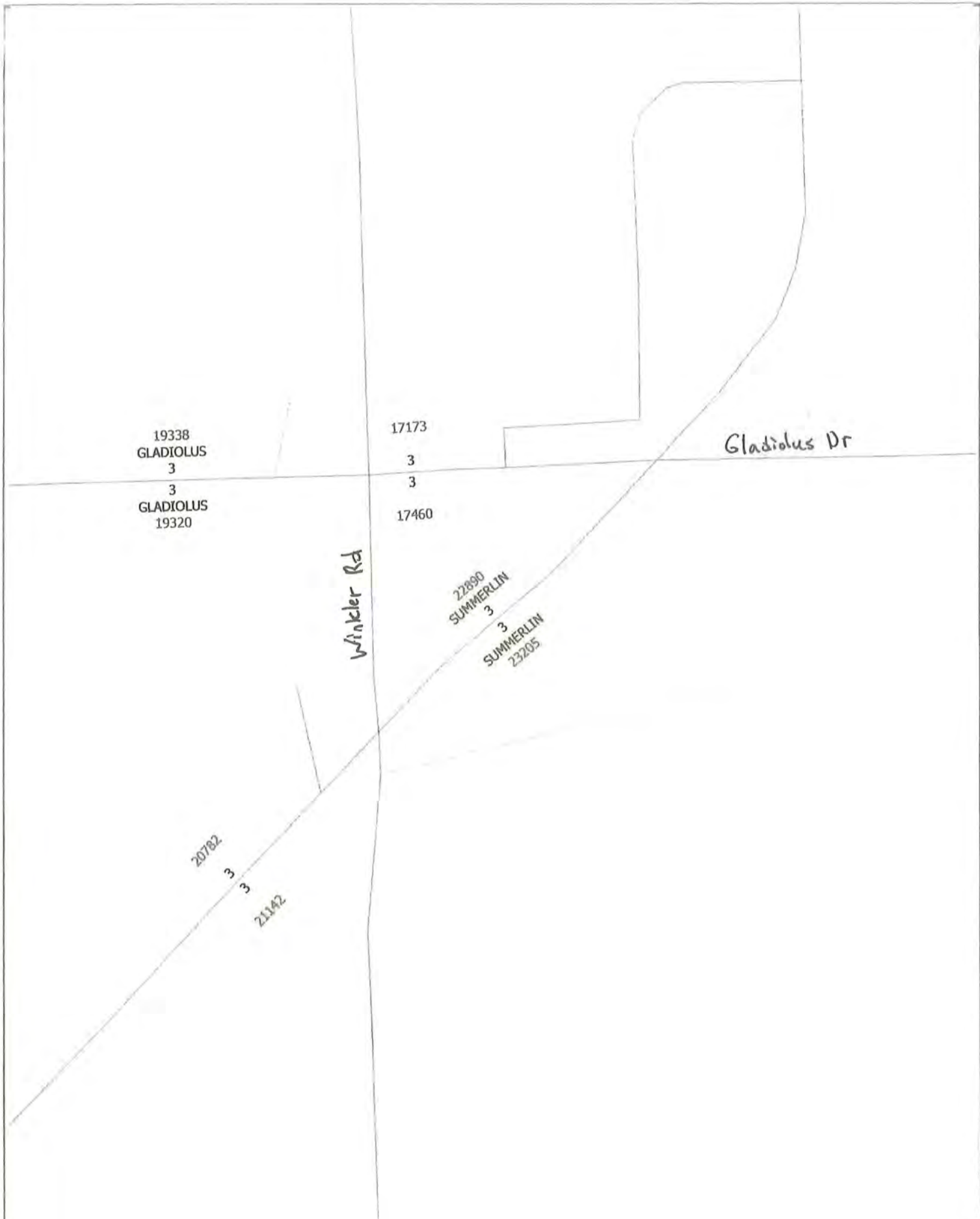
**2045 E+C NETWORK VOLUMES**



2045 AADT VOLUMES



2045 AADT VOLUMES



2045 AADT VOLUMES

METRO PKWY  
13710  
3

METRO PKWY  
13450  
3

14679  
Six Mile Cypress Pkwy 2  
2  
15289

Michael G. Rippe Pkwy

2045 AADT VOLUMES

29354  
US-41 SR-45  
3

30013  
US-41 SR-45  
3

22180  
SR-45 CYPRESS LAKE DR  
3

3  
SR-45 CYPRESS LAKE DR  
21575

25747  
SR-45 DANIELS PKWY  
3

3  
SR-45 DANIELS PKWY  
25560

2045 AADT VOLUMES

# **TRIP GENERATION EQUATIONS**

# Shopping Plaza (40-150k) - Supermarket - Yes (821)

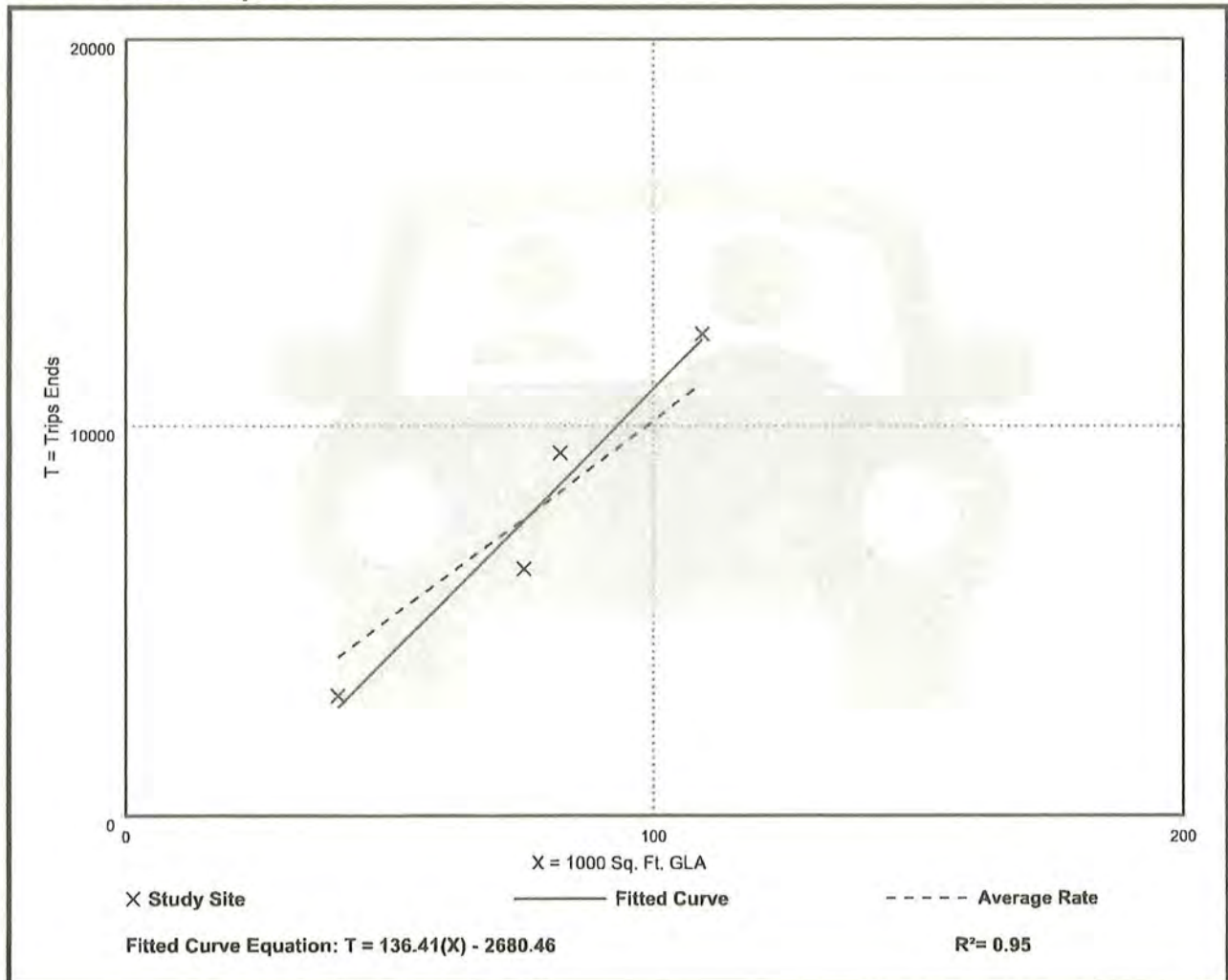
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA  
On a: Weekday

Setting/Location: General Urban/Suburban  
Number of Studies: 4  
Avg. 1000 Sq. Ft. GLA: 77  
Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
101.43	76.93 - 113.46	17.91

## Data Plot and Equation



# Shopping Plaza (40-150k) - Supermarket - Yes (821)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,  
One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 6

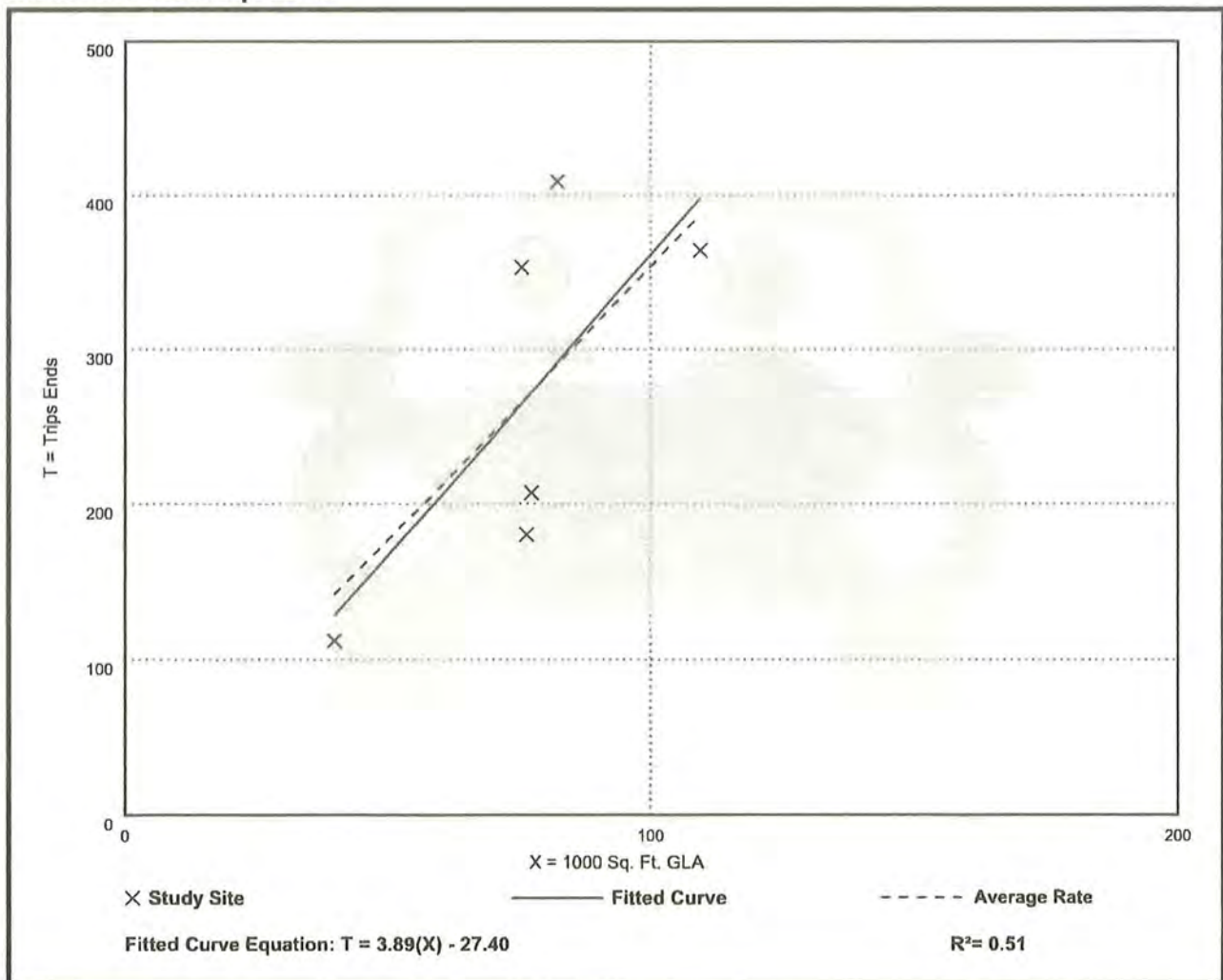
Avg. 1000 Sq. Ft. GLA: 77

Directional Distribution: 60% entering, 40% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
3.54	2.37 - 4.99	1.10

## Data Plot and Equation



# Shopping Plaza (40-150k) - Supermarket - Yes (821)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,  
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 17

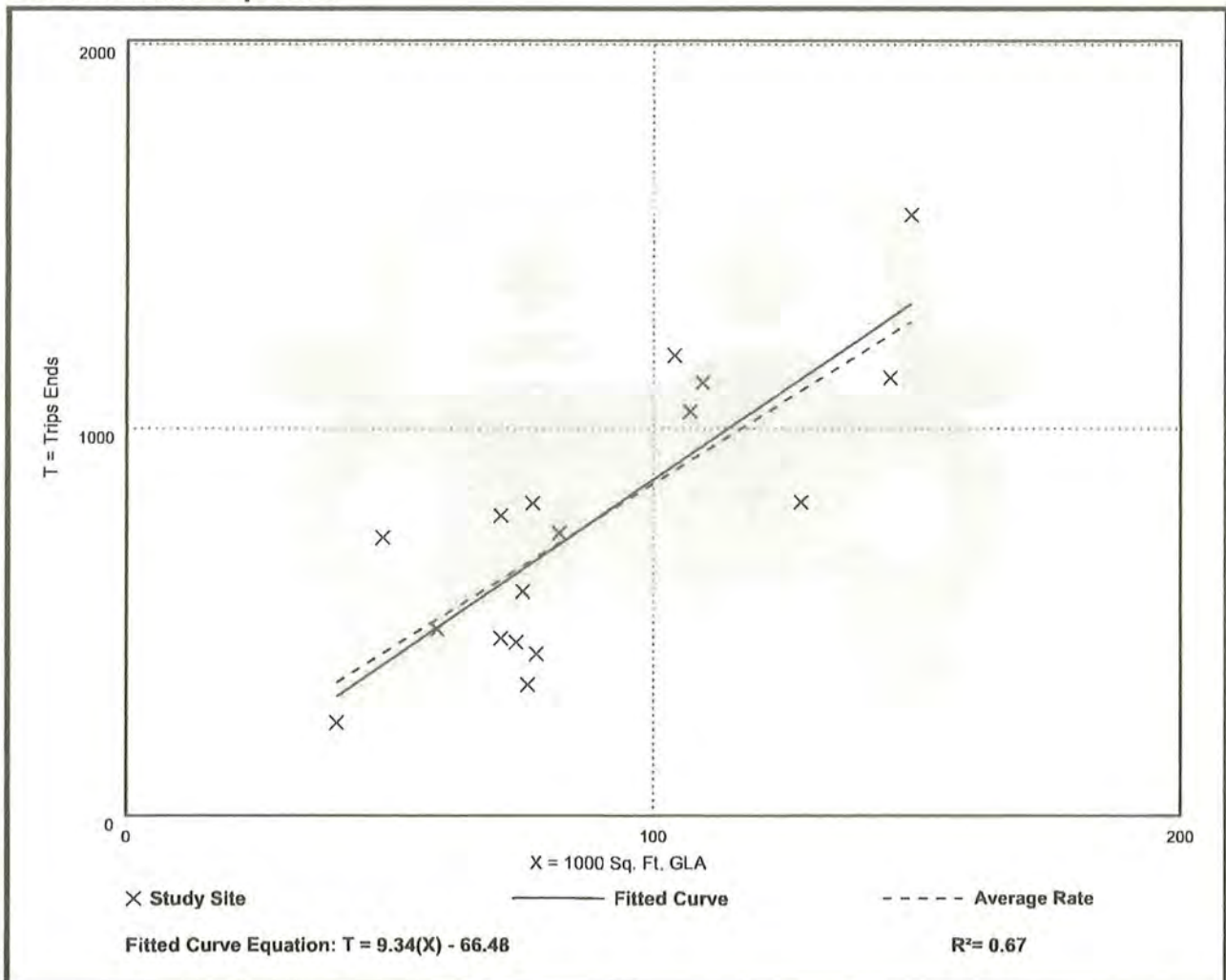
Avg. 1000 Sq. Ft. GLA: 88

Directional Distribution: 49% entering, 51% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
8.58	4.43 - 14.67	2.43

## Data Plot and Equation





Lee County  
Southwest Florida

BOARD OF COUNTY COMMISSIONERS

Kevin Ruane  
District One

April 22, 2025

Via E-Mail

Cecil L. Pendergrass  
District Two

Al Quattrone

David Mulicka  
District Three

Quattrone & Associates, Inc.  
4301 Veronica Shoemaker Boulevard  
Fort Myers, FL 33916

Brian Hamman  
District Four

Mike Greenwell  
District Five

RE: **Potable Water Availability**  
**Pugliese Multi-Family - apprx.**  
**STRAP # 01-46-24-00-0004.2000; 01-46-24-00-00004.2020**

Dave Harner, II  
County Manager

Richard Wm. Wesch  
County Attorney

To whom this may concern:

Donna Marie Collins  
County Hearing  
Examiner

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 4A of the Lee County Comprehensive Land Use Plan. Potable water lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 290 multi-family residential units with an estimated flow demand of approximately 58,000 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water service as estimated above.

Availability of potable water service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Green Meadows Water Treatment Plant.

The sanitary sewer service may be provided by Forest Utilities Water Reclamation Facility.

There are no reuse mains in the vicinity of these parcels.

Prior to beginning design work on this project, please meet with LCU Staff to determine the best point of connection and discuss requirements for construction.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, this letter of availability of potable water service is to be utilized for Comprehensive Plan Amendment only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

*Ashanti Shahriyar*

**LEE COUNTY UTILITIES**

Ashanti Shahriyar

Plan Reviewer

239-533-8531

UTILITIES ENGINEERING



Lee County  
Southwest Florida

LEE COUNTY UTILITIES  
REQUEST FOR LETTERS OF AVAILABILITY

DATE: SEPTEMBER 9, 2025

TO: **DCAP STAFF**

Lcudcap@leegov.com

FROM: **SHARON HRABAK**

FIRM: QUATTRONE & ASSOCIATES, INC

ADDRESS: 4301 VERONICA SHOEMAKER BLVD

ADDRESS: FORT MYERS, FL 33916 -

PHONE#: (239)936-5222 FAX: ( ) -

E-MAIL ADDRESS: SHARON@QAINC,NET

PROJECT NAME: PUGLIESE MULTI-FAMILY

PREVIOUS PROJECT NAME(S): \_\_\_\_\_

STRAP NUMBER(S): 01-46-24-00-00004.2000. 01-46-24-00-00004.2020

PRIOR STRAP NUMBER(S) (IF ANY): \_\_\_\_\_

LOCATION/SITE ADDRESS: ADDRESS UNDETERMIED

PURPOSE OF LETTER:

- DEVELOPMENT ORDER SUBMITTAL  FINANCING  EFFLUENT REUSE
- PERMITTING OF SURFACE WATER MANAGEMENT (SOUTH FLORIDA WATER MANAGEMENT DISTRICT)
- OTHER: (PLEASE SPECIFY) COMP PLAN AMENDMENT

PLANNED USE:

- COMMERCIAL  INDUSTRIAL  RESIDENTIAL - ( SINGLE-FAMILY  MULTI-FAMILY)
- OTHER: (PLEASE SPECIFY) \_\_\_\_\_

PLANNED # OF COMMERCIAL/INDUSTRIAL BUILDINGS: \_\_\_\_\_ TOTAL SQUARE FOOTAGE: \_\_\_\_\_

RESIDENTIAL UNITS: SINGLE-FAMILY: \_\_\_\_\_ MULTI-FAMILY: 290

AVERAGE ESTIMATED DAILY FLOW (GPD): 58,000 ( WATER  WASTE-WATER) (GPD): \_\_\_\_\_  REUS

PLEASE SHOW CALCULATION USED TO DETERMINE AVERAGE ESTIMATED DAILY FLOW (GPD) PER CRITERIA SET FORTH IN LEE COUNTY UTILITIES DESIGN MANUAL: 4-E ( 132 UNIT AVG 2 BED

100 Gallons Per Day Per 1-Bedroom Unit (750 Sf Or Less Of Building Area) \_\_\_\_\_

200 Gallons Per Day Per 2-Bedroom Unit (751-1200 Or Less Of Building Area) \_\_\_\_\_

300 gallons per day per 3-bedroom unit (1201-2250 sf or less of building area) \_\_\_\_\_

Please e-mail the completed form to Lcudcap@leegov.com.

If you should have any questions or require assistance, please feel free to call our office at (239) 533-8531.





**SOURCE, INC.**  
**Engineers – Planners**  
FL Eng. Business #34338

James P. Elliott, P.E., President  
Timothy E. Pugh, P.E., Vice President  
1334 Lafayette Street  
Cape Coral, FL 33904  
(239) 549-2345  
Fax (239) 549-6779  
email: [mail@source-inc.com](mailto:mail@source-inc.com)  
Visit our Website @ [www.source-inc.com](http://www.source-inc.com)

April 22, 2025

RE: Wastewater Availability  
Pugliese Multi Family Development, Fort Myers  
STRAP Nos: 01-46-24-00-00004.2000 & 01-46-24-00-00004.2020

To whom this may concern:

The subject property is located within the Forest Utilities Franchise Area. Sanitary sewer lines are in operation near to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as lift station upgrades, force main and/or gravity main connections may be required.

As we understand, wastewater flow from the site is estimated to be 58,000 gpd. Forest Utilities presently has sufficient capacity to provide sanitary sewer service based on our understanding of the existing facilities.

Availability of sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, sanitary sewer service will be provided by Forest Utilities.

The closest FUI connection is the 8-inch gravity main located within the Timberlakes Drive SW right-of-way along the westerly side of the titled parcel.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Forest Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Sincerely,  
**Source, Inc.**  
(as consultant to Forest Utilities, Inc.)

Timothy Pugh, P.E.  
Vice President



**Sharon Hrabak**

---

**From:** Tim Pugh <Tepugh@source-inc.com>  
**Sent:** Tuesday, April 22, 2025 11:51 AM  
**To:** Sharon Hrabak  
**Cc:** James Elliott; Doris Swor; Mitch Gilbert; Forest Utilities  
**Subject:** RE: Pugliese M/F  
**Attachments:** Checklist for New Systems Submittal and Acceptance.pdf; Pugliese Service Availability Letter.pdf

---

EXTERNAL SENDER

Sharon,

Attached is the requested service availability letter, along with a checklist for new systems submittal and acceptance.

Thank you.

**Timothy E. Pugh, P.E.**

**Vice President**

**Source, Inc**

1334 Lafayette Street  
Cape Coral, Florida 33904  
Phone: (239) 549-2345  
Fax: (239) 549-6779

[tepugh@source-inc.com](mailto:tepugh@source-inc.com)

CONFIDENTIALITY: This communication, including attachments, is for the exclusive use of the addressee(s) and may contain proprietary, confidential or privileged information. If you are not the intended recipient, any use, copying, disclosure, or distribution or the taking of any action in reliance upon this information is strictly prohibited. If you are not the intended recipient, please notify the sender immediately and delete this communication and destroy all copies

**From:** Sharon Hrabak <Sharon@qainc.net>

**Sent:** Monday, April 14, 2025 2:45 PM

**To:** James Elliott <jpellott@source-inc.com>; Tim Pugh <Tepugh@source-inc.com>

**Cc:** forrestu@aol.com

**Subject:** Pugliese M/F

Good afternoon, Tim and Jim,

We are submitting to Lee County A Comp Plan Amendment for a proposed housing project on 01-46-24-00-00004.2000, 01-46-24-00-00004.2020. CAN YOU PLEASE PROVIDE US WITH A LETTER OF AVAILABILITY?

The proposed is for up to 290 units , average estimated daily floe 58,000 gpd  
Based on 200 Gallons Per Day Per 2-Bedroom Unit (751-1200 Or Less of Building Area)

Please let us know if you need any other information from us.

Thank you,

*Sharon Hrabak*



4301 Veronica Shoemaker Blvd.

Fort Myers, Florida 33916

P: 239-936-5222 | F: 239-936-7228

[sharon@qainc.net](mailto:sharon@qainc.net) | [www.qainc.net](http://www.qainc.net)

*Carmine Marceno*  
Sheriff



State of Florida  
County of Lee

*"Proud to Serve"*

April 15, 2025

Sharon Hrabak  
Permitting Manager  
Quattrone & Associates, Inc.  
4301 Veronica Shoemaker Blvd  
Fort Myers, FL

Ms. Hrabak,

The Lee County Sheriff's Office has reviewed your letter of service availability request for a Small-Scale Comprehensive Plan Amendment for the change from the current Future Land use from Suburban to Urban Community Classification for Strap # 01-46-24-00-00004.2000; 01-46-24-00-0004.2020.

Based on the information provided in your request, the Lee County Sheriff's Office has no objections to this request. This Agency will provide law enforcement services from our 4<sup>th</sup> Precinct offices in Fort Myers.

Respectfully,

A handwritten signature in black ink, appearing to read "Chris Reeves", written over a circular stamp or seal.

94094

Christopher Reeves  
Colonel, Patrol Bureau



*"The Lee County Sheriff's Office is an Equal Opportunity Employer"*  
14750 Six Mile Cypress Parkway • Fort Myers, Florida 33912-4406 • (239) 477-1000



**Engineers, Planners & Development Consultants**

4301 Veronica Shoemaker Blvd. Fort Myers, FL  
239.936.5222 | [QAINC.net](http://QAINC.net) | f 239.936.7228

April 14, 2025

Stan Nelson, Director of Planning & Research  
Patrol Special Operations  
Lee County Office of the Sherriff  
14750 Six Mile Cypress Parkway  
Fort Myers, FL 33912  
[SNelson@sheriffleefl.org](mailto:SNelson@sheriffleefl.org)

Re: Request for Letter of Service Availability  
S. Tamiami Trail  
Comprehensive Plan Amendment  
Strap # 01-46-24-00-00004.2000; 01-46-24-00-00004.2020

Dear Major Chris Reeves,

We are in the process of preparing an application for a Small-Scale Comprehensive Plan Amendment for the referenced parcels located west of US 41 and North of Forrest Blvd. The requested amendment would change the current Future Land use from Suburban to Urban Community Classification (as shown on Map I of the Lee County Comp Plan) for the above listed parcels with 13.20 combined acreage.

The primary intent of the amendment is to accommodate a 290 unit multi-family residential community on a portion of the property. The land uses are very similar with the exception, Urban Community is intended to better accommodate higher density range. Although the proposed land use would be slightly more intensive from a development, traffic, utility and public service needs standpoint, there is adequate infrastructure to serve the project.

The application requires we provide a Letter of Service Availability from all agencies determining the adequacy/ provision of existing/proposed support facilities. If you could please provide us with a letter of availability for services to the referenced parcels at your earliest convenience, we would greatly appreciate it.

If you have any questions, or require additional information, please do not hesitate to contact me at 239-936-5222 or [sharon@qainc.net](mailto:sharon@qainc.net)

Sincerely,  
QUATTRONE & ASSOCIATES, INC.

Sharon Hrabak  
Permitting Manager



**Engineers, Planners & Development Consultants**

4301 Veronica Shoemaker Blvd. Fort Myers, FL  
239.936.5222 | [QAINC.net](http://QAINC.net) | f 239.936.7228

April 14, 2025

David Cambareri, Chief  
San Carlos Park Fire Department  
19591 Ben Hill Griffin Pwky.  
Fort Myers, FL 33905  
[Cambareri@SanCarlosFire.org](mailto:Cambareri@SanCarlosFire.org)

Re: Request for Letter of Service Availability  
S. Tamiami Trail  
Comprehensive Plan Amendment  
Strap # 01-46-24-00-00004.2000; 01-46-24-00-00004.2020

Dear Chief Cambareri:

We are in the process of preparing an application for a Small-Scale Comprehensive Plan Amendment for the referenced parcels located west of US 41 and North of Forrest Blvd. The requested amendment would change the current Future Land use from Suburban to Urban Community Classification (as shown on Map 1 of the Lee County Comp Plan) for the above listed parcels with 13.20 combined acreage.

The primary intent of the amendment is to accommodate a 290 unit multi-family residential community on a portion of the property. The land uses are very similar with the exception, Urban Community is intended to better accommodate higher density range. Although the proposed land use would be slightly more intensive from a development, traffic, utility and public service needs standpoint, there is adequate infrastructure to serve the project.

The application requires we provide a Letter of Service Availability from all agencies determining the adequacy/ provision of existing/proposed support facilities. If you could please provide us with a letter of availability for services to the referenced parcels at your earliest convenience, we would greatly appreciate it.

If you have any questions, or require additional information, please do not hesitate to contact me at 239-936-5222 or [sharon@qainc.net](mailto:sharon@qainc.net)

Sincerely,  
QUATTRONE & ASSOCIATES, INC.

Sharon Hrabak  
Permitting Manager



# *San Carlos Park Fire Protection and Rescue Service District*

19591 Ben Hill Griffin Parkway • Fort Myers, Florida 33913-8989

Emergency 911  
Office 239.267.7525  
Fax 239.267.7505

April 15, 2025

Mrs. Sharon Hrabak, Permitting Manager  
Quattrone & Associates, Inc.  
4301 Veronica Shoemaker Blvd.  
Fort Myers, FL 33916

Re : Service Availability Letter

Dear Permitting Manager Hrabak,

Thank you for this opportunity to inform you about our fire district. The San Carlos Park Fire Protection and Rescue Service District is one of 17 Special Fire Districts in Lee County. The Insurance Service Office (ISO) currently rates our department with a Property Protection Class (PPC) of 2/2X. The district consists of a 52 square mile area with 4 stations staffed 24/7 with 62 full time firefighters, which also provide non-transport Advanced Life Support (ALS) services and supported by an administrative staff.

The property in question, located on the north side of Forest Blvd, is within the jurisdiction of the San Carlos Park Fire District and is located approximately .81 miles from our station 52 located at 16901 Island Park Road, Fort Myers, FL 33908. With a response time of less than 3 minutes.

We are able to provide fire suppression and emergency medical services to the proposed development, as well as fire prevention, and public education service. If you require additional information, please do not hesitate to contact my office at (239) 267.7525. Trusting this meets with your approval, I remain,

Yours in Service,

A handwritten signature in black ink, appearing to read "D. Cambareri".

David Cambareri,  
Fire Chief

Kevin Ruane  
*District One*

April 15, 2025

Cecil L. Pendergrass  
*District Two*

David Mulicka  
*District Three*

Quattrone Associates, Inc  
Sharon Hrabak

Brian Hamman  
*District Four*

Mike Greenwell  
*District Five*

**Pugliese Multi family**  
**Letter of Service Availability Request**

Dave Harner, II  
*County Manager*

Richard Wesch  
*County Attorney*

To Whom It May Concern:

Donna Marie Collins  
*County Hearing Examiner*

LeeTran has reviewed your request for service availability regarding a proposed Comprehensive Plan Amendment. After reviewing the site and comparing the location with our existing and planned route locations according to the 2020 Transit Development Plan (TDP), the following has been determined:

The proposed development (at Strap # 01-46-24-00-00004.2000; 01-46-24-00-00004.2020) is within one-quarter mile of a fixed-route corridor and the closest bus stop is # 11561 (South of the property along US 41). The developer must provide an 8' x 30' landing pad within the road right-of-way or dedicated easement, however, there is a sidewalk that can be considered within these dimensions.

If this development becomes a (DO) or a (LDO) type D, the developer will be required to make the improvements based on LDC 10-442. This include the installation of a bicycle storage rack. It is important to note that this requirement will be reassessed at the time of DO/LDO.

If you have any questions or require further information, please do not hesitate to contact me at (239) 533-0340 or [cmarinodiaz@leegov.com](mailto:cmarinodiaz@leegov.com).

Sincerely,

*Clarissa Marino Diaz*

Clarissa Marino Diaz,  
Senior Project Planner  
Lee County Transit



**Engineers, Planners & Development Consultants**

4301 Veronica Shoemaker Blvd. Fort Myers, FL  
239.936.5222 | [QAINC.net](http://QAINC.net) | f 239.936.7228

April 14, 2025

Ms. Shana Heidig  
LeeTran Headquarters  
3401 Metro Parkway  
Fort Myers, FL 33901  
[sheidig@leegov.com](mailto:sheidig@leegov.com)

Re: Request for Letter of Service Availability  
S. Tamiami Trail  
Comprehensive Plan Amendment  
Strap # 01-46-24-00-00004.2000; 01-46-24-00-00004.2020

Dear Ms. Heidig,

We are in the process of preparing an application for a Small-Scale Comprehensive Plan Amendment for the referenced parcels located west of US 41 and North of Forrest Blvd. The requested amendment would change the current Future Land use from Suburban to Urban Community Classification (as shown on Map 1 of the Lee County Comp Plan) for the above listed parcels with 13.20 combined acreage.

The primary intent of the amendment is to accommodate a 290-unit multi-family residential community on a portion of the property. The land uses are very similar with the exception, Urban Community is intended to better accommodate higher density range. Although the proposed land use would be slightly more intensive from a development, traffic, utility and public service needs standpoint, there is adequate infrastructure to serve the project.

The application requires we provide a Letter of Service Availability from all agencies determining the adequacy/ provision of existing/proposed support facilities. If you could please provide us with a letter of availability for services to the referenced parcels at your earliest convenience, we would greatly appreciate it.

If you have any questions, or require additional information, please do not hesitate to contact me at 239-936-5222 or [sharon@qainc.net](mailto:sharon@qainc.net)

Sincerely,  
QUATTRONE & ASSOCIATES, INC.

Sharon Hrabak  
Permitting Manager



**Engineers, Planners & Development Consultants**

4301 Veronica Shoemaker Blvd. Fort Myers, FL  
239.936.5222 | [QAINC.net](http://QAINC.net) | [f 239.936.7228](tel:239.936.7228)

April 14, 2025

Mr. Joel Deguzman  
The School District of Lee County  
2855 Colonial Boulevard  
Fort Myers, Florida 33966  
[joelsd@leeschools.net](mailto:joelsd@leeschools.net)

Re: Request for Letter of Service Availability  
S. Tamiami Trail  
Comprehensive Plan Amendment  
Strap # 01-46-24-00-00004.2000; 01-46-24-00-00004.2020

Dear Mr. Gemelli,

We are in the process of preparing an application for a Small-Scale Comprehensive Plan Amendment for the referenced parcels located west of US 41 and North of Forrest Blvd. The requested amendment would change the current Future Land use from Suburban to Urban Community Classification (as shown on Map I of the Lee County Comp Plan) for the above listed parcels with 13.20 combined acreage.

The primary intent of the amendment is to accommodate a 290 unit multi-family residential community on a portion of the property. The land uses are very similar with the exception, Urban Community is intended to better accommodate higher density range. Although the proposed land use would be slightly more intensive from a development, traffic, utility and public service needs standpoint, there is adequate infrastructure to serve the project.

The application requires we provide a Letter of Service Availability from all agencies determining the adequacy/ provision of existing/proposed support facilities. If you could please provide us with a letter of availability for services to the referenced parcels at your earliest convenience, we would greatly appreciate it.

If you have any questions, or require additional information, please do not hesitate to contact me at 239-936-5222 or [sharon@qainc.net](mailto:sharon@qainc.net)

Sincerely,  
QUATTRONE & ASSOCIATES, INC.

Sharon Hrabak  
Permitting Manager



## The School District of Lee County

Joel DeGuzman CST III, Coordinator - District Planning

2855 Colonial Boulevard, Fort Myers, FL 33966

O: 239.337.8368 | C: 239.822.8362

April 16, 2025

Sharon Hrabak  
Quattrone & Associates, Inc.  
4301 Veronica Shoemaker Boulevard  
Fort Myers, Florida 33916

RE: Letter of Service Availability Request for STRAP# 01-46-24-00-00004.2000; 01-46-24-00-00004.2020

Dear Sharon Hrabak:

This letter is in response to your request for concurrency review dated April 14, 2025, for the subject property identified as STRAP# 01-46-24-00-00004.2000 and 01-46-24-00-00004.2020, in regard to educational impact. The project is located in Elementary Enrollment Zone "O"; Middle School Enrollment Zone "MM"; and High School Enrollment Zone S2. For the purposes of tracking and projecting residential development in Lee County, the property in question is located in the "San Carlos Park" Development area (this is a study area created based on residential density and availability for expansion; not a community or municipal boundary).

This development is a request for 290 residential multi-family units. With regard to the inter-local agreement for school concurrency the student generation rates are created based on the type of dwelling unit and further broken down by grade level.

In the San Carlos Park Development Area, for multi-family units, the student generation rate is 0.296 and further broken down by grade level into the following: 0.159 for elementary, 0.056 for middle and 0.081 for high. Based on these generation rates, a 290 unit multi-family development would be projected to generate approximately 46 elementary students, 16 middle school students, and 23 high school students.

Capacity in Elementary Zone "O" shows a surplus of approximately 900 seats, with no projected seat deficits in the next 10 years. Capacity in Middle School Zone "MM" shows a surplus of approximately 80 seats, with no projected seat deficits in the next 10 years. Capacity in High School Zone "S2" shows a surplus of approximately 230 seats, with no projected seat deficits in the next 10 years. It is determined that the proposed residential development will not negatively impact school concurrency for the School District of Lee County at this time or in the following 10 years.

Thank you and if I may be of further assistance, please contact me at 239-337-8368.

Respectfully,

*Joel DeGuzman*

Joel DeGuzman, CST III



## **The School District of Lee County**

**Joel DeGuzman CST III, Coordinator - District Planning**

2855 Colonial Boulevard, Fort Myers, FL 33966

**O:** 239.337.8368 | **C:** 239.822.8362

District Planning  
Coordinator



## US 41 Pugliese Multifamily

State and Regional Policy Plan  
Exhibit M19

### Florida Department of Economic Opportunity - Comprehensive Plan

**CONSISTENCY WITH STATE COMPREHENSIVE PLAN** The State of Florida Comprehensive Plan is provided in Florida Statute Section 187.201. The applicant's request is not in conflict with any of the plan's stated goals or policies. However, the applicant's requested map change and goal of multifamily development at the subject property does further several of the stated goals and meet the intent of several specific policies:

#### *187.201(6)-Public Safety*

(a) *Goal.* —Florida shall protect the public by preventing, discouraging, and punishing criminal behavior, lowering the highway death rate, and protecting lives and property from natural and manmade disasters.

(b) *Policies:*

9. *Increase crime prevention efforts to enhance the protection of individual personal safety and property.*

**CONSISTENCY:** The Lee County Sheriff's has provided a letter of service availability for this site.

22. *Require local governments, in cooperation with regional and state agencies, to prepare advance plans for the safe evacuation of coastal residents.*

23. *Require local governments, in cooperation with regional and state agencies, to adopt plans and policies to protect public and private property and human lives from the effects of natural disasters.*

**CONSISTENCY:** The proposed map amendment from Suburban to Urban Community will allow higher residential density on the site with direct access to US 41.

While the standard density range for both the Suburban and Urban Community Future Land Use Categories (FLUCs) is the same "1 to 6 dwelling units per acre (du/acre)" the key difference lies in the allowable bonus density provisions.

Under the Suburban FLUC, bonus density is limited: "This category has a standard density range from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre). The maximum total density may only be increased to eight dwelling units per acre (8 du/acre) utilizing Greater Pine Island Transfer of Development Units (TDUs), except in areas that specifically prohibit bonus density. Other forms of bonus densities are not allowed."

In contrast, the Urban Community FLUC permits a substantially higher bonus density: "The standard density range is from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total density of ten dwelling units per acre



(10 du/acre). The maximum total density may be increased to fifteen dwelling units per acre (15 du/acre) utilizing Greater Pine Island TDUs.”

Therefore, while the base density remains the same, the amendment to Urban Community would allow for a higher potential total density, up to 15 du/acre compared to a maximum of 8 du/acre under the Suburban designation.

Because the Transfer of Development Units (TDU) program is prohibited within the Coastal High Hazard Area (CHHA), bonus density on this site would instead be achieved through the provision of on-site affordable housing.

This amendment also supports improved safety and mobility by providing multiple evacuation options for residents within the CHHA.

*187.201(7)-Water Resources*

*(a) Goal. —Florida shall assure the availability of an adequate supply of water for all competing uses deemed reasonable and beneficial and shall maintain the functions of natural systems and the overall present level of surface and ground water quality. Florida shall improve and restore the quality of waters not presently meeting water quality standards.*

*b)(5) Ensure that new development is compatible with existing local and regional water supplies.*

**CONSISTENCY:** The site is within Lee County Utilities service area an availability letter is submitted stating LCU has sufficient capacity to provide potable and sanitary sewer service. The sites' potable water will be provided through Green Meadows Water Treatment Plant, and the Sanitary sewer service will be treated by Forest Utilities, Inc.



10. *Protect surface and groundwater quality and quantity in the state.*

**CONSISTENCY:** The change from Suburban to Urban Community will have no impact on the surface water or groundwater quality or quantity. In either case any proposed development will be required to adhere to all surface and groundwater policies in the LDC. This will include consistency with State surface and groundwater regulations.

187.201(9) *NATURAL SYSTEMS AND RECREATIONAL LANDS. —*

(a) *Goal. —Florida shall protect and acquire unique natural habitats and ecological systems, such as wetlands, tropical hardwood hammocks, palm hammocks, and virgin longleaf pine forests, and restore degraded natural systems to a functional condition.*

(b) *Policies:*

1. *Conserve forests, wetlands, fish, marine life, and wildlife to maintain their environmental, economic, aesthetic, and recreational values.*
3. *Prohibit the destruction of endangered species and protect their habitats.*
4. *Establish an integrated regulatory program to assure the survival of endangered and threatened species within the state.*

**CONSISTENCY:** The subject property is undisturbed and vacant. The indigenous preserve areas will be provided in accordance with the Land Development Code. A Formal Wetland Determination will be submitted and the wetlands on the site will be protected in accordance with SFWMD and county requirements.

187.201(12) *HAZARDOUS AND NONHAZARDOUS MATERIALS AND WASTE. —*

(a) *Goal. —All solid waste, including hazardous waste, wastewater, and all hazardous materials, shall be properly managed, and the use of landfills shall be eventually eliminated.*

(b) *Policies:*

2. *By 1994, provide in all counties a countywide solid waste collection system to discourage littering and the illegal dumping of solid waste.*

**CONSISTENCY:** The subject property is serviced by the Lee County Solid Waste Department with adequate capacity per submitted letter of adequacy.

187.201(15) *LAND USE*

(a) *Goal. —In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner.*

**CONSISTENCY** The Delineation of jurisdictional wetlands identified on-site will be protected and subject to a field review/approval by applicable regulatory agencies. The project location provides excellent opportunity for infill development with full availability of public services and near retail and existing employment centers. The proposed development supports the growth of the community without contributing to additional sprawl.



*(b)(3) Enhance the livability and character of urban areas through the encouragement of an attractive and functional mix of living, working, shopping, and recreational activities.*

**CONSISTENCY** The subject property is in an area that is substantially developed with commercial uses providing employment opportunities to residential uses proposed on the subject property. Infill development with multifamily residential will create an opportunity for a pedestrian-focused community.

*187.201(17) PUBLIC FACILITIES*

*(b)(1) Provide incentives for developing land in a way that maximizes the uses of existing public facilities.*

**CONSISTENCY** The applicant has not requested any special incentives for development, only the opportunity to provide infill development in an area with existing public facilities. The surrounding area is verified to have adequate capacity remaining to accommodate the maximum potential development.

*187.201(19)(b)(9) Ensure that the transportation system provides Florida's citizens and visitors with timely and efficient access to services, jobs, markets, and attractions.*

**CONSISTENCY** The traffic analysis that was performed for this request demonstrates that no improvements are necessary to accommodate the maximum potential development allowed under Central Urban FLU.

*187.201(19) TRANSPORTATION*

*(b)(15) Promote effective coordination among various modes of transportation in urban areas to assist urban development and redevelopment efforts.*

**CONSISTENCY** LeeTran provides service to this area with scheduled stops along US 41 (S. Tamiami Trail). Sidewalks are already in place along US 41 (S. Tamiami Trail). At time of site planning, the multifamily development will be designed with accommodations to promote multi model opportunities.

*187.201(21) ECONOMY*

*(a) Goal. —Florida shall promote an economic climate which provides economic stability, maximizes job opportunities, and increases per capita income for its residents.*

**CONSISTENCY** Locating diverse housing options in proximity to existing employment centers provides for a more stable, flexible, and sustainable economic climate. This benefits the workforce. Increasing the ability of additional residential units in the US41 (S. Tamiami Trail) area is consistent with urban planning goals placing higher density where adequate services are available, and transit friendly development is possible.



187.201 (24) EMPLOYMENT

(b)(5) Ensure that the transportation system provides maximum access to jobs and markets.

**CONSISTENCY** The existing, roadway and sidewalk network combined with the proximity to public transportation, provides the ability for transit friendly design to maximize easy access to employment and retail needs.

#### **Southwest Florida Regional Planning Council (SWFRPC)**

*ECONOMIC DEVELOPMENT ELEMENT* The economic development element of the Regional Policy Plan details the economic infrastructure and growth opportunities to support the public facilities of the region. If the region "Maximizing the use of existing facilities through increased capacity can serve additional development more efficiently, without the cost of new construction (assuming the expansion can meet relevant requirements). In addition, expansion of an existing facility can encourage continued development and infill in its service area."

**The requested map amendment will utilize the existing public facilities and emergency services of Lee County which, are provided by attached Letters of Availability. Therefore, the requested amendment is consistent with the overall economic development goals of the Regional Policy Plan.**

*Goal 1 seeks to provide a well-maintained social, health, and educational infrastructure to support business and industry in Southwest Florida by assisting local governments and state agencies in planning for future support service facilities, before the need arises.*

**Lee County is consistent with Goal 1 by providing a yearly concurrency report and maintaining and updated Comprehensive Plan with Capital Improvements Program. The proposed LeePlan amendment will not cause public services or facilities to fall under acceptable established Level of Service (LOS). The Regional Policy plan acknowledges that future growth and development will occur in Southwest Florida to accommodate natural population growth as well as expansion of existing businesses and/or the creation of new business.**

*EMERGENCY PREPAREDNESS ELEMENT* The Regional Policy Plan "natural hazards include excessive rainfall, storm surge flooding, destructive winds and lightning normally cause by severe thunderstorms, hurricanes and tornadoes"

**The proposed LeePlan amendment will not create any additional burden to Emergency Preparedness. At time of Development Order for any multi-family development request the applicant will meet the required Hurricane Preparedness as required by Lee County.**



*NATURAL RESOURCES ELEMENT The Regional Policy Plan states in the Natural Resources Element that "Southwest Florida has an abundance of natural resources that, along with a favorable climate, creates economic opportunities, recreational opportunities and a quality of life that is important to the citizens and visitors to the region. The protection of these resources creates a challenge to planners, managers and decision makers in a rapidly growing region that must utilize these resources for economic reasons and to create housing for our population."*

**The requested LeePlan amendment will facilitate infill development on property with no known sensitive, important, or unique environmental resources, while also supporting the rapid growth of the community through increased density allowed by the FLU change.**

*REGIONAL TRANSPORTATION ELEMENT The Regional Policy Plan states that "a regional transportation plan will be an integral component of the future overall regional quality of life"*

**The Traffic Analysis as provided demonstrates that the requested LeePlan amendment will not cause undue burden to the surrounding roadway network. Additionally, the location of proposed multifamily residential in proximity to shopping and employment centers will increase internal capture decreasing generation of US41 trips.**



**US 41 Pugliese Multifamily**

Justification of Proposed Amendment  
Exhibit M20

The applicant is requesting an amendment to Lee Plan Map I, Page I Future Land Use map to redesignate ±13.20-acre from Suburban to the Urban Community Future Land Use. The subject parcels are located on the west side of US 41 (S. Tamiami Trail) approximately 1.0 mile north of Alico Road. The parcels are undisturbed vacant. The property currently is within the Suburban Future Use Category and zoned C-1.

The applicant proposes to amend the future Land Use Map of the Lee Plan to redesign approximately 13.20 acres from the Suburban Future Land Use Category to the Urban Community Future Land Use Category. The property owner(s) desires to develop a multi-family community.

Development of residential uses on the subject property represents one of the desirable and economically viable land uses in this location due to the proximity to US-41(S. Tamiami Trail). Exhibit M5 identifies the various existing and planned land uses that abut the site.

The Lee Plan encourages development of residential areas that are heavily settled and that have the greatest range and highest levels of public services to accommodate the projected population. The request is based on key differences in allowable density, intensity, and locational characteristics, and is justified for the following reasons:

Category	Urban Community	Suburban
General Character	Mixed-use, relatively intense residential and commercial	Predominantly residential; fringe of urban areas
Primary Uses	Residential, commercial, public/quasi-public, limited light industrial	Residential only; limited to protect neighborhood character
Industrial Uses	Limited light industrial permitted	Not allowed
Mixed-Use Development	Encouraged, where appropriate	Not typical
Standard Density Range	1 to 6 dwelling units per acre (du/acre)	1 to 6 du/acre
Maximum Density	10 du/acre standard max Up to 15 du/acre with Greater Pine Island TDUs	8 du/acre max only with Greater Pine Island TDUs
Other Bonus Densities	Typically Allowed (via TDU program and policy)	Not allowed
Other Bonus Density	<b>on-site affordable housing</b> may qualify for limited bonus	<b>Not allowed;</b>
Public Services	Existing services must be maintained or expanded as development occurs	No specific mention; implies lower infrastructure demands



Category	Urban Community	Suburban
Proximity/Location	Central or urban areas; similar to Central Urban	Outskirts or fringe areas near Urban Community zones
Development Intent	Supports growth, redevelopment, and higher intensity land use	Supports neighborhood preservation and moderate growth

In Conclusion, the proposed amendment is not a speculative upzoning request, but rather a strategic change aligned with current development patterns and infrastructure capacity. The Urban Community designation better reflects the existing and planned character of this portion of the US-41 corridor and supports the County's long-term planning objectives. In contrast, maintaining the Suburban designation would underutilize a well-located, infrastructure-ready site and limit the ability to provide housing consistently with demand and policy direction.

THE LAW OFFICES OF  
**DOUG MAREK, P.A.**

**OPINION OF TITLE**

With the understanding that this Opinion of Title is furnished to the Lee County Board of County Commissioners, and it is hereby certified that I have examined the public records covering the period from the beginning to the 10<sup>th</sup> day of April 2025 at the hour of 11:00 p.m. inclusive, of the following described property.

**Legal Description:**

**PARCEL 1:**

The Northwest 1/4 of the Northeast 1/4 of Section 1, Township 46 South, Range 24 East, Lee County Florida, lying West of S.R. 45 (U.S. 41) also being in Government Lot 2; less the Southerly 516.13 feet (as measured perpendicular to the South line of said fraction) and less the Northerly 429.88 feet (as measured perpendicular to the North line of said fraction).

**PARCEL 2:**

A tract or parcel of land being the Southerly 516.13 feet (as measured perpendicular to the South line of the North 1/2 of the Northeast 1/4) of the Northwest 1/4 of the Northeast 1/4 lying West of State Road 45 (U.S. 41) also being in Government Lot 2 of Section 1, Township 46 South, Range 24 East, Lee County, Florida.

**LESS AND EXCEPT:**

A tract or parcel of land lying in the Northwest 1/4 of the Northeast 1/4 of Section 1, Township 46 South, Range 24 East, Lee County, Florida, also being in Government Lot 2 of said Section 1, more particularly described as follows:

Commence at the Southwest corner of the North 1/2 of the Northeast 1/4 of said Section 1; thence N89°08'15"E along the South line of said North 1/2 of the Northeast 1/4 for 441.71 feet to the point of beginning; thence continue N89°08'15"E along said South line a distance of 600.00 feet to the intersection with the Westerly right-of-way of U.S. 41 (S.R. 45) Tamiami Trail; thence N31°32'00"W along the said Westerly right-of-way for 300.03 feet; thence, leaving said right-of-way, run S89°08'15"W for 102.94 feet; thence S66° 29'41"W for 210.69 feet; thence S86°19'07"W for 148.24 feet; thence S00°21'23"E for 169.66 feet to the point of beginning.

I am of the opinion that on the last-mentioned date, the fee simple title to the above-described real property was vested in:

**Names of all Owner(s) of Record:**

Clara Point, LLC, a Florida limited liability company

**Mortgages of Records: None**

**Title to the property is subject to the following easements: None**

I HEREBY CERTIFY that the foregoing report reflects a comprehensive search of the public records of Lee County, Florida, affecting the above-described property. I further certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar.

Respectfully submitted this 1<sup>st</sup> day of May 2025.



Doug Marek

Florida Bar No. 035180

1564-075 9224

CPA2025-00012

Amenity  
Improvement  
Text Amendment

# STAFF REPORT FOR CPA2025-00012: Amenity Improvement Amendment



Privately Initiated Lee Plan Text Amendment

## Recommendation:

Transmit

## Applicant:

CAM7 SUB, LLC

## Representatives:

Stacy Hewitt, AICP  
RVi Planning + Landscape  
Architecture

## Property Location:

NA

## Size:

NA

## Planning District:

District #18 (Southeast Lee  
County)

## Commissioner District:

Districts #2 & #3

## Hearing Dates:

LPA: February 23, 2026  
BoCC #1: TBD  
BoCC #2: TBD

## Attachment(s):

1: Text Amendment  
2: Applicant Materials

## REQUEST

Amend the text of Goal 13 of the Lee Plan to allow golf courses and ancillary uses in Mixed Use Planned Developments (MPD), subject to Settlement Agreement Case No. 22-CA-002743.<sup>1</sup>

## SUMMARY

The applicant requests to amend Lee Plan Goal 13, Private Recreational Facilities in the DR/GR, to allow for the development of a golf course amenity and other ancillary uses to a residential development as part of a Mixed Use Planned Developments (MPD) in the DR/GR Future Land Use Category within Southeast Lee Community Plan Area. Specifically, this amendment addresses amenity uses permitted in the Kingston Development. The proposed amendment will follow the Expedited State Review process in the Florida Statutes.

## PROPERTY LOCATION

The property associated with these amendments is located one (1) mile west of the Hendry County boundary between State Road 82 and the Collier County boundary to the south.

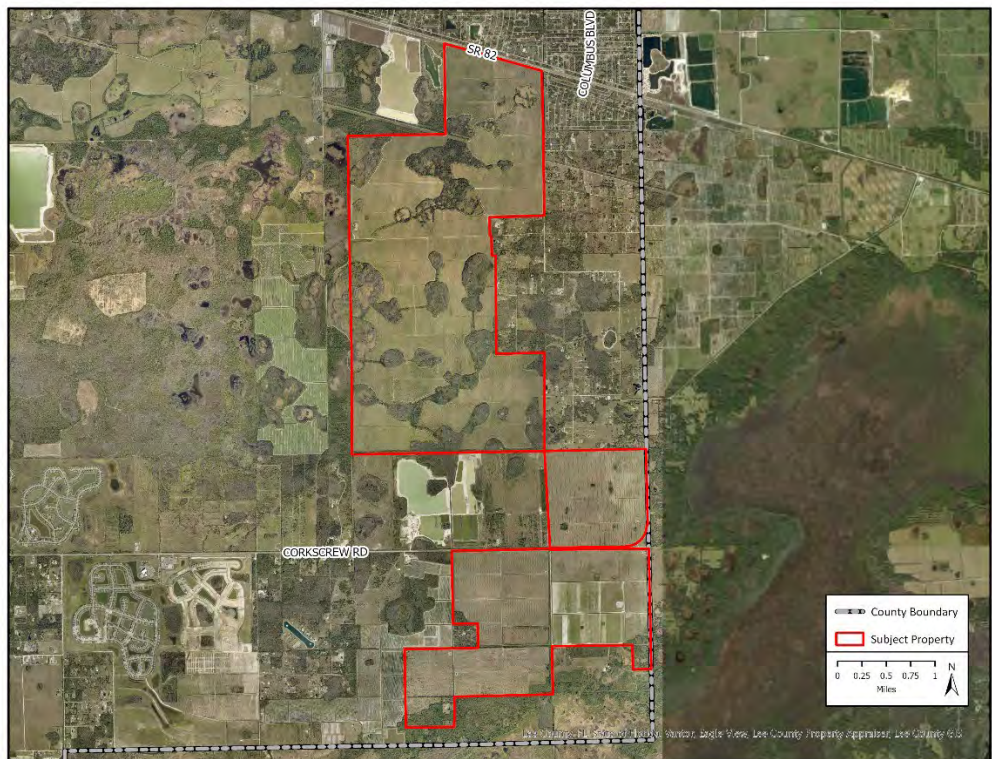


Figure 1: Location map of the existing Kingston MPD.

## RECOMMENDATION

Staff recommends that the Board of County Commissioners (BoCC) **transmit** the proposed amendment as shown in Attachment 1.

<sup>1</sup> See Stipulated Settlement Agreement for Case No. 22-CA-002743

**PART 1**  
**STAFF DISCUSSION AND ANALYSIS**

**BACKGROUND & REQUEST**

The proposed text amendments address golf courses and ancillary uses within the Density Reduction/Groundwater Resource (DR/GR) Future Land Use Category in the Southeast Lee County Community Plan Area (SE Lee) and a potential inconsistency between Goal 13 and Chapter 13: Administration, of the Lee Plan. Currently, the Lee Plan permits golf courses in DR/GR only through a Private Recreation Facilities Planned Development (PRFPD). The proposed amendment would broaden the language in the Lee Plan to allow golf courses and ancillary uses within the MPD subject to Settlement Agreement Case No. 22-CA-002743, known as the Kingston MPD.

In 2019, the Board of County Commissioners denied DCI2011-00007, which sought to rezone the subject property to Industrial Planned Development (IPD) to support a new mine. After the denial, the applicant entered into a court-ordered settlement agreement with the County that ultimately led to the creation of the Kingston Development.

Part II of the settlement agreement sets forth the parties' covenants, warranties, and other representations, to which Lee County was a party. Item 4.f. of this section provides that the parties will enter into a Development Agreement that will be considered part of the court-ordered Stipulated Settlement Agreement. The Development Agreement in 4.B. provides that "the property will be designated and treated as a Mixed-Use Planned Development," which is how the property subsequently received an MPD zoning designation.

Per the settlement agreement, the proposed development permitted a variety of uses, including residential, residential amenities, and recreational areas. The applicant wants to include a golf course, a reasonable residential amenity, within parcels 8A, 8B, and 9. However, Lee Plan Goal 13 only allows golf courses in DR/GR within a Private Recreation Facilities Planned Development (PRFPD).

Per Lee Plan Chapter 13, Administration, "Development authorized by court order resulting from litigation in which Lee County was a party," is "considered consistent with the Lee Plan." Therefore, the Kingston Development, as approved under the Settlement Agreement, is consistent with the Lee Plan; however, it is an MPD, not a PRFPD, as required by Goal 13 for a golf course.

The Lee Plan requirements for private recreational facilities in DR/GR and the PRFPDs were created in response to a privately initiated text amendment application, **PAT-98-08**, which sought to allow a golf course in DR/GR on the premise that DR/GR included the only areas of land in the county large enough to support golf courses. The transmitted amendments were sent to the Department of Community Affairs (DCA, the equivalent of the current Department of Commerce), which raised numerous concerns about how the proposed amendment would affect the DR/GR. Ultimately, the amendment turned into its own goal, **Lee Plan Goal 16**, with specific zoning regulations in **LDC Chapter 34**. Goal 16 moved to **Goal 13** with a county-initiated reorganization amendment in 2018. Minimal changes have been made via Ordinance 21-09, which mostly removed outdated references.

The applicant is reconciling the disparity between the requirements of Lee Plan Goal 13, Lee Plan Chapter 13, and the zoning designation set forth in the Settlement Agreement by creating an exception within Goal 13 to permit the golf course in the MPD, subject to the Stipulated Settlement Agreement. **The**

requested amendment applies only to the subject property and does not affect any other properties within the Southeast Lee Community Plan Area or DR/GR.

### **Future Land Use Categories**

The proposed amendment applies to properties within the DR/GR and Wetlands future land use categories, but specifies the settlement agreement. The DR/GR and wetlands future land uses are considered non-urban categories. Lee Plan **Policy 1.4.5** states that the DR/GR land use category applies to areas that provide substantial recharge to aquifers and that are most suitable for physical withdrawal of water. The policy is reproduced below.

***POLICY 1.4.5:*** *The Density Reduction/Groundwater Resource (DR/GR) future land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed.*

- 1. New land uses in these areas that require rezoning or a development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream, as well as adjacent to the site. Offsite mitigation may be utilized, and may be required, to demonstrate this compatibility. Evidence as to historic levels must be submitted as part of the rezoning application and updated, if necessary, as part of the mining development order application.*
- 2. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum Future Land Use II-8 April 2024 standard density of one dwelling unit per ten acres (1 du/10 acres). See Objectives 33.2 and 33.3 for potential density adjustments resulting from concentration or transfer of development rights.*
- 3. Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in Goal 13. No Private Recreational Facilities may occur within the DR/GR land use category without a rezoning to an appropriate Planned Development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 13.*

The Wetlands future land use category is described in Lee Plan Objective 1.5 and Policy 1.5.1. Objective 1.5 states that all lands that the state recognizes as wetlands are within the Wetland future land use category. Policy 1.5.1 provides that the allowed uses within the Wetlands future land use category include very low-density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. Objective 1.5, Wetlands, is reproduced below.

***OBJECTIVE 1.5: WETLANDS.*** *Designate on the Future Land Use Map those lands that are identified as Wetlands in accordance with § 373.019(27), Fla. Stat. through the use of the unified state delineation methodology described in Fla. Admin. Code R. 62-340, as ratified and amended in § 373.4211, Fla. Stat.*

***POLICY 1.5.1:*** *Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 124. The maximum density is*

*one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII.*

***POLICY 1.5.2:*** *When the exact location of Wetlands boundaries is in question, Chapter XIII provides an administrative process to precisely define the boundary.*

***POLICY 1.5.3:*** *Wetlands that are conservation lands will be subject to the provisions of Policy 1.4.6 as well as the provisions of Objective 1.5. The most stringent provisions of either category will apply. Conservation wetlands will be identified on the Future Land Use Map to distinguish them from non-conservation wetlands.*

The applicant is not proposing any changes to these policies, nor to the Future Land Use Map designation on the property to which the proposed text amendment would apply.

### **Community Plan Area**

The proposed text amendment directly impacts properties that are completely within the Southeast Lee Community Plan Area. The Southeast Lee County Community Planning Area primarily encompasses lands south of SR 82, east of Fort Myers, RSW, the City of Estero, and the City of Bonita Beach, and north of Bonita Beach Road. Lee Plan Goal 33 contains the Community Plan Area's objectives and development policies. The general description for Goal 33 is reproduced below.

***GOAL 33: SOUTHEAST LEE COUNTY.*** *Protect Southeast Lee County's natural resources through public and private acquisition and restoration efforts. Development incentives will be utilized as a mechanism to preserve, enhance, and protect natural resources, such as regional flow-ways and natural habitat corridors in the development of privately owned land. Allowable land uses will include conservation, agriculture, public facilities, low density or clustered residential, natural resource extraction operations, and private recreation facilities; allowable land uses must be compatible with protecting Southeast Lee County's environment.*

This goal is supported by three (3) objectives: Objective 33.1, Water, Habitat, and Other Natural Resources; Objective 33.2, Residential and Mixed-Use Development; and Objective 33.3, Southeast Lee County Transfer of Development Rights Program. Generally, these objectives protect natural resources, limit development to areas indicated in Map 2-D, and incentivize moving development to other parts of the County.

### **Planning District**

The Subject property is located in the Southeast Lee Planning District (District 18), which allocates 4,742 acres to the DR/GR FLUC and no acreage to Wetlands FLUC for residential development. District 18 allocates 333 acres to Commercial and Industrial uses. However, this number is also limited by Policy 33.2.5, which sets the maximum commercial floor area within the Southeast Lee Community Plan Area to 300,000 square feet. No changes are proposed or necessary to Table 1(b) as part of the text amendment.

### **Surrounding Area**

The Kingston development spans approximately 7 miles north to south, from SR 82 to the Collier County boundary, and comprises many parcels of land. Given its expansive nature, a typical analysis of surrounding properties is not feasible. Instead, the table below identifies the development types surrounding the Kingston development; however, the proposed golf courses, which this amendment would facilitate, are internal to Kingston and would not affect the surrounding development.

DIRECTION	DESCRIPTION	COMMUNITY PLAN AREA	DEVELOPMENT TYPE
NORTH	Lehigh Acres	Lehigh Acres	Pre-platted single-family lots
EAST	Wildcat Farms	Southeast Lee	Large lot agricultural subdivision
SOUTH	Collier County	NA	Corkscrew Regional Ecosystem Watershed (CREW) Marsh Preserve
WEST	Imperial Marsh Preserve	Southeast Lee	Preserve with some surrounding mining operations.

**PROCEDURAL REQUIREMENTS**

The Lee Plan is Lee County’s comprehensive plan, which provides the long-term vision for development in the county. Florida Statutes require comprehensive plans to include specific elements. The Lee Plan is divided into elements (chapters), each of which is further supported by goals, objectives, standards, and policies. Lee Plan Chapter XIII, entitled Administration, section “d” addresses Amendments to the Plan. The applicable paragraph is reproduced below.

*This plan, including the Future Land Use Map, may be amended in accordance with Florida Statutes and administrative procedures adopted by the Board of County Commissioners in Lee County Administrative Code 13-6. In accordance with § 163.3177(1)(f), Fla. Stat., all amendments must be based upon relevant and appropriate data and analysis.*

Lee County Administrative Code 13-6 establishes procedures for amendments to the Lee Plan, including notice requirements and provisions for public participation during the amendment process. The subject application requests privately initiated text amendments to the Lee Plan, meaning it has been requested by an entity other than the County and follows the amendment process described in Florida Statutes section 163.3184. **The applicant has met the procedural requirements in AC 13-6.**

Because the applicant is proposing a change to the Lee Plan that affects a Community Plan Area, one public information meeting is required before the application is found sufficient under Lee Plan Policy 17.3.2. The applicant has provided a summary, public notice, and maps for the community meeting held at the Craft Lounge at Verdana Village on Thursday, November 19, 2025, at 5:30 p.m. The summary stated that there were no members of the public at the meeting. **The applicant has met the public input requirements of Lee Plan Objective 17.1.**

The proposed text amendment **will follow the Expedited State Review process under F.S. 163.3184(3)**, which will require one public hearing before the Local Planning Agency for recommendation to the BOCC and two public hearings with the BOCC. Applications that follow the Expedited State Review process also require review by the State Reviewing Agencies.

**LEE PLAN ANALYSIS**

The comprehensive plan applies to all land use decisions within unincorporated Lee County. Where goals, objectives, standards, or policies of particular elements conflict, those conflicts will be resolved based on an analysis of the Lee Plan as a whole. The Lee Plan analysis in this staff report outlines the proposed amendments and their consistency with the most applicable Lee Plan goals, objectives, and policies to assess appropriateness.

The Lee Plan consists of fourteen chapters. The first twelve chapters contain the state-required and optional elements for all comprehensive plans. **Chapter 13**, entitled “Administration,” provides the details on how the County interprets the Lee Plan. Chapter 13, section A, establishes the effect and legal status of the plan. Section A, part 1, states that all of the approvals listed in this section are considered consistent with the Lee Plan, subsection d of Part 1 includes, “Development authorized by court order resulting from litigation in which Lee County was a party.” **This means that development resulting from a court order, specifically the Kingston MPD resulting from the Stipulated Settlement Agreement, is considered consistent with the Lee Plan.** As noted previously, the Kingston Development was approved by a court order (a stipulated settlement agreement) to which the county was a party. The settlement agreement allows a variety of uses, including residential uses, their amenities, and ancillary uses. Golf courses are a reasonable amenity for residential uses. **The applicant’s proposed golf course will be an amenity to a residential pod within the development, consistent with all the requirements of the settlement agreement. Under Chapter 13, this is consistent with the Lee Plan.** However, the zoning resulting from the settlement agreement conflicts with the standard requirements for golf courses in DR/GR under Goal 13.

The proposed amendments are fully within Lee Plan **Goal 13**, entitled Private Recreational Facilities in DR/GR, which provides specific requirements, including specific zoning district designations, for all types of private recreational facilities, including golf courses, in DR/GR. Many of the requirements contained within Goal 13 are standard requirements in the County’s Southeast Lee Community Plan Area, DR/GR, and planned development applications.

According to **Policy 13.2.1**, “All private recreational facilities proposed within the DR/GR future land use category must be reviewed as a PRFPD.” The PRFPD zoning designation is unique to private recreational facilities within the DR/GR future land use category and was a direct result of DCA comments relating to PAT-98-08, mentioned in the background section of this report. This zoning district may not be used in any other future land use category and has its own use table and development standards separate from those of other Planned Developments in Chapter 34 of the Land Development Code. Generally, planned developments, as a zoning designation, are used to condition and strictly scrutinize development on a particular parcel based on compatibility, environmental, or other concerns. The PRFPD designation was created to condition and scrutinize development in the DR/GR to ensure all wildlife, sprawl, and water resource concerns were adequately addressed in any potential development in this land use category.

The applicant has requested an amendment to Policy 13.2.1 to exempt golf courses and ancillary uses in the Kingston MPD from the PRFPD zoning designation requirement. The PRFPD zoning district was created to address compatibility concerns with development in the DR/GR future land use category, which the settlement agreement referenced in the exemption has already examined in detail. The zoning district name is arbitrary if the district's intent is met through another means, and the MPD associated with the Settlement Agreement has examined the Kingston Development’s impact on water resources, wildlife, surrounding properties, infrastructure, and more. **The proposed exemption from the PRFPD zoning district requirement for the MPD, specific to the Settlement Agreement, is not inconsistent with the intent of Policy 13.2.1, as the concerns surrounding the creation of the PRFPD have already been addressed in the Settlement Agreement and resultant MPD.**

**Objective 13.3** contains the general development regulations for private recreational facilities in the DR/GR. Objective 13.3 currently contains nine (9) supporting policies. Objective 13.3 is reproduced below.

*OBJECTIVE 13.3: GENERAL DEVELOPMENT REGULATIONS. The protection of water quality, quantity, natural resources, and compatibility will be addressed by additional development controls that regulate the permitted uses, parcel size, density, intensity and design of Private Recreational Facilities.*

The applicant has requested that Policy 13.3.10 be added, which states that golf courses and ancillary uses within the Kingston MPD, subject to the Settlement Agreement, are exempt from the requirement of this objective but will comply with the development standards provided in the agreement. The following lists each policy and its general requirements.

- **Policy 13.3.1** requires all Private Recreation Facilities to submit a binding Master Concept Plan.
- **Policy 13.3.2** requires environmental assessments for the proposed development.
- **Policy 13.3.3** requires a demonstration of compatibility with the surrounding properties.
- **Policy 13.3.4** requires a Pest Management program.
- **Policy 13.3.5** sets buffer requirements when buildings are located near an exterior property line.
- **Policy 13.3.6** provides general illumination/lighting standards.
- **Policy 13.3.7** encourages native and xeriscape vegetation.
- **Policy 13.3.8** provides the development standards, including setbacks, open space, and security.
- **Policy 13.3.9** sets density and intensity limitations.

The requirements within Objective 13.3 or similar requirements meeting the intent of the requirements in this objective are included in the Settlement Agreement. The MPD includes a binding Master Concept Plan, initial environmental reports (with additional reports required at each level of development review), buffer requirements and development standards, and specific density and intensity limitations. In an instance where the MPD does not address a development standard, the County's standard requirements apply. **The proposed amendment to exempt Kingston MPD from Policies 13.3.1 through 13.3.9 of Objective 13.3 is consistent with the intent of Objective 13.3, as the applicable requirements have already been addressed in the Settlement Agreement and resultant MPD.**

**Objective 13.4** addresses Water Quality, Quantity, and Surface Water Resources for private recreational facilities within the DR/GR future land use category. Objective 13.4 is supported by eight (8) policies and reproduced below.

*OBJECTIVE 13.4: WATER QUALITY, QUANTITY, AND SURFACE WATER RESOURCES. Private Recreational Facilities must be located, designed and operated in such a way that they will not degrade the ambient surface or groundwater quality. These facilities must be located, designed and operated in such a way that they will not adversely impact the County's existing and future water supply. The location, design and operation of Private Recreational Facilities must maintain or improve the storage and distribution of surface water resources.*

The applicant has requested to add Policy 13.4.9, which generally states that "water quality, quantity, and surface water resources" within the MPD are subject to the requirements of the Settlement Agreement and therefore exempt from Policies 13.4.1 through 13.4.8. Each of these policies is generally described below.

- **Policy 13.4.1** requires all PRFPDs, including the associated water modeling, to be reviewed by the County’s Natural Resources department.
- **Policy 13.4.2** applies to properties near existing or proposed wellfields.
- **Policy 13.4.3** requires surface and groundwater monitoring
- **Policy 13.4.4** requires a pre-application meeting with Natural Resources before a PRFPD application.
- **Policy 13.4.5** requires PRFPDs within a wellfield protection zone to meet the strictest standards of Zone 1, as defined in the Wellfield Protection Ordinance.
- **Policy 13.4.6** provides requirements for flow-way corridors and flow-way restoration.
- **Policy 13.4.7** requires compliance with Lee County and South Florida Water Management District (SFWMD) surface water standards.
- **Policy 13.4.8** provides requirements for development near potential drawdown zones for public well development to utilize an alternative water supply.

The proposed text amendments, the Settlement Agreement, and all subsequent development applications have been, or will be, reviewed by the County’s Natural Resources Department for compliance with the standards set forth in the Settlement Agreement, associated MPD, and general County regulations. Additionally, development is also subject to SFWMD permit requirements. The Settlement Agreement established a Surface Water Quality Monitoring program, an enhanced lake management program, and a hydrological restoration plan, as referenced in the proposed Policy 13.4.9 exemption language. **The proposed amendment to exempt the Kingston MPD from Policies 13.4.1 through 13.4.8 is consistent with the intent of Objective 13.4, as the applicable requirements have already been addressed in the Settlement Agreement and resultant MPD.**

**Objective 13.5** includes the requirements related to wildlife. This objective is supported by three (3) policies. The objective is reproduced below.

*OBJECTIVE 13.5: WILDLIFE. The location, design and operation of Private Recreational Facilities will incorporate preservation and/or management activities that restrict the unnecessary loss of wildlife habitat or impact on protected species, species of special concern, threatened or endangered species.*

The applicant has requested to add a fourth policy under objective 13.5 that states the Settlement Agreement was found to be in the public’s interest, that the golf course amenity will be constructed according to the settlement agreement requirements, and is therefore exempt from Policies 13.5.1 through 13.5.3. Each of these policies is generally described below.

- **Policy 13.5.1** states that potential development may not have an adverse impact on wildlife habitat.
- **Policy 13.5.2** relates to fencing and its impact on animal movement.
- **Policy 13.5.3** states that development must be designed and operated to conserve protected species habitat.

The Kingston MPD has a Protected Species Management Plan and Human-Wildlife Coexistence Plan. All zoning actions and development order applications will require analyses of the impact on wildlife in accordance with the Settlement Agreement and County requirements. Conditions #3 and #4 in the Settlement agreement address wildlife crossings and protected species. **The proposed amendment to**

**exempt the Kingston MPD from Policies 13.5.1 through 13.5.3 is consistent with the intent of Objective 13.5, as the applicable requirements have already been addressed in the Settlement Agreement and resultant MPD.**

**Objective 13.6** is similar to the wildlife objective but addresses Natural Resources rather than wildlife. This objective is supported by four (4) policies, and the applicant is requesting to add a fifth. The existing policies are generally described below.

- **Policy 13.6.1** relates to ongoing maintenance of natural areas within the development.
- **Policy 13.6.2** requires that development minimize adverse effects of wetlands and riparian areas.
- **Policy 13.6.3** sets a minimum of 50% indigenous native upland habitat.
- **Policy 13.6.4** directs the development to incorporate energy and resource conservation devices.

The Kingston MPD already includes an Indigenous Preservation, Restoration, and Management plan and a Hydrological Restoration plan. The most recently approved Master Concept Plan for the MPD (ADD2024-00047) provides approximately 4,000 acres of open space, including a little over 3,000 acres of restored uplands. The open space accounts for approximately 61% of the development area, and the restoration area accounts for 50%. All zoning actions and development order applications will require analyses of the impact of development on Natural Resources in accordance with County standards and the Settlement Agreement. **The proposed amendment to exempt the Kingston MPD from Policies 13.6.1 through 13.6.4 is consistent with the intent of Objective 13.6, as the applicable requirements have already been addressed in the Settlement Agreement and resultant MPD.**

**Objective 13.7** provides requirements for water quality monitoring and enforcement. There are three (3) policies that support the objective, and the applicant is requesting to add a fourth policy, similarly worded to the others they've requested. The existing policies are generally described below.

- **Policy 13.7.1** requires annual surface and groundwater monitoring in perpetuity and provides monitoring standards.
- **Policy 13.7.2** provides a process to follow if groundwater monitoring shows degradation.
- **Policy 13.7.3** provides the requirements of the monitoring report.

The Settlement Agreement includes requirements for surface and groundwater reporting with details provided in the approved Surface Water Quality Monitoring Program and Enhanced Lake Management Plan. All zoning actions and development order applications will require analyses of the impact of development on monitoring in accordance with County standards and the Settlement Agreement. Additionally, any changes to those plans would need to be approved by the County. **The proposed amendment to exempt the Kingston MPD from Policies 13.7.1 through 13.7.3 is consistent with the intent of Objective 13.7, as the applicable requirements have already been addressed in the Settlement Agreement and resultant MPD.**

**Objective 13.8** provides Golf Course Performance Standards for golf courses within the DR/GR future land use category. This objective is supported by twelve (12) policies and the applicant is requesting to add a thirteenth (13<sup>th</sup>) policy, similarly worded to the others they've requested. Objective 13.8 is reproduced below.

*OBJECTIVE 13.8: GOLF COURSE PERFORMANCE STANDARDS. The location, design and operation of golf courses located within the Private Recreational Facilities Overlay will minimize their impacts on natural resources, and incorporate Best Management Practices. A maximum of five 18-hole golf courses, for a total of 90 golf holes, will be permitted.*

The Settlement Agreement does not include specific language regarding golf courses, but all development within the Kingston MPD must comply with the settlement agreement's requirements, which already minimize the development's impact on natural resources, including, but not limited to, water quality, native vegetation, irrigation, and pesticide use. There are two (2) approved PRFPD in Lee County (DCI2000-00048 – Old Corkscrew Plantation Golf Course and DCI2001-00060 – the Ginn Section 9 Golf Course<sup>2</sup>) with a total of 45 golf holes. **The proposed amendment would not permit any golf courses that exceed the golf course threshold set forth in Objective 13.8, even though the amendment technically exempts the Kingston MPD from this threshold.**

**Policies 13.8.1 through 13.8.5** address requirements for waterways, trees around waterways, impervious surfaces for waterway crossings, and golf course lake location relative to waterways. All development within the Kingston MPD must comply with the Settlement Agreement, including its requirements for open space, landscaping, conservation, and water quality, which has already been found consistent with County requirements and the public interest.

**Policy 13.8.6** requires a specific engineering standard for water pretreatment and flood elevation, which the Settlement Agreement has existing conditions for development.

**Policy 13.8.7** references the Florida Department of Environmental Protection's Best Management Practices for Golf Courses. All development will need to be consistent with local and state standards upon approval.

**Policies 13.8.8 and 13.8.9** outline requirements for pesticides and irrigation. The Settlement Agreement already establishes pesticide and irrigation limits and management standards that all of Kingston's development must follow.

**Policies 13.8.10 and 13.8.11** require golf courses to be designed, managed, and certified through the Audubon International Signature Program of Golf, which is now called the Audubon Cooperative Sanctuary Program (ACSP)<sup>3</sup>. The ACSP is a membership program to assist golf courses with environmental planning, wildlife and habitat management, water conservation, water quality management, and outreach. The Settlement Agreement already requires all of these elements, except the golf outreach.

**Policy 13.8.12** addresses Golf Site Requirements with a minimum number of holes, a minimum amount of indigenous vegetation, and off-site preserve requirements. The potential development under the proposed exemption would be a golf course as an amenity for a residential pod, not a stand-alone golf course. The Kingston development is required to far exceed the indigenous vegetation requirements of this policy and is limiting the potential golf course area to three residential pods: 8A, 8B, and 9. The size requirements of this section may not be reasonable for the type of development the proposed exemption would yield.

---

<sup>2</sup> The Ginn Section 9 Golf Course was never developed and is now part of the Wild Blue MPD.

<sup>3</sup> <https://www.auduboninternational.org/acsp-for-golf>

**The applicant's exemption from Objective 13.8, specifically Policies 13.8.1 through 13.8.12, is not inconsistent with the intent of these regulations, as the most applicable and necessary requirements have already been addressed in the Settlement Agreement and resultant MPD.**

**Based on the analysis above, the proposed text amendments are not inconsistent with Goal 13,** as many of the requirements are already addressed in the Settlement Agreement, and no special treatment will be provided for the golf course amenity.

As previously noted, the subject amendment would only impact the Kingston development, which is within the DR/GR and Wetlands FLUCs. Under the settlement agreement, the Kingston development, including its amenities, has been found to be consistent with both of the existing future land use categories. The proposed amendments do not change any allowed uses within the development. **The proposed text amendments are not inconsistent with the existing FLUCs.**

Lee Plan **Goal 33** describes the Southeast Lee Community Plan Area. The applicant is not proposing any changes to policies or objectives within Goal 33. The settlement agreement, and by extension the MPD affected by the proposed amendments, has been found to be consistent with the Objectives and Policies within Goal 33. The proposed amendments do not change the allowances or requirements in the MPD associated with the settlement agreement, including all water quality and wildlife habitat requirements. The proposed development's impacts will be assessed during the zoning and development order phases to ensure compliance with Goal 33 requirements. **The proposed text amendments are not inconsistent with Goal 33.**

The proposed text amendments are limited to reconciling an inconsistency between Goal 13 and Chapter 13, regarding golf courses in DR/GR, consistent with the settlement agreement. The proposed amendments do not change uses or allowances within the MPD and, therefore, will have **no effect on concurrency for schools, roads, utilities, or other infrastructure.** Concurrency will continue to be evaluated through all subsequent zoning and development order applications.

## **CONCLUSIONS**

Staff has reviewed the proposed amendment and provides the following conclusions:

- No changes have been proposed to the allowed uses within the MPD associated with the Settlement Agreement Case No. 22-CA-002743.
- The proposed text amendments do not create any concurrency issues.
- The applicant has provided all of the required documentation for the proposed amendments according to AC 13-6.
- The proposed amendments do not change the requirements for Goal 13 outside of the area covered by the Settlement Agreement, which contains its own conditions of approval consistent with the Lee Plan and LDC.
- The proposed development's impacts will be assessed during the zoning and development order phases to ensure compliance with Goal 33 requirements.

For the reasons discussed in this staff report, staff recommends that the Board of County Commissioners **transmit** the proposed amendment as shown in Attachment 1.

**PROPOSED TEXT AMENDMENTS**

**FUTURE LAND USE ELEMENT**

**POLICY 13.1.2:** Private Recreational Facilities within the DR/GR land use category will only be allowed, subject to the other requirements of this Goal, in the areas depicted on the Private Recreational Facilities Overlay, Map 1-F, except for golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. (Ord. No. 99-16, 18-18)

**POLICY 13.1.3:** Private Recreational Facilities are also allowed within the DR/GR land use category in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. limited to golf courses and ancillary uses.

---

**POLICY 13.2.1: PRIVATE RECREATION FACILITY PLANNED DEVELOPMENT (PRFPD).** All Private Recreational Facilities proposed within the DR/GR future land use category must be reviewed as a PRFPD, except for golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. (Ord. No. 99-16, 18-18, 21-09)

---

**POLICY 13.3.10:** General development standards for golf courses and ancillary uses within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. will follow the development standards established for this MPD zoning district and are exempt from Policies 13.3.1 through 13.3.9.

---

**POLICY 13.4.9:** The protection of water quality, quantity, and surface water resources within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including the Surface Water Quality Monitoring Program within the Enhanced Lake Management Plan and the Hydrological Restoration Plan, and are exempt from Policies 13.4.1 through 13.4.8.

---

**POLICY 13.5.4:** The protection of wildlife within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including the Protected Species Management and Human-Wildlife Coexistence Plan, and are exempt from Policies 13.5.1 through 13.5.3.

---

## ATTACHMENT 1

---

**POLICY 13.6.5:** The protection of natural resources within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including The Indigenous Preservation, Restoration, and Management Plan and Hydrological Restoration Plan, and are exempt from Policies 13.6.1 through 13.6.4.

---

**POLICY 13.7.4:** The monitoring program within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including the Surface Water Quality Monitoring Program within the Enhanced Lake Management Plan, and are exempt from Policies 13.7.1 through 13.7.3.

---

**POLICY 13.8.13:** Performance standards within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. were found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district and are exempt from Objective 13.8 and Policies 13.8.1 through 13.8.12.

---

# AMENITY IMPROVEMENT AMENDMENT

## Comprehensive Plan Text Amendment

**CPA2025-00012**

**RECEIVED**  
FEB 11 2026

COMMUNITY DEVELOPMENT

Local Planning Agency  
February 23, 2026

PREPARED FOR:  
CAM7 SUB, LLC

SUBMITTED TO:  
Lee County, Community Development  
Development Services Department  
1500 Monroe Street  
Fort Myers, FL 33901

# Table of Contents

---

## **Contents**

EXHIBIT T1 – CPA APPLICATION

EXHIBIT T3–PRE-APPLICATION MEETING

EXHIBIT T4 – PROPOSED TEXT AMENDMENTS

EXHIBIT T5 – ANALYSIS OF IMPACTS FROM PROPOSED CHANGES

EXHIBIT T6 – LEE PLAN ANALYSIS

EXHIBIT T7 - ENVIRONMENTAL IMPACTS ANALYSIS

EXHIBIT T8 – HISTORICAL RESOURCES IMPACTS ANALYSIS

EXHIBITS T9 & T10 – STATE POLICY PLAN & STRATEGIC REGIONAL POLICY PLAN ANALYSIS

PLANNING COMMUNITIES/COMMUNITY PLAN AREA REQUIREMENTS

MIXED USE PLANNED DEVELOPMENT (MPD) STIPULATION OF SETTLEMENT AGREEMENT  
UNDER SECTION 70.001, FLORIDA STATUTES RECORDED IN INSTRUMENT NUMBER  
2022000208255

---

# EXHIBIT T1 – CPA APPLICATION

---



# APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - TEXT

**Project Name:** Amenity Improvement Amendment

**Project Description:** Amend Goal 13 and associated Objectives and Policies to allow for golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S.

**State Review Process:**  State Coordinated Review  Expedited State Review  Small-Scale Text\*

\*Must be directly related to the implementation of small-scale map amendment as required by Florida Statutes.

**APPLICANT – PLEASE NOTE:**

**A PRE-APPLICATION MEETING IS REQUIRED PRIOR TO THE SUBMITTAL OF THIS APPLICATION.**

Submit 3 copies of the complete application and amendment support documentation, including maps, to the Lee County Department of Community Development.

Once staff has determined that the application is sufficient for review, 15 complete copies will be required to be submitted to staff. These copies will be used for Local Planning Agency, Board of County Commissioners hearings, and State Reviewing Agencies. Staff will notify the applicant prior to each hearing or mail out to obtain the required copies.

If you have any questions regarding this application, please contact the Planning Section at (239)533-8585.

1. **Name of Applicant:** CAM7 SUB, LLC  
**Address:** 21101 Design Parc Lane, Suite 103  
**City, State, Zip:** Estero, FL 33928  
**Phone Number:** 239-425-8662 **E-mail:** rblacksmith@camerattacompanies.com

2. **Name of Contact:** RVi Planning + Landscape Architecture, ATTN: Stacy Ellis Hewitt, AICP  
**Address:** 10511 Six Mile Cypress Parkway, Suite 101  
**City, State, Zip:** Fort Myers, FL 33966  
**Phone Number:** 239-770-2527 **E-mail:** shewitt@rviplanning.com

3. **Property Information:** Provide an analysis of any property within Unincorporated Lee County that may be impacted by the proposed text amendment. Please see Exhibit T5

4a. **Does the proposed change affect any of the following areas? Please see Exhibit T6**

If located in one of the following areas, provide an analysis of the change to the affected area.

- Public Acquisition [Map 1-D]
- Agricultural Overlay [Map 1-G]
- Airport Mitigation Lands [Map 1-D]
- Airport Noise Zones [Map 1-E]
- Southeast Lee County Residential Overlay [Map 2-D]
- Mixed Use Overlay [Map 1-C]
- Community Planning Areas [Map 2-A]
- Urban Reserve [Map 1-D]
- Water-Dependent Overlay [Map 1-H]
- Private Recreational Facilities Overlay [Map 1-F]

**4b. Planning Communities/Community Plan Area Requirements**

If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session [Lee Plan Goal 17].

- N/A
- Bayshore [Goal 18]
- Boca Grande [Goal 19]
- Buckingham [Goal 20]
- Caloosahatchee Shores [Goal 21]
- Olga [Goal 22]
- Captiva [Goal 23]
- Greater Pine Island [Goal 24]
- Lehigh Acres [Goal 25]
- North Captiva [Goal 26]
- NE Lee County [Goal 27]
- Alva [Goal 28]
- North Olga [Goal 29]
- North Fort Myers [Goal 30]
- Page Park [Goal 31]
- San Carlos Island [Goal 32]
- Southeast Lee County [Goal 33]
- Tice [Goal 34]

**Public Facilities Impacts**

NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario.

1. **Traffic Circulation Analysis:** Provide an analysis of the effect of the change on the Financially Feasible Transportation Plan/Map 3-A (20-year horizon) and on the Capital Improvements Element (5-year horizon).
2. **Provide an existing and future conditions analysis for the following (see Policy 95.1.3):**
  - a. Sanitary Sewer
  - b. Potable Water
  - c. Surface Water/Drainage Basins
  - d. Parks, Recreation, and Open Space
  - e. Public Schools

**Environmental Impacts**

Provide an overall analysis of potential environmental impacts (positive and negative).

**Historic Resources Impacts**

Provide an overall analysis of potential historic impacts (positive and negative).

**Internal Consistency with the Lee Plan**

1. Discuss how the proposal affects established Lee County population projections, Lee Plan Table 1(b) and the total population capacity of the Lee Plan Future Land Use Map.
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.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.
4. List State Policy Plan goals and policies, and Strategic Regional Policy Plan goals, strategies, actions and policies which are relevant to this plan amendment.

**Justify the proposed amendment based upon sound planning principles**

Support all conclusions made in this justification with adequate data and analysis.

**SUBMITTAL REQUIREMENTS**

*Clearly label all submittal documents with the exhibit name indicated below.*

**MINIMUM SUBMITTAL ITEMS**

<input checked="" type="checkbox"/>	Completed application (Exhibit – T1)
<input checked="" type="checkbox"/>	Filing Fee (Exhibit – T2)
<input checked="" type="checkbox"/>	Pre-Application Meeting (Exhibit – T3)
<input checked="" type="checkbox"/>	Proposed text changes (in strike through and underline format) (Exhibit – T4)
<input checked="" type="checkbox"/>	Analysis of impacts from proposed changes (Exhibit – T5)
<input checked="" type="checkbox"/>	Lee Plan Analysis (Exhibit – T6)
<input checked="" type="checkbox"/>	Environmental Impacts Analysis (Exhibit – T7)
<input checked="" type="checkbox"/>	Historic Resources Impacts Analysis (Exhibit – T8)
<input checked="" type="checkbox"/>	State Policy Plan Analysis (Exhibit – T9)
<input checked="" type="checkbox"/>	Strategic Regional Policy Plan Analysis (Exhibit – T10)

**DISCLOSURE OF INTEREST  
AFFIDAVIT**

BEFORE ME this day appeared Raymond Blacksmith, as Manager of CAM7-SUB, LLC, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at See attached list of STRAPs and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

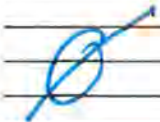
3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____



Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.

*R.B.S.*

Property Owner

Raymond Blacksmith, as Manager of CAM7-SUB, LLC  
Print Name

\*\*\*\*\*NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS\*\*\*\*\*  
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, on November 6, 2025 (date) by Raymond Blacksmith (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

*Cheryl A. Smith*  
Signature of Notary Public

STAMP/SEAL



KINGSTON  
ADMINISTRATIVE AMENDMENT  
STRAP EXHIBIT

35-45-27-00-00001.1090	03-46-27-00-00001.1070
35-45-27-00-00001.0P30	03-46-27-00-00001.141B
15-46-27-00-00001.1820	02-46-27-00-00001.1170
10-46-27-00-00001.1620	02-46-27-00-00001.1310
10-46-27-00-00001.1660	03-46-27-00-00001.0000
10-46-27-00-00001.1650	02-46-27-00-00001.1300
15-46-27-00-00001.1680	03-46-27-00-00001.1430
10-46-27-00-00001.1630	02-46-27-00-00001.0R20
15-46-27-00-00001.0P20	02-46-27-00-00001.1230
15-46-27-00-00001.1720	15-46-27-00-00001.1780
15-46-27-00-00001.1740	03-46-27-00-00001.1370
14-46-27-00-00001.1670	11-46-27-00-00001.1520
35-45-27-00-00001.0000	10-46-27-00-00001.1490
35-45-27-00-00001.1010	10-46-27-00-00001.162A
03-46-27-00-00001.1040	14-46-27-00-00001.0000
35-45-27-00-00001.1030	14-46-27-00-00001.1660
36-46-27-00-00001.0010	14-46-27-00-00001.0010
35-45-27-00-00001.0P10	15-46-27-00-00001.1700
02-46-27-00-00001.0R10	11-46-27-00-00001.1580
02-46-27-00-00001.1160	11-46-27-00-00001.1570
02-46-27-00-00001.1100	02-46-27-00-00001.1130
15-46-27-00-00001.1790	02-46-27-00-00001.1180
25-46-27-00-00001.0010	15-46-27-00-00001.1760
25-46-27-00-00001.0000	03-46-27-00-00001.1390
25-46-27-00-00001.0020	03-46-27-00-00001.1400
15-46-27-00-00001.1690	11-46-27-00-00001.1510
26-46-27-00-00001.0000	02-46-27-00-00001.1450
35-45-27-00-00001.1020	02-46-27-00-00001.1110
35-45-27-00-00001.1050	03-46-27-00-00001.138A
02-46-27-00-00001.1200	03-46-27-00-00001.1060
15-46-27-00-00001.1660	02-46-27-00-00001.1360
11-46-27-00-00001.1610	02-46-27-00-00001.1280
10-46-27-00-00001.1640	03-46-27-00-00001.141A
15-46-27-00-00001.1750	10-46-27-00-00001.0000
02-46-27-00-00001.1150	02-46-27-00-00001.1480
15-46-27-00-00001.1730	10-46-27-00-00001.1530
02-46-27-00-00001.1140	10-46-27-00-00001.1540
02-46-27-00-00001.1190	11-46-27-00-00001.0010
03-46-27-00-00001.0P20	15-46-27-00-00001.0000
02-46-27-00-00001.1120	11-46-27-00-00001.1590
15-46-27-00-00001.1800	11-46-27-00-00001.1600
03-46-27-00-00001.0P30	15-46-27-00-00001.1770
02-46-27-00-00001.0000	15-46-27-00-00001.1710
10-46-27-00-00001.1500	34-46-27-00-00003.0000
03-46-27-00-00001.1480	03-46-27-00-00001.0P10
11-46-27-00-00001.1670	35-45-27-00-00001.0P20
24-46-27-00-00001.0000	15-46-27-00-00001.0010
02-46-27-00-00001.1350	11-46-27-00-00001.1660
11-46-27-00-00001.0000	03-46-27-00-00001.138B
10-46-27-00-00001.155A	02-46-27-00-00001.1290
11-46-27-00-00001.1560	02-46-27-00-00001.1320
15-46-27-00-00001.0P10	10-46-27-00-00001.1550
10-46-27-00-00001.1610	34-46-27-00-00002.0020
03-46-27-00-00001.1440	15-46-27-00-00001.1810
02-46-27-00-00001.1440	35-46-27-00-00001.0000
02-46-27-00-00001.1270	02-46-27-00-00001.1250
03-46-27-00-00001.1420	02-46-27-00-00001.1220
02-46-27-00-00001.1340	02-46-27-00-00001.1240
03-46-27-00-00001.138E	02-46-27-00-00001.1330
02-46-27-00-00001.1260	<del>34-46-27-00-00002.001A</del>
03-46-27-00-00001.1380	<del>34-46-27-00-00002.0030</del>
02-46-27-00-00001.1210	<del>35-46-27-00-00001.0030</del>
03-46-27-00-00001.1080	

**AFFIDAVIT OF AUTHORIZATION**

**APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE**

I, Raymond Blacksmith (name), as Manager (owner/title) of CAM7-SUB, LLC (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

**\*Notes:**

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

Raymond Blacksmith  
Signature

6 November 25  
Date

\*\*\*\*\*NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS\*\*\*\*\*  
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 6 day of November, 2025, by Raymond Blacksmith (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

STAMP/SEAL



Cheryl A. Smith  
Signature of Notary Public

# **EXHIBIT T3 – PRE-APPLICATION MEETING**



# Amenity Improvement Amendment Pre-Application Meeting Exhibit T3

The following pre-application meetings were held with Lee County Staff to discuss the proposed Text Amendments.

**1. October 15, 2025, 9:00 a.m. – 10:00 a.m.**

Hybrid meeting with mix of in-person (at Lee County Public Works Conference Room 2A) and virtual via Teams

Applicant Attendees:

Tony Cameratta  
Nick Cameratta  
Ray Blacksmith  
Neale Montgomery  
Alexis Crespo  
Brandon Frey  
David Brown  
Shane Johnson

Lee County Staff Attendees:

Rebecca Sweigert  
Anthony Rodriguez  
Brandon Dunn  
Katherine Burgess  
Michael Jacob

**2. October 31, 2025, 1:30 p.m. – 2:30 p.m.**

In-person meeting at Lee County Public Works Conference Room 2A

Applicant Attendees:

Alexis Crespo  
Stacy Ellis Hewitt

Lee County Staff Attendees:

Brandon Dunn  
Katherine Burgess

# **EXHIBIT T4 – PROPOSED TEXT AMENDMENTS**



# Amenity Improvement Amendment

## Proposed Text Changes

### Exhibit T4

CPA2025-00012 – Revised December 2025

## Proposed Lee Plan Text Amendments for Private Recreational Facilities in DR/GR

The proposed text amendments are to address golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. Proposed revisions shown in red strikethrough/underline.

---

**POLICY 1.4.5:** The Density Reduction/Groundwater Resource (DR/GR) future land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers.

1. New land uses in these areas that require rezoning or a development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream, as well as adjacent to the site. Offsite mitigation may be utilized, and may be required, to demonstrate this compatibility. Evidence as to historic levels must be submitted as part of the rezoning application and updated, if necessary, as part of the mining development order application.
2. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum standard density of one dwelling unit per ten acres (1 du/10 acres). See Objectives 33.2 and 33.3 for potential density adjustments resulting from concentration or transfer of development rights.
3. Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in Goal 13. No Private Recreational Facilities may occur within the DR/GR land use category without a rezoning to an appropriate Planned Development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 13.

(Ord. No. 91-19, 94-30, 99-16, 02-02, 10-20, 12-24, 15-13, 18-18, 19-13, 20-06)

---

**GOAL 13: PRIVATE RECREATIONAL FACILITIES IN THE DR/GR.** To ensure that the development of Private Recreational Facilities in the DR/GR is compatible with the intent of this future land use category, including recharge to aquifers, development of future wellfields and the reduction of density. (Ord. No. 99-16, 18-18)

**OBJECTIVE 13.1:** To ensure that Private Recreation Facilities are located in the most appropriate areas within the DR/GR future land use category. (Ord. No. 99-16, 18-18)

**POLICY 13.1.1:** The Private Recreation Facilities Overlay, Map I-F, shows those locations that are appropriate for the development of Private Recreation Facilities in the DR/GR future land use category. The areas depicted on Map I-F are consistent with the application of the following

locational criteria:

1. Located outside of those areas designated for public acquisition through Florida Forever, the Corkscrew Regional Ecosystem Water Trust (CREW), the SFWMD's Save Our Rivers Program, and the County's 20/20 Conservation Program;
2. Located in areas characterized as predominantly impacted with agricultural, mining or other permitted uses;
3. Located outside of areas depicted as 100 Year Flood Plains, as illustrated on Map 5-B as amended through June of 1990;
4. Located to minimize impact on "Hot Spots of Biological Resources and Rare Species Occurrence Records," from the Florida Game and Freshwater Fish Commission's, "Closing the Gaps in Florida Wildlife Habitat Conservation System" published in 1994;
5. Located in areas characterized by large lot single or limited ownership patterns; and,
6. Located in areas with direct access to existing roadways.  
(Ord. No. 99-16, 18-18, 21-09)

**POLICY 13.1.2:** Private Recreational Facilities within the DR/GR land use category will only be allowed, subject to the other requirements of this Goal, in the areas depicted on the Private Recreational Facilities Overlay, Map 1-F, except for golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. (Ord. No. 99-16, 18-18)

**POLICY 13.1.3:** Private Recreational Facilities are also allowed within the DR/GR land use category in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. limited to golf courses and ancillary uses.

**OBJECTIVE 13.2: GROWTH MANAGEMENT.** Development of Private Recreation Facilities in the DR/GR must be consistent with the growth management principles and practices as provided in the following policies. (Ord. No. 99-16, 18-18)

**POLICY 13.2.1: PRIVATE RECREATION FACILITY PLANNED DEVELOPMENT (PRFPD).** All Private Recreational Facilities proposed within the DR/GR future land use category must be reviewed as a PRFPD, except for golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. (Ord. No. 99-16, 18-18, 21-09)

**POLICY 13.2.2:** Approved PRFPDs will automatically expire, reverting to the original zoning category, if a Lee County development order is not obtained within five years of zoning approval. (Ord. No. 99-16, 18-18)

**POLICY 13.2.3: RESIDENTIAL USES PRECLUDED.** Residential uses, other than a single bonafide caretaker's residence or a resident manager's unit, or those uses as listed in Policy 13.2.6 are not permitted in conjunction with a PRFPD. Residential density associated with land zoned as PRFPD will be extinguished and cannot be transferred, clustered or otherwise assigned to any property. (Ord. No. 99-16, 10-21, 18-18)

**POLICY 13.2.4:** Further, the approval of Private Recreational Facilities on any property within the DR/GR will not be considered as justification for approving an amendment to the Future Land Use Map series which would increase residential density in the DR/GR areas. (Ord. No. 99-16, 18-18)

**POLICY 13.2.5:** The boundaries of the PRFPD may not be designed to allow out parcels or enclaves of residential units to be integrated into the golf course perimeter, except as allowed in Policy 13.2.6. (Ord. No. 99-16, 10-21, 18-18)

**POLICY 13.2.6:** Time share, fractional ownership units, and Bed and Breakfast establishments may be permitted if the property is designated as a Rural Golf Course Community (see Map 2-D). These uses must be ancillary to or in conjunction with uses within the Private Recreational Facility, including a Golf Training Center or similar facility, and must be located adjacent to, or within 1,000 feet of, the principal use that is being supported. Through the PRFPD process, the applicant must demonstrate that external vehicular trips will be reduced from typical single-family residential units due to the ancillary nature of the use. (Ord. No. 10-43, 18-18, 21-09)

**POLICY 13.2.7:** Time share, fractional ownership units, or bed and breakfast establishments may only be constructed through transferring density in accordance with the Southeast Lee County TDR Program. Each TDR credit that is eligible to be transferred to a Mixed-Use Community (see Map 2-D) can be redeemed for one timeshare unit, one fractional ownership unit, or two bed and breakfast bedrooms. (Ord. No. 10-43, 17-13, 18-18, 21-09)

**POLICY 13.2.8:** Private Recreational Facilities must have adequate fire protection, transportation facilities, wastewater treatment and water supply, and provided further that they have no adverse effects such as dust, noise, lighting, or odor on surrounding land uses and natural resources. (Ord. No. 99-16, 10-43, 18-18)

**POLICY 13.2.9: COMMERCIAL USES.** Commercial uses may be permitted within PRFPDs as provided in Policy 13.3.9 when ancillary or in conjunction with Private Recreation Facilities. (Ord. No. 99-16, 10-43, 18-18, 19-25)

**POLICY 13.2.10:** Applications for Private Recreational Facility development will be reviewed and evaluated as to their impacts on, and will not negatively affect, any adjacent, existing agricultural, mining or conservation activities. (Ord. No. 99-16, 10-43, 18-18)

**POLICY 13.2.11:** Applications for Private Recreational Facility development will be reviewed and evaluated as to their impacts on, and must be compatible with any adjacent publicly owned lands. (Ord. No. 99-16, 10-43, 18-18)

**OBJECTIVE 13.3: GENERAL DEVELOPMENT REGULATIONS.** The protection of water quality, quantity, natural resources, and compatibility will be addressed by additional development controls that regulate the permitted uses, parcel size, density, intensity and design of Private Recreational Facilities. (Ord. No. 99-16, 18-18)

**POLICY 13.3.1:** Private Recreational Facilities will submit a Master Concept Plan at the time of planned development submittal that identifies the general location of proposed uses and structures, play fields and golf course routings. Minor adjustments to this Master Concept Plan may be made administratively at the discretion of the Director. (Ord. No. 99-16, 18-18)

**POLICY 13.3.2:** Applications for Private Recreational Facilities must include an environmental assessment during the zoning approval process. The assessment must include, at a minimum, an

analysis of the environment, historical and natural resources and a protected species survey as required by LDC, Chapter 10. (Ord. No. 99-16, 18-18)

**POLICY 13.3.3:** In addition to an environmental assessment, the applicant must demonstrate compatibility with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal. (Ord. No. 99-16, 18-18)

**POLICY 13.3.4:** The development will incorporate an Integrated Pest Management program for any managed recreational areas. (Ord. No. 99-16, 18-18)

**POLICY 13.3.5:** Where buildings or impervious development is located within twenty-five feet of the property boundary, a buffer 15 feet wide, with 5 trees per 100 linear feet, and a solid double row hedge must be provided, unless a more restrictive buffer is required during the planned development review. (Ord. No. 99-16, 18-18)

**POLICY 13.3.6:** No illumination may be used which creates glare on adjacent properties. All exterior lighting will be designed with downward deflectors to eliminate skyward glare. Parking areas, walkways and paths and maintenance areas may be illuminated for security purposes, provided that light poles do not exceed twelve feet in height. (Ord. No. 99-16, 18-18)

**POLICY 13.3.7:** Native and xeriscape vegetation will be encouraged, such that:

1. 100% of all required trees and 75% of all additional trees must be native.
2. 80% of all required shrubs and 50% of all additional shrubs must be native.
3. A minimum of 70% of all trees and shrubs must be xeriscape varieties.
4. The native and xeriscape requirements do not apply to turf areas.
5. No plant species included in the Florida Exotic Pest Plant Council, 1999 List of Florida's Most Invasive Species, will be planted.

(Ord. No. 99-16, 18-18)

**POLICY 13.3.8:** The following site requirements, regulating lot size, setbacks and open space must be equaled or exceeded:

1. Principal uses, other than golf courses, and the ancillary uses listed in Policy 13.2.6, permitted under this subdivision must have a minimum lot size of ten acres.
2. Building Setbacks.
  - a. 50 feet from an existing right-of-way line or easement.
  - b. 75 feet from any private property line under separate ownership and used for residential dwellings.
  - c. 50 feet from any adjacent agricultural or mining operation.
  - d. Greater setbacks may be required during the public hearing process to address unique site conditions.
3. Setbacks for accessory buildings or structures. All setbacks for accessory buildings or structures must be shown on the Master Concept Plan required as part of the planned development application. No maintenance area or outdoor storage area, irrigation pump or delivery area may be located less than 500 feet from any existing or future residential use, as

measured from the edge of the above-listed area to the property line of the residential use. For purposes of this policy, any property that is 10 acres or less in size and is zoned to permit dwelling units will be considered a future residential property. Properties larger than 10 acres may be considered future residential based on the property's size, the ownership pattern of properties in the surrounding area, and the use, zoning and size of surrounding properties. To allow flexibility, the general area of any accessory buildings, structures and maintenance areas must be shown on the site plan with the appropriate setbacks as noted in this subsection listed as criteria for the final placement of these buildings, structures or facilities.

- a. In addition to the other standards outlined in this policy, any maintenance area or outdoor storage area, irrigation pump or delivery area must meet one of the following standards:
  - a. be located 500 feet or more from any property line abutting an existing or planned public right-of-way; or
  - b. provide visual screening around such facilities, that provides complete opacity, so that the facilities are not visible from any public right-of-way; or
  - c. be located within a structure that meets or exceeds the current Lee County architectural standards for commercial structures.
4. Open Space. A minimum of 85% open space must be provided. However, natural and man-made bodies of water may contribute 100% to achieving the minimum requirements. To the extent possible, pervious paving and parking areas, and buildings elevated above ground level will exceed the 85% open space requirement.
5. Security. All entrances to Private Recreational Facilities must be restricted from public access during non-use hours.  
(Ord. No. 99-16, 02-04, 10-21, 18-18)

**POLICY 13.3.9: DENSITY/INTENSITY LIMITATIONS.** Uses in a PRFPD are subject to the following limitations:

Clubhouse/ Administrative Area	20,000 SF/18 hole golf course
Golf Course Restrooms	Not to exceed two structures per 18 hole golf course, limited to 150 SF per structure
Maintenance Area	Not to exceed 25,000 SF of enclosed or semi-enclosed building area, on a maximum of 5 acres of land per 18 hole golf course
Fractional Ownership/ Time-share Units	<ul style="list-style-type: none"> <li>• The maximum allowable units will be calculated based on 1 du/10 acres for the entire area of the PRFPD</li> <li>• All timeshare/fractional ownership units must be transferred in accordance with Goal 33</li> </ul>
Bed and Breakfast Establishment	<ul style="list-style-type: none"> <li>• The maximum number of Bed and Breakfast establishments will be limited to 1 per every 18 holes of golf</li> <li>• Bedrooms within a Bed and Breakfast establishment will be limited to a maximum of 7 per unit, with a maximum of two adult occupants per bedroom</li> </ul>
Horse Stable	40,000 SF of stable building/10 acres
Camping Restrooms	<ul style="list-style-type: none"> <li>• 1 toilet per four camp units, clustered in structures not to exceed 500 SF per structure</li> <li>• 1 shower per 4 toilets</li> </ul>
Camping Area Office	1,000 SF per campground
Commercial Uses	<ul style="list-style-type: none"> <li>• Limited to neighborhood commercial development with uses that are in compliance with the Wellfield Protection Ordinance without any exemptions<sup>6</sup></li> <li>• Total commercial gross floor area for the entire area of the PRFPD may not exceed 100,000 SF, not including clubhouse square footage</li> </ul>

(Ord. No. 99-16, 02-02, 10-21, 18-18, 19-25)

<sup>6</sup> No uses that would require the storage of any toxic, hazardous substances as identified in the Wellfield Protection Ordinance or sanitary hazards may be permitted.

**POLICY 13.3.10: General development standards for golf courses and ancillary uses within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. will follow the development standards established for this MPD zoning district and are exempt from Policies 13.3.1 through 13.3.9.**

**OBJECTIVE 13.4: WATER QUALITY, QUANTITY, AND SURFACE WATER RESOURCES.**

Private Recreational Facilities must be located, designed and operated in such a way that they will not degrade the ambient surface or groundwater quality. These facilities must be located, designed and operated in such a way that they will not adversely impact the County's existing and future water supply. The location, design and operation of Private Recreational Facilities must maintain or improve the storage and distribution of surface water resources. (Ord. No. 99-16, 18-18)

**POLICY 13.4.1:** All applications and documentation for the PRFPD rezoning process must be submitted to the Lee County Department of Natural Resources for their formal review and comment. The Department of Natural Resources Director must make a formal finding that the proposed uses will not have negative impacts on present and future water quality and quantity, and will review and approve modeling submitted to support the PRFPD. Applicant modeling efforts must be evaluated and approved by the Lee County Department of Natural Resources and the Lee County Utilities Department. Issues of well locations, easements and wastewater reuse must be evaluated and approved by the Lee County Department of Natural Resources and the Lee County Utilities Department during the PRFPD process. Formal agreements addressing these issues will be entered into prior to the issuance of a development order. Co-location of recreational and public facilities is encouraged. (Ord. No. 99-16, 03-04, 18-18)

**POLICY 13.4.2:** Applications for Private Recreational Facilities in or near existing and proposed wellfields must be designed to minimize the possibility of contamination of the groundwater during construction and operation. (Ord. No. 99-16, 18-18)

**POLICY 13.4.3:** Private Recreational Facilities must provide a monitoring program to measure impacts to surface and groundwater quality and quantity (see Objective 13.7). (Ord. No. 99-16, 18-18)

**POLICY 13.4.4:** As part of a rezoning request for a Private Recreational Facility in the DR/GR area, a pre-development groundwater and surface water analysis must be conducted and submitted to the County. This analysis is intended to establish baseline data for groundwater and surface water monitoring for the project area. The analysis must be designed to identify those nutrients and chemicals which are anticipated to be associated with the project. Prior to the applicant commencing this baseline study, the methodology of the study must be submitted for review, comment, and approval by the County. (Ord. No. 99-16, 18-18)

**POLICY 13.4.5:** Any Private Recreational Facility located in any wellfield protection zone must meet the requirements/criteria for protection zone 1, unless updated modeling is provided by the applicant and is approved by Lee County Department of Natural Resources and the Lee County Utilities Department. (Ord. No. 99-16, 03-04, 18-18)

**POLICY 13.4.6:** The surface water management system design must incorporate natural flow-way corridors, cypress heads, natural lakes, and restore impacted natural flow-way corridors.

1. Stormwater run-off must be pre-treated through an acceptable recreated natural system or dry retention and water retention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems. Included within these systems must be an average 50 foot wide vegetative setback measured from the edge of managed turf to the wetland jurisdictional wetland line or top of bank of natural water bodies.
  2. The development must maintain the function and integrity of local and regional flow-ways. Flow-ways are precluded from being primary surface water treatment areas. Applications for Private Recreational Facilities must demonstrate adequate hydraulic capacity without increasing flood levels. Private Recreational Facilities must participate in the implementation of the Lee County Surface Water Management Plan as well as the SFWMD's South Lee County Watershed Plan.
  3. The Historic Flow-way Aerial Map depicts the general flow-way paths that exist in the DR/GR area. The lines shown on this map are not regulatory but show the general boundaries of the main conveyances. During the rezoning process, conceptual surface water management plans must be submitted and approved. Prior to the issuance of a development order, proposed Private Recreation Facilities will provide detailed hydrologic and hydraulic analysis demonstrating the limits of flow for various storm events and the developed sites ability to convey these flows. Where an existing flow-way is not well defined or discontinuous, flexibility will be given to allow different alignments within a site.
- (Ord. No. 99-16, 18-18)

**POLICY 13.4.7:** Any Private Recreational Facility proposed within the DR/GR future land use category must cooperate with Lee County and the SFWMD in implementing an overall surface water management plan as outlined in Objective 60.2 and 126.1. Compliance with these policies must be demonstrated during development order approval. (Ord. No. 99-16, 18-18, 21-09)

**POLICY 13.4.8:** If a proposed Private Recreation Facilities falls within an area identified as an anticipated drawdown zone for existing or future public well development, the project must utilize an alternative water supply such as reuse or withdrawal from a different non-competing aquifer or show that adequate supply is available in excess of that being used for planned public water supply development. (Ord. No. 99-16, 18-18)

**POLICY 13.4.9:** The protection of water quality, quantity, and surface water resources within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including the Surface Water Quality Monitoring Program within the Enhanced Lake Management Plan and the Hydrological Restoration Plan, and are exempt from Policies 13.4.1 through 13.4.8.

**OBJECTIVE 13.5: WILDLIFE.** The location, design and operation of Private Recreational Facilities will incorporate preservation and/or management activities that restrict the unnecessary loss of wildlife habitat or impact on protected species, species of special concern, threatened or endangered species. (Ord. No. 99-16, 18-18)

**POLICY 13.5.1:** The development will not have an adverse impact on any existing, viable on-site occupied wildlife habitat for protected species, species of special concern, threatened or endangered species. (Ord. No. 99-16, 18-18)

**POLICY 13.5.2:** All proposed fencing must be designed to permit wide-ranging animals to

traverse the site. (Ord. No. 99-16, 18-18)

**POLICY 13.5.3:** Through the development review process, Private Recreation Facilities will be designed and operated to conserve critical habitat of protected species. This will be accomplished through regulation, incentives and public acquisition. (Ord. No. 99-16, 18-18)

**POLICY 13.5.4:** The protection of wildlife within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including the Protected Species Management and Human-Wildlife Coexistence Plan, and are exempt from Policies 13.5.1 through 13.5.3.

**OBJECTIVE 13.6: NATURAL RESOURCES.** Private Recreational Facilities must be located, designed and operated to minimize environmental impacts, and where appropriate, protect, enhance and manage natural resources such as flow-ways, waterways, wetlands, natural water bodies, and indigenous uplands. (Ord. No. 99-16, 18-18)

**POLICY 13.6.1:** All retained onsite natural areas, must be perpetually managed by the owner(s), or their assignees, with accepted Best Management Practices. The type of management techniques will be determined by the specific plant community. A natural area land management plan must be submitted to the Lee County Department of Community Development prior to the approval of a final local development order. Management techniques addressed in the plan must include, but not be limited to the following: exotic pest plant control; removal of any trash and debris; restoration of appropriate hydrology; prescribed fire; native plant restoration, where appropriate; discussion of flora and fauna; enhancement of wildlife habitat; and, retention of dead trees and snags. (Ord. No. 99-16, 18-18)

**POLICY 13.6.2:** The development will minimize adverse effects on wetlands and riparian areas, and will result in no net reduction in functional wetland acreage as identified by the SFWMD Wetland Rapid Assessment Procedure (WRAP). (Ord. No. 99-16, 18-18)

**POLICY 13.6.3:** Private Recreational Facilities must be designed to preserve a minimum of 50% of on-site, indigenous native upland habitat. (Ord. No. 99-16, 18-18)

**POLICY 13.6.4:** The development will incorporate energy and resource conservation devices, such as low flow water fixtures, and natural skylights. (Ord. No. 99-16, 18-18)

**POLICY 13.6.5:** The protection of natural resources within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including The Indigenous Preservation, Restoration, and Management Plan and Hydrological Restoration Plan, and are exempt from Policies 13.6.1 through 13.6.4.

**OBJECTIVE 13.7: MONITORING AND ENFORCEMENT.** In order to ensure that Private Recreational Facilities do not degrade the ambient condition of water quality, water quantity, vegetation and wildlife, an ongoing monitoring program must be established by the developer. (Ord. No. 99-16, 18-18)

**POLICY 13.7.1:** Annual surface water and groundwater monitoring must continue in perpetuity. The monitoring requirements will be established utilizing those nutrients and chemicals that are anticipated to be associated with the proposed project that were identified by the pre-development

groundwater and surface water analysis required by Policy 13.4.4. This surface and groundwater monitoring is to be conducted, at a minimum, on a quarterly basis by a qualified third party. This monitoring data must be submitted to the County as soon as it is available. A summary report of this monitoring effort must be provided annually to Lee County Department of Natural Resources for their review. (Ord. No. 99-16, 18-18)

**POLICY 13.7.2:** If surface and/or groundwater monitoring shows degradation of water quality the County will notify the property owner that a plan, to correct the identified problem(s), must be submitted. The property owner must submit a plan of action within 30 days after receipt of written notice from the County. The plan must identify actions that will correct the problem(s) within the shortest possible time frame. This plan will be reviewed and must be found to be acceptable by the County. If the plan is not submitted as required, or is found to be unacceptable by the County, the County will require that all activities on the property cease until a plan is submitted and approved. The approved plan must be implemented by the property owner. If the County determines that the approved plan is not being implemented properly, the County can require that all activities on the property cease until the property owner comes back into compliance. (Ord. No. 99-16, 18-18)

**POLICY 13.7.3:** The approved Private Recreational Facility must submit an annual monitoring report for a period of five years, addressing the interaction between the use and environment. This report must provide a discussion and documentation on the following activities:

1. Construction Monitoring - the applicant will submit annual reports detailing construction activities, permitting, compliance with Audubon International Signature Standards and percent complete.
2. Land Management Activities - including those used on the golf course, as well as natural and preserve areas
3. Wildlife Monitoring - the applicant will provide a discussion of wildlife, wildlife activity, and wildlife management activities.
4. Irrigation Monitoring - the applicant will provide a summary of the monthly irrigation withdrawal and irrigation sources.
5. Mitigation/Vegetation Monitoring - the applicant will provide status reports on the viability of any mitigation and/or landscaping conducted on site.
6. Integrated Pest Management Monitoring - the applicant will provide a discussion on the pest management techniques, and any pest problems that have occurred on the project.

Should adverse impacts in any of the above areas be identified, enforcement and mitigation be provided through the appropriate regulatory agency and enforcement procedures. These procedures will be spelled out during the development order process. If, after five years, no significant adverse impacts are determined, the reporting on these subjects may be terminated. (Ord. No. 99-16, 18- 18)

**POLICY 13.7.4:** The monitoring program within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including the Surface Water Quality Monitoring Program within the Enhanced Lake Management Plan, and are exempt from Policies 13.7.1 through 13.7.3.

**OBJECTIVE 13.8: GOLF COURSE PERFORMANCE STANDARDS.** The location, design and operation of golf courses located within the Private Recreational Facilities Overlay will minimize their impacts on natural resources, and incorporate Best Management Practices. A maximum of five 18-hole golf courses, for a total of 90 golf holes, will be permitted. (Ord. No. 99-16, 10-21, 18-18, 21-09)

**POLICY 13.8.1:** Natural waterways located on the site of a proposed golf course must be left in a natural, unaltered condition. Channelization will not be performed. (Ord. No. 99-16, 18-18)

**POLICY 13.8.2:** An applicant must demonstrate, prior to the issuance of a local development order, that a golf course is designed to minimize adverse effects to waters and riparian areas through the use of such practices as integrated pest management, adequate stormwater management facilities, vegetated buffers, reduced fertilizer use, etc. The facility must have an adequate water quality management plan, such as a stormwater management facility constructed in uplands to ensure that the recreational facility results in no substantial adverse effect to water quality. (Ord. No. 99-16, 18-18)

**POLICY 13.8.3:** If a waterway crossing is necessary, then it must be designed to minimize the removal of trees and other shading vegetation. Any crossings of existing natural flow-ways and water bodies must be bridged. Created or restored flow-ways and water bodies may be crossed by bridges or culverts or a combination as approved by Lee County and SFWMD. (Ord. No. 99-16, 18-18)

**POLICY 13.8.4:** Waterway crossings by cart paths will be constructed of permeable material, no wider than 8-feet, and placed on pilings from edge of floodplain to edge of floodplain. (Ord. No. 99-16, 18-18)

**POLICY 13.8.5:** A new lake or pond should not be located within an existing natural waterway. Upland ponds must not expose stream channels to an increase in either the rate or duration of floodwater, unless required by SFWMD for regional water management objectives. (Ord. No. 99-16, 18-18)

**POLICY 13.8.6:** For golf course developments, all fairways, greens, and tees must be elevated above the 25 year flood level, and all greens must utilize underdrains. The effluent from these underdrains must be pre-treated prior to discharge into the balance of the project's water management system. (Ord. No. 99-16, 18-18)

**POLICY 13.8.7:** Where a golf course is proposed, it must comply with the Best Management Practices for Golf Course Maintenance Departments, prepared by the Florida Department of Environmental Protection, May 1995. (Ord. No. 99-16, 18-18)

**POLICY 13.8.8:** The owners will employ management strategies in and around any golf course to address the potential for pesticide/chemical pollution of the groundwater and surface water receiving areas. The owners will comply with the goals of the Audubon International Signature Program for Golf Courses. The management practices include:

1. The use of slow release fertilizers and/or carefully managed fertilizer applications.
2. The practice of integrated pest management when seeking to control various pests, such as weeds, insects, and nematodes. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad-spectrum pesticides is not acceptable. The management program will minimize, to the extent possible, the use of pesticides, and will include the use

of the USDA-SCS Soil Pesticide Interaction Guide to select pesticides for uses that have a minimum potential for leaching or loss due to runoff depending on site specific soil conditions. Application of pesticides within 100 feet of any CREW, or other adjacent public preserve lands, is prohibited.

3. The coordination of the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.
4. The utilization of a golf course manager who is licensed by the State to use restricted pesticides and who will perform the required management functions.  
(Ord. No. 99-16, 18-18)

**POLICY 13.8.9:** Irrigation systems must utilize computerized irrigation based on weather station information, moisture sensing systems to determine existing soil moisture, evapotranspiration rates, and zone control, to ensure water conservation. For Private Recreation Facilities located outside of the depicted Wellfield Protection zones, reuse water, where available, will be utilized for irrigation. Reuse water within Wellfield Protection zones must be in compliance with the Wellfield Protection Ordinance. (Ord. No. 99-16, 18-18)

**POLICY 13.8.10:** Golf courses must be designed, constructed, managed and certified in accordance with the Audubon International Signature Program. (Ord. No. 99-16, 18-18)

**POLICY 13.8.11:** It is the landowner(s) responsibility to notify the County within 10 working days if the status of certification from Audubon changes from being in full compliance. Failure to do so could result in penalties up to and including revocation of golf course use if it is deemed that the violation(s) are a possible threat to the environment. If the golf course loses its certification from Audubon, then the property owner must submit a plan of action acceptable to the County that will achieve re-certification in the shortest possible time. The plan must be submitted within 30 days after receipt of written notice from the County. If the plan is not submitted as required, then all activity on the property must cease until a plan is submitted and approved. An approved plan must be implemented in good faith by the property owner. If the County determines that the plan is not being implemented properly, then all activity on the property must cease until the property owner comes back into full compliance. (Ord. No. 99-16, 18-18)

**POLICY 13.8.12: GOLF SITE REQUIREMENTS.**

1. The minimum number of golf holes is 18. The minimum size for an 18 hole golf course is 150 acres. In no instance may the golf course impacts exceed 150 acres per 18 holes. Allowable uses within the impact area are greens, tees, fairways, clubhouses, maintenance facilities, cart and pedestrian pathways, parking areas, i.e. all associated support uses.
2. 200 acres of indigenous vegetation preserve is required for every 18 holes. The indigenous vegetation preserve requirement may be provided on-site or off-site. On-site preserves must be a minimum of 1-acre in size; minimum 75-foot wide with an average 100-foot width. Indigenous vegetation preserved on site may utilize a two to one (2:1) credit on a sliding scale based on minimum acreage and width criteria to be included in the LDC. However, the indigenous vegetation preserve requirement must be met with a minimum of 100 actual indigenous acres onsite. Indigenous vegetation preservation requirements must be met outside of the 150 acre golf course impact area.
3. All off-site indigenous vegetation preserves must be located within the DR/GR areas. Unless located within or adjacent to existing or designated public acquisition areas, the minimum

parcel size is 50 indigenous acres.

4. The off-site indigenous vegetation preserves must include a management plan that is approved as part of the planned development rezoning. This management plan must include invasive exotic vegetation removal with perpetual management. This does not preclude the transfer of the property to a public entity as long as perpetual maintenance is guaranteed.
5. Additional golf development must be in increments of 9 golf holes. For every additional 9 golf holes, the site area must be increased by 75 acres. Additional golf course impacts are limited to 75 acres per nine holes. The on-site or off-site indigenous preserve area must be increased by 100 acres for each nine holes and is subject to the restrictions above.  
(Ord. No. 99-16, 02-02, 18-18)

**POLICY 13.8.13:** Performance standards within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. were found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district and are exempt from Objective 13.8 and Policies 13.8.1 through 13.8.12.

# **EXHIBIT T5 – ANALYSIS OF IMPACTS FROM PROPOSED CHANGES**



# Amenity Improvement Amendment

## Analysis of Impacts from Proposed Changes

### Exhibit T5

#### **Traffic Circulation Analysis**

The requested text amendments will not result in any increased intensity or density; therefore, it will not result in any impacts to the analyzed traffic for the existing approved MPD. The request will have no effect on the Financially Feasible Transportation Plan/Map 3-A (20-year horizon) or the Capital Improvements Element (5-year horizon). The request will allow the option to include golf courses and ancillary uses as part of the amenities internal to the MPD for use by its residents.

#### **Sanitary Sewer**

The proposed amendment will not result in any increased intensity or density; therefore, it will not result in any changes to the existing and future sanitary sewer impacts previously reviewed. The MPD approval condition 16 requires connection to central water and sewer. The approved Agreement Pursuant to Stipulation of Settlement Agreement Condition 6.C and Exhibit K ensure that sanitary sewer is provided to the MPD.

The Level-of-Service (LOS) standards for Sanitary Sewer, pursuant to Lee Plan Policy 95.1.3.2, is 200 gallons per day per ERC [Equivalent Residential Connection], except that facilities serving only multi-family residential structures must have a capacity of 160 gallons per day. The Public Facilities Level of Service and Concurrency Report 2024 Inventory and Projections states that all systems are operating within capacity and meet the LOS standard for unincorporated Lee County.

#### **Potable Water**

The proposed amendment will not result in any increased intensity or density; therefore, it will not result in any changes to the existing and future potable water impacts previously reviewed. The MPD approval condition 16 requires connection to central water and sewer. The approved Agreement Pursuant to Stipulation of Settlement Agreement Condition 6.B and Exhibit P ensure that potable water is provided to the MPD.

The LOS standards for Potable Water, pursuant to Lee Plan Policy 95.1.3.1, is 250 gallons per day per ERC [Equivalent Residential Connection], except that facilities serving only multi-family residential structures must have a capacity of 200 gallons per day. The Public Facilities Level of Service and Concurrency Report 2024 Inventory and Projections states that all systems are operating within capacity and meet the LOS standard for unincorporated Lee County.

#### **Surface Water/Drainage Basins**

The proposed amendment will not result in any changes to the existing and future surface water or drainage basin impacts.

The LOS standards for Stormwater Management Facilities, pursuant to Lee Plan Policy 95.1.3.4, are: (a) prevent the flooding of designated evacuation routes on The Lee Plan Map 15 from the 25-

year, 3-day storm event (rainfall) for more than 24 hours, (b) maintain adequate public infrastructure so that all new private and public structures which are constructed a minimum of one foot above the 100-year, 3-day storm event flood plain level will be safe from flooding from a 100-year, 3-day storm event (rainfall), (c) Surface water management systems in new private and public developments (excluding widening of existing roads) will be designed to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm event [rainfall]). Stormwater discharges from development must meet relevant water quality and surface water management standards as set forth in state rules including but not limited to requirements listed in the Numeric Nutrient Criteria, Total Maximum Daily Load Program and Basin Management Action Plan. New developments will be designed to avoid increased flooding of surrounding areas. These standards are designed to minimize increases of discharge to public water management infrastructure (or to evapotranspiration) that exceed historic rates, to minimize change to the historic hydroperiod of receiving waters, to maintain the quality of receiving waters, and to eliminate the disruption of wetlands and flow-ways, whose preservation is deemed in the public interest, (d) design trunk conveyance crossings of arterial roads to be free of flooding from 25-year, 3-day storm event, (e) Design major collectors and arterial roadways to have no more than 6 inches of water for a 25-year, 3-day storm event.

The Public Facilities Level of Service and Concurrency Report 2024 Inventory and Projections states that all projects that receive approval from the SFWMD and comply with standards in Florida Administrative Code Chapters 62-330 and 40E-40, and Florida Statutes Chapter 373 are deemed concurrent with the surface water management LOS standards set forth in The Lee Plan. The MPD has received South Florida Water Management District (SFWMD) Environment Resource Permit (ERP) approvals and is therefore meets the surface water management LOS standards.

### **Parks, Recreation and Open Space**

The proposed amendment will not result in any increased density; therefore, it will not result in any changes to the existing and future parks and recreation impacts previously reviewed. The proposed amendment will result in potential additional recreation and open space areas in the form of internal golf courses and ancillary uses internal to the MPD for use by its residents.

The non-regulatory LOS standards for Parks and Recreation Facilities, pursuant to Lee Plan Policy 95.1.3.6, are 6 acres of developed regional park land open for public use per 1000 total seasonal County population for all of Lee County and 0.8 acres of developed community park land open for public use per 1,000 unincorporated Lee County permanent population.

The Public Facilities Level of Service and Concurrency Report 2024 Inventory and Projections states that available capacity is 8 acres of developed regional park land open for public use per 1,000 total seasonal county population for all of Lee County and 1.9 acres of developed community park land open for public use per 1,000 unincorporated Lee County permanent population. The available capacity exceeds the adopted non-regulatory LOS standard.

**Public Schools**

The proposed amendment will not result in any increased density; therefore, it will not result in any changes to the existing and future public school impacts.

The LOS standards for Public Schools, pursuant to Lee Plan Policy 95.1.3.5, is 100% of Permanent Florida Inventory School Houses (FISH) Capacity for Elementary, Middle and High schools and Special Purpose Facilities. The Public Facilities Level of Service and Concurrency Report 2024 Inventory and Projections states that available capacity meets the adopted LOS standard in all zones and that there is a surplus of 2,740 Elementary school seats, 1,200 Middle school seats, 20 High school seats and 748 Special Purpose school seats.

## **EXHIBIT T6 – LEE PLAN ANALYSIS**



# Amenity Improvement Amendment

## Lee Plan Analysis

### Exhibit T6

CPA2025-00012 – Revised December 2025

#### INTRODUCTION

The proposed text amendments are to address golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S.

The requested text amendments only impact the established development pod areas within the MPD by allowing the option to include golf courses and ancillary uses as part of the internal amenities within the previously established development areas. The MPD is located south of SR 82, approximately 1 mile west of the Hendry County line and extends to 2 miles south of Corkscrew Road. The MPD provides for significant environmental enhancements and includes a condition to provide a minimum of 3,287 acres of created, restored, and/or enhanced areas to be dedicated in conservation and flow-way easements which was found to protect the public interest. The established development pods consist of 3,275± acres. The remaining 114± acres consist of road rights-of-way to be dedicated to Lee County.

#### BACKGROUND

##### Impacted Property

The property subject to the requested text amendment was part of an application for rezoning to Industrial Planned Development under case number DCI2011-00007. The rezoning request was denied by the Board of County Commissioners on November 6, 2019. The applicant and Lee County entered into a Settlement Agreement in order to facilitate a resolution of litigation pursuant to Section 70.001 (4), Florida Statutes. The Settlement Agreement set forth the general parameters for development of the property and the procedures that would be followed for its consideration and adoption through issuance of a Development Agreement.

Kingston Mixed Use Planned Development (MPD) was approved by Stipulation of Settlement Under Section 70.001, Florida Statutes dated June 22, 2022, as recorded under Instrument #2022000208255. The MPD conditions of approval were found to protect the public interest and appropriate development for the DR/GR. The MPD included Amenities internal to the project for use by its residents with no limitation on square footage. The schedule of uses also included recreational facilities, personal and private on site for amenities within residential pods, including the subject parcels 8A, 8B and 9.

##### Goal 13

On November 22, 1999, Lee County adopted Ordinance 99-16 which amended the Lee Plan and created Goals, Objectives and Policies (GOP) to establish criteria for development of Private Recreation Facilities within the Density Reduction/Groundwater Resources (DR/GR) future land use category (FLUC). Recreation Facilities: Private was added to the glossary and the Private Recreation Facilities Overlay Map was adopted which identified locations appropriate for development of Private

Recreation Facilities. The current definition from the Lee Plan Glossary is provided below and includes ancillary uses and golf courses.

*RECREATION FACILITIES: PRIVATE – Includes nature trails, tent camping areas, boardwalks, play areas (as defined in "Park Planning Guidelines, 3rd Edition"), horse stables and riding areas, service areas, administrative areas, ancillary uses, and golf courses (private or public use). The location of public wellheads and Aquifer Storage and Recovery facilities may be located in Private Recreational Facilities.*

On August 5, 2015, Lee County adopted Ordinance 15-13 which amended the Lee Plan and added Policy 33.3.4 establishing the Environmental Enhancement and Preservation Communities Overlay (EEPCO). This overlay established strict review criteria and provided an incentive to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species so that additional densities and accessory commercial uses will be granted if the project is found consistent with and demonstrates through a Planned Development the significant environmental and hydrological requirements.

While these Objectives and Policies provided for appropriate protections for the Southeast Lee County DR/GR, they did not contemplate nor provide a pathway for the impacted property to pursue golf course and ancillary uses since the property already provides adequate protection measures within the MPD conditions of approval.

**Subject Request**

Although the MPD included amenities internal to the project for use by its residents with no limitation on square footage and the schedule of uses included recreational facilities, personal and private on site for amenities within residential pods, including the subject parcels 8A, 8B and 9, it was discovered that the language within Goal 13 prevented the applicant from moving forward with a golf course within the development. Because of the size of the Kingston project with multiple residential neighborhoods it is essential for the development to offer a variety of non-competing residential home products to be successful such as single family, multi-family, townhome, empty nest, age targeted and golf course. The MPD associated with the proposed text amendment was found to be consistent with the intent of the EEPCO by Lee County staff, Lee County Hearing Examiner, Lee County Board of County Commissioners, and the Court. The EEPCO established a guide within the Lee Plan for development within Southeast Lee County Community Planning Area. It was found that the MPD will provide significant environmental enhancements including restoration of upland and wetland areas, conversion of farm fields to native conservation area, and restoration and enhancement of historic flow ways. The development areas within the MPD have been established and deemed appropriate for development and any golf courses or ancillary uses will be located within these areas resulting in no further impacts.

The text amendment allows for additional amenity options to include golf course and ancillary uses within the MPD which utilizes the planning principle of clustered development. Clustered development is a development arrangement that stresses people living in harmony with nature and locates buildings in concentrated portions of a site, leaving the remainder of the site undeveloped. Typically, this form of development is utilized to protect such things as open space, environmentally sensitive areas and natural resources. The MPD utilizes the planning principle of conservation design or designing with nature. The process of selecting the appropriate preservation and development scenario for the property utilized an analysis of the property's attributes such as property location and location of adjacent uses, soils, topography, previous uses and associated impacts and natural resources. The MPD provides a minimum 61 percent open space and minimum 50 percent restoration.

### **POPULATION PROJECTIONS**

The proposed text amendments will not result in any increased density so it will not affect established Lee County population projections. No changes are necessary to Lee Plan Table 1(b) or the total population capacity of the Lee Plan Future Land Use Map as a result of the proposal.

### **LEE PLAN CONSISTENCY**

The proposed text amendments allow the option for golf course and ancillary uses within the MPD which lies within the Density Reduction Groundwater Resources (DR/GR) and Wetlands future land use categories (FLUC) and the Southeast Lee County Community Planning Area.

***POLICY 1.4.5: The Density Reduction/Groundwater Resource (DR/GR) future land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers.***

- 1. New land uses in these areas that require rezoning or a development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream, as well as adjacent to the site. Offsite mitigation may be utilized, and may be required, to demonstrate this compatibility. Evidence as to historic levels must be submitted as part of the rezoning application and updated, if necessary, as part of the mining development order application.*
- 2. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum standard density of one dwelling unit per ten acres (1 du/10 acres). See Objectives 33.2 and 33.3 for potential density adjustments resulting from concentration or transfer of development rights.*

3. *Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in Goal 13. No Private Recreational Facilities may occur within the DR/GR land use category without a rezoning to an appropriate Planned Development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 13.*

The proposed text amendments are consistent with Policy 1.4.5. The MPD condition 18.b. provides that the Hydrological Restoration Plan be submitted with the first Development Order and that it must be based on an integrated surface and groundwater model. Private recreation facilities are a permitted land use. The proposed text amendments provide the specific requirements for golf courses and ancillary uses within the MPD which already established development parameters and conditions of approval that were found consistent with the intent of the DR/GR and the Lee Plan's overall objective to restore and maintain natural resources essential to protecting groundwater supplies, water quality, and flooding. The MPD has been found consistent with the intent of the Environmental Enhancement and Preservation Communities overlay (EPCO) standards by Lee County staff, Lee County Hearing Examiner, Lee County Board of County Commissioners, and the Court. Any golf courses and ancillary uses will be developed within the established development pods.

***POLICY 1.5.1: Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 124. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII.***

The proposed text amendments are consistent with Policy 1.5.1. Proposed Policy 13.6.5 provides that the MPD was found to protect the public interest and that golf courses and ancillary uses within the MPD will be subject to the conditions of approval including the Indigenous Preservation, Restoration, and Management Plan and Hydrological Restoration Plan. There are no changes to the existing approved density which was found consistent with the Lee Plan and the EPCO.

***POLICY 1.6.7: The Agricultural Overlay (Map 1-G) shows existing active and passive agricultural operations in excess of 100 acres located outside of the future urban areas. Since these areas play a vital role in Lee County's economy, they should be protected from the impacts of new developments, and the County should not attempt to alter or curtail agricultural operations on them merely to satisfy the lifestyle expectations of non-urban residents.***

A majority of the property is included on Map 1-G – Agricultural Overlay. This map is non-regulatory in nature. The proposed text amendments will not affect this map and no revision is necessary.

Given the settlement agreement, the property is not going to be long term agricultural so the incentives to retain agricultural would not be applicable.

**POLICY 1.6.10:** *The Southeast Lee County Residential Overlay (Map 2-D) is described in Objective 33.2. This Overlay affects only Southeast Lee County and identifies five types of land: ...*

3. *"Mixed-Use Communities:" Locations where this concentration of development rights from large contiguous tracts within the DR/GR area that can be supplemented by transfer of development rights from non-contiguous tracts in the Southeast DR/GR area. See Objective 33.3 and following policies. ...*

The northern portion of the MPD abutting SR 82 is identified as a Mixed-Use Community on Map 2-D. The proposed text amendments will not affect this map and no revision is necessary.

The proposed text amendments are shown in underline text in the following Objectives and Policies.

**GOAL 13: PRIVATE RECREATIONAL FACILITIES IN THE DR/GR.** *To ensure that the development of Private Recreational Facilities in the DR/GR is compatible with the intent of this future land use category, including recharge to aquifers, development of future wellfields and the reduction of density.*

**OBJECTIVE 13.1:** *To ensure that Private Recreation Facilities are located in the most appropriate areas within the DR/GR future land use category.*

**POLICY 13.1.2:** *Private Recreational Facilities within the DR/GR land use category will only be allowed, subject to the other requirements of this Goal, in the areas depicted on the Private Recreational Facilities Overlay, Map 1-F, except for golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S.*

**POLICY 13.1.3:** *Private Recreational Facilities are also allowed within the DR/GR land use category in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. limited to golf courses and ancillary uses.*

The proposed text amendments provide the framework to establish that the MPD has already been reviewed and approved with protective conditions consistent with those intended by Goal 13. The MPD has been found consistent with the intent of the DR/GR and the Lee Plan's overall objective to restore and maintain natural resources essential to protecting groundwater supplies, water quality, and flooding. The MPD has been found consistent with the intent of the Environmental Enhancement and Preservation Communities overlay (EEPCO) standards which provide significant environmental and hydrological improvements by Lee County staff, Lee County Hearing Examiner, Lee County Board of County Commissioners, and the Court. The development pods have been established

within the MPD, and any potential golf courses or ancillary uses will be located within these internal areas ensuring that they are in the most appropriate locations. The proposed text amendments are consistent with Goal 13 and Objective 13.1.

**OBJECTIVE 13.2: GROWTH MANAGEMENT.** *Development of Private Recreation Facilities in the DR/GR must be consistent with the growth management principles and practices as provided in the following policies.*

**POLICY 13.2.1: PRIVATE RECREATION FACILITY PLANNED DEVELOPMENT (PRFPD).** *All Private Recreational Facilities proposed within the DR/GR future land use category must be reviewed as a PRFPD, except for golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S.*

The proposed text amendments provide clarification that the MPD is subject to the Settlement Agreement and will not be required to rezone to PRFPD to facilitate golf courses and ancillary uses. The proposed text amendments are consistent with Objective 13.2.

**POLICY 13.2.8:** *Private Recreational Facilities must have adequate fire protection, transportation facilities, wastewater treatment and water supply, and provided further that they have no adverse effects such as dust, noise, lighting, or odor on surrounding land uses and natural resources.*

The proposed text amendments are consistent with Policy 13.2.8. The MPD already permits unlimited square footage of amenities internal to the project for use by its residents. The MPD conditions provide commitments to address project impacts. Since the golf courses and ancillary uses are internal amenities located within established development areas for use by the residents of the planned development, these amenities do not result in additional project impacts and are adequately addressed by existing conditions and commitments.

Condition 23 of the MPD requires letters of availability for fire protection. Condition 11 provides that the cost of signalization including design and construction of the Spine Road intersections with Corkscrew Road, SR 82, and/or a development pod shall be borne by the developer or assigns. MPD Condition 12 provides that the development must mitigate the traffic impacts and pay a proportionate share of \$2,000 per residential dwelling unit to mitigate the traffic impacts of the project which adequately addresses potential golf course and ancillary uses. The MPD approval condition 16 requires connection to central water and sewer. The approved Agreement Pursuant to Stipulation of Settlement Agreement Condition 6.C and Exhibit K ensure that sanitary sewer is provided to the MPD. The approved Agreement Pursuant to Stipulation of Settlement Agreement Condition 6.B and Exhibit P ensure that potable water is provided to the MPD. The MPD was found to protect the public interest, and the Settlement Agreement was found compatible with the surrounding uses. The development pods are clustered internal to the project with large setbacks which further demonstrate no adverse effects on surrounding land uses and natural resources.

**POLICY 13.2.10:** *Applications for Private Recreational Facility development will be reviewed and evaluated as to their impacts on, and will not negatively affect, any*

*adjacent, existing agricultural, mining or conservation activities.*

***POLICY 13.2.11:*** *Applications for Private Recreational Facility development will be reviewed and evaluated as to their impacts on and must be compatible with any adjacent publicly owned lands.*

The proposed text amendments are consistent with Policies 13.2.10 and 13.2.11. The MPD was reviewed and evaluated and found to protect the public interest, and the Development Agreement was found compatible with the surrounding uses including existing agricultural, mining, conservation activities, and publicly owned lands. The development pods are clustered internal to the project with large setbacks which further demonstrate no adverse effects on surrounding land uses.

***OBJECTIVE 13.3: GENERAL DEVELOPMENT REGULATIONS.*** *The protection of water quality, quantity, natural resources, and compatibility will be addressed by additional development controls that regulate the permitted uses, parcel size, density, intensity and design of Private Recreational Facilities.*

***POLICY 13.3.10:*** *General development standards for golf courses and ancillary uses within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. will follow the development standards established for this MPD zoning district and are exempt from Policies 13.3.1 through 13.3.9.*

The proposed text amendments are consistent with Objective 13.3 and Policy 13.3.10. The MPD has been reviewed and evaluated and conditioned to ensure it meets the intent of the DR/GR and provides protection of water quality, quantity, natural resources and compatibility. The MPD has established development controls that regulate the permitted uses, property development regulations, intensity and density, and the clustered design.

***OBJECTIVE 13.4: WATER QUALITY, QUANTITY, AND SURFACE WATER RESOURCES.*** *Private Recreational Facilities must be located, designed and operated in such a way that they will not degrade the ambient surface or groundwater quality. These facilities must be located, designed and operated in such a way that they will not adversely impact the County's existing and future water supply. The location, design and operation of Private Recreational Facilities must maintain or improve the storage and distribution of surface water resources.*

***POLICY 13.4.9:*** *The protection of water quality, quantity, and surface water resources within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including the Surface Water Quality Monitoring Program within the Enhanced Lake Management Plan and the and Hydrological Restoration Plan, and are exempt from Policies 13.4.1 through 13.4.8.*

Proposed Policy 13.4.9 provides clarification that the MPD has been reviewed and conditioned to protect surface and ground water quality as well as maintaining or improving the storage and distribution of surface water resources. The MPD conditions ensure restoration and protection of natural resources and included a projected reduction in existing permitted water withdrawal from the aquifer and a reduction in total nitrogen and total phosphorous. MPD Condition 14 and Exhibit N provide for Surface Water Monitoring and the Enhanced Lake Management Plan. MPD Condition 18 and Exhibit O provide for re-established historic surface water flows through the Property and a Hydrological Restoration Plan. MPD Condition 25 provides for an off-site hydraulic connection to help alleviate flooding of the Wildcat Run properties to the east. The proposed text amendments provide for consistency with Objective 13.4.

**OBJECTIVE 13.5: WILDLIFE.** *The location, design and operation of Private Recreational Facilities will incorporate preservation and/or management activities that restrict the unnecessary loss of wildlife habitat or impact on protected species, species of special concern, threatened or endangered species.*

**POLICY 13.5.4:** *The protection of wildlife within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including the Protected Species Management and Human-Wildlife Coexistence Plan, and are exempt from Policies 13.5.1 through 13.5.3.*

Proposed Policy 13.5.4 provides clarification that the MPD has been reviewed and conditioned to incorporate preservation and management activities that restrict unnecessary loss of wildlife or impact on protected species, species of special concern or threatened or endangered species and that it was found to protect the public interest. MPD Condition 4 and Exhibit J provide a Protected Species Management and Human-Wildlife Coexistence Plan including signage, wildlife fencing. Golf courses and ancillary uses would continue to comply with these conditions. The proposed text amendments provide for consistency with Objective 13.5.

**OBJECTIVE 13.6: NATURAL RESOURCES.** *Private Recreational Facilities must be located, designed and operated to minimize environmental impacts, and where appropriate, protect, enhance and manage natural resources such as flow-ways, waterways, wetlands, natural water bodies, and indigenous uplands.*

**POLICY 13.6.5:** *The protection of natural resources within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including The Indigenous Preservation, Restoration, and Management Plan and Hydrological Restoration Plan, and are exempt from Policies 13.6.1 through 13.6.4.*

Proposed Policy 13.6.5 provides clarification that the MPD has been reviewed and conditioned to minimize environmental impacts and protect, enhance and manage natural resources such as flow-ways, wetlands and indigenous uplands and was found to protect the public interest. MPD Condition 8 and Exhibit L provide for the Indigenous Preservation, Restoration, and Management Plan. MPD Condition 18 and Exhibit O provide for re-established historic surface water flows through the Property and a Hydrological Restoration Plan. MPD Condition 25 provides for an off-site hydraulic connection to help alleviate flooding of the Wildcat Run properties to the east. The proposed text amendments provide for consistency with Objective 13.6.

***OBJECTIVE 13.7: MONITORING AND ENFORCEMENT.*** *In order to ensure that Private Recreational Facilities do not degrade the ambient condition of water quality, water quantity, vegetation and wildlife, an ongoing monitoring program must be established by the developer.*

***POLICY 13.7.4:*** *The monitoring program within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including the Surface Water Quality Monitoring Program within the Enhanced Lake Management Plan, and are exempt from Policies 13.7.1 through 13.7.3.*

Proposed Policy 13.7.4 provides clarification that the MPD has been reviewed and conditioned to protect water quality, water quantity, vegetation and wildlife and was found to protect the public interest. MPD Condition 14 and Exhibit N provide for Surface Water Monitoring and the Enhanced Lake Management Plan. The proposed text amendments provide for consistency with Objective 13.7.

***POLICY 13.8.13:*** *Performance standards within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. were found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district and are exempt from Objective 13.8 and Policies 13.8.1 through 13.8.12.*

Proposed Policy 13.8.13 provides clarification that the MPD is subject to its conditions of approval which were found to protect the public interest and is exempts the MPD from the performance standards of Objective 13.8 and its implementing policies which are not applicable to the MPD since conditions of approval and development standards have been established.

***OBJECTIVE 17.2: COMMUNITY PLAN AREAS.*** *To depict the boundaries of community plan areas on the Future Land Use Map (Map 2-A).*

The proposed text amendments will not affect Map 2-A. The MPD is within the Southeast Lee County Community Planning Area. No amendments to this map are required. The required public information meeting summary document has been submitted.

**POLICY 33.1.2:** *The DR/GR Priority Restoration Strategy consists of seven tiers of land where protection and/or restoration would be most critical to restore historic surface and groundwater levels and to connect existing corridors or conservation areas (see Map 1-D). Within these tiers, density incentives will be utilized as a mechanism to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species; with Tier 1 and Tier 2 being the most incentivized tiers. Lee County may consider amendments to this Overlay based on changes in public ownership, land use, new scientific data, and/or demands on natural resources. This Overlay does not restrict the use of the land.*

**POLICY 33.1.3:** *Pursue acquisition (partial or full interest) of land within the Tier 1 areas in the Priority Restoration Strategy Overlay through direct purchase; partnerships with other government agencies; long-term purchase agreements; right of first refusal contracts; land swaps; or other appropriate means to provide critical connections to conservation lands that serve as the backbone Future Land Use II-103 April 2024 for water resource management and wildlife movement within Southeast Lee County. Tier 2 lands are of equal ecological and water resource importance as Tier 1 but have better potential to remain in productive agricultural use. Tier 3 lands and the southern two miles of Tiers 5, 6, and 7 can provide an important wildlife connection to conservation lands in Collier County and an anticipated regional habitat link to the Okaloacoochee Slough State Forest. Tiers 1, 2, 3, and the southern two miles of Tiers 5, 6, and 7 may qualify for unique development incentives outlined in Objectives 33.2 and 33.3 due to the property's potential for natural resource benefits and/or wildlife connections. Additionally, the County may consider incentives, within all tiers, for private landowners to improve water resources and natural ecosystems.*

The proposed text amendments will not affect Map 1-D as it does not restrict the use of the land. No revision to Map 1-D is necessary. Most of the MPD property is located within the DR/GR Priority Restoration Strategy with portions in Tier 3, and the southern two miles of Tiers 5 and 6. As outlined in Policy 33.1.3, these areas are specifically identified as areas that may qualify for unique development incentives in Objective 33.2, which includes EEPCO, due to the potential for natural resource benefits and/or wildlife connections. The proposed text amendments provide the specific requirements for golf courses and ancillary uses within the MPD which already established development parameters and conditions of approval that were found consistent with the intent of the DR/GR and the Lee Plan's overall objective to restore and maintain natural resources essential to protecting groundwater supplies, water quality, and flooding. The MPD has been found consistent with the intent of the Environmental Enhancement and Preservation Communities overlay (EEPCO) standards by Lee County staff, Lee County Hearing Examiner, Lee County Board of County Commissioners, and the Court. Any golf courses and ancillary uses will be developed within the established development pods and will continue to provide these benefits.

***POLICY 33.1.7: Impacts of proposed land disturbances on surface and groundwater resources will be analyzed using integrated surface and groundwater models that utilize site-specific data to assess potential adverse impacts on water resources and natural systems within Southeast Lee County. Lee County Division of Natural Resources will determine if the appropriate model or models are being utilized, and assess the design and outputs of the modeling to ensure protection of Lee County's natural resources.***

The proposed text amendments are consistent with Policy 33.1.7. The MPD condition 18.b. provides that the Hydrological Restoration Plan be submitted with the first Development Order and that it must be based on an integrated surface and groundwater model. The proposed text amendments provide the specific requirements for golf courses and ancillary uses within the MPD which already established development parameters and conditions of approval that were found consistent with the intent of the DR/GR and the Lee Plan's overall objective to restore and maintain natural resources essential to protecting groundwater supplies, water quality, and flooding. The MPD has been found consistent with the intent of the Environmental Enhancement and Preservation Communities overlay (EPCO) standards by Lee County staff, Lee County Hearing Examiner, Lee County Board of County Commissioners, and the Court. Any golf courses and ancillary uses will be developed within the established development pods.

#### **ADJACENT LOCAL GOVERNMENTS**

The proposed text amendments will have no effect on existing adjacent local governments and their comprehensive plans. The closest adjacent local government to the subject property is Collier County to the east.

#### **CONCLUSIONS**

The proposed text amendments are consistent with and in furtherance of the intent of the Lee Plan as discussed in this analysis. For these reasons, the applicant respectfully submits that the requested text amendments should be approved.



January 7, 2026

Ms. Kate Burgess, AICP  
Principal Planner  
Lee County Department of Community Development  
Planning  
1500 Monroe Street  
Fort Myers, FL 33901

**RE: Amenity Improvement Amendment  
CPA2025-00012 – Resubmittal 01**

Dear Ms. Burgess,

It is my pleasure to submit to you the following attached revised documents related to the Comprehensive Plan Text Amendment request for the above referenced project. Please see the following responses in **bold** to your comments received on December 11, 2025.

- 1) Stipulation of Settlement Agreement Under Section 70.001, Florida Statutes recorded in Instrument Number 2022000208255
- 2) Revised Lee Plan Analysis
- 3) Revised Proposed Text Amendments
- 4) Public Information Meeting Summary

#### **PLANNING COMMENTS**

1. Since this application references the settlement agreement and MPD rezone, provide the zoning resolution and/or settlement agreement that includes the exhibits and stipulations referenced in this application.

**RESPONSE: Please see attached Agreement to Stipulation of Settlement Agreement Under Section 70.001, Florida Statutes recorded in Instrument Number 2022000208255 of the Public Records of Lee County, Florida which contains the exhibits and stipulations referenced in the application.**

2. The introduction and background in the Lee Plan Analysis provide some information on the history of Private Recreation Facilities in SE Lee, but do not adequately address how this particular request came into being. Provide a narrative or legal history on the background of the property impacted by this amendment and why this amendment is necessary.

**RESPONSE: Please see revised Lee Plan Analysis which provides additional narrative regarding the legal history on the background of the property impacted by this amendment and why this amendment is necessary.**

3. The proposed text amendment language includes language proposed by another CPA. For clarity of the request, only include language proposed in this CPA.

**RESPONSE: Please see revised Proposed Text Amendments.**

4. The application cannot be found sufficient until the Public Input meeting, as required by Objective 17.3, has been completed. Provide a summary of the public information meeting per the requirements of Policy 17.3.4.

**RESPONSE: Please see attached Public Information Meeting Summary.**

Thank you in advance for your consideration of the above information. If you have any further questions, please do not hesitate to contact me directly at (239) 770-2527 or [shewitt@rviplanning.com](mailto:shewitt@rviplanning.com).

Sincerely,

**RVI Planning + Landscape Architecture**



**Stacy Ellis Hewitt, AICP**  
Planning Director



# **EXHIBIT T7 - ENVIRONMENTAL IMPACTS ANALYSIS**



## Amenity Improvement Amendment Environmental Impacts Analysis Exhibit T7

The proposed text amendments are to address golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S.

The proposed text amendments do not require any updates to the existing environmental reports.

The MPD provides for significant environmental enhancements and includes a condition to provide a minimum of 3,287 acres of created, restored, and/or enhanced areas to be dedicated in conservation and flow-way easements which was found to protect the public interest. Below is a list of the MPD's environmental conditions of approval and Exhibits/reports that will remain applicable.

Condition 1.c.: The Land Use Summary table on the MCP reflects a minimum of 3,287 acres of created, restored, and/or enhanced areas that will be dedicated in a combination of Conservation Easements and Flowway easements and provides a minimum of 50% of the Project's gross land area less tracts to be dedicated to the County. These areas are located and identified on the MCP.

Construction phasing of the development will be subject to the following conditions:

- i. Restoration and dedication of conservation and flowway areas shall occur as development orders are issued as depicted on Exhibit "G".
- ii. Development Pods are not required to be developed sequentially according to the numbers depicted on the Development Summary table on the MCP.
- iii. Phasing of the restoration as depicted on the MCP may be adjusted at time of Development Order submittals provided minimum restoration acreages are maintained to support the project:
  - a. For residential, a minimum restoration acreage based on the GREATER of the following options:
    - i. The cumulative development pod area (including previous phases) OR
    - ii. The number of residential dwelling units in the development pod using the following analysis whereas the Project required restoration equals 3,287 acres divided by the total Project density of 10,000 residential units times the number of units, both previously approved and proposed.
  - b. For commercial or amenity pods, the required acres of restoration shall be equal to the acreage of the pod being developed.
- iv. A cumulative development update statement and summary table must be provided with each development order application and shown on the engineered plans containing the following information:
  - Cumulative residential dwelling units and intensity of non-residential uses;
  - Cumulative development pods (in acres);
  - Cumulative open space (in acres); and
  - Cumulative conservation and flowway areas (in acres).
- v. Restoration areas must be completed within ten (10) years of commencement of restoration of each phase, regardless of the progress of development tied to each phase. If any phased restoration construction is not complete within ten (10) years from that phase restoration start date, work may not commence in future phases until such time as that incomplete restoration phase construction is completed.

3. Wildlife Crossings

Any wildlife crossings required for the project will be determined by the USFWS and FDEP prior to issuance of the first development order creating residential lots. Any animal crossings required by the USFWS or FDEP will be reviewed and permitted in accordance with the approved locations at time of local development order on a phase-by-phase basis and shall be consistent with the Human/Wildlife Coexistence Plan Exhibit "J".

4. Protected Species Management and Human-Wildlife Coexistence Plan

The Protected Species Surveys Exhibit "I" must be updated every five (5) years and Human-Wildlife Coexistence Plan Exhibit "J" must be updated by the Developer, if needed for the presence of new listed species, for approval by the County prior to or concurrent with the first development order application creating residential lots. The Plan and development order plans must address the following:

- Trails: The location of proposed passive trails within the restoration areas must include designated trailheads with signs with information on possible wildlife encounters and appropriate actions when encountering wildlife.
- Signs: Development order plans that include surface water management lakes or conservation areas must depict the location and typical signs for prohibiting the feeding of alligators around the lake and preservation signs that state no dumping. Distance between signs should be approximately 300ft.
- Wildlife Fencing: Must meet recommendations and requirements of the Florida Fish and Wildlife Conservation Commission (FWC) and US Fish and Wildlife Service (FWS); and
- The Development Order plans must be updated to reflect FWC and FWS requirements if permits are issued after approval of the first development order creating residential lots.
- Vegetation Removal permit applications must include a map depicting the work limit area and a species survey for the work limit area. The developer must submit a management plan for protected species within the work limit area identifying protection measures, monitoring, and/or relocation consistent with State and Federal requirements.
- Development Order plans for vertical development that includes commercial and amenity uses and areas must demonstrate use of bear resistant dumpsters and below ground grease traps.

5. Conservation and Flowway Easements

The conservation and flowway easements will be dedicated to a maintenance entity that provides third party enforcement rights to the County or other public agency acceptable to the County. The easements will be dedicated in general accordance with the phasing plan attached as Exhibit "G" to the Agreement and will be reflected on the phased recorded plats approved by the County for the subject property. Restoration areas located within a Conservation Easement consisting of existing or mitigated wetlands can include exotic vegetation removal and native planting. Restoration areas located within a Flowway Easement can include vegetation removal, grading, lakes, drainage ways, wet and dry detention, surface water treatment, and water storage, water bodies and on/off site wildlife mitigation. The Easements will permit passive trails, kiosks, and pavilions. The combined acreages within the Conservation Easements and Flowway easements shall satisfy the minimum required restoration acreage for the Project.

6. Indigenous Management Plans

The Indigenous Preservation, Restoration, and Management Plan Exhibit "L" must be updated by the Developer for approval by the County prior to or concurrent with the first development order application. The Indigenous Preservation, Restoration, and Management Plan must include the following language:

- At the time of purchase, third-party deed holders must be placed on notice through covenants and deed restrictions that project conservation and flowway areas may be managed with prescribed burns.
- Prior to commencing prescribed burn activity, the HOA, CDD, or ISD must notify residents of the prescribed burn activities and provide general prescribed burn management educational materials.

28. Wetlands

No wetlands may be impacted within the commercial pods of the Project.

Exhibits:

G. Restoration Phasing Plan

I. Protective Species Survey

J. Human/Wildlife Coexistence Plan and Protective Species Management Plan

L. Indigenous Preservation, Restoration, and Management Plan

# **EXHIBIT T8 – HISTORICAL RESOURCES IMPACTS ANALYSIS**



## **Amenity Improvement Amendment Historical Resources Impacts Analysis T8**

The proposed text amendments are to address golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S.

The proposed text amendments are for an MPD that has been reviewed and approved and had established preservation and development areas that were found to protect the public interest.

The attached clearance letter from The Florida Department of State that found the project will have no effect on historic properties listed, or eligible for listing, in the NRHP, or otherwise of historical, archaeological, or architectural value.

The proposed text amendments do not necessitate any further historical resources impact analysis.



## FLORIDA DEPARTMENT of STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

Robert S. Carr, M.S.  
Archaeological and Historical Conservancy, Inc.  
4800 SW 64th Avenue, Suite 107  
Davie, Florida 33314

September 8, 2022

DHR Project File No.: 2022-4578-C

Received by DHR: August 9, 2022

*Phase II Cultural Resource Assessment of the 8LL2474 Site, Kings Ranch, Lee County, Florida*

Dear Mr. Carr:

Our office reviewed the referenced project in accordance with Chapters 267.061 and 373.414, Florida Statutes, implementing state regulations, and the State 404 Program Operating Agreement for possible effects on historic properties listed, or eligible for listing, in the National Register of Historic Places. The project is subject to compliance with requirements for the Department of Environmental Protection permit application 423130-001 SFI, the South Florida Water Management District (SFWMD) permit application 220623-34938 and in fulfillment of Division of Historical Resources (DHR) request no. 2022-4578, sent on July 22, 2022.

In April of 2022, the Archaeological & Historical Conservancy, Inc. (AHC) conducted the above referenced Phase II cultural resource assessment (CRAS) of 8LL2474 on behalf of Camaretta Companies, LLC. A Phase I assessment of the overall project parcel was conducted by AHC in 2007 in the course of which site 8LL2474, a mid-twentieth century logging camp, was identified and determined potentially eligible.

This Phase II assessment entailed additional archival research, a pedestrian survey, a metal detection survey, and the excavation of one test unit in order to determine LL2474's eligibility. The parcels north and south of the former road were intensively logged from the 1940s to 1950s leading to the hypothesis that LL2474 had been a logging camp. However, diagnostic artifacts were scarce in both the Phase I and Phase II assessment. AHC documented 35 field specimens in Phase II. The artifact assemblage consists of primarily household furnishings such as porcelain pottery fragments and standard building materials such as brick and concrete. All materials were found in a disturbed context. None of the findings were diagnostic of the lumber or naval stores industry. Therefore, it is AHC's opinion that site 8LL2847 is not eligible for listing in the National Register due to its inchoate character, lack of determinable historical association, and extent of disturbances to the site.

Based on the information provided, our office concurs with the presented survey results and recommendations and finds that the proposed project will have no effect on historic properties listed, or eligible for listing, in the NRHP, or otherwise of historical, archaeological, or architectural value within the surveyed APE. Further, we find the submitted report complete and sufficient in accordance with Chapter 1A-46, Florida Administrative Code.


Division of Historical Resources  
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399  
850.245.6300 • 850.245.6436 (Fax) • FLHeritage.com



Mr. Carr  
DHR Project File No.: 2022-4578-C  
September 8, 2022  
Page 2

If you have any questions, please contact Michael DuBose, Historic Preservationist, by email at [Michael.DuBose@dos.myflorida.com](mailto:Michael.DuBose@dos.myflorida.com) or telephone at 850.245.6342.

Sincerely,

A handwritten signature in blue ink that reads "Kelly L. Chase".

Alissa Slade Lotane  
Director, Division of Historical Resources  
& State Historic Preservation Officer

# **EXHIBITS T9 & T10 – STATE POLICY PLAN & STRATEGIC REGIONAL POLICY PLAN ANALYSIS**



# Amenity Improvement Amendment

## State Policy Plan & Strategic Regional Policy Plan Analysis

### T9 & T10

#### STATE COMPREHENSIVE PLAN CONSISTENCY

The Community Planning Act of 2011 (HB7207) removed the requirement to address consistency with the local comprehensive plan and state comprehensive plan, however, the proposed amendment is consistent with the State Comprehensive Land Use Plan's intent to ensure the protection of natural resources. Specifically, the amendment is consistent with the following guiding policies:

#### 187.201(7) WATER RESOURCES

(a) *Goal.—Florida shall assure the availability of an adequate supply of water for all competing uses deemed reasonable and beneficial and shall maintain the functions of natural systems and the overall present level of surface and ground water quality. Florida shall improve and restore the quality of waters not presently meeting water quality standards.*

(b) *Policies.- 2. Identify and protect the functions of water recharge areas and provide incentives for their conservation. & 10. Protect surface and groundwater quality and quantity in the state.*

The proposed text amendments provide clarification that the MPD has been reviewed and conditioned to protect surface and ground water quality as well as maintaining or improving the storage and distribution of surface water resources. The MPD conditions ensure restoration and protection of natural resources and included a projected reduction in existing permitted water withdrawal from the aquifer and a reduction in total nitrogen and total phosphorous. MPD Condition 14 and Exhibit N provide for Surface Water Monitoring and the Enhanced Lake Management Plan. MPD Condition 18 and Exhibit O provide for re-established historic surface water flows through the Property and a Hydrological Restoration Plan. MPD Condition 25 provides for an off-site hydraulic connection to help alleviate flooding of the Wildcat Run properties to the east.

#### REGIONAL POLICY PLAN CONSISTENCY

The proposed amendment is consistent with the Southwest Florida Regional Policy Plan (SWFRPP) as follows:

##### **Water Resources**

***Goal 3: Water Management Districts and local governments must have programs based on scientific modeling to protect surface water, potable water wells, wellfields and contributing areas from contamination.***

The MPD condition 18.b. provides that the Hydrological Restoration Plan be submitted with the first Development Order and that it must be based on an integrated surface and groundwater model. The proposed text amendments provide the specific requirements for golf courses and ancillary uses within the MPD which already established development parameters and conditions of approval that were found consistent with the intent of the DR/GR and the Lee Plan's overall objective to restore and maintain natural resources essential to protecting groundwater supplies, water quality, and flooding. The MPD has been found consistent with the intent of the Environmental Enhancement and

Preservation Communities overlay (EEPCO) standards by Lee County staff, Lee County Hearing Examiner, Lee County Board of County Commissioners, and the Court. Any golf courses and ancillary uses will be developed within the established development pods.

**CONCLUSIONS**

The proposed text amendments are consistent with and generally further the State Comprehensive Plan and Regional Policy Plan. For these reasons, the applicant respectfully submits that the requested text amendments should be approved.

# **PLANNING COMMUNITIES/COMMUNITY PLAN AREA REQUIREMENTS**



# **Amenity Improvement Amendment**

## **Planning Communities/Community Plan Area Requirements**

**CPA2025-00012 – Revised December 2025**

The subject property is located within the Southeast Lee County Community Planning Area. Consistent with Policy 17.3.2 through 17.3.4, RVI Planning + Landscape Architecture, Inc. and CAM7-SUB, LLC ("Applicant") conducted a publicly advertised public information meeting for the above referenced Comprehensive Plan Amendment on Thursday, November 19, 2025, at 5:30 p.m. at The Craft Lounge at Verdana Village, 20052 Verdana Village Blvd., Estero, FL 33928.

No attendees came to the meeting, other than the Applicant and Consultant Team. A copy of the affidavit of publication for the legal advertisement is attached as Exhibit "A". The meeting concluded at approximately 5:50 pm.



PO Box 631244 Cincinnati, OH 45263-1244

**AFFIDAVIT OF PUBLICATION**

RVi  
28100 Bonita Grande DR  
Suite 305  
Bonita Springs FL 34135-6219

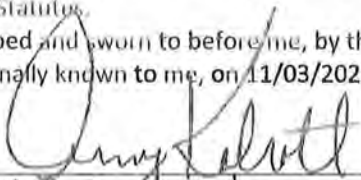
STATE OF WISCONSIN, COUNTY OF BROWN

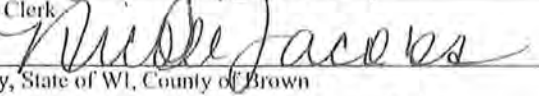
Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Lee County, Florida, or in a newspaper by print in the issues of, on:

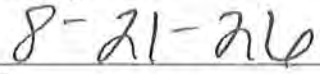
FNP Fort Myers News-Press 11/03/2025  
FNP news-press.com 11/03/2025

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 11/03/2025

  
\_\_\_\_\_  
Legal Clerk

  
\_\_\_\_\_  
Notary, State of WI, County of Brown



My commission expires

Publication Cost: \$137.20  
Tax Amount: \$0.00  
Payment Cost: \$137.20  
Order No: 11806157 # of Copies:  
Customer No: 1501951 0  
PO #: LSAR0400311

**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*

NICOLE JACOBS  
Notary Public  
State of Wisconsin

## NOTICE OF PUBLIC INFORMATION MEETING

DATE/TIME: Wednesday, November  
19, 2025 at 5:30 PM

ADDRESS: The Craft Lounge at  
Verdana Village, 20052 Verdana  
Village Blvd. Estero, FL 33928

In accordance with the require-  
ments of the Southeast Lee County  
Planning Community requirements  
of the Lee Plan, a meeting will be  
held presenting information to the  
public on the following comprehen-  
sive plan amendment request:

Amend Goal 13 and associated  
Objectives and Policies of the Lee  
County Lee Plan relating to Private  
Recreation Facilities in the Density  
Reduction/Groundwater Resource  
(DR/GR) to allow for golf course and  
ancillary uses in Mixed Use Planned  
Development (MPD) zoning district  
subject to Settlement Agreement  
Case No. 22-CA-002743 approved  
under Sec. 70.001 F.S.

The meeting will be held at 5:30  
p.m. on Wednesday, November  
19th, 2025, at The Craft Lounge  
at Verdana Village, 20052 Verdana  
Village Blvd Estero, FL 33928.

For questions please contact:  
RVi Planning + Landscape Architec-  
ture, Inc. c/o Stacy Hewitt  
(239) 770-2527 OR shewitt@  
RViPlanning.com  
November 3 2025  
LSAR0400311

**MIXED USE PLANNED DEVELOPMENT  
(MPD) STIPULATION OF SETTLEMENT  
AGREEMENT UNDER SECTION 70.001,  
FLORIDA STATUTES RECORDED IN  
INSTRUMENT NUMBER 2022000208255**

**AGREEMENT PURSUANT TO STIPULATION OF SETTLEMENT  
UNDER SECTION 70.001, FLORIDA STATUTES**

**THIS AGREEMENT PURSUANT TO STIPULATION OF SETTLEMENT UNDER SECTION 70.001, FLORIDA STATUTES (hereinafter, "Agreement")** is entered into this 22<sup>nd</sup> day of June 2022, by and between:

**LEE COUNTY**, a political subdivision and charter county of the State of Florida (hereinafter "County"), having its principal office at 2115 Second Street, Fort Myers, FL 33901; and

**CORKSCREW GROVE LIMITED PARTNERSHIP**, a Delaware limited partnership (hereinafter, "CGLP" or "Developer"), whose address for purposes of this Agreement is 3602 Colonial Court, Fort Myers, FL 33913.

WHEREAS, CGLP and CGLP's represented parties owns approximately 6,674.56 +/- acres of land located in Lee County, said property being legally described in **Exhibit "A"** attached hereto (hereinafter, "the Property"); and

WHEREAS, after CGLP acquired the Property they continued to process a pending application with the County for a rezoning to the Industrial Planned Development (IPD) district in order to mine a portion of the Property for limerock extraction purposes; and

WHEREAS, the County denied the IPD rezoning request on November 6, 2019; and

WHEREAS, CGLP filed a claim with the County and a Complaint in Circuit Court against the County (Case No. 19-CA-008183, 20<sup>th</sup> Judicial Circuit) under the Bert J. Harris Private Property Rights Protection Act ("the Act"), Section 70.001, Fla. Stat., alleging that the denial of the IPD rezoning and other regulatory restrictions adopted by the County have placed an inordinate burden on the use of the Property, entitling CGLP to compensation under the Act; and

WHEREAS, the Act allows the parties to a dispute under the Act to enter into agreements in order to settle claims filed thereunder, and expressly provides that such agreements may modify or contravene applicable ordinances, rules, regulations, and statutes, subject to the requirements of Section 70.001(4)(d), Florida Statutes; and

WHEREAS, Lee County has adopted Land Development Code (LDC) Section 2-450 to implement Section 70.001(4)(d), Florida Statutes, and expressly allows the Board of County Commissioners to waive any or all procedural requirements contained in otherwise applicable codes and ordinances, and to directly exercise all authority otherwise delegated to the Lee County Hearing Examiner, the County Manager, or any other division or agency of the County; and

WHEREAS, the County and CGLP have identified and agreed upon such alternate uses for the Property, and the parties desire to enter into this Agreement in order to implement their understanding; and

WHEREAS, the County owns Property that is adjacent to the proposed Project as shown on the attached **Exhibit "B"** (hereinafter "County Property"); and

WHEREAS, as an aid to resolution of the dispute between the Litigation Parties, CAM7-SUB, LLC ("CAM") and the County agree, after closing of the purchase of the Property between CGLP and CAM, to swap similar property located within the Project boundaries for the County Property; and

WHEREAS, CGLP, in consideration of the covenants and conditions contained herein, has also agreed to convey to the County CGLP's rights and interests in excavation and mining on the Property to preclude any future mining permit requests on the Property; and

WHEREAS, the County and CGLP have entered into that certain Stipulation of Settlement dated April 19, 2022, agreeing to resolve all claims associated with CGLP's litigation and Bert Harris claim ; and

WHEREAS, this Agreement was reviewed in a public hearing before the Lee County Hearing Examiner on May 17, 2022, and in two public hearings before the Board of County Commissioners of Lee County on June 7, 2022, and June 22, 2022, at which time public comment was taken and duly considered; and

WHEREAS, the Stipulation of Settlement will be reviewed by the Circuit Court pursuant to Section 70.001(4)(d)2., Florida Statutes, at which time a hearing will be held before the Circuit Court for the presentation of public comment on the Stipulation of Settlement and this Agreement;

NOW, THEREFORE, in consideration of the covenants and conditions contained herein and of the benefits to accrue to each Party, the County and CGLP agree as follows:

1. Recitals. The foregoing recitations are true and correct and are incorporated herein by reference. All exhibits to this Agreement are deemed a part hereof.

2. Property Subject to this Agreement. The Property described on the attached **Exhibit "A"** is subject to this Agreement. The terms "Property", "Project" Development, and Proposed Development are used interchangeably in this Agreement. The Proposed Development boundaries may be modified in accordance with subsection 11(B) below.

3. Ownership. CGLP represents that it is the fee owner or designated agent of the Property or otherwise authorized to lawfully enter into this Agreement.

4. Proposed Development of the Property. The County agrees that CGLP or its successors and assigns, will have the right to develop the Property as set forth in this Agreement. The Proposed Development of the Property will comply with the following:

A. Development will be generally consistent with the Master Concept Plan ("MCP") attached as **Exhibit "C"**, and will comply with the Schedule of Uses attached as **Exhibit "D"**, the Conditions shown on attached **Exhibit "E"**, the Property Development Regulations shown on attached **Exhibit "F"**, the Restoration Phasing Plan shown on **Exhibit "G"**,

B. Upon the Effective Date of this Agreement, the Property will be designated and treated as a Mixed-use Planned Development ("MPD") as shown on the MCP. Upon compliance with the terms of this Agreement and the requirements of the LDC, local development orders and other development permits for development of the Property will be issued by the County as provided under the LDC and other applicable regulations except where superseded by the terms of this agreement and the documents attached hereto and made a part hereof.

5. Consistency with Lee County Comprehensive Plan. The parties acknowledge that certain aspects of the development approved pursuant to this Agreement would require a plan amendment to the County's Comprehensive Plan ("Plan") adopted pursuant to Chapter 163, Florida Statutes. Accordingly, approval of the development without a plan amendment will contravene the application of Sections 163.3184 and 163.3194(1)(a), Florida Statutes (the "Contravened Statutes"). Pursuant to Section 70.001(4)(d)2., Florida Statutes, the parties will file an action in circuit court to ensure that the

relief granted by this Agreement protects the public interest served by the Contravened Statutes and is the appropriate relief necessary to prevent the County's regulations from inordinately burdening the Property.

6. Public Facilities. Potable water, sanitary sewer, solid waste service, surface water management and fire/EMS services necessary to serve the Proposed Development are either adequate and existing or will be adequate or mitigated for at the time of development order for the Proposed Development or any portion thereof, subject to the following:

A. Transportation and fire/EMS services will be mitigated by Developer as provided in paragraphs 8.A and 8.C. below.

B. Potable water service is presently adequate at the existing plants or will be available for the Proposed Development. Based on the proposed Project and agreed upon analysis, the required offsite potable water system infrastructure, upgrades, or improvements will be funded by the Developer. The anticipated infrastructure improvements needed to serve the Project consists of the utility extensions identified and depicted in Exhibit "P" which shall include a water tank and booster pump(s). Ensuring the adequacy of the existing and proposed improvements to serve the Project will be the responsibility of the Developer.

The Developer will pay 50% of the standard hook-up and connection fees charged by the County at the time of phased construction plan submittal and the balance at the time the potable water infrastructure has been turned over to the County as a Developer Contributed asset and put into service per each phase of individual development orders. The Developer or assign will pay standard meter fees charged by the County at the time the water meters are requested.

Any extension or upsizing of the potable water main, water tank and/or pump desired by the County to meet future County offsite demands will be designed, permitted, and constructed by Developer in accordance with the following:

(i) The Developer will notify the County in writing or by email at least sixty (60) days in advance of commencing engineering design work for the potable water mains, water tank and/or pump improvements for the Project.

(ii) Within thirty (30) days of receipt of Developer's written or electronic email notice, the County may request, by writing or email, the Developer to upsize the potable water mains, water tank and/or pump improvements to a capacity or size identified by the County.

(iii) The County agrees to reimburse Developer for all incremental costs of design, permitting, financing, bond issuance, overhead, and construction of the potable water mains, water tank and/or pump improvements and infrastructure attributable to the requested upsizing. Such reimbursement to be due within sixty (60) days from County inspection and final acceptance of the transmission line and infrastructure.

C. To facilitate the construction of necessary infrastructure the Parties agree as follows:

1. Sanitary sewer service is not currently available for the Proposed Development.
2. The Developer will be responsible for needed sanitary sewer offsite utility infrastructure improvements to serve the Development, per attached Exhibit K.
3. The County is designing and planning to construct a minimum 10 MGD wastewater facility on Alico Road ("SEWRF"), which once completed will provide sufficient capacity for the Proposed Development.

4. By June 1, 2029, the County is obligated to design, permit, and complete construction of Phase 1 of SEWRF to accept offsite wastewater from the Proposed Development.
5. Phase 1 must be designed and built to provide adequate capacity to serve a minimum of 5,000 residential units and 200,000 square feet of commercial development for the Proposed Development.
6. The County shall provide CGLP or its assigns with written notice no later than August 31, 2025, if the SEWRF construction design plans have not been submitted to the Florida Department of Environmental Protection (FDEP) for review, and written notice shall be provided to CGLP or its assigns on June 15, 2026, if a permit for construction of the SEWRF hasn't been obtained from the FDEP.
7. The sanitary sewer improvements and corresponding minimum capacities set forth herein to accommodate the Proposed Development are in addition to any needed capacity for existing or other proposed developments that the County intends to serve with SEWRF.
8. The Developer shall pay 50% of the Proposed Development's sewer LCU connection fees equal to \$13,300,000.00, based on 10,000 units at a cost of \$2,660.00 per each unit and 50% of the approximate required connection fees for commercial development at the later of (i) the first development order for vertical construction, (ii) August 31, 2025, or (iii) the submittal date of the design plans (together hereinafter referred to as "Connection Fees.") The remaining 50% balance of the Project sewer LCU fee shall be paid at the time the infrastructure is put into service per each phase of development, consistent with current County policies.
9. If less than 10,000 residential units and 700,000 square feet of commercial space are designed within the Proposed Development then any over payment of the initial 50% pre-payment of Connection Fees shall be credited toward the required remaining balance of 50% of the required Connection Fees.
10. Once the initial 50% of the Connection Fees have been paid, the County hereby guarantees the necessary sanitary sewer capacity to serve the 10,000 residential units and accompanying commercial developments within the Project utilizing the capacities of SEWRF and Three Oaks WWTP as needed.
11. The Parties hereby agree and acknowledge that construction of Phase 1 of SEWRF will only be required to accommodate 5,000 units and 200,000 square feet of commercial development for the Proposed Development (in addition to other existing and proposed developments). Once the Connection Fees have been paid, the capacity for the remaining 5,000 units and remaining commercial square footage will be provided for through the construction of future phase(s) of the SEWRF. The future phases of the SEWRF necessary to provide capacity for the remaining portions of the Proposed Development, not accommodated within Phase 1, must be constructed and operational no later than December 31, 2033.
12. Once the SEWRF is completed, the Proposed Development will connect to it through infrastructure installed by the Developer at the Developer's expense and through infrastructure installed third parties or the County.

13. In the event construction of the Proposed Development is delayed or the real estate market reduces overall demand, CGLP and the County may agree in writing to extend the deadlines for construction of the SEWRF identified above.
14. In the event the County is unable to construct the initial or subsequent phases of the SEWRF in accordance with the terms provided herein, the Developer may construct temporary sanitary sewer facilities needed to serve the Proposed Development. Once the temporary facilities are constructed, the County agrees to operate and maintain those temporary facilities at the County's cost until such time as the relative phase(s) of the SEWRF is completed.
15. In the event the County is prevented, hindered or delayed directly or indirectly by fire, flood, earthquake, elements of nature or acts of God, acts of war, terrorism, riots, civil disorders, rebellions or revolutions, or any other similar cause beyond the reasonable control of the County (each a "Force Majeure Event"), and such non-performance, hindrance or delay could not have been prevented by reasonable precautions, then the County shall be excused for such non-performance, hindrance or delay, as applicable, of completion of the SEWRF affected by the Force Majeure Event for as long as the Force Majeure Event continues and, except as otherwise provided in this Section, the County continues to use its reasonable efforts to recommence performance whenever and to whatever extent possible without delay to include securing the necessary permitting from State and Federal agencies.
16. Until such time as Phase 1 of SEWRF is completed, the County shall allow a sewer consumptive use rate of 200GPD to determine the sewer capacity available in the existing Pinewoods Master Pump Station and pipes that feed it with the additional calculated capacity to be used by the Proposed Development.
17. The County shall allow a sewer consumptive use rate of 200GPD compared to a design rate of 250GPD to determine the sewer capacity available in the SEWRF and pipes that feed it with the additional calculated capacity to be used by the Proposed Development until the Proposed Development's 10,000 residential units and commercial square footage are accommodated.
18. Based on the Proposed Development and agreed upon analysis, the required offsite wastewater system infrastructure, upgrades, or improvements funded by the Developer are anticipated to consist of the utility extensions identified and depicted in **Exhibit "K"**. Ensuring the adequacy of the existing and proposed improvements to serve the Proposed Development other than those set forth herein, will be the responsibility of the Developer. Any improvements not contemplated within Exhibit "K" that are needed to serve the development will be the responsibility of the Developer except that the County and Developer recognize that Exhibit "K" contemplates the sewer installation in front of the FFD property has been constructed and the sewer installed on Alico Road from Corkscrew Road to the SEWRF has been installed by the County as part of the SEWRF construction.
19. In the event a force main is not installed from the FFD development along Corkscrew Road to Alico Road or the force main on Alico Road from Corkscrew Road to the SEWRF, as assumed within Exhibit "K", then the Developer will be responsible for constructing the necessary improvements. If the Developer constructs the sewer force main on Corkscrew Road from the FFD development to Alico Road, Alico Road from Corkscrew Road to the

SEWRF, or other offsite infrastructure not contemplated in Exhibit "K" and needed to serve the Proposed Development, then the County will reimburse the Developer for the full cost of the sewer installed from Corkscrew Road to the SEWRF along with a proportionate share of the design, permitting, construction including infrastructure, maintenance of traffic, landscape restoration and a proportionate share of the financing cost for those improvements. The County and the Developer will enter into a Rebateable Agreement to reimburse the Developer for the other additional infrastructure improvements.

20. To expedite the Proposed Development, and at the Developer's discretion, a temporary connection to the existing Verdana Village Pod 2 master pump station and/or construction of a package WWTP built on the Project may be constructed until such time as the County SEWRF is in operation. The construction of the discretionary improvements for the Project may be completed in phases.

21. Any sewer extension or upsizing of the sanitary sewer infrastructure or facilities requested by the County to meet future county offsite demands, and agreed to be performed by the Developer, will be designed, permitted, and constructed by Developer in accordance with the following:

(i) The Developer will notify the County in writing or electronically by email at least sixty (60) days in advance of commencing engineering design work for the sanitary sewer infrastructure and facility improvements.

(ii) Within thirty (30) days of receipt of Developer's notice, the County may request in writing the Developer to upsize the Proposed Development's sanitary sewer infrastructure and facilities in writing or electronically by email to a size and capacity identified by the County.

(iii) The County agrees to reimburse Developer for all incremental costs of design, permitting, financing, bond issuance, overhead, and construction of the sanitary sewer infrastructure and facility improvements attributable to the requested upsizing. Such reimbursement to be due to the Developer within sixty (60) days after inspection and acceptance of the requested upsizing improvements by the County which will not be unreasonably withheld or delayed.

D. Solid waste service will be provided by a franchised hauler.

E. Subject to the requirements of paragraph 8.B. below, surface water management will be provided in accordance with permits to be issued by the South Florida Water Management District.

7. Development Permits Needed for Proposed Development. CGLP, or its successor in ownership, must obtain all State and Federal permits necessary to allow development in accordance with this Agreement, subject to paragraph 19 below. CGLP must submit and obtain all development orders and development permits from Lee County necessary, and Lee County must review and approve those submittals to allow development subject to, consistent with, and in accordance with this Agreement.

8. Development Limitations, Commitments and Obligations. For and in consideration of the benefits received pursuant to this Agreement, CGLP agrees to the following limitations, commitments and obligations in order to mitigate the impacts of the Proposed Development:

- A. Developer will construct an internal public spine road from Corkscrew Road to State Route 82 and provide for a Project Proportionate Share payment of \$2,000.00 per residential unit which payment shall be due at issuance of each residential building permit. In addition:
- (i) The cost of construction of the spine road, including but not limited to, road landscaping, signage, and lighting, will be borne by the Developer;
  - (ii) The spine road will be constructed in phases to County specifications for a collector road;
  - (iii) Impact fee credits will be issued for Corkscrew Road right of way dedicated to the County adjacent to the Project;
  - (iv) The Project will pay impact fees at the rate in effect at the time of issuance of building permits;
  - (v) Once built to County standards the spine road will be dedicated to the County and the County will take over the future maintenance of the Spine Road which transfer, and maintenance responsibility will be assumed by the County upon acceptance of the dedication to the county for ownership and maintenance on the record plat. Any landscaping, lighting, and signage that is above County "core-level" shall be maintained by the Project homeowner association, community development district, or independent special district.
- B. Environmental Enhancements. Environmental enhancements to the Property will occur in accordance with the Conditions of Development attached as Exhibit "E" and the Restoration Phasing plan attached hereto as Exhibit "G".
- C. The building permit applicant will pay Fire and EMS Impact Fees in accordance with the Fire/EMS Impact Fee Ordinances.

9. Applicable Land Use Regulations. The Proposed Development within the Property shall be subject to the County's land development regulations governing development as of the Effective Date of this Agreement for the duration of this Agreement except as superseded by this agreement and the attached Exhibits. Unless otherwise requested and agreed to by CGLP or assigns, the County may not apply subsequently adopted Land Use regulations and policies to the Proposed Development. Any County initiated Lee Plan Amendments that apply to the Property must be consistent with this Agreement and the attached Exhibits for the duration of this Agreement.

10. Duration of Agreement. This Agreement shall remain in full force and effect until buildout of the Proposed Development, unless terminated earlier as provided in Paragraph 11 of this Agreement. For purposes of this Agreement, buildout shall occur upon the earlier of (a) issuance of certificates of occupancy for all development authorized herein, or (b) recording in the Public Records of Lee County of a declaration by CGLP or its assigns, that it has completed development under this Agreement and transmittal of same to the County. Notwithstanding anything in the LDC to the contrary, the MCP, Schedule of Uses, Conditions of Development, Property Development Regulations, Restoration Phasing Plan, and Development Authorization Form attached hereto as Exhibits "C," "D," "E," "F," "G" and "H" respectively, will remain valid for the duration of this Agreement.

11. Amendment and Termination. This Agreement will terminate only upon mutual consent of the parties, in writing, executed with the same formalities as this Agreement or upon recording of a Notice of Termination by either Party pursuant to paragraph 21 below.

A. Amendments to the density or intensity of the Proposed Development can only be approved through mutual agreement of the parties. All other changes may be reviewed and approved administratively through the same processes and criteria identified for planned developments in LDC Chapters 10 and 34. If the proposed amendment does not meet the criteria for administrative approval, the amendment must be approved through the public hearing process under the same processes and criteria identified for planned developments in LDC Chapters 10 and 34 in accordance with the procedures in place at the time of application.

B. Amendments to the Proposed Development boundaries and associated Master Concept Plan may be approved through issuance of an Administrative Amendment subject to the following:

- i. The property is adjacent to the Proposed Development boundaries and under common ownership of the Developer;
- ii. The reduction of the Property boundaries will not reduce the overall required open space or conservation areas. Reductions of the Property boundaries that include a corresponding addition of property to replace the open space or conservation areas being removed by the reduction may be approved;
- iii. Property that is removed from the Proposed Development boundaries is subject to the development parameters, including density and intensity permitted under the Lee Plan and Land Development Code as it existed without the Development Agreement and Stipulation of Settlement.
- iv. The addition of property to the Proposed Development boundaries will be subject to the same development limitations as though the property was included in this Development Agreement.

12. Relinquishment of Claims by CGLP. Upon entry of an Order of Dismissal by the Circuit Court in that certain case styled *CGLP Land Co., Inc. v. Lee County, 20<sup>th</sup> Judicial Circuit Case No. 19-CA-008183*.

A. CGLP agrees to relinquish to the County all of CGLP's rights and interests in mining on the Property through a restrictive covenant on the Property that will ensure that future owners and successors have no rights or interests in mining the Property for limerock or other sedimentary minerals. Provided, however, that nothing contained herein shall preclude excavation in connection with the Proposed Development of the Property including, but not necessarily limited to, excavation for water retention, fill, utilities, infrastructure, structures, and other related purposes. The foregoing restrictive covenant will not prohibit exploration or production of oil or natural gas on or under the Property, will not create oil, gas or mineral rights in the County, and shall not be deemed to prohibit the sale and removal of excess fill material created by the approved development of the Property in accordance with LDC Chapter 10. The restrictive covenant shall be recorded in the Public Records of Lee County.

B. CGLP agrees to waive, relinquish, and release forever its claim for damages for an "as applied" taking and pursuant to that certain claim letter filed with the County by CGLP dated September 11, 2020, pursuant to the Act, for actions arising out of the County's denial of its IPD zoning request on November 6, 2019; provided, however, that nothing contained herein shall constitute a waiver or relinquishment of any claim for damages or any other relief whatsoever arising against the County from or out of this Agreement, or for any subsequent property rights violation arising after the date of this Agreement that is not directly related to the County's denial of said IPD zoning request.

13. Credit Against Proportionate Share Payment. For and in consideration of CGLP's conveyance to the County of all of CGLP's rights and interests in the mining of limerock and other sedimentary minerals on the Property as provided in Paragraph 12 above, CGLP will receive proportionate share credits from the County in the amount of \$2,400,000.00 that may be used by CGLP, or its assigns, towards the proportionate share payments charged by the County under paragraph 8 of

this Agreement. CGLP may transfer or assign all or part of this credit to a third party only for use in conjunction with development of the Property. No building permits for development utilizing this credit will be issued by the County unless the permit applicant provides to the County a notarized form executed by CGLP or its assigns identifying the number of dwelling units or square footage of non-residential development authorized by CGLP or its assigns to be built. The Development Authorization form will be in substantially the same format as the form attached hereto as Exhibit "J." The County will not issue building permits for any development that exceeds the amount of development authorized by CGLP or its assigns.

14. Notices. All notices required or permitted under this Agreement shall be in writing and shall be mailed by certified mail, return receipt requested to the following addresses, or to such other person or address as any Party may designate from time to time and after Property sale in writing:

If to CGLP: Corkscrew Grove Limited Partnership  
3602 Colonial Court  
Fort Myers, FL 33913  
Attn: Mitch Hutchcraft

With a copy to: Moore Bowman & Reese, P.A.  
551 N. Cattlemen Road,  
Suite 100  
Sarasota, Florida 34232  
Attn: S. William Moore, Esquire

If to the County: Lee County  
2115 Second Street  
Fort Myers, FL 33901  
Attn: County Manager

With a copy to: Lee County  
2115 Second Street  
Fort Myers, FL 33901  
Attn: Lee County Attorney

15. Remedies. Any material breach of this Agreement may be enforced by either Party as against the other by appropriate action in law or equity filed in a court of competent jurisdiction, including but not limited to an action for specific performance; provided, however, no such action may be brought until the defaulting Party has been given notice and ninety (90) days in which to cure the default to the satisfaction of the non-defaulting party. Notwithstanding the foregoing, violations of the Master Concept Plan, Schedule of Uses, Conditions of Development and Deviations, Property Development Regulations, and Restoration Phasing, attached hereto as Exhibits B, C, D, E, and F, respectively, may also be enforced by the County through appropriate code enforcement actions.

16. Governing Law; Venue. This Agreement shall be construed and interpreted according to the laws of the State of Florida, and venue with respect to any litigation between the Parties related to this Agreement shall be exclusively in Lee County, Florida.

17. Severability. If any part, term, or provision of this Agreement is held to be illegal, void, or unenforceable, the remaining portions or provisions of this Agreement shall not be affected or impaired, each remaining provision shall remain in full force and effect, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision held to be invalid.

18. Entire Agreement. This Agreement embodies the whole agreement of the Parties. There are no promises, terms, conditions, or obligations other than those contained herein; and this Agreement shall supersede all previous communications, representations, or agreements, either verbal or written, regarding the Proposed Development of the Property between the Parties.

19. Conflict of Laws. If state or federal laws are enacted subsequent to the execution of this Agreement which are applicable to and preclude either Party's compliance with the terms of this Agreement, this Agreement shall be modified as necessary to comply with the relevant state or federal laws, in a manner that most closely reflects the intent of this Agreement.

20. Covenants Running with the Land; Assignment of Obligations by CGLP. The obligations imposed and entitlements created pursuant to this Agreement shall run with and bind the Property as covenants running with the land, and this Agreement shall be binding upon and enforceable by and against the Parties hereto, their personal representatives, heirs, successors, grantees, and assigns after notice to the County. All or any of the obligations of CGLP may be assigned to one or more successor developers, property owners associations or to one or more community development districts established under Chapter 190, Fla. Stat., and CGLP shall thereafter be relieved of all obligations so assigned.

21. Effective Date. This Agreement will become effective (the "Effective Date") upon full execution by both Parties and recording of the Agreement in the Public Records of Lee County pursuant to paragraph 22 below; provided, however, that none of the rights or obligations contained herein will become effective as to either Party until issuance of the Order of Dismissal by the Circuit Court pursuant to paragraph 12 above. In the event an Order of Dismissal is not entered within eighteen (18) months of the Effective Date of this Agreement, then either Party may terminate this Agreement by recording a Notice of Termination in the Public Records of Lee County, whereupon this Agreement will be considered null and void.

22. Recording of Agreement. This Agreement will be recorded by the County at the County's expense in the Public Records of Lee County within fourteen (14) days of approval by the Lee County Board of County Commissioners. In the event this Agreement is terminated as provided herein, the Parties will execute and CGLP will record a Notice of Termination in the Public Records of Lee County within twenty (20) days of such termination.

23. Findings Under Section 70.001(4)(d)1., Florida Statutes. Pursuant to Section 70.001(4)(d)1., Florida Statutes, the County finds that, to the extent that this Agreement has the effect of a modification, variance, or a special exception to the application of a rule, regulation, or ordinance as it would otherwise apply to the Property, the relief granted herein and the obligations and mitigation to be provided by CGLP pursuant to this Agreement, adequately protect the public interest served by the rules, regulations or ordinances at issue and is the appropriate relief necessary to prevent the County's regulatory efforts from inordinately burdening the Property.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year written below.

WITNESSES:

**CORKSCREW GROVE LIMITED PARTNERSHIP, a Delaware limited partnership**

*[Signature]*  
Print Name: Michael D. Jacob

*[Signature]*  
Print Name Daniel Delisi

By: *[Signature]*  
Name: MITCHELL A. HUTCHCRAFT  
Title: VICE PRESIDENT

STATE OF FLORIDA  
COUNTY OF LEE

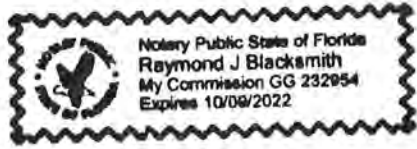
Sworn to and subscribed before me by means of  physical presence or  online notarization this 22 day of JUNE, 2022, by MITCHELL HUTCHCRAFT, as Vice President of Corkscrew Grove Limited Partnership, a Delaware limited partnership, who is  personally known to me or  who produced *[Signature]* as identification.

*[Signature]*  
Notary Public Signature

My Commission Expires:

Raymond J. Blacksmith  
Type/Print Notary Public Name

Commission No.: GG 232954



ATTEST:  
KEVIN KARNEB, CLERK

By: Melissa Butler  
Deputy Clerk

Melissa Butler  
Print Name



BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: Cecil I. Pendergrass  
Cecil I. Pendergrass, Chair

Date: 6-22-22

APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY:

[Signature]  
County Attorney's Office

Exhibits:

- A. Legal Description of the Property
- B. County Land Swap Property Exhibit
- C. Master Concept Plan
- D. Schedule of Uses
- E. Conditions of Development and Deviations
- F. Property Development Regulations
- G. Restoration Phasing Plan
- H. Development Authorization Form
- I. Protective Species Survey
- J. Human/Wildlife Coexistence Plan and Protective Species Management Plan
- K. Offsite Sewer Analysis
- L. Indigenous Preservation, Restoration, and Management Plan
- M. Existing Agricultural Areas
- N. Enhanced Lake Management Plan
- O. Hydrological Restoration Plan
- P. Offsite Potable Water Analysis

**EXHIBIT A**

**Barraco**  
and Associates, Inc.

[www.barraco.net](http://www.barraco.net)

Civil Engineers, Land Surveyors and Planners

**DESCRIPTION**

Parcel in  
Section 35, Township 45 South, Range 27 East  
and Sections 2, 3, 10, 11, 14, 15, 24, 25, 26, 34, 35 and 36,  
Township 46 South, Range 27 East,  
Lee County, Florida

A tract or parcel of land lying in Section 35, Township 45 South, Range 27 East and Sections 2, 3, 10, 11, 14, 15, 24, 25, 26, 34, 35 and 36, Township 46 South, Range 27 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

**PARCEL 1:**

Beginning at the Southwest corner of said Section 35 run  $N00^{\circ}42'20''W$  along the West line of said Section 35 for 4,913.47 feet to an intersection with the Southwesterly right of way line of State Road 82 (F.D.O.T. right of way Section No. 1207-101) (200 feet wide right of way); thence run  $S74^{\circ}24'28''E$  along said Southwesterly right of way line for 5,474.38 feet to an intersection with the East line of said Section 35; thence run  $S01^{\circ}27'49''E$  for 3,347.79 feet to the Northeast corner of said Section 2; thence run  $S00^{\circ}37'24''E$  along the East line of said Section 2 for 4,496.97 feet; thence run  $S88^{\circ}14'39''W$  for 2,954.70 feet; thence run  $S00^{\circ}38'17''E$  for 1,000.18 feet; thence run  $N89^{\circ}34'20''E$  for 89.85 feet; thence run  $S00^{\circ}42'50''E$  for 1,075.98 feet to an intersection with the North line of the West Half (W 1/2) of said Section 11; thence run  $N88^{\circ}06'17''E$  along said North line for 218.81 feet to the Northeast corner of said Fraction; thence run  $S00^{\circ}11'24''E$  along the East line of said Fraction for 5,325.44 feet to Southeast corner of said Fraction; thence run  $N88^{\circ}33'37''E$  along the North line of said Section 14 for 2,623.23 feet to the Northeast corner of said Section 14; thence run  $S00^{\circ}02'19''W$  along the East line of said Section 14 for 5,330.76 feet to the Southeast corner of said Section 14; thence run  $S88^{\circ}57'32''W$  along the South line of said Section 14 for 5,217.75 feet to the Southeast corner of said Section 15; thence run  $S88^{\circ}56'48''W$  along the South line of said Section 15 for 5,216.63 feet to the Southwest corner of said Section 15; thence run  $N00^{\circ}12'22''W$  along the West line of said Section 15 for 5,552.99 feet to the Southwest corner of said Section 10; thence run  $N01^{\circ}06'50''W$  along the West line of said Section 10 for 5,068.95 feet to the Southwest corner of said Section 3; thence run  $N00^{\circ}58'11''W$  along the West line of said Section 3 for 6,632.47 feet to the Northwest corner of said Section 3; thence run  $N89^{\circ}02'20''E$  along the North line of said Section 3 for 5,301.06 feet to the POINT OF BEGINNING.

Containing 4,202.62 acres, more or less.

**PARCEL 2:**

Beginning at the Northwest corner of said Section 24 run  $N88^{\circ}48'32''E$  along the North line of said Section 24 for 5,496.75 feet to an intersection with the West line right of way line of Corkscrew Road, also being the West line of the East 25 feet of said

## DESCRIPTION (CONTINUED)

Section 24; thence run  $S01^{\circ}20'16''E$  along said West line for 4,100.52 feet to an intersection with the Northerly right of way line of Corkscrew Road, as described in a deed recorded in Instrument No. 2005000136900, Lee County Records; thence run along said Northerly right of way line the following three (3) courses:  $S88^{\circ}39'44''W$  for 50.00 feet to a point on a non-tangent curve; Southwesterly along an arc of a curve to the right of radius 1,175.00 feet (delta  $90^{\circ}09'17''$ ) (chord bearing  $S44^{\circ}50'13''W$ ) (chord 1,663.94 feet) for 1,848.86 feet and  $S00^{\circ}05'08''E$  along a radial line for 25.00 feet to an intersection with the North right of way line of said Corkscrew Road, also being North line of the South 50 feet of said Section 24; thence run along said North right of way line the following two (2) courses:  $S89^{\circ}54'52''W$  for 1,393.63 feet and  $S88^{\circ}51'37''W$  for 2,675.85 feet to an intersection with the West line of said Section 24; thence run  $N03^{\circ}15'49''W$  along said West line for 5,255.07 feet to the POINT OF BEGINNING.

Containing 644.59 acres, more or less.

## PARCEL 3:

Beginning at the Northwest corner of said Section 26 run  $N88^{\circ}51'40''E$  along the North line of the Northwest Quarter (NW 1/4) of said Section 26 for 2,663.66 feet to the North Quarter corner of said Section 26; thence run  $N88^{\circ}54'17''E$  along the North line of the Northeast Quarter (NE 1/4) of said Section 26 for 2,666.51 feet to the Northwest corner of said Section 25; thence run  $S01^{\circ}09'29''E$  along the West line of the Northwest Quarter (NW 1/4) of said Section 25 for 50.00 feet to an intersection with the South right of way line of Corkscrew Road, also being South line of the North 50 feet of said Section 25; thence run along said South right of way line the following two (2) courses:  $N88^{\circ}51'37''E$  for 2,673.06 feet and  $N89^{\circ}54'52''E$  for 2,671.08 feet to an intersection with the East line of Northeast Quarter (NE 1/4) of said Section 25; thence run  $S01^{\circ}11'48''E$  along said East line for 2,550.74 feet to the East Quarter corner of said Section 25; thence run  $S01^{\circ}12'17''E$  along the East line of Southeast Quarter (SE 1/4) of said Section 25 for 2,650.95 feet to the Northeast corner of said Section 36; thence run  $S01^{\circ}11'26''E$  along the East line of Northeast Quarter (NE 1/4) of said Section 36 for 1,320.34 feet; thence run  $S89^{\circ}10'39''W$  parallel with the North line of said Fraction for 990.98 feet; thence run  $N01^{\circ}11'26''W$  parallel with the East line of said Fraction for 1,320.34 feet to an intersection with the North line of said Fraction; thence run  $S89^{\circ}10'39''W$  along the North line of said Fraction for 1,683.83 feet to the North Quarter corner of said Section 36; thence run  $S89^{\circ}09'00''W$  along the North line of the Northwest Quarter (NW 1/4) of said Section 36 for 2,672.43 feet to the Northeast corner of said Section 35; thence run  $S88^{\circ}41'30''W$  along the North line Northeast Quarter (NE 1/4) of said Section 35 for 150.00 feet to an intersection with the West line of the East 150 feet the Northeast Quarter (NE 1/4) of said Section 35; thence run  $S01^{\circ}02'25''E$  along said West line for 2,605.57 feet to an intersection with the South line of the North Half (N 1/2) of said Section 35; thence run  $S88^{\circ}35'54''W$  along said South line for 5,197.13 feet to the East Quarter corner of said Section 34; thence run  $S89^{\circ}18'56''W$  along the North line of the Southeast Quarter (SE 1/4) of said Section 34 for 662.29 feet to the Northeast corner of the West Half (W 1/2) of the East

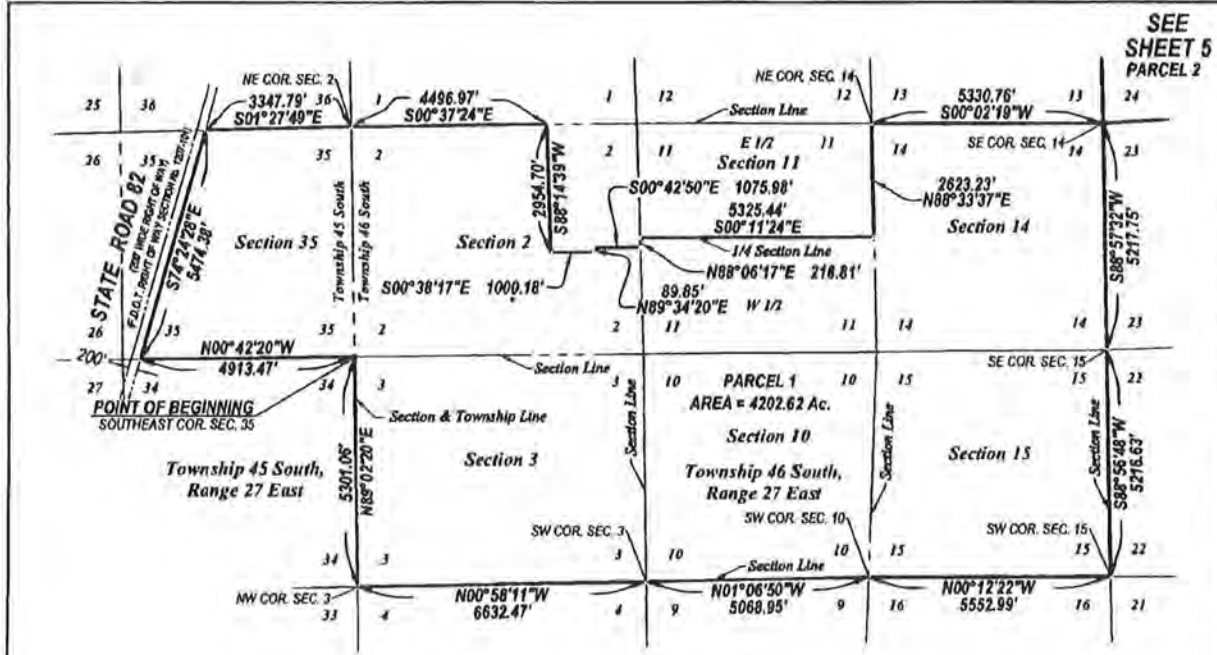
## DESCRIPTION (CONTINUED)

Half (E 1/2) of the Southeast Quarter (SE 1/4) of said Section 34; thence run  $S00^{\circ}56'36''E$  along the East line of said Fraction for 978.73 feet to the Northwest corner of the South Half (S 1/2) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) said Section 34; thence run  $N89^{\circ}21'38''E$  along the North line of said Fraction for 662.30 feet to the Northeast corner of said Fraction; thence run  $S00^{\circ}56'36''E$  along the East line of said Fraction, also being the East line of the Southeast Quarter (SE 1/4) of said Section 34 for 326.43 feet to the Southeast corner of said Fraction; thence run  $S89^{\circ}21'38''W$  along the South line of said Fraction for 662.30 feet to the Southwest corner of said Fraction; thence run  $S00^{\circ}56'36''E$  along the East line of said West Half (W 1/2) of the East Half (E 1/2) of the Southeast Quarter (SE 1/4) of Section 34 for 325.25 feet; thence run  $S89^{\circ}21'38''W$  for 1,985.63 feet to an intersection with the West line of said Southeast Quarter (SE 1/4) of Section 34; thence run  $N00^{\circ}56'43''W$  along said West line for 1,628.85 feet to the Center of said Section 34; thence run  $N00^{\circ}55'48''W$  along the West line of the Northeast Quarter (NE 1/4) of said Section 34 for 2,623.36 feet to the North Quarter corner of said Section 34; thence run  $N89^{\circ}31'02''E$  along the North line of the Northeast Quarter (NE 1/4) of said Section 34 for 2,646.41 feet to the Southwest corner of said Section 26; thence run  $N88^{\circ}41'30''E$  along the South line of the Southwest Quarter (SW 1/4) of said Section 26 for 1,335.92 feet to the Southeast corner of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of said Section 26; thence run  $N01^{\circ}03'24''W$  along the East line of said Fraction for 1,321.72 feet to the Northeast corner of said Fraction; thence run  $S88^{\circ}43'35''W$  along the North line of said Fraction for 1,335.09 feet to the Northwest corner of said Fraction and intersection with the West line of said Southwest Quarter (SW 1/4) of Section 26; thence run  $N01^{\circ}01'16''W$  along said West line for 1,322.52 feet to the West Quarter corner of said Section 26; thence run  $N01^{\circ}00'42''W$  along the West line of the Northwest Quarter (NW 1/4) of said Section 26 for 2,645.28 feet to the POINT OF BEGINNING.

Containing 1,827.35 acres, more or less.

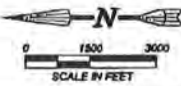
Bearings hereinabove mentioned are based on the North line of said Section 3 to bear  $N89^{\circ}02'20''E$ .

\_\_\_\_\_  
 Scott A. Wheeler (For The Firm)  
 Professional Surveyor and Mapper  
 Florida Certificate No. 5949



**NOTES:**

1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. D.B. - DENOTES DEED BOOK.
3. INST. No. - DENOTES INSTRUMENT NUMBER, LEE COUNTY PUBLIC RECORDS.
4. O.R. - DENOTES OFFICIAL RECORD BOOK, LEE COUNTY PUBLIC RECORDS.
5. (P) - DENOTES PLAT.
6. P.B. - DENOTES PLAT BOOK.
7. PG. - DENOTES PAGE.
8. BEARINGS AS SHOWN ARE BASED ON THE NORTH LINE OF THE OF SECTION 3 TO BEAR N89°02'20\"/>



SCOTT A. WHEELER (FOR THE FIRM - LB-6940)  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA CERTIFICATE NO. 5949

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

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED OR DIGITAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

**THIS IS NOT A SURVEY**

SEE SHEET 5  
 PARCEL 2

**Barraco**  
 and Associates, Inc.  
 CIVIL ENGINEERING, LAND SURVEYING  
 AND PLANNING

www.barraco.net

2711 HUNTERWOOD BLVD., SUITE 100  
 FORT MYERS, FLORIDA 33908  
 PHONE: 888-488-4888  
 FAX: 888-488-2888

FLORIDA LICENSED PROFESSIONAL ENGINEERING FIRM: 00017700-00000

---

**CAM7-SUB, LLC**

3101 DEERBARK DRIVE, SUITE 100  
 ESTERO, FL 33928  
 PHONE: 888-488-4888  
 FAX: 888-488-4888  
 www.Cam7.com

---

A PARCEL OF LAND IN SECTION 35, TOWNSHIP 43 SOUTH, RANGE 27 EAST AND SECTIONS 1, 3, 10, 11, 14, 15, 24, 25, 26, 34, 35 AND 36, TOWNSHIP 46 SOUTH, RANGE 27 EAST, ST. LEE COUNTY, FLORIDA

PROJECT DESCRIPTION

THIS PLAT WAS PREPARED BY THE SURVEYOR AND MAPPER AND THE ORIGINAL RAISED OR DIGITAL SEAL OF THE SURVEYOR AND MAPPER IS ATTACHED TO THIS INSTRUMENT.

FILE NAME	DESCRIPTION
LAYOUT	
LISTINGS	
PLAT NO.	
PLAN NO.	
DATE	
BY	
CHECKED BY	
DATE	
SCALE	
PLAT NO.	
PLAN NO.	
DATE	
BY	
CHECKED BY	
DATE	

4 OF 5



**EXHIBIT "B"**  
**LEGAL DESCRIPTION OF COUNTY EXISTING PROPERTY**

Parcel 1:

A parcel of land located in Section 23, Township 46 South, Range 27 East, Lee County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Section 23, Township 46 South, Range 27 East, Lee County, Florida; thence run S.89°28'06" W., along the South line of the Southeast quarter of said Section 23, for a distance of 525.38 feet a point 525.00 feet Westerly of, as measured at right angles to, the East line of the Southeast quarter of said Section 23 and the point of beginning of the parcel of land herein described; thence continue S.89°28'06"W., along the South line of the Southeast quarter of said Section 23, for a distance of 2141.32 feet to the South quarter corner of said Section 23; thence run S.89°26'02"W., along the South line of the Southwest quarter of said Section 23, for a distance of 12.65 feet; thence run N.00°34'53"W. for a distance of 1115.00 feet; thence run S.89°26'02"W., parallel with the South line of the Southwest quarter of said Section 23, for a distance of 810.00 feet; thence run N.00°34'53"W. for a distance of 888.90 feet; thence run N.89°11'45"E. for a distance of 1030.45 feet; thence run N.03°17'37"W. for a distance of 3299.20 feet to a point on the North line of said Section 23, said point being located 2798.63 feet Easterly of, as measured along the North line of said section 23, the Northwest corner of said Section 23; thence run N.89°31'47"E., along the North line of said Section 23, for a distance of 1258.65 feet to a point 1160.00 feet Westerly of, as measured along the North line of said Section 23, the Northeast corner of said Section 23; thence run S.02°42'10"E., parallel with the East line of the Northeast quarter of said Section 23, for a distance of 990.00 feet; thence run N.89°31'47"E., parallel with the North line of the Northeast quarter of said Section 23, for a distance of 634.60 feet; thence run S.02°42'10"E., parallel with the East line of said Section 23, for a distance of 4315.46 feet to the point of beginning.

Parcel 2:

A parcel of land located in Section 23, Township 46 South, Range 27 East, Lee County, Florida, being more particularly described as follows:

Commence at the Northwest corner of Section 23, Township 46 South, Range 27 East, Lee County Florida; thence run N.89°31'47"E., along the North line of said Section 23, for a distance of 1795.03 feet to the point of beginning of the parcel of land herein described; thence continue N.89°31'47"E., along the North line of said Section 23, for a distance of 1003.60 feet; thence run S.03°17'37"E. for a distance of 3299.20 feet; thence run S.89°11'45"W. for a distance of 1030.45 feet; thence run N.02°49'26"W. for a distance of 3303.99 feet to the point of beginning.

LOCATION	USE
POD 1	RESIDENTIAL WITH AMENITY
POD 2	RESIDENTIAL WITH AMENITY
POD 3	RESIDENTIAL WITH AMENITY
POD 4A	RESIDENTIAL WITH AMENITY OF MASTER AMENITY, COMMERCIAL
POD 4B	RESIDENTIAL WITH AMENITY
POD 5	RESIDENTIAL WITH AMENITY
POD 6	RESIDENTIAL WITH AMENITY OR MASTER AMENITY, COMMERCIAL
POD 7	RESIDENTIAL WITH AMENITY
POD 8	RESIDENTIAL WITH AMENITY
POD 9	RESIDENTIAL WITH AMENITY
POD 10	RESIDENTIAL WITH AMENITY
POD 11A	RESIDENTIAL WITH AMENITY
POD 11B	RESIDENTIAL WITH AMENITY OR COMMERCIAL
POD 12	COMMERCIAL
POD 13	COMMERCIAL
POD 14	COMMERCIAL
POD 15	COMMERCIAL
POD 16	COMMERCIAL
POD 16	RESIDENTIAL WITH AMENITY, CIVIC, SCHOOLS (COMMERCIAL AND NON-COMMERCIAL)
POD 17	PUBLIC SERVICES
POD 18	COMMUNITY FACILITIES
POD 19	COMMUNITY FACILITIES, RESIDENTIAL WITH AMENITIES, COMMERCIAL

MINIMUM OPEN SPACE FIGURED @ 61%	4,002.8 AC
OPEN SPACE PROVIDED	4,002.8 AC
MINIMUM RESTORATION REQUIRED @ 50%	2,001.4 AC
MINIMUM RESTORATION PROVIDED	3,287.0 AC

LAND USE SUMMARY	
LAND USE	APPROXIMATE ACRES
DEVELOPMENT POOS *	3,275
RESTORATION AREA	3,287
KINGSTON PHAWORKS/CREW ROAD RW	114
TOTAL	6,676

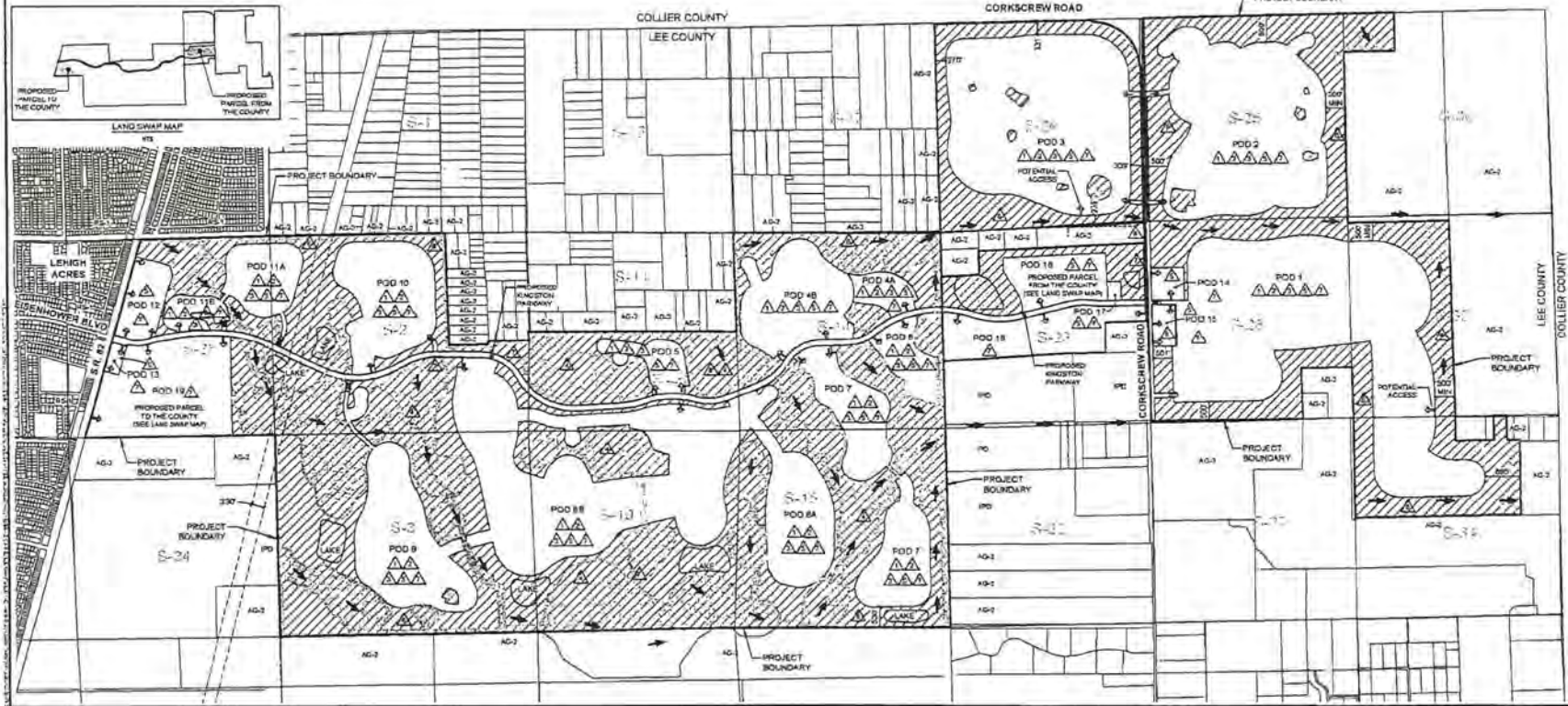
\* RESIDENTIAL, COMMERCIAL AND AMENITY AREAS WILL CONTAIN A MINIMUM OF 646 ACRES OF LAKE AND OTHER GREEN SPACE AREA TO BE COULATED TOWARD THE OPEN SPACE REQUIREMENT.

- DEVIATIONS**
- ▲ TO ALLOW CONSTRUCTION OF ROADWAYS AS DEPICTED WITHIN THE MCP FOR INTERNAL ROADWAY AREAS.
  - ▲ TO ALLOW LAKES WITHIN DEVELOPMENT POOS TO BE EXCAVATED TO A MAXIMUM DEPTH OF 2'. TO ALLOW ADDITIONAL UTILTARY PLANTINGS IN LIEU OF DEEP LAKE TREES.
  - ▲ THE GENERAL TREE REQUIREMENT IS MET THROUGH THE USE OF EXISTING OR NEW HETEROGENOUS VEGETATION AND FLOWWAY RESTORATION PLANTS.
  - ▲ TO ALLOW FOR A SINGULAR AREAS OF WETLANDS AND GREEN SPACES TEMPORARLY DURING PROJECT DEVELOPMENT TO ALLOW CONSERVATION AND FLOWWAY AREAS TO ACT AS A VEGETATIVE BUFFER.
  - ▲ TO ALLOW WATER MAIN LOOPS LARGER THAN 1,500 LF, AS LONG AS FIRE FLOWS ARE MET.
  - ▲ TO ALLOW ACCESS SEPARATION OF LESS THAN 60' ALONG CORKSCREW.

NOTE: DEVIATIONS NOT LIMITED TO THOSE LOCATIONS SHOWN WITHIN THE PLAN BELOW.



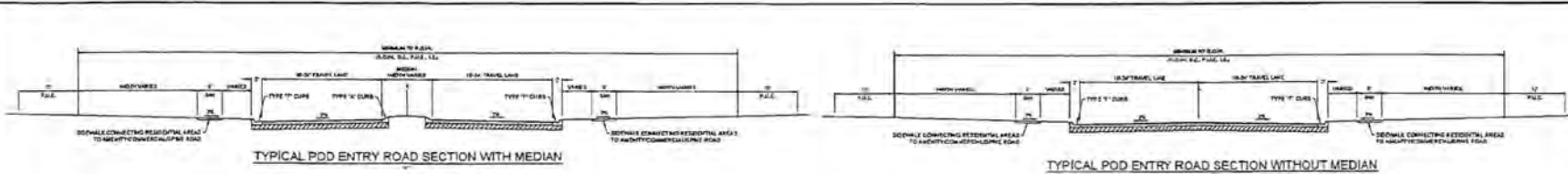
- LEGEND**
- FLOWWAY DIRECTION
  - POD ACCESS POINTS
  - ▨ RESTORATION AREAS
  - ▨ EXISTING WETLANDS
  - ▨ RESTORATION AREA



J.R. EVANS ENGINEERING, P.A.  
 9351 CORKSCREW ROAD, SUITE 102  
 ESTERO, FLORIDA 33928  
 PHONE: (239) 405-8144  
 FAX: (239) 405-8144  
 WWW.JREVAENGINEERING.COM

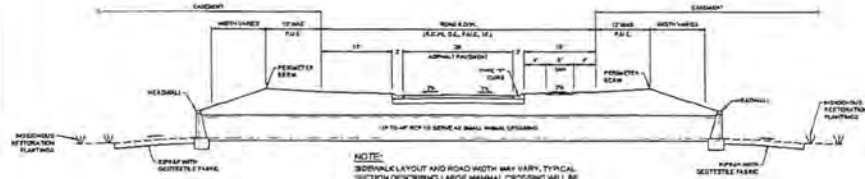
KINGSTON (A Cameratta Development)  
 MASTER CONCEPT PLAN

PROJECT #	ESTER1403
SHEET	1 of 2

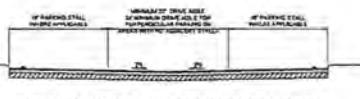


TYPICAL POD ENTRY ROAD SECTION WITH MEDIAN

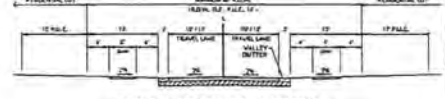
TYPICAL POD ENTRY ROAD SECTION WITHOUT MEDIAN



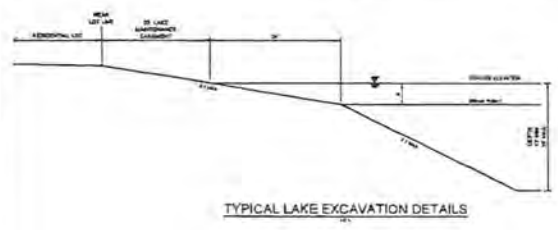
TYPICAL SMALL ANIMAL CROSSING



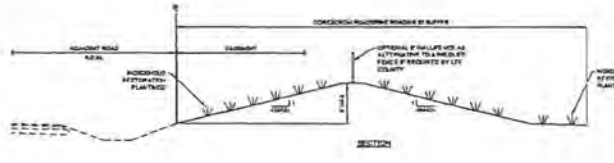
TYPICAL COMMERCIAL ROAD CROSS SECTION



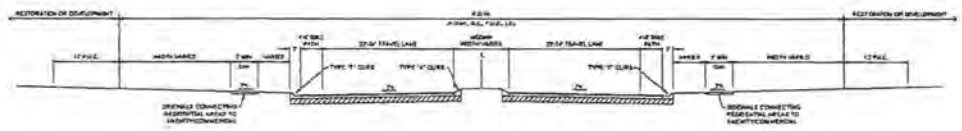
TYPICAL ROAD CROSS SECTION (INTERNAL TO RESIDENTIAL COMMUNITIES)



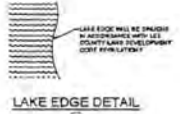
TYPICAL LAKE EXCAVATION DETAILS



TYPICAL INTERNAL INDIGENOUS RESTORATION SECTION DETAIL



KINGSTON PARKWAY SECTION DETAIL

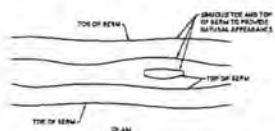


LAKE EDGE DETAIL

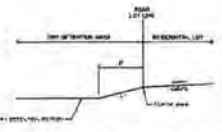


EXISTING DITCH BACKFILL DETAIL

NOTE:  
BERM HEIGHT AND SLOPE TO VARY TO PROVIDE NATURAL APPEARANCE MAX HEIGHT 8' ABOVE ADJACENT ROAD GRADE.



BERM DETAIL (AT DEVELOPER DISCRETION)



TYPICAL LOT TO DETENTION SECTION DETAILS

NOTE:  
DEPENDENT ON PLAN LOCATION, EASEMENTS DESCRIBED ON THE MCP ARE WETLAND CONSERVATION EASEMENT OR FLOWWAY CONSERVATION EASEMENTS.

J.R. EVANS ENGINEERING, P.A.  
3331 CONKERSHAW ROAD, SUITE 102  
ESTERO, FLORIDA 33928  
PHONE: (239) 855-9148  
FAX: (239) 246-2530  
WWW.JREVAENGINEERING.COM



KINGSTON (A Cameratta Development)  
TYPICAL CROSS SECTIONS

NO.	REVISION	DATE	BY	CHKD
1				
2				

PROJECT # 2022-MCP  
SHEET: 2 of 2

**Exhibit D**

**Schedule of Uses**

**Residential Pods (1,2,3,4A,4B,5,6,7,8,9,10,11A,11B,16,19)**

Accessory Uses and Structures  
Accessory Buildings  
Administrative Offices  
Agricultural Uses, in compliance with Condition 10  
Club, private  
Community Gardens  
Dwelling Units:  
    Single-Family  
    Two-Family Attached  
    Duplex  
    Zero Lot Line  
    Townhouses  
    Multi-family  
Entrance Gate and Gatehouse  
Essential Services, including EV Charging Stations  
Essential Service Facilities, Groups I and II  
Excavation, Water Retention  
Fences, Walls  
Home Occupation  
Model Homes, Model Display Center, Model Display Group, Model Units  
Parking Lot, Accessory  
Real Estate Sales Office  
Recreational Facilities, Personal & Private  
Residential Accessory Uses  
Signs, in accordance with LDC Chapter 30  
Temporary Uses, in compliance with LDC section 34-3044

**Amenities within Residential Pods (1,2,3,4A,4B,5,6,7,8,9,10,11A,11B,16,19)**

Accessory Uses and Structures  
Administrative Offices  
Boat Ramps  
Boat Rental, non-motorized  
Clubs, private  
Community Gardens  
Consumption on Premises (in conjunction with Private Clubs)  
Convenience Food and Beverage Store, excluding fuel pumps  
Daycare, child  
Entrance gate and gatehouse  
Essential Services, including EV Charging Station  
Essential Services Facilities, Group I and Group II  
Excavation, Water Retention  
Fences, walls  
Fishing pier  
Food and Beverage Service, limited  
Food Stores, Group I

General Office  
Health Clubs or Spas, as part of the private club  
Parking Lot, Accessory, including EV Charging Stations, all levels  
Personal Services, Group I and II,  
Real Estate Sales Office  
Recreational Facilities, Personal, Private on-site  
Rental and Leasing Establishments, Group I  
Restaurant, Groups I, II, and III (including outdoor seating and service areas)  
Signs, in accordance with LDC Chapter 30  
Specialty Retail Shops, Groups I and II  
Temporary Uses  
Any other use deemed similar in nature by the Director

**Optional Master Amenity Pods (4A,6)**

Accessory Uses and Structures  
Administrative Offices  
Agricultural Uses, in compliance with Condition 10  
Boat Ramps  
Boat Rental, non-motorized  
Clubs, country, commercial, fraternal, membership organization, and private  
Community Gardens  
Consumption on Premises (in conjunction with Private Clubs)  
Convenience Food and Beverage Store, excluding fuel pumps  
Daycare, child  
EMS, Fire, or Sheriff's station  
Entrance gate and gatehouse  
Essential Services, including EV Charging Stations  
Essential Services Facilities, Group I and Group II  
Excavation, Water Retention  
Fences, walls  
Food and Beverage Service, limited  
Food Stores, Group I  
General Office  
Health Clubs or Spas, as part of the private club  
Hotel (Guest lodging, up to 50 units)  
Parking Lot, Accessory, including EV Charging Stations, all levels  
Personal Services, Group I and II (limited to Health Clubs or Spas),  
Real Estate Sales Office  
Recreational Facilities, Personal, Private on-site and Private, Off Site (including but not limited to miniature golf)  
Rental and Leasing Establishments, Group I  
Restaurant, Groups I, II, and III (including outdoor seating and service areas)  
Signs, in accordance with LDC Chapter 30  
Specialty Retail, Groups I and II  
Temporary Uses  
Any other use deemed similar in nature by the Director

**Commercial Pods (4A,6,11B,12,13,14,15,16,19)**

Accessory Uses and Structures  
Administrative Offices  
Agricultural Uses, in compliance with Condition 10

Animal Clinic or Kennel (no outdoor runs)  
Assisted Living Facility (calculated as density)  
ATM (automatic teller machine)  
Bait and Tackle Shop  
Banks and Financial Institutions, Group I and II  
Bar or cocktail lounge  
Beer and Wine Sales for off-premise consumption  
Building material sales  
Business Services, Group I  
Car wash (Pods 11B, 12, 13, and 19 only)  
Cleaning and Maintenance Services (Pods 11B, 12, 13, and 19 only)  
Clothing Stores, General  
Clubs, commercial, fraternal and membership  
Communication facility, wireless  
Computer and Data Processing Services  
Contractors and Builders, Group I  
Consumption on Premises  
Continuing Care Facilities (calculated as density)  
Convenience Food and Beverage Store (24 pumps, 24 hours) (Pods 11B, 12, 13, and 19 only)  
Cultural Facilities  
Daycare, Child and Adult  
Department store  
Drive-through facility for any permitted use  
Drugstore, pharmacy  
EMS, Fire or Sheriff's Station  
Entrance gates and gatehouses  
Essential Services, EV Charging Station  
Essential Services Facilities, Group I and Group II  
Excavation, Water Retention  
Fences, Walls  
Food and beverage service, limited  
Food and Kindred Products, Group II including accessory tasting room (limited to malt beverages and distilled, rectified and blended liquors)  
Food Stores, Group I  
Gift and Souvenir Shop  
Hardware store  
Healthcare Facilities, Group I, II, III, and IV  
Health Club and Spa  
Hobby, Toy and Game Shops  
Hotel/motel  
Household and Office Furnishings, Group I, and II  
Hybrid Warehouse  
Insurance companies  
Laundry and Dry Cleaning, Group I (Pods 11B, 12, 13, and 19 only)  
Laundry and Dry Cleaning, Group I (Offsite services only in Pods 4A, 6, 14, 15, 16, and 17 only)  
Library  
Medical Office  
Mini-warehouse  
Non-Store Retailers, Group I  
Package Store  
Paint, glass and wallpaper (Pods 11B, 12, 13, and 19 only)  
Parcel and Express Services  
Parking Lot: Accessory  
Personal Services, Groups I, and IV  
Pet Services  
Pet Shop

Place of Worship  
Plant nursery  
Real Estate Sales Office  
Recreational Facilities, Commercial, Groups I, III, and IV, (excluding Convention or Exhibit Halls)  
Religious facilities  
Rental or Leasing Establishments, Groups I, II, and III  
Repair Shops, Groups I-III (Pods 11B, 12, 13, and 19 only)  
Restaurant, fast food  
Restaurant, Groups I-IV  
Schools, Commercial and Noncommercial  
Signs  
Specialty Retail Shops, Groups I-IV  
Storage, Indoor only  
Studios  
Temporary Uses  
Theater, Indoor  
Used Merchandise, Group I (excluding pawn shops)  
Variety Store  
Warehouse, public, private

**Community Facilities Pods (18,19)**

Accessory uses and structures  
Administrative offices  
Cultural facilities (34-622(c)(10))  
Entrance gates and gatehouse  
Emergency operations center  
EMS, fire or sheriff's station  
Essential services  
Essential service facilities (34-622(c)(13)): Groups I, and II  
Excavation: Water retention  
Excess spoil removal  
Fences, walls  
Health care facilities (34-622(c)(20)): Groups I, II, III and IV  
Hospice  
Housing units for employees only  
Library  
Maintenance facility (Government)  
Parks (34-622(c)(32)): Groups I and II  
Parking lot:  
    Accessory  
    Park-and-ride  
    Temporary  
Post office  
Signs in accordance with chapter 30  
Storage: Indoor only  
Temporary uses  
Transportation services (34-622(c)(53)): Group III

Per Lee County LCC, 34-620, the Director is authorized to determine that uses that are not specifically listed in the uses set forth herein are permitted by right or an administrative amendment based on the placement of similar or complementary uses in the area.

## Exhibit E

### Conditions of Development and Deviations

#### CONDITIONS:

1. Master Concept Plan / Development Parameters

Development must be consistent with the Master Concept Plan (MCP) for the Kingston Property, dated May 3, 2022, attached as **Exhibit "C"** to the Agreement, and the conditions below.

a. Development must comply with the Lee County Land Development Code (LDC) in existence as of June 22, 2022 [the effective date of this Agreement]. In light of the conceptual nature of the MCP and the expected duration of the development, deviations from the LDC or other changes to the Conditions of Development, Schedule of Uses or Property Development Regulations that do not increase the height, density or intensity of the development and otherwise meet the criteria of LDC Section 34-380 may be approved administratively by the Zoning Director without a public hearing. The conditions and auxiliary documentation control should there be a conflict between the Conditions, the LDC, and/or the approved MCP.

b. The project is approved for:

1. Residential dwelling units including Assisted Living Facilities and Continuing Care Facilities not to exceed 10,000 units as outlined in the schedule of uses;
2. Amenities, internal to the Project, for use by its residents (no limitation in square footage)
3. 700,000 square feet of commercial floor area, depicted on the MCP, limited to:
  - i. 150,000 square feet located on Pods 14 and 15. Any unused square footage can be reallocated to other commercial Pods described in 3(ii) and or 3(iii);
  - ii. 50,000 square feet can be located on Pods 4A, 6, 16, and 17. Any unused square footage can be reallocated to other commercial Pods described in 3(ii);;
  - iii. 500,000 square feet can be located on Pods 11B, 12, 13, and 19. Any unused square footage can be reallocated to other commercial Pods described in 3(ii);
4. Public facilities; and
5. 240 hotel or other transient lodging units.

c. The Land Use Summary table on the MCP reflects a minimum of 3,287 acres of created, restored, and/or enhanced areas that will be dedicated in a combination of Conservation Easements and Flowway easements and provides a minimum of 50% of the Project's gross land area less tracts to be dedicated to the County. These areas are located and identified on the MCP.

Construction phasing of the development will be subject to the following conditions:

- i. Restoration and dedication of conservation and flowway areas shall occur as development orders are issued as depicted on **Exhibit "G"**.
- ii. Development Pods are not required to be developed sequentially according to the numbers depicted on the Development Summary table on the MCP.

- iii. Phasing of the restoration as depicted on the MCP may be adjusted at time of Development Order submittals provided minimum restoration acreages are maintained to support the project:
  - a. For residential, a minimum restoration acreage based on the GREATER of the following options:
    - i. The cumulative development pod area (including previous phases) OR
    - ii. The number of residential dwelling units in the development pod using the following analysis whereas the Project required restoration equals 3,287 acres divided by the total Project density of 10,000 residential units times the number of units, both previously approved and proposed.
  - b. For commercial or amenity pods, the required acres of restoration shall be equal to the acreage of the pod being developed.
- iv. A cumulative development update statement and summary table must be provided with each development order application and shown on the engineered plans containing the following information:
  - Cumulative residential dwelling units and intensity of non-residential uses;
  - Cumulative development pods (in acres);
  - Cumulative open space (in acres); and
  - Cumulative conservation and flowway areas (in acres).
- v. Restoration areas must be completed within ten (10) years of commencement of restoration of each phase, regardless of the progress of development tied to each phase. If any phased restoration construction is not complete within ten (10) years from that phase restoration start date, work may not commence in future phases until such time as that incomplete restoration phase construction is completed.

2. Uses and Site Development Regulations

- a. The Schedule of Uses is set forth in **Exhibit "D"** to the Agreement.
- b. The Property Development Regulations are set forth in **Exhibit "F"** to the Agreement

3. Wildlife Crossings

Any wildlife crossings required for the project will be determined by the USFWS and FDEP prior to issuance of the first development order creating residential lots. Any animal crossings required by the USFWS or FDEP will be reviewed and permitted in accordance with the approved locations at time of local development order on a phase-by-phase basis and shall be consistent with the Human/Wildlife Coexistence Plan **Exhibit "J"**.

4. Protected Species Management and Human-Wildlife Coexistence Plan

The Protected Species Surveys **Exhibit "I"** must be updated every five (5) years and Human-Wildlife Coexistence Plan **Exhibit "J"** must be updated by the Developer, if needed for the presence of new listed species, for approval by the County prior to or concurrent with the first development order application creating residential lots. The Plan and development order plans must address the following:

- Trails: The location of proposed passive trails within the restoration areas must include designated trailheads with signs with information on possible wildlife encounters and appropriate actions when encountering wildlife.
- Signs: Development order plans that include surface water management lakes or conservation areas must depict the location and typical signs for prohibiting the feeding of alligators around the lake and preservation signs that state no dumping. Distance between signs should be approximately 300ft.
- Wildlife Fencing: Must meet recommendations and requirements of the Florida Fish and Wildlife Conservation Commission (FWC) and US Fish and Wildlife Service (FWS); and
- The Development Order plans must be updated to reflect FWC and FWS requirements if permits are issued after approval of the first development order creating residential lots.
- Vegetation Removal permit applications must include a map depicting the work limit area and a species survey for the work limit area. The developer must submit a management plan for protected species within the work limit area identifying protection measures, monitoring, and/or relocation consistent with State and Federal requirements.
- Development Order plans for vertical development that includes commercial and amenity uses and areas must demonstrate use of bear resistant dumpsters and below ground grease traps.

5. Open Space

The total open space acreage shall not be less than 61% of the project's total land area less tracts to be dedicated to the County. The minimum required open space must be achieved at buildout in substantial compliance with the approved MCP. Compliance with the Project's open space addresses the open space requirements of Section 34-414 and 10-415.

6. Platting Restoration Areas

At time of platting, on a phase-by-phase basis, the Developer will plat restoration areas consisting of wetland conservation and flowways into separate tracts and dedicate those tracts to a maintenance entity, which must be either a home owners association ("HOA"), a community development district ("CDD"), an Independent Special District ("ISD"), or a governmental entity acceptable to the County that will accept responsibility for the perpetual maintenance of the restoration conservation and flowway areas in compliance with these conditions. The HOA, CDD, or ISD must be created prior to Certificate of Compliance for the first development order.

7. Conservation and Flowway Easements

The conservation and flowway easements will be dedicated to a maintenance entity that provides third party enforcement rights to the County or other public agency acceptable to the County. The easements will be dedicated in general accordance with the phasing plan attached as **Exhibit "G"** to the Agreement and will be reflected on the phased recorded plats approved by the County for the subject property. Restoration areas located within a Conservation Easement consisting of existing or mitigated wetlands can include exotic vegetation removal and native planting. Restoration areas located within a Flowway Easement can include vegetation removal, grading, lakes, drainage ways, wet and dry detention, surface water treatment, and water storage, water bodies and on/off site wildlife mitigation. The Easements will permit passive trails, kiosks, and pavilions. The combined acreages within the

Conservation Easements and Flowway easements shall satisfy the minimum required restoration acreage for the Project.

8. Indigenous Management Plans

The Indigenous Preservation, Restoration, and Management Plan **Exhibit "L"** must be updated by the Developer for approval by the County prior to or concurrent with the first development order application. The Indigenous Preservation, Restoration, and Management Plan must include the following language:

- At the time of purchase, third-party deed holders must be placed on notice through covenants and deed restrictions that project conservation and flowway areas may be managed with prescribed burns.
- Prior to commencing prescribed burn activity, the HOA, CDD, or ISD must notify residents of the prescribed burn activities and provide general prescribed burn management educational materials.

9. Agricultural Uses:

Existing agricultural areas, as shown on **Exhibit "M"** are allowed to continue on the property and convert to alternative agricultural uses subject to the following:

- a. Areas of agricultural uses and field areas in existence and/or authorized by the SFWMD at the time of this Agreement, including all associated irrigation and fertilization, must be discontinued prior to issuance of a vegetation removal permit for the land area subject to the vegetation removal permit. Development orders required for offsite infrastructure construction or a Development Order for onsite infrastructure construction that does not create residential or commercial vertical construction will not require discontinuance of the agricultural use.
- b. Prior to issuance of a local development order for vertical development, the developer must submit written proof, subject to approval by the County Attorney's Office, of the following:
  - 1) Termination of bona fide agricultural uses on the land area subject to the development order application/approval for vertical construction. Proof must include a sworn affidavit from the person or entity holding title to the land area that provides:
    - a) the date agricultural uses are proposed to cease or will cease after harvesting;
    - b) the legal description of the land area subject to development order approval;
    - c) an affirmative statement that the owner acknowledges and agrees that all agricultural uses are prohibited on the land area and that the owner covenants with the County that they will not allow agricultural uses on the land area until it is rezoned to permit agricultural uses; and
    - d) that the affidavit constitutes a covenant between the owner and the County binding on the owner, their assignees and successors in interest.

The affidavit must be recorded in the public records of the County at the owner's expense.

2) Proof of termination of the agricultural tax exemption on the land area subject to the development order. Proof of termination must include a copy of the owner's request to terminate the tax exemption provided to the Property Appraiser.

10. Native Vegetation

Development order landscape plans must reflect 100% native vegetation for required landscaping within common elements. These planting requirements and a native plant list must be incorporated into the project's covenants and deed restrictions.

11. Transportation

- a. Notwithstanding the LDC, internal project roadways must be substantially similar to the cross sections as depicted on the MCP.
- b. Roadway turn lane necessity and length at project/pod entrances will be determined at time of local development order review.
- c. Signalization:

The cost of signalization including design and construction of the Spine Road intersections with Corkscrew Road, SR 82, and/or a Development Pod shall be borne by the Developer or assigns. Installation of any signalization shall be the earlier of (x) at the Developers discretion; or (y) when found necessary as such intersection meets the Manual on Uniform Traffic Control Devices (MUTCD) traffic signal warrants.

12. Vehicular/Pedestrian Impacts

- a. Local Development Order. This approval does not address site-related mitigation of vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.
- b. Impact Fees and Proportionate Share Payments. The development must mitigate the traffic impacts of the project and pay a proportionate share of the needed roadway improvements which payment shall be \$2,000.00 per residential dwelling unit.
- c. Shared Use Path. The developer must provide off-road shared use bike paths/sidewalks in front of each residential lot and along at least one side of every internal project roadway in substantial compliance with the cross sections depicted on the MCP (Exhibit "C").

13. Entrance Gates and Gatehouses

Entrance gates and gatehouses are permitted at development entrances within each development Pod and temporarily on the spine road from Corkscrew Road to State Road 82.

14. Surface Water Monitoring

The Enhanced Lake Management Plan **Exhibit "N"** must be updated by the Developer if needed at the time of Development Order application creating residential lots that include monitoring components of surface water quality as follows:

- a. Quality of storm water (surface water) leaving the site at permitted outfalls must be monitored twice during the wet season and once during the dry season if there is water being discharged in the dry season. No discharge means no sample. Constituents sampled will consist of those outlined in **Exhibit "N"**. Reporting must consist of an Electronic Data Deliverable (EDD) in a format approved by the Lee County Department of Natural Resources and submitted biannually.
- b. The Developer or HOA/CDD/ISD must annually report the findings of the Surface Water Quality Monitoring Program within the Enhanced Lake Management Plan to:
  - i. assess water quality data and trend analysis;
  - ii. identify potential issues, and if necessary;
  - iii. recommend corrective actions to be consistent with existing State water quality standards. .
- c. The Developer or HOA/CDD/ISD may amend water quality monitoring and reporting after written request, review, and approval by the Department of Natural Resources.
- d. If any development order proposes to discharge into the County's MS4, the Developer will coordinate with Lee County Department of Natural Resources through the development order process to ensure available capacity.

15. Irrigation Wells

Single-Family Irrigation and Domestic Wells are prohibited. Development Order plans must demonstrate irrigation will be provided via a central irrigation system using onsite lakes, reclaimed water (if available), and/or as necessary, existing permitted wells (or replacement wells). The Property Owner Association documents, including Declarations of Covenants, must prohibit the installation of single-family use wells for potable or irrigation water. Landscape irrigation must comply with the Water Conservation Ordinance #17-04, as amended. This does not apply to wells being used for agricultural purposes prior to termination. All agricultural wells will be formally plugged and abandoned by the Developer as agricultural operations cease in conjunction with an approved Development Order.

16. Water and Sewer

All new development must connect to central water and sewer; no new septic systems or potable water wells will be permitted. Existing well and septic systems used for Property caretaker, construction and/or agricultural project manager will be properly abandoned upon the later of termination of agricultural operations or central water and sewer direct availability as determined by the Developer. The development may connect to reclaimed water if available and if the Project has been designed for its use.

17. Maintenance

The Developer and/or the HOA/CDD/ISD must submit a biennial drainage report signed by a licensed Professional Engineer in the State of Florida certifying that the drainage capacities of the flowways or buffer lakes at the completion of the project are consistent with the original design. If the report finds that flowways or buffer lakes require maintenance, then the Developer or HOA/CDD/ISD must submit a remedial plan for review and approval to address measures to conduct maintenance (i.e. re-grading the flowways or berms). Providing the County with a copy of the HOA/CDD/ISD Engineer's Report will satisfy this requirement with the additional requirements above.

18. Hydrological Restoration Plan

a. Flowway Re-establishment. The Developer will re-establish historic surface water flows through the Property consistent with Exhibit "O", within the designated conservation and flowway areas on the MCP. The Developer is responsible for providing stormwater flow through the project site until the property and permits are transferred to a third-party maintenance entity, as required by the South Florida Water Management District Applicant's Handbook for transfer of the permit(s).

b. Hydrological Restoration Plan. The Hydrological Restoration Plan, as conceptually described and depicted in the Hydrological Restoration Narrative **Exhibit "O"** and phased as depicted in **Exhibit "G"** must incorporate the requirements of Policy 33.2.4.2c of the Lee Plan and be submitted by the Developer with the first Development Order application. The Hydrological Restoration Plan must be based on an integrated surface and groundwater model to demonstrate protection of Lee County's natural resources and must include backfill and restoration of manmade ditches on the property if necessary. The Developer must phase backfill work to coincide with project development and not impede flow from agricultural operations. A key feature of the Hydrological Restoration Plan is the re-establishment of the flowways encompassed within the conservation and flowway areas on the MCP, to restore historic flowways and improve regional drainage patterns consistent with Condition 1(c).

The Hydrological Restoration Plan submitted at time of the first Development Order application must include detailed calculations and analyses for proposed flowways and other drainage improvements to estimate hydrologic benefits while ensuring no adverse impacts to adjacent properties.

The calculations/analyses must analyze post-development phases including peak stages, flows, and inundation (durations and frequency) for design storms (25 yr. - 3 day and 100 yr. -3 day) and compare hydrologic conditions for wet and dry seasons.

c. Timing. The Developer must implement the Hydrological Restoration Plan approved by the County coincident with construction of the storm water management system for each phase of development.

19. Landscape Berm

A decorative landscape berm or buffer may be installed along the frontage of Corkscrew Road, State Road 82, and the spine road at the discretion of the Developer. The berm shall be permitted a maximum height of 6 feet as measured from the crown of the higher adjacent pavement. At the Developers discretion a decorative wall or fence may also be installed on top of any landscape berm or buffer along Corkscrew Road, State Road 82, or the spine road provided the wall or fence does not impede drainage or movements of small and large mammals.

20. Development Permits.

Issuance of a county development permit does not establish a right to obtain permits from state or federal agencies. Further, it does not establish liability on the part of the county if the Developer: (a) does not obtain requisite approvals or fulfill obligations imposed by state or federal agencies or (b) undertakes actions that result in a violation of state or federal law.

21. Security and Public Safety Fences

The Developer may install fences or walls to maintain security, public safety, and preservation of conservation and flowway areas, so long as it does not impede pathways identified within the

Hydrological Restoration Plan Narrative (Exhibit "O") and the Human Wildlife Coexistence Management Plan (Exhibit "J") or as deemed necessary by onsite conditions.

22. County Land Swap

Prior to the approval of the first Development Order creating residential lots the Developer will deed to the County Pod 19 and the County will deed to the Developer the County property described in **Exhibit "B"** less Pod 18. This Agreement shall create uses on Pods 18 and 19 as depicted on the MCP and described herein.

23. Letters of Availability

Letters of availability will be provided for the law enforcement, Fire, EMS, and Schools concurrent with each development order application.

24. Excess Spoil Removal

Excavated material may be moved around the Project site without requiring an off-site excess spoil removal plan per LDC 10-329(b) and (c). The movement of excess spoil material within the Exhibit "A" and "B" property is permitted regardless of ownership and will not be deemed the removal of excess spoil material off-site and there will not be a limitation on the amount of excess spoil material plan per LDC 10-329 that can be moved within the Exhibit "A" and "B" property.

25. Offsite Flows

The Development Order must demonstrate an off-site hydraulic connection to help alleviate flooding of the Wildcat Run properties to the east. The hydraulic connection relative to the individual Pods of 4A, 4B, 5, 7, 8A, and 8B must be included, constructed, installed and certified with each individual construction of Pods 4A, 4B, 5, 7, 8A, and 8B. The hydraulic connection(s) must be sized to accommodate up to an allowable 25 yr.-3 day storm event discharge rate of 25 CSM for those properties determined to flow to the connection by field reconnaissance and existing topographical maps.

26. Lake Depth (See Deviation 2)

35' maximum lake excavation depth is only within the residential development pods and subject to compliance with an enhanced deep lake management plan for water quality and groundwater monitoring and all requirements of LDC 10-329(d)(3) (except LDC Section 10-329(d)(3)a.2. requirements regarding native shade trees).

27. Deep Lake Plantings (See Deviation 3)

All lakes with a depth of more than 12 feet measured at control elevation must provide an additional 20% littoral plantings in addition to required littoral plantings in lieu of deep lake trees.

28. Wetlands

No wetlands may be impacted within the commercial pods of the Project.

## DEVIATIONS

### Street Design and Construction Standards

Deviation 1 grants relief from LDC Section 10-296(e)(3), which requires roadway segments in Lee Plan future non-urban areas to be designed to non-urban design standards, to allow the internal roadways to be designed to the suburban roadway standards of LDC Section 10-296(e)(2).

#### Maximum Lake Depth

Deviation 2 grants relief from LDC Section 10-329(d) (3)a, which requires lakes to be limited to a 20ft depth to allow for a maximum lake excavation depth not to exceed 35ft or one foot above the confining layer whichever is less. This deviation is subject to **Condition 26**.

#### Deep Lake Shade Trees

Deviation 3 grants relief from LDC Section 10-329(d)(3)a.2, which requires native shade trees calculated at one tree per 100 feet of lake shoreline measured at control elevation to be installed for all lakes over 12ft in depth, to allow for an additional 20% of littoral plantings from what is required in lieu of native shade trees. This deviation is subject to **Condition 27**.

#### General Tree Plantings

Deviation 4 grants relief from LDC Section 10-416(a) which requires general tree plantings. The general tree requirement for the Project are met through the use of existing onsite indigenous vegetation and flowway restoration plants. The flowway plants will not be subject to required minimum plant heights per LDC 10-420(c) and (d). Landscaping for parking areas and vehicle use areas must still be provided as required in the LDC.

#### Ingress/Egress

Deviation 5 grants relief from LDC Section 10-291(3), which requires that residential development of more than five acres and commercial development of more than ten acres provide more than one means of ingress and egress, to allow one ingress/egress per initial construction of a residential or commercial Pod with the remaining access point(s) installed prior to completion of the residential or commercial Pod. The development of any Pod that connects to the spine road shall require the spine road to connect to either Corkscrew Road or State Route 82.

#### Buffering Adjacent Property

Deviation 6 grants relief from LDC Section 10-416(d)(1), which requires a landscape buffer along the entire perimeter of the proposed development whenever the proposed development abuts a different use, to allow the proposed preservation and restoration areas consistent with **Exhibit "L"** to act as the buffer. This deviation does not apply to development Pods abutting SR 82 which must comply with landscape buffer requirements provided in LDC Section 10-416(d)(1) or Section 10-424, as applicable.

#### Water Main Installation

Deviation 7 seeks relief from LDC Section 10-384(c)(1), which requires water mains for one- and two-story residential buildings be constructed in an external loop no greater than 1,500 feet, to allow 3,700 feet provided required fire flows are met.

#### Access Separation

Deviation 8 seeks relief from LDC 10-285, which requires an access separation of 660 feet along principal arterials in Future Non-Urban areas to allow a connection separation distance of 460', as depicted on the MCP.

**Exhibit F**

**Property Development Regulations (in feet)**

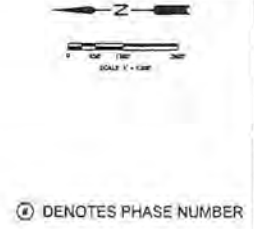
<b>LOTS WITHIN DEVELOPMENT PODS</b>	Single Family	Zero Lot Line	Two Family Attached	Townhouse	Multi-Family	Res. Pod Amenity Center	Master Amenity Center Pod	Commercial
Minimum Lot Width	35	**35	27	18	100	100	100	100
Minimum Lot Depth	120	120	100	100	100	150	150	150
Minimum Lot Area	4,200	4,200	2,700	1,800	10,000	15,000	15,000	15,000
Maximum Building Height	35	35	35	35	55	55	55	55
Maximum Lot Coverage	65%	65%	70%	70%	65%	60%	60%	60%

<b>MINIMUM SETBACKS</b>	Single Family	Zero Lot Line	Two Family Attached	Townhouse	Multi-Family	Res. Pod Amenity Center	Master Amenity Center	Commercial
<b>Public Street</b>								
Corkscrew Road	100	100	100	100	100	100	N/A	100
Spine Road	100	100	100	100	100	25	25	25
State Route 82	100	100	100	100	100	N/A	N/A	25
<b>Private Street</b>								
Front Yard Setback	25	25	20	20	20	25	25	25
<b>Side and Rear Yard Setbacks</b>								
Side Yard Setback on a Corner Lot	12	12	12	12	12	25	25	25
Side Yard Setback	5	5/0 & 0/5	5/0 & 0/5	5/0 & 0/5	10	10	10	10
Rear Yard Setback Principal Structure	10	10	10	10	10	0	10	10
Rear Yard Setback Accessory Structure	5	5	5	5	5	0	5	10
<b>Rear Yard Setback to a Lake Maintenance Easement</b>								
Principal Structure	10	10	10	10	10	0	0	25
Accessory Structure	0	0	0	0	10	0	0	25

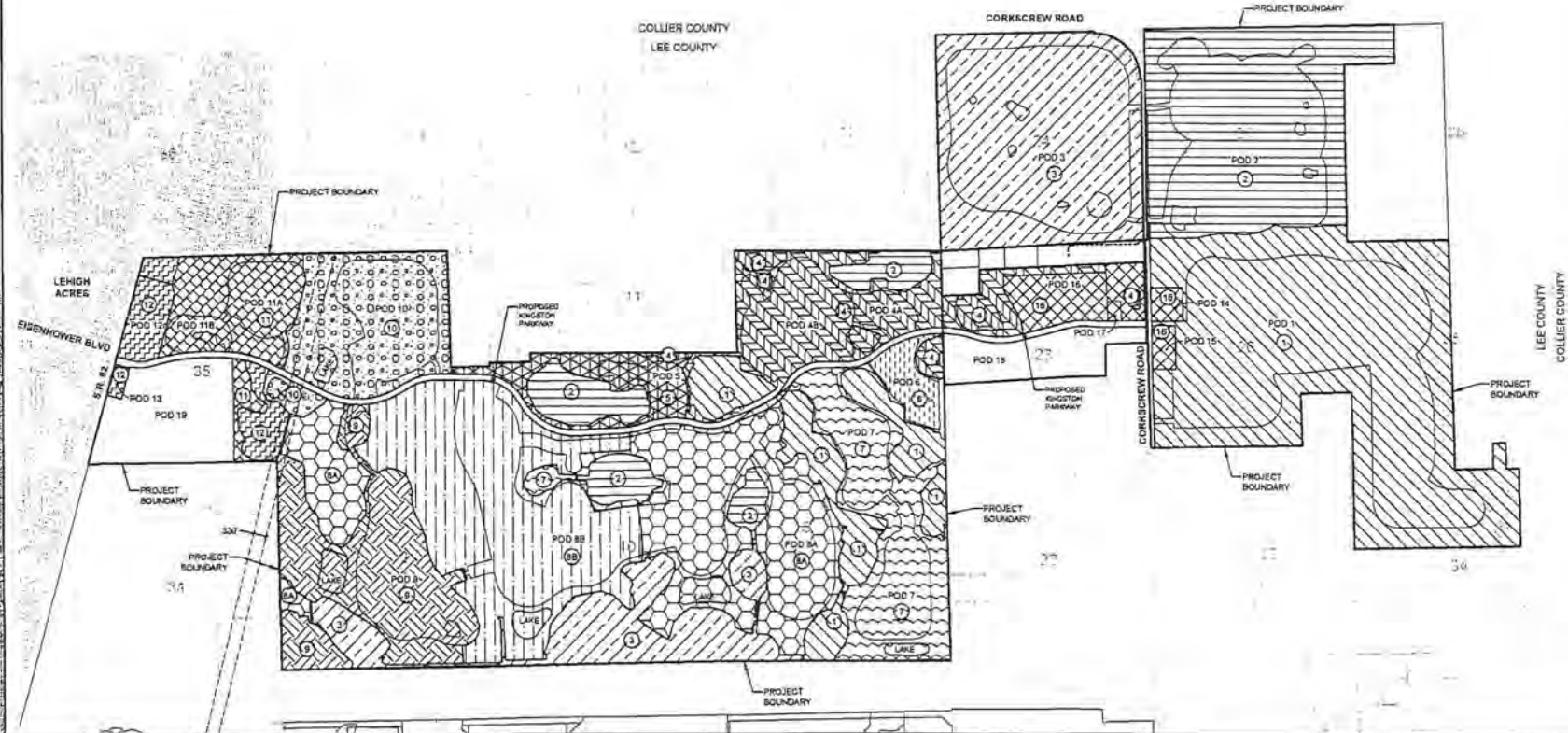
**\*\*Setbacks from existing indigenous and flowway areas from principal structures must be provided in compliance with the LDC Section 10-415(b)1.c.**

POD	AREA TO BE DEVELOPED (AC)	RESTORATION AREA (AC) *	INDIVIDUAL RESTORATION %	CUMULATIVE RESTORATION %
POD 1	475.36	253.62	53.35%	53.35%
POD 2	412.25	428.25	103.90%	157.25%
POD 3	452.27	468.11	103.51%	260.76%
POD 4	186.8	380.45	203.67%	464.43%
POD 5	43.35	41.39	95.48%	559.91%
POD 6	50.41	11.64	23.09%	583.00%
POD 7	153.67	153.62	100.00%	683.00%
POD 8-1	318.44	307.38	96.53%	779.53%
POD 8-2	329.47	300.17	91.14%	870.67%
POD 9	187.48	198.42	106.00%	976.67%
POD 10	158.12	175.7	111.18%	1087.85%
POD 11	166.88	110.33	66.19%	1154.04%
POD 12, 13	58.25	54.54	93.63%	1247.67%
POD 14, 15, 16	101.00	44.3	43.86%	1351.53%
TOTAL	3,281	3,286	100.18%	1351.53%

\* NOTE  
 EXACT COVERAGE AND RESTORATION LOCATION TO BE DETERMINED AT TIME OF DEVELOPMENT ORDER(S), IN ACCORDANCE WITH CONDITION 1(C).



Ⓢ DENOTES PHASE NUMBER



J.R. EVANS ENGINEERING, P.A.  
 1051 CORKSCREW ROAD, SUITE 100  
 ESTERO, FLORIDA 33928  
 PHONE: (239) 495-8148  
 FAX: (239) 486-2437  
 WWW.JREVAENGINEERING.COM

KINGSTON (A Cameratta Development)  
 EXHIBIT G PHASING PLAN

DATE:	11/14/2022
BY:	W. J. BARNETT, P.E.
PROJECT #:	2022000208255
SHEET:	1 of 1

EXHIBIT H

Development Authorization Form

AUTHORIZATION TO OBTAIN BUILDING PERMIT  
WITHIN CGLP/KINGSTON PLANNED DEVELOPMENT

The XYZ Corporation is hereby authorized by Corkscrew Grove Limited Partnership ("CGLP") (or successor developer), to obtain a building permit in [describe lot, tract, or property] of the CGLP/Kingston planned development.

In accordance with the Agreement entered into between CGLP and the County dated \_\_\_\_\_, 20\_\_\_\_, this document is a limited authorization for the following amount of development to be permitted:

\_\_\_\_\_ dwelling units  
\_\_\_\_\_ sq.ft. of non-residential; type of use: \_\_\_\_\_

Further, CGLP hereby assigns \$ \_\_\_\_\_ in Proportionate Share credits created pursuant to the Agreement. If no amount is provided, no credits have been assigned.

Building permits in excess of the number of dwelling units and/or non-residential square footage identified above or for uses other than identified above are expressly prohibited.

\_\_\_\_\_  
Developer's Authorized Representative

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this \_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ as \_\_\_\_\_ of Corkscrew Grove Limited Partnership, a Delaware Limited Partnership, who is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public

(SEAL)

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Commission Expiration Date

**EXHIBIT I**

**OLD CORKSCREW PLANTATION IPD  
LEE COUNTY PROTECTED SPECIES SURVEY**

**Revised March 2015**

Prepared For:

***David Douglas Associates, Inc.***  
*1821 Victoria Avenue*  
*Fort Myers, Florida 33901*  
*(239) 337-3330*

Prepared By:

***Passarella & Associates, Inc.***  
*13620 Metropolis Avenue, Suite 200*  
*Fort Myers, Florida 33912*  
*(239) 274-0067*

## TABLE OF CONTENTS

	<u>Page</u>
Introduction.....	1
Land Uses and Vegetation Associations.....	1
Survey Methodology and Discussion .....	12
Survey Results .....	20
Abundance of Protected Species Observed .....	21
Management Plans .....	36
References .....	37

## LIST OF FIGURES

	<u>Page</u>
Figure 1. Project Location Map.....	2

## LIST OF TABLES

	<u>Page</u>
Table 1. FLUCFCS Codes and Acreages.....	3
Table 2. Potential Lee County Protected Species by Habitat Type .....	12
Table 3. Survey Dates and Weather Conditions .....	18
Table 4. Summary of Habitat Coverage.....	19
Table 5. Lee County Protected Species Abundance Calculations .....	21
Table 6. Lee County Protected Species Survey Summary.....	24

## LIST OF APPENDICES

	<u>Page</u>
Appendix A. Aerial with FLUCFCS and Wetlands Map.....	A-1
Appendix B. Aerial with FLUCFCS and Wetlands, Survey Transects, and Protected Species Locations Map .....	B-1

## INTRODUCTION

This report documents the results of the updated protected species survey (PSS) conducted by Passarella & Associates, Inc. (PAI) on the 4,202.30± acre Old Corkscrew Plantation IPD property (Project). The project was surveyed for protected species in accordance with Lee County Land Development Code (LDC) Chapter 10, Article III, Division 8 (Protection of Habitat) as required by Lee County Zoning Application No. DCI2011-00007.

The Project is located in Section 35, Township 45 South, Range 27 East; and Sections 2, 3, 10, 11, 14, 15, and 24; Township 46 South; Range 27 East, Lee County (Figure 1). The majority of the site currently supports an active citrus grove, while the remainder of the site contains native vegetation with varying amounts of disturbance and exotic vegetation (Appendix A). The surrounding land uses include State Road (SR) 82 to the north; undeveloped, county-owned preserve lands and agricultural lands to the west; scattered single-family residences to the east; and agricultural lands and a mining operation to the south of the property. Corkscrew Road is located further south of the property.

A PSS was previously conducted for the Project in 2009. During the previous surveys, 12 Lee County protected species were documented on the Project site. The protected species identified included American alligators (*Alligator mississippiensis*) and one American alligator nest, little blue herons (*Egretta caerulea*), tri-colored herons (*Egretta tricolor*), snowy egrets (*Egretta thula*), wood storks (*Mycteria americana*), Florida sandhill cranes (*Grus canadensis pratensis*), roseate spoonbill (*Ajaia ajaja*), limpkin (*Aramus guarauna*), crested caracara (*Caracara cheriway*), and Big Cypress fox squirrels (*Sciurus niger avicennia*). Two sets of Florida panther (*Puma concolor coryi*) tracks were also observed. In addition, potential Everglade snail kite (*Rostrhamus sociabilis plumbeus*) perch trees were observed in the wetland habitats.

The updated PSS for the Project site was conducted on July 27, 2012; July 15, 16, 18, and 19, 2013; and August 2, 6, 7, 8, 9, 13, and 14, 2013. This report documents the results of the updated PSS.

## LAND USES AND VEGETATION ASSOCIATIONS

Vegetation mapping for the property was accomplished using 2005 Lee County rectified aerials (Scale: 1" = 300'). Groundtruthing was conducted for the Project site on February 19, 22, 27, and 28, 2007; March 6, 7, and 8, 2007; and December 11, 2007. The vegetation associations and land uses were mapped utilizing the Florida Land Use, Cover and Forms Classification System (FLUCFCS) Levels III and IV (Florida Department of Transportation 1999). Level IV FLUCFCS was utilized to denote hydrological conditions and disturbances. To show levels of exotic invasion (i.e., melaleuca (*Melaleuca quinquenervia*) and Brazilian pepper (*Schinus terebinthifolius*)), "E" codes were used. AutoCAD Map 3D 2009 software was used to determine the acreage of each mapping area, produce summaries, and generate the final FLUCFCS map. This mapping was updated in March 2009 to reflect the Florida Department of Environmental Protection (FDEP) approved and survey located wetland lines; then again in

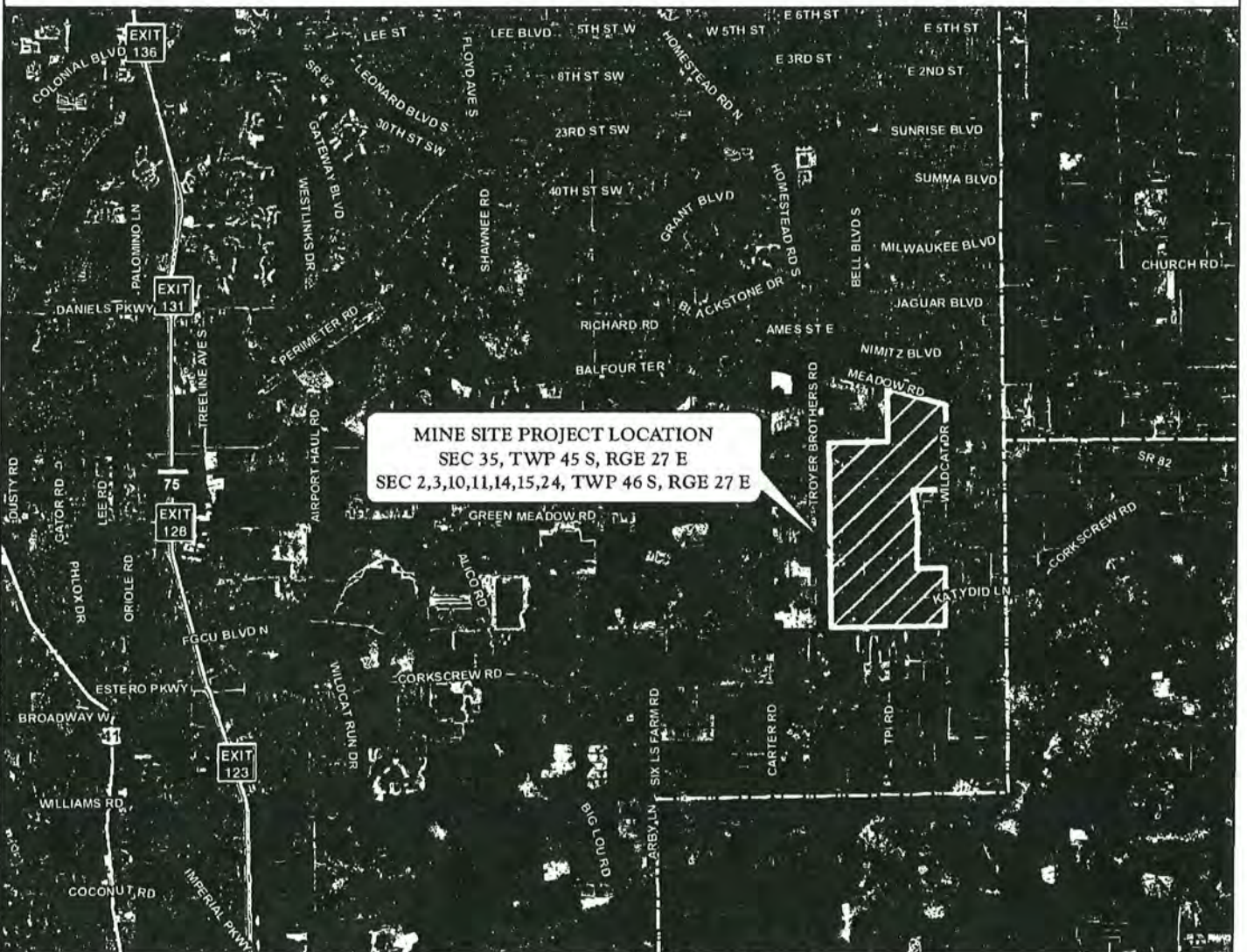
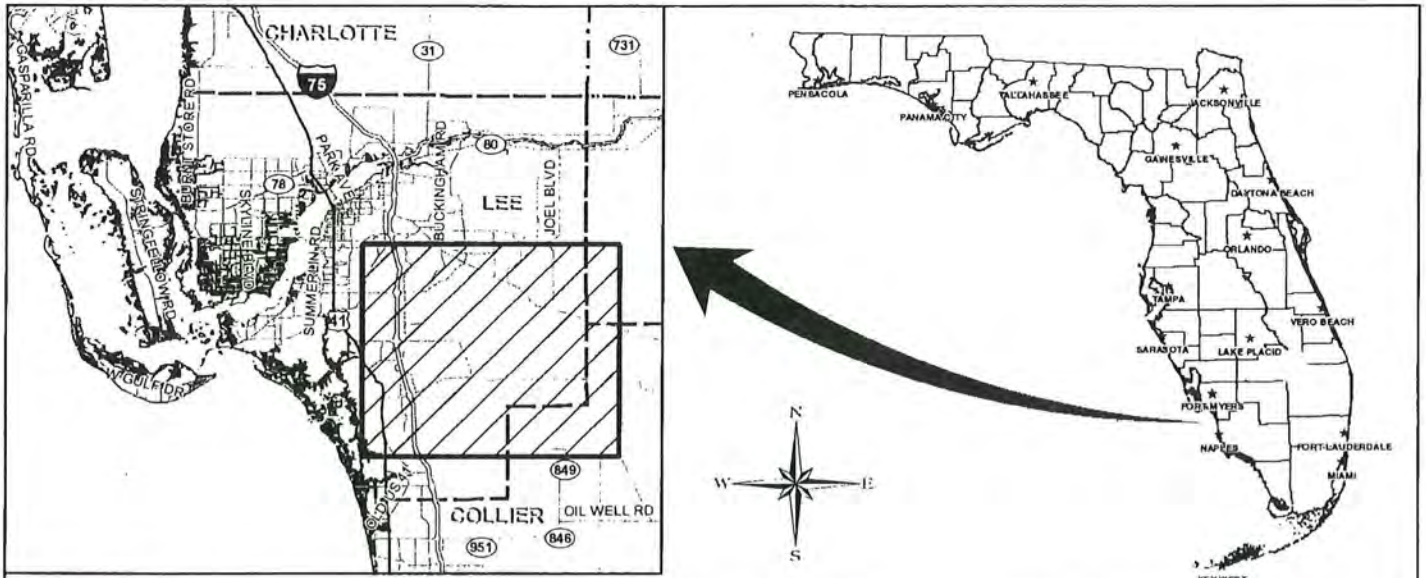


FIGURE I. PROJECT LOCATION MAP  
 OLD CORKSREW PLANTATION IPD

DRAWN BY	DATE
H.H.	8/22/13
REVIEWED BY	DATE
M.B.	8/22/13
REVISED	DATE



March 2011 to reflect the U.S. Army Corps of Engineers (COE) approved and survey located wetland lines. The final FDEP and COE FLUCFCS map overlaid on a 2013 Lee County rectified aerial is provided as Appendix A. Table 1 provides a breakdown of the FLUCFCS codes by acreage, while a brief description of each of the FLUCFCS classifications follows. The FLUCFCS map with acreages is provided as Appendix A.

**Table 1. FLUCFCS Codes and Acreages**

<b>FLUCFCS Code</b>	<b>Description</b>	<b>Acreage</b>	<b>Percent of Total</b>
221	Citrus Grove	2,742.57	65.3
3219 E1	Palmetto Prairie, Disturbed (0-24% Exotics)	1.52	<0.1
3219 E2	Palmetto Prairie, Disturbed (25-49% Exotics)	0.95	<0.1
3219 E3	Palmetto Prairie, Disturbed (50-75% Exotics)	0.83	<0.1
3219 E4	Palmetto Prairie, Disturbed (76-100% Exotics)	0.03	<0.1
4119 E1	Pine Flatwoods, Disturbed (0-24% Exotics)	12.61	0.3
4119 E1**	Pine Flatwoods, Disturbed (0-24% Exotics)	0.09	<0.1
4119 E2	Pine Flatwoods, Disturbed (25-49% Exotics)	0.74	<0.1
4119 E3	Pine Flatwoods, Disturbed (50-75% Exotics)	4.35	0.1
4159 E1	Pine, Disturbed (0-24% Exotics)	13.01	0.3
4221	Brazilian Pepper, Hydric	0.17	<0.1
4241	Melaleuca, Hydric	99.40	2.4
4279 E1	Live Oak, Disturbed (0-24% Exotics)	0.80	<0.1
4279 E1**	Live Oak, Disturbed (0-24% Exotics)	0.05	<0.1
4279 E2	Live Oak, Disturbed (25-49% Exotics)	0.19	<0.1
4281 E1	Cabbage Palm, Hydric (0-24% Exotics)	0.08	<0.1
4289 E1	Cabbage Palm, Disturbed (0-24% Exotics)	0.68	<0.1
4289 E2	Cabbage Palm, Disturbed (25-49% Exotics)	1.10	<0.1
4291 E1	Wax Myrtle/Willow, Hydric (0-24% Exotics)	0.23	<0.1
4291 E2	Wax Myrtle/Willow, Hydric (25-49% Exotics)	0.41	<0.1
4291 E3	Wax Myrtle/Willow, Hydric (50-75% Exotics)	0.29	<0.1
4349 E1	Hardwood/Conifer Mixed, Disturbed (0-24% Exotics)	7.79	0.2
4349 E1**	Hardwood/Conifer Mixed, Disturbed (0-24% Exotics)	1.86	<0.1
4349 E2	Hardwood/Conifer Mixed, Disturbed (25-49% Exotics)	2.13	0.1
4349 E2**	Hardwood/Conifer Mixed, Disturbed (25-49% Exotics)	0.23	<0.1
4349 E3	Hardwood/Conifer Mixed, Disturbed (50-75% Exotics)	0.05	<0.1
514	Ditch	134.60	3.2

Table 1. (Continued)

FLUCFCS Code	Description	Acreage	Percent of Total
514*	Ditch	18.16	0.4
514***	Ditch	0.97	<0.1
525*	Shallow Pond	0.07	<0.1
6179 E1	Mixed Wetland Hardwoods, Disturbed (0-24% Exotics)	1.85	<0.1
6179 E2	Mixed Wetland Hardwoods, Disturbed (25-49% Exotics)	0.07	<0.1
6179 E3	Mixed Wetland Hardwoods, Disturbed (50-75% Exotics)	0.30	<0.1
6189 E1	Willow, Disturbed (0-24% Exotics)	1.80	<0.1
6189 E3	Willow, Disturbed (50-75% Exotics)	3.48	0.1
6189 E4	Willow, Disturbed (76-100% Exotics)	0.35	<0.1
6215 E2	Cypress, Disturbed and Drained (25-49% Exotics)	0.08	<0.1
6219 E1	Cypress, Disturbed (0-24% Exotics)	455.64	10.8
6219 E2	Cypress, Disturbed (25-49% Exotics)	53.56	1.3
6219 E3	Cypress, Disturbed (50-75% Exotics)	76.78	1.8
6219 E4	Cypress, Disturbed (76-100% Exotics)	17.48	0.4
6245 E1	Cypress/Pine, Disturbed and Drained (0-24% Exotics)	0.14	<0.1
6249 E1	Cypress/Pine/Cabbage Palm, Disturbed (0-24% Exotics)	66.42	1.6
6249 E2	Cypress/Pine/Cabbage Palm, Disturbed (25-49% Exotics)	19.64	0.5
6249 E3	Cypress/Pine/Cabbage Palm, Disturbed (50-75% Exotics)	23.43	0.6
6249 E4	Cypress/Pine/Cabbage Palm, Disturbed (76-100% Exotics)	0.14	<0.1
6259 E1	Pine, Hydric, Disturbed (0-24% Exotics)	7.47	0.2
6259 E2	Pine, Hydric, Disturbed (25-49% Exotics)	1.59	<0.1
6259 E3	Pine, Hydric, Disturbed (50-75% Exotics)	5.84	0.1
6259 E4	Pine, Hydric, Disturbed (76-100% Exotics)	0.08	0.0
6309 E1	Mixed Wetland Forest, Disturbed (0-24% Exotics)	9.63	0.2
6309 E2	Mixed Wetland Forest, Disturbed (25-49% Exotics)	6.00	0.1
6309 E3	Mixed Wetland Forest, Disturbed (50-75% Exotics)	0.85	<0.1
6411 E1	Freshwater Marsh, Sawgrass (0-24% Exotics)	1.11	<0.1
6412 E1	Freshwater Marsh, Cattail (0-24% Exotics)	13.07	0.3
6419 E1	Freshwater Marsh, Disturbed (0-24% Exotics)	100.20	2.4

Table 1. (Continued)

FLUCFCS Code	Description	Acreage	Percent of Total
6419 E2	Freshwater Marsh, Disturbed (25-49% Exotics)	2.77	0.1
6419 E3	Freshwater Marsh, Disturbed (50-75% Exotics)	12.53	0.3
6419 E4	Freshwater Marsh, Disturbed (76-100% Exotics)	56.11	1.3
6439 E1	Wet Prairies, Disturbed (0-24% Exotics)	8.10	0.2
6439 E2	Wet Prairies, Disturbed (25-49% Exotics)	0.43	<0.1
6439 E3	Wet Prairies, Disturbed (50-75% Exotics)	0.12	<0.1
6439 E4	Wet Prairies, Disturbed (76-100% Exotics)	24.22	0.6
740	Disturbed Land	31.60	0.8
7401	Disturbed Land, Hydric	15.79	0.4
742	Borrow Area	<0.01	<0.1
742*	Borrow Area	0.23	<0.1
743	Spoil Area	8.38	0.2
747	Berm	118.28	2.8
8146	Dirt Road	5.73	0.1
8321	Electrical Power Transmission Line, Hydric	5.05	0.1
	<b>Total</b>	<b>4,202.30</b>	<b>100.0</b>

\*Denotes FDEP and COE Wetland

\*\*Denotes FDEP other surface water

\*\*\*Denotes COE Isolated Wetland

#### Citrus Grove (FLUCFCS Code 221)

This upland habitat type contains active citrus trees in the canopy and sub-canopy. The ground cover contains sod grass (*Poaceae* sp.), Florida tasselflower (*Emilia fosbergii*), beggar-tick (*Bidens alba*), water pennywort (*Hydrocotyle umbellata*), thistle (*Cirsium* sp.), wild balsam apple (*Momordica charantia*), ragweed (*Ambrosia* sp.), lantana (*Lantana camara*), caesarweed (*Urena lobata*), torpedograss (*Panicum repens*), and widely scattered primrose willow (*Ludwigia peruviana*).

#### Palmetto Prairie, Disturbed (0-24% Exotics) (FLUCFCS Code 3219 E1)

This upland habitat type contains widely scattered melaleuca and scattered slash pine (*Pinus elliottii*) in the canopy. The sub-canopy is dominated by saw palmetto (*Serenoa repens*) and also contains scattered wax myrtle (*Myrica cerifera*). The ground cover is dominated by saw palmetto and also contains widely scattered swamp fern (*Blechnum serrulatum*).

Palmetto Prairie, Disturbed (25-49% Exotics) (FLUCFCS Code 3219 E2)

This disturbed upland habitat type is similar to that of FLUCFCS Code 3219 E1, except with higher concentrations of Brazilian pepper in the sub-canopy.

Palmetto Prairie, Disturbed (50-75% Exotics) (FLUCFCS Code 3219 E3)

This disturbed upland habitat type is similar to that of FLUCFCS Code 3219 E2, except with higher concentrations of Brazilian pepper in the sub-canopy.

Palmetto Prairie, Disturbed (76-100% Exotics) (FLUCFCS Code 3219 E4)

This upland habitat type is similar to that of FLUCFCS Code 3219 E3, except with higher concentrations of Brazilian pepper in the sub-canopy.

Pine Flatwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 4119 E1)

This upland habitat type is dominated by slash pine in the canopy and also contains cabbage palm (*Sabal palmetto*) and scattered melaleuca. The sub-canopy contains slash pine, cabbage palm, myrsine (*Rapanea punctata*), scattered wax myrtle, scattered melaleuca, and scattered Brazilian pepper. The ground cover is dominated by saw palmetto and also contains wax myrtle, caesarweed, wiregrass (*Aristida stricta*), blackberry (*Rubus* sp.), ragweed, melaleuca, and Brazilian pepper.

Pine Flatwoods, Disturbed (25-49% Exotics) (FLUCFCS Code 4119 E2)

This upland habitat type is similar to that of FLUCFCS Code 4119 E1, except with higher concentrations of Brazilian pepper and melaleuca in the canopy and sub-canopy.

Pine Flatwoods, Disturbed (50-75% Exotics) (FLUCFCS Code 4119 E3)

This disturbed upland habitat type is similar to that of FLUCFCS Code 4119 E2, except with higher concentrations of Brazilian pepper in the sub-canopy.

Pine, Disturbed (0-24% Exotics) (FLUCFCS Code 4159 E1)

This upland habitat type is dominated by slash pine in the canopy. The sub-canopy contains slash pine and scattered Brazilian pepper. The ground cover contains pineland heliotrope (*Heliotropium polyphyllum*), wax myrtle, caesarweed, wiregrass, blackberry, ragweed, melaleuca, and Brazilian pepper.

Brazilian Pepper, Hydric (FLUCFCS Code 4221)

This disturbed wetland habitat type is dominated by Brazilian pepper in the canopy and sub-canopy. The ground cover is mostly open.

Melaleuca, Hydric (FLUCFCS Code 4241)

This disturbed wetland habitat type is dominated by melaleuca in the canopy and also contains widely scattered slash pine and bald cypress (*Taxodium distichum*). The sub-canopy is dominated by melaleuca and also contains widely scattered bald cypress and wax myrtle. The ground cover contains wax myrtle, rosy camphorweed (*Pluchea rosea*), and scattered beaksedge (*Rhynchospora microcarpa*).

Live Oak, Disturbed (0-24% Exotics) (FLUCFCS Code 4279 E1)

This upland habitat type is dominated by live oak (*Quercus virginiana*) and laurel oak (*Quercus laurifolia*), and also contains cabbage palm in the canopy. The sub-canopy contains cabbage palm, laurel oak, and wax myrtle. The ground cover contains saw palmetto, cabbage palm, and scattered swamp fern.

Live Oak, Disturbed (25-49% Exotics) (FLUCFCS Code 4279 E2)

This upland habitat type is similar to that of FLUCFCS Code 4279 E1, except with higher concentrations of Brazilian pepper and melaleuca in the canopy and sub-canopy.

Cabbage Palm, Disturbed, Hydric (0-24% Exotics) (FLUCFCS Code 4281 E1)

This wetland habitat type is dominated by cabbage palm in the canopy. The sub-canopy contains cabbage palm and scattered wax myrtle. The ground cover contains beaksedge (*Rhynchospora* sp.) and swamp fern.

Cabbage Palm, Disturbed (0-24% Exotics) (FLUCFCS Code 4289 E1)

This upland habitat type is dominated by cabbage palm and also contains scattered laurel oak in the canopy. The sub-canopy contains saw palmetto, wax myrtle, cabbage palm, melaleuca, and Brazilian pepper. The ground cover is dominated by saw palmetto and also contains scattered swamp fern.

Cabbage Palm, Disturbed (25-49% Exotics) (FLUCFCS Code 4289 E2)

This upland habitat type is similar to that of FLUCFCS Code 4289 E1, except with higher concentrations of Brazilian pepper in the sub-canopy.

Wax Myrtle/Willow, Hydric (0-24% Exotics) (FLUCFCS Code 4291 E1)

This wetland habitat type contains an open canopy. The sub-canopy is dominated by wax myrtle and willow (*Salix caroliniana*) and also contains saltbush (*Baccharis halimifolia*), slash pine, and Brazilian pepper. The ground cover contains bushy bluestem (*Andropogon glomeratus*), broomsedge (*Andropogon virginicus*), gulfdune paspalum (*Paspalum monostachyum*), Asiatic pennywort (*Centella asiatica*), and water pennywort.

Wax Myrtle/Willow, Hydric (25-49% Exotics) (FLUCFCS Code 4291 E2)

This wetland habitat type is similar to that of FLUCFCS Code 4291 E1, except with higher concentrations of Brazilian pepper in the sub-canopy.

Wax Myrtle/Willow, Hydric (50-75% Exotics) (FLUCFCS Code 4291 E3)

This disturbed wetland habitat type is similar to that of FLUCFCS Code 4291 E2, except with higher concentrations of Brazilian pepper in the sub-canopy.

Hardwood/Conifer Mixed, Disturbed (0-24% Exotics) (FLUCFCS Code 4349 E1)

This upland habitat type contains slash pine, cabbage palm, laurel oak, live oak, and scattered melaleuca in the canopy. The sub-canopy contains slash pine, cabbage palm, laurel oak, live oak, and Brazilian pepper. The ground cover is dominated by saw palmetto and also contains cabbage palm, laurel oak, water pennywort, spermacoce (*Spermacoce verticillata*), bahiagrass (*Paspalum notatum*), and scattered swamp fern.

Hardwood/Conifer Mixed, Disturbed (25-49% Exotics) (FLUCFCS Code 4349 E2)

This upland habitat type is similar to that of FLUCFCS Code 4349 E1, except with higher concentrations of Brazilian pepper in the sub-canopy.

Hardwood/Conifer Mixed, Disturbed (50-75% Exotics) (FLUCFCS Code 4349 E3)

This disturbed upland habitat type is similar to that of FLUCFCS Code 4349 E2, except with higher concentrations of Brazilian pepper in the sub-canopy.

Ditch (FLUCFCS Code 514)

This other surface water (OSW) has an open canopy. The sub-canopy along the banks and within the ditches contains willow, primrose willow, Brazilian pepper, and wax myrtle. The ground cover contains water spangles (*Salvinia minima*), pickerelweed (*Pontedaria cordata*), maidencane (*Panicum hemitomon*), primrose willow, cattail (*Typha* sp.), and the exotic species torpedograss. The ditches are associated with the citrus groves.

Shallow Pond (FLUCFCS Code 525)

This area contains minimal vegetation.

Mixed Wetland Hardwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 6179 E1)

This wetland habitat type contains laurel oak, swamp bay (*Persea palustris*), cabbage palm, bald cypress, and melaleuca in the canopy. The sub-canopy contains cabbage palm, dahoon holly (*Ilex cassine*), myrsine, and Brazilian pepper. The ground cover contains swamp fern and scattered saw palmetto.

Mixed Wetland Hardwoods, Disturbed (25-49% Exotics) (FLUCFCS Code 6179 E2)

This wetland habitat type is similar to that of FLUCFCS Code 6179 E1, but contains a higher concentration of melaleuca in the canopy and Brazilian pepper in the sub-canopy.

Mixed Wetland Hardwoods, Disturbed (50-75% Exotics) (FLUCFCS Code 6179 E3)

This disturbed wetland habitat type is similar to that of FLUCFCS Code 6179 E2, but contains a higher concentration of melaleuca in the canopy and Brazilian pepper in the sub-canopy.

Willow, Disturbed (0-24% Exotics) (FLUCFCS Code 6189 E1)

This wetland habitat type contains an open canopy with scattered willow and red maple (*Acer rubrum*). The sub-canopy is dominated by willow and also contains scattered primrose willow and Brazilian pepper. The ground cover contains maidencane, water pennywort, Asiatic pennywort, and spike rush (*Eleocharis* sp.).

Willow, Disturbed (50-75% Exotics) (FLUCFCS Code 6189 E3)

This disturbed wetland habitat type is dominated by willow in the canopy and also contains scattered melaleuca, bald cypress, cabbage palm, and red maple. The sub-canopy is dominated by willow, wax myrtle, and Brazilian pepper and also contains scattered bald cypress, scattered melaleuca, and scattered red maple. The ground cover contains sawgrass (*Cladium jamaicense*), leather fern (*Acrostichum* sp.), swamp fern, wax myrtle, Brazilian pepper, saltbush, bushy bluestem, water pennywort, shield fern (*Thelypteris* sp.), and scattered fireflag (*Thalia*

*geniculata*). The invasive exotic vine Old World climbing fern (*Lygodium microphyllum*) has taken over some of the wetlands.

Willow, Disturbed (76-100% Exotics) (FLUCFCS Code 6189 E4)

This disturbed wetland habitat is similar to that of FLUCFCS Code 6189 E3, except with higher concentrations of primrose willow and Brazilian pepper in the sub-canopy.

Cypress, Disturbed and Drained (0-24% Exotics) (FLUCFCS Code 6215 E2)

This disturbed and drained upland habitat contains bald cypress, scattered live oak, and cabbage palm in the canopy. The sub-canopy contains Brazilian pepper and wax myrtle. The ground cover contains caesarweed, Boston fern (*Nephrolepis exaltata*), smutgrass (*Sporobolus indicus*), ragweed, hairy beggar-tick (*Bidens pilosa*), flatsedge (*Cyperus ligularis*), and dog fennel (*Eupatorium capillifolium*). The vine layer contains muscadine grape (*Vitis rotundifolia*).

Cypress, Disturbed (0-24% Exotics) (FLUCFCS Code 6219 E1)

This wetland habitat type is dominated by bald cypress and also contains scattered melaleuca, scattered laurel oak, scattered red maple, and scattered slash pine in the canopy. The sub-canopy contains bald cypress, cabbage palm, wax myrtle, dahoon holly, pond apple (*Annona glabra*), myrsine, scattered red maple, scattered Brazilian pepper, and scattered melaleuca. The ground cover contains swamp fern, Asiatic pennywort, saltbush, bog-hemp (*Boehmeria cylindrica*), wax myrtle, cabbage palm, rosy camphorweed, coco plum (*Chrysobalanus icaco*), spike rush, maidencane, torpedograss, saw palmetto, panicum (*Panicum* sp.), sawgrass, and widely scattered cattail. The vine layer contains morning glory (*Ipomoea* sp.), climbing hempvine (*Mikania scandens*), greenbrier (*Smilax* sp.), and muscadine grape.

Cypress, Disturbed (25-49% Exotics) (FLUCFCS Code 6219 E2)

This wetland habitat is similar to that of FLUCFCS Code 6219 E1, except with higher concentrations of melaleuca and Brazilian pepper in the canopy and sub-canopy.

Cypress, Disturbed (50-75% Exotics) (FLUCFCS Code 6219 E3)

This disturbed wetland habitat is similar to that of FLUCFCS Code 6219 E2, except with higher concentrations of melaleuca and Brazilian pepper in the canopy and sub-canopy.

Cypress, Disturbed (76-100% Exotics) (FLUCFCS Code 6219 E4)

This disturbed wetland habitat type is dominated by bald cypress and melaleuca in the canopy and also contains scattered dahoon holly. The sub-canopy contains bald cypress, melaleuca, Brazilian pepper, and wax myrtle. The ground cover contains swamp fern, water pennywort, wax myrtle, little blue maidencane (*Amphicarpum muhlenbergianum*), Asiatic pennywort, royal fern (*Osmunda regalis*), shield fern, bushy bluestem, Brazilian pepper, rosy camphorweed, maidencane, scattered pickerelweed, and scattered spike rush. The vine layer contains climbing hempvine. The invasive exotic vine Old World climbing fern has taken over the northernmost isolated wetland.

Cypress/Pine, Disturbed and Drained (0-24% Exotics) (FLUCFCS Code 6245 E1)

This disturbed upland habitat type contains slash pine, bald cypress, cabbage palm, and scattered melaleuca in the canopy. The sub-canopy contains slash pine, bald cypress, cabbage palm,

myrsine, scattered melaleuca, and scattered Brazilian pepper. The ground cover contains saw palmetto and swamp fern.

Cypress/Pine/Cabbage Palm, Disturbed (0-24% Exotics) (FLUCFCS Code 6249 E1)

This wetland habitat type contains slash pine, bald cypress, cabbage palm, and scattered melaleuca in the canopy. The sub-canopy contains slash pine, bald cypress, cabbage palm, myrsine, scattered melaleuca, and scattered Brazilian pepper. The ground cover contains swamp fern, Asiatic pennywort, cabbage palm, wiregrass, melaleuca, torpedograss, maidencane, gulfdune paspalum, wax myrtle, beaksedge, corkwood (*Stillingia aquatica*), and widely scattered saw palmetto.

Cypress/Pine/Cabbage Palm, Disturbed (25-49% Exotics) (FLUCFCS Code 6249 E2)

This wetland habitat type is similar to that of FLUCFCS Code 6249 E1, except with higher concentrations of Brazilian pepper and melaleuca in the canopy and sub-canopy, and also contains scattered downy rose myrtle (*Rhodomyrtus tomentosus*) in the sub-canopy.

Cypress/Pine/Cabbage Palm, Disturbed (50-75% Exotics) (FLUCFCS Code 6249 E3)

This disturbed wetland habitat type is similar to that of FLUCFCS Code 6249 E2 except with higher concentrations of Brazilian pepper, melaleuca, and downy rose myrtle in the sub-canopy.

Cypress/Pine/Cabbage Palm, Disturbed (76-100% Exotics) (FLUCFCS Code 6249 E4)

This disturbed wetland habitat type is similar to that of FLUCFCS Code 6249 E3 except with higher concentrations of Brazilian pepper, melaleuca, and downy rose myrtle in the sub-canopy.

Pine, Hydric, Disturbed (0-24% Exotics) (FLUCFCS Code 6259 E1)

This wetland habitat type is dominated by slash pine and also contains scattered cabbage palm and widely scattered melaleuca. The sub-canopy contains slash pine, wax myrtle, cabbage palm, scattered Brazilian pepper, and widely scattered melaleuca. The ground cover is dominated by wiregrass and also includes torpedograss, ragweed, swamp fern, little blue maidencane, caesarweed, frog fruit (*Phyla nodiflora*), rosy camphorweed, Asiatic pennywort, Brazilian pepper, tickseed (*Coreopsis* sp.), pineland heliotrope, and scattered saw palmetto. The vine layer contains climbing hempvine and muscadine grape.

Pine, Hydric, Disturbed (25-49% Exotics) (FLUCFCS Code 6259 E2)

This wetland habitat type is similar to that of FLUCFCS Code 6259 E1, but with higher concentrations of melaleuca and Brazilian pepper in the canopy and sub-canopy.

Pine, Hydric, Disturbed (50-75% Exotics) (FLUCFCS Code 6259 E3)

This disturbed wetland habitat type is similar to that of FLUCFCS Code 6259 E2, but with higher concentrations of melaleuca in the canopy and sub-canopy.

Pine, Hydric, Disturbed (76-100% Exotics) (FLUCFCS Code 6259 E4)

This disturbed wetland habitat type is similar to that of FLUCFCS Code 6259 E3, but with higher concentrations of melaleuca in the canopy and sub-canopy.

Mixed Wetland Forest, Disturbed (0-24% Exotics) (FLUCFCS Code 6309 E1)

This wetland habitat type contains red maple, bald cypress, and laurel oak in the canopy. The sub-canopy contains red maple, bald cypress, laurel oak, myrsine, wax myrtle, Brazilian pepper, swamp bay, and cabbage palm. The ground cover includes swamp fern, tickseed, coco plum, red maple, maidencane, fennel (*Foeniculum vulgare*), cinnamon fern (*Osmunda cinnamomea*), rosy camphorweed, and cabbage palm. The vine layer contains muscadine grape and climbing hempvine.

Mixed Wetland Forest, Disturbed (25-49% Exotics) (FLUCFCS Code 6309 E2)

This wetland habitat type is similar to that of FLUCFCS Code 6309 E1, but with higher concentrations of melaleuca and Brazilian pepper in the canopy and sub-canopy.

Mixed Wetland Forest, Disturbed (50-75% Exotics) (FLUCFCS Code 6309 E3)

This disturbed wetland habitat type is similar to that of FLUCFCS Code 6309 E2, but with higher concentrations of Brazilian pepper in the sub-canopy.

Freshwater Marsh, Sawgrass (0-24% Exotics) (FLUCFCS Code 6411 E1)

This wetland habitat type contains a predominately open canopy and sub-canopy. The ground cover is dominated by sawgrass.

Freshwater Marsh, Cattail (0-24% Exotics) (FLUCFCS Code 6412 E1)

This disturbed wetland habitat type contains a predominately open canopy and sub-canopy. The ground cover is dominated by cattail.

Freshwater Marsh, Disturbed (0-24% Exotics) (FLUCFCS Code 6419 E1)

This wetland habitat type contains scattered cypress and widely scattered melaleuca in the canopy. The sub-canopy contains scattered cypress, widely scattered willow, cabbage palm, primrose willow, and pond apple. The ground cover contains sawgrass, maidencane, corkwood, swamp fern, shield fern, smartweed (*Polygonum* sp.), spike rush, arrowhead (*Sagittaria lancifolia*), pickerelweed, fireflag, cattail, and the exotic species torpedograss.

Freshwater Marsh, Disturbed (25-49% Exotics) (FLUCFCS Code 6419 E2)

This disturbed wetland habitat type is similar to that of FLUCFCS Code 6419 E1, but with widely scattered melaleuca in the canopy, sub-canopy, and higher densities of torpedograss in the ground cover.

Freshwater Marsh, Disturbed (50-75% Exotics) (FLUCFCS Code 6419 E3)

This disturbed wetland habitat type is similar to that of FLUCFCS Code 6419 E2, but with higher densities of torpedograss in the ground cover.

Freshwater Marsh, Disturbed (75-100% Exotics) (FLUCFCS Code 6419 E4)

This disturbed wetland habitat type is similar to that of FLUCFCS Code 6419 E3, but with higher densities of torpedograss in the ground cover.

Wet Prairies, Disturbed (0-24% Exotics) (FLUCFCS Code 6439 E1)

This wetland habitat type contains widely scattered slash pine and cypress in the canopy. The sub-canopy contains wax myrtle and widely scattered bald cypress. The ground cover contains panicum, wax myrtle, frog fruit, sand cordgrass (*Spartina bakeri*), gulfdune paspalum, corkwood, maidencane, wiregrass, bushy bluestem, rosy camphorweed, and scattered sawgrass.

Wet Prairies, Disturbed (25-49% Exotics) (FLUCFCS Code 6439 E2)

This wetland habitat type contains widely scattered cypress in the canopy. The sub-canopy contains scattered Brazilian pepper, buckthorn (*Sideroxylon reclinatum*), and slash pine. The ground cover contains panicum, rosy camphorweed, rush fuirena (*Fuirena scirpoidea*), frog fruit, and torpedograss.

Wet Prairies, Disturbed (50-75% Exotics) (FLUCFCS Code 6439 E3)

This disturbed wetland habitat type is similar to that of FLUCFCS Code 6439 E2, but with widely scattered melaleuca in the canopy and sub-canopy, and higher densities of torpedograss in the ground cover.

Wet Prairies, Disturbed (76-100% Exotics) (FLUCFCS Code 6439 E4)

This disturbed wetland habitat type contains an open canopy. The sub-canopy contains scattered melaleuca, scattered willow, and scattered wax myrtle. The ground cover is dominated by the exotic species torpedograss and also contains cattail and sawgrass.

Disturbed Land (FLUCFCS Code 740)

This disturbed upland area contains widely scattered slash pine in the canopy. The sub-canopy contains scattered slash pine, Brazilian pepper, and wax myrtle. The ground cover contains sod grass, dog fennel, beggar-tick, crowfoot grass (*Dactyloctenium aegyptium*), balsam apple, bahiagrass, lantana, caesarweed, natalgrass (*Rhynchelytrum repens*), and scattered saw palmetto.

Disturbed Land, Hydric (FLUCFCS Code 7401)

This disturbed wetland area contains scattered slash pine in the canopy. The sub-canopy contains scattered wax myrtle, melaleuca, primrose willow, Brazilian pepper, and bald cypress. The ground cover contains cattail, torpedograss, maidencane, little blue maidencane, Asiatic pennywort, slash pine, and primrose willow. The vine layer contains climbing hempvine.

Borrow Area (FLUCFCS Code 742)

This potential OSW contains minimal vegetation. The borrow area appears to have been created to acquire fill for a berm connecting two adjacent citrus groves.

Spoil Area (FLUCFCS Code 743)

There are several spoil areas throughout the property. Most of the piles appear to have been created when the agricultural ditches were dug out. The canopy and sub-canopy of the spoil contains scattered slash pine and Brazilian pepper. The ground cover contains caesarweed, maidencane, natalgrass, dog fennel, ragweed, and torpedograss.

Berm (FLUCFCS Code 747)

There are maintained berms surrounding the exterior of a majority of the wetland systems. The berms contain an open canopy. The sub-canopy contains scattered Brazilian pepper. The ground cover contains ragweed, Florida tasselflower, natalgrass, lantana, beggar-tick, bahiagrass, caesarweed, and dog fennel.

Dirt Road (FLUCFCS Code 8146)

A dirt road runs in a north-south direction along the northeast portion of the property.

Electrical Power Transmission Line, Hydric (FLUCFCS Code 8321)

There are two sets of power lines that run in a northwest-southeast direction on the northern portion of the property. The land is maintained and contains torpedograss in the ground cover.

**SURVEY METHODOLOGY AND DISCUSSION**

As outlined in the LDC, surveys for Lee County protected species were based on the presence of specific vegetation associations and habitat types identified on-site. The frequency of transects performed in these habitats, unless otherwise discussed, were designed to meet or exceed the 80 percent minimum coverage requirement. A cursory review was also conducted in those habitats not technically required to be surveyed per the LDC. Based on experience and past conversations with Lee County’s Division of Environmental Sciences (DES), these areas were reviewed for certain protected species as a precautionary measure. Table 2 outlines the protected species that may inhabit or utilize a particular vegetation association, according to the LDC, as well as those habitats reviewed as a precautionary measure.

**Table 2. Potential Lee County Protected Species by Habitat Type**

FLUCFCS Code and Description		Potential Protected Species
221*	Citrus Grove	Crested Caracara ( <i>Caracara cheriway</i> )
		Eastern Indigo Snake ( <i>Drymarchon couperi</i> )
		Gopher Tortoise ( <i>Gopherus polyphemus</i> )
		Gopher Frog ( <i>Rana capito</i> )
		Florida Sandhill Crane ( <i>Grus canadensis pratensis</i> )
3219 E1	Palmetto Prairie, Disturbed (0-100% Exotics)	Southeastern American Kestrel ( <i>Falco sparverius paulus</i> )
3219 E2		Crested Caracara ( <i>Caracara cheriway</i> )
3219 E3		Florida Black Bear ( <i>Ursus americanus floridanus</i> )
3219 E4		Beautiful Pawpaw ( <i>Deeringothamnus pulchellus</i> )
		Curtis Milkweed ( <i>Asclepias curtissii</i> )
		Fakahatchee Burmania ( <i>Burmania flava</i> )
		Florida Coontie ( <i>Zamia floridana</i> )

Table 2. (Continued)

FLUCFCS Code and Description		Potential Protected Species
4119 E1 4119 E2 4119 E3	Pine Flatwoods, Disturbed (0-75% Exotics)	Eastern Indigo Snake ( <i>Drymarchon couperi</i> )
		Gopher Tortoise ( <i>Gopherus polyphemus</i> )
		Gopher Frog ( <i>Rana capito</i> )
		Southeastern American Kestrel ( <i>Falco sparverius paulus</i> )
		Red-Cockaded Woodpecker ( <i>Picoides borealis</i> )
		Bald Eagle ( <i>Haliaeetus leucocephalus</i> )
		Big Cypress Fox Squirrel ( <i>Sciurus niger avicennia</i> )
		Florida Panther ( <i>Puma concolor coryi</i> )
		Florida Black Bear ( <i>Ursus americanus floridanus</i> )
		Beautiful Pawpaw ( <i>Deeringothamnus pulchellus</i> )
		Fakahatchee Burmania ( <i>Burmania flava</i> )
		Satinleaf ( <i>Chrysophyllum oliviforme</i> )
Florida Coontie ( <i>Zamia floridana</i> )		
4159 E1*	Pine, Disturbed (0-24% Exotics)	Eastern Indigo Snake ( <i>Drymarchon couperi</i> )
		Gopher Tortoise ( <i>Gopherus polyphemus</i> )
		Gopher Frog ( <i>Rana capito</i> )
		Southeastern American Kestrel ( <i>Falco sparverius paulus</i> )
		Red-Cockaded Woodpecker ( <i>Picoides borealis</i> )
		Bald Eagle ( <i>Haliaeetus leucocephalus</i> )
		Big Cypress Fox Squirrel ( <i>Sciurus niger avicennia</i> )
		Florida Panther ( <i>Puma concolor coryi</i> )
		Florida Black Bear ( <i>Ursus americanus floridanus</i> )
		Beautiful Pawpaw ( <i>Deeringothamnus pulchellus</i> )
		Fakahatchee Burmania ( <i>Burmania flava</i> )
		Satinleaf ( <i>Chrysophyllum oliviforme</i> )
Florida Coontie ( <i>Zamia floridana</i> )		
4221*	Brazilian Pepper, Hydric	Eastern Indigo Snake ( <i>Drymarchon couperi</i> )
		Gopher Frog ( <i>Rana capito</i> )
4241*	Melaleuca, Hydric	Eastern Indigo Snake ( <i>Drymarchon couperi</i> )
		Gopher Frog ( <i>Rana capito</i> )
		Big Cypress Fox Squirrel ( <i>Sciurus niger avicennia</i> )
4279 E1 4279 E2	Live Oak, Disturbed (0-49% Exotics)	Eastern Indigo Snake ( <i>Drymarchon couperi</i> )
		Gopher Tortoise ( <i>Gopherus polyphemus</i> )
		Florida Panther ( <i>Puma concolor coryi</i> )
		Florida Black Bear ( <i>Ursus americanus floridanus</i> )

Table 2. (Continued)

FLUCFCS Code and Description		Potential Protected Species
4279 E1 4279 E2	Live Oak, Disturbed (0-49% Exotics) (Continued)	Simpson's Stopper ( <i>Myrcianthes fragrans</i> var. <i>simpsonii</i> )
		Hand Adder's Tongue Fern ( <i>Ophioglossum palmatum</i> )
		Twisted Air Plant ( <i>Tillandsia flexuosa</i> )
		Eastern Indigo Snake ( <i>Drymarchon couperi</i> )
		Little Blue Heron ( <i>Egretta caerulea</i> )
		Snowy Egret ( <i>Egretta thula</i> )
		Tri-Colored Heron ( <i>Egretta tricolor</i> )
		Crested Caracara ( <i>Caracara cheriway</i> )
		Florida Panther ( <i>Puma concolor coryi</i> )
		Florida Black Bear ( <i>Ursus americanus floridanus</i> )
4289 E1 4289 E2	Cabbage Palm, Disturbed (0-49% Exotics)	Simpson's Stopper ( <i>Myrcianthes fragrans</i> var. <i>simpsonii</i> )
		Eastern Indigo Snake ( <i>Drymarchon couperi</i> )
		Crested Caracara ( <i>Caracara cheriway</i> )
		Florida Panther ( <i>Puma concolor coryi</i> )
		Florida Black Bear ( <i>Ursus americanus floridanus</i> )
4291 E1* 4291 E2* 4291 E3*	Wax Myrtle/Willow, Hydric (0-75% Exotics)	Simpson's Stopper ( <i>Myrcianthes fragrans</i> var. <i>simpsonii</i> )
		Limpkin ( <i>Aramus guarauna</i> )
		Little Blue Heron ( <i>Egretta caerulea</i> )
		Snowy Egret ( <i>Egretta thula</i> )
4349 E1 4349 E2 4349 E3	Hardwood/Conifer Mixed, Disturbed (0-75% Exotics)	Tri-Colored Heron ( <i>Egretta tricolor</i> )
		Florida Panther ( <i>Puma concolor coryi</i> )
514	Ditch	American Alligator ( <i>Alligator mississippiensis</i> )
		Roseate Spoonbill ( <i>Ajaia ajaja</i> )
		Limpkin ( <i>Aramus guarauna</i> )
		Little Blue Heron ( <i>Egretta caerulea</i> )
		Reddish Egret ( <i>Egretta rufescens</i> )
		Snowy Egret ( <i>Egretta thula</i> )
		Tri-Colored Heron ( <i>Egretta tricolor</i> )
Everglades Mink ( <i>Mustela vison evergladensis</i> )		

Table 2. (Continued)

FLUCFCS Code and Description	Potential Protected Species
525 Shallow Pond	American Alligator ( <i>Alligator mississippiensis</i> )
	Roseate Spoonbill ( <i>Ajaia ajaja</i> )
	Limpkin ( <i>Aramus guarauna</i> )
	Little Blue Heron ( <i>Egretta caerulea</i> )
	Reddish Egret ( <i>Egretta rufescens</i> )
	Snowy Egret ( <i>Egretta thula</i> )
	Tri-Colored Heron ( <i>Egretta tricolor</i> )
	Everglade Snail Kite
	<i>(Rostrhamus sociabilis plumbeus)</i>
	Everglades Mink ( <i>Mustela vison evergladensis</i> )
6179 E1 Mixed Wetland 6179 E2 Hardwoods, Disturbed 6179 E3 (0-75% Exotics)	Limpkin ( <i>Aramus guarauna</i> )
	Little Blue Heron ( <i>Egretta caerulea</i> )
	Snowy Egret ( <i>Egretta thula</i> )
	Tri-Colored Heron ( <i>Egretta tricolor</i> )
	Florida Panther ( <i>Puma concolor coryi</i> )
	Florida Black Bear ( <i>Ursus americanus floridanus</i> )
6189 E1* Willow, Disturbed 6189 E3* (0-75% Exotics; 6189 E4* 50-100% Exotics)	American Alligator ( <i>Alligator mississippiensis</i> )
	Roseate Spoonbill ( <i>Ajaia ajaja</i> )
	Little Blue Heron ( <i>Egretta caerulea</i> )
	Reddish Egret ( <i>Egretta rufescens</i> )
	Snowy Egret ( <i>Egretta thula</i> )
	Tri-Colored Heron ( <i>Egretta tricolor</i> )
	Wood Stork ( <i>Mycteria americana</i> )
	Brown Pelican ( <i>Pelecanus occidentalis</i> )
	Big Cypress Fox Squirrel ( <i>Sciurus niger avicennia</i> )
	Florida Black Bear ( <i>Ursus americanus floridanus</i> )
	Twisted Air Plant ( <i>Tillandsia flexuosa</i> )
Prickly Apple ( <i>Cereus gracilis</i> )	
6215 E2 Cypress, Disturbed and Drained (25-49% Exotics)	Gopher Frog ( <i>Rana capito</i> )
	Arctic Peregrine Falcon ( <i>Falco peregrinus tundrius</i> )
	Everglades Mink ( <i>Mustela vison evergladensis</i> )
	Big Cypress Fox Squirrel ( <i>Sciurus niger avicennia</i> )
	Florida Panther ( <i>Puma concolor coryi</i> )
Florida Black Bear ( <i>Ursus americanus floridanus</i> )	
6219 E1 6219 E2 Cypress, Disturbed 6219 E3 (0-100% Exotics) 6219 E4	American Alligator ( <i>Alligator mississippiensis</i> )
	Gopher Frog ( <i>Rana capito</i> )
	Limpkin ( <i>Aramus guarauna</i> )
	Little Blue Heron ( <i>Egretta caerulea</i> )
	Snowy Egret ( <i>Egretta thula</i> )
Tri-Colored Heron ( <i>Egretta tricolor</i> )	

Table 2. (Continued)

FLUCFCS Code and Description		Potential Protected Species
6219 E1 6219 E2 6219 E3 6219 E4	Cypress, Disturbed (0-100% Exotics) (Continued)	Wood Stork ( <i>Mycteria americana</i> )
		Arctic Peregrine Falcon ( <i>Falco peregrinus tundrius</i> )
		Big Cypress Fox Squirrel ( <i>Sciurus niger avicennia</i> )
		Everglades Mink ( <i>Mustela vison evergladensis</i> )
		Florida Panther ( <i>Puma concolor coryi</i> )
6245 E1	Cypress/Pine, Disturbed and Drained (0-24% Exotics)	Florida Black Bear ( <i>Ursus americanus floridanus</i> )
		Gopher Frog ( <i>Rana capito</i> )
		Big Cypress Fox Squirrel ( <i>Sciurus niger avicennia</i> )
		Florida Panther ( <i>Puma concolor coryi</i> )
6249 E1 6249 E2 6249 E3 6249 E4	Cypress/Pine/Cabbage Palm, Disturbed (0-100% Exotics)	Florida Black Bear ( <i>Ursus americanus floridanus</i> )
		Gopher Frog ( <i>Rana capito</i> )
		Little Blue Heron ( <i>Egretta caerulea</i> )
		Snowy Egret ( <i>Egretta thula</i> )
		Tri-Colored Heron ( <i>Egretta tricolor</i> )
		Arctic Peregrine Falcon ( <i>Falco peregrinus tundrius</i> )
		Everglades Mink ( <i>Mustela vison evergladensis</i> )
		Big Cypress Fox Squirrel ( <i>Sciurus niger avicennia</i> )
6259 E1 6259 E2 6259 E3 6259 E4	Pine, Hydric, Disturbed (0-100% Exotics)	Florida Panther ( <i>Puma concolor coryi</i> )
		Florida Black Bear ( <i>Ursus americanus floridanus</i> )
		Gopher Frog ( <i>Rana capito</i> )
		Little Blue Heron ( <i>Egretta caerulea</i> )
		Snowy Egret ( <i>Egretta thula</i> )
		Tri-Colored Heron ( <i>Egretta tricolor</i> )
		Arctic Peregrine Falcon ( <i>Falco peregrinus tundrius</i> )
		Bald Eagle ( <i>Haliaeetus leucocephalus</i> )
6309 E1 6309 E2 6309 E3	Mixed Wetland Forest, Disturbed (0-75% Exotics)	Everglades Mink ( <i>Mustela vison evergladensis</i> )
		Big Cypress Fox Squirrel ( <i>Sciurus niger avicennia</i> )
		American Alligator ( <i>Alligator mississippiensis</i> )
		Gopher Frog ( <i>Rana capito</i> )
		Limpkin ( <i>Aramus guarauna</i> )
		Little Blue Heron ( <i>Egretta caerulea</i> )
		Snowy Egret ( <i>Egretta thula</i> )
		Tri-Colored Heron ( <i>Egretta tricolor</i> )
		Wood Stork ( <i>Mycteria americana</i> )
		Everglades Mink ( <i>Mustela vison evergladensis</i> )
6411 E1	Freshwater Marsh, Sawgrass (0-24% Exotics)	Florida Panther ( <i>Puma concolor coryi</i> )
		Florida Black Bear ( <i>Ursus americanus floridanus</i> )
		American Alligator ( <i>Alligator mississippiensis</i> )
		Limpkin ( <i>Aramus guarauna</i> )
6411 E1	Freshwater Marsh, Sawgrass (0-24% Exotics)	Little Blue Heron ( <i>Egretta caerulea</i> )
		Reddish Egret ( <i>Egretta rufescens</i> )

Table 2. (Continued)

FLUCFCS Code and Description		Potential Protected Species
6411 E1	Freshwater Marsh, Sawgrass (0-24% Exotics) (Continued)	Snowy Egret ( <i>Egretta thula</i> )
		Tri-Colored Heron ( <i>Egretta tricolor</i> )
		Florida Sandhill Crane ( <i>Grus canadensis pratensis</i> )
		Wood Stork ( <i>Mycteria americana</i> )
		Everglade Snail Kite ( <i>Rostrhamus sociabilis plumbeus</i> )
		Everglades Mink ( <i>Mustela vison evergladensis</i> )
6412 E1	Freshwater Marsh, Cattail (0-24% Exotics)	American Alligator ( <i>Alligator mississippiensis</i> )
		Limpkin ( <i>Aramus guarauna</i> )
		Little Blue Heron ( <i>Egretta caerulea</i> )
		Reddish Egret ( <i>Egretta rufescens</i> )
		Snowy Egret ( <i>Egretta thula</i> )
		Tri-Colored Heron ( <i>Egretta tricolor</i> )
		Florida Sandhill Crane ( <i>Grus canadensis pratensis</i> )
		Wood Stork ( <i>Mycteria americana</i> )
		Everglade Snail Kite ( <i>Rostrhamus sociabilis plumbeus</i> )
Everglades Mink ( <i>Mustela vison evergladensis</i> )		
6419 E1 6419 E2 6419 E3 6419 E4	Freshwater Marsh, Disturbed (0-100% Exotics)	American Alligator ( <i>Alligator mississippiensis</i> )
		Limpkin ( <i>Aramus guarauna</i> )
		Little Blue Heron ( <i>Egretta caerulea</i> )
		Reddish Egret ( <i>Egretta rufescens</i> )
		Snowy Egret ( <i>Egretta thula</i> )
		Tri-Colored Heron ( <i>Egretta tricolor</i> )
		Florida Sandhill Crane ( <i>Grus canadensis pratensis</i> )
		Wood Stork ( <i>Mycteria americana</i> )
		Everglade Snail Kite ( <i>Rostrhamus sociabilis plumbeus</i> )
Everglades Mink ( <i>Mustela vison evergladensis</i> )		
6439 E1 6439 E2 6439 E3 6439 E4	Wet Prairies, Disturbed (0-100% Exotics)	Limpkin ( <i>Aramus guarauna</i> )
		Little Blue Heron ( <i>Egretta caerulea</i> )
		Snowy Egret ( <i>Egretta thula</i> )
		Tri-Colored Heron ( <i>Egretta tricolor</i> )
		Reddish Egret ( <i>Egretta rufescens</i> )
		Wood Stork ( <i>Mycteria americana</i> )
		Everglade Snail Kite ( <i>Rostrhamus sociabilis plumbeus</i> )
Everglades Mink ( <i>Mustela vison evergladensis</i> )		
740*	Disturbed Land	Gopher Tortoise ( <i>Gopherus polyphemus</i> )

**Table 2. (Continued)**

FLUCFCS Code and Description		Potential Protected Species
7401*	Disturbed Land, Hydric	Little Blue Heron ( <i>Egretta caerulea</i> )
		Snowy Egret ( <i>Egretta thula</i> )
		Tri-Colored Heron ( <i>Egretta tricolor</i> )
742*	Borrow Area	American Alligator ( <i>Alligator mississippiensis</i> )
743	Spoil Area	Gopher Tortoise ( <i>Gopherus polyphemus</i> )
747*	Berm	Gopher Tortoise ( <i>Gopherus polyphemus</i> )
8146*	Dirt Road	N/A
8321*	Electrical Power Transmission Line, Hydric	N/A

N/A = Not Applicable per the LDC

\*This habitat was surveyed for the species indicated as a precautionary measure.

The updated PSS for the Project was conducted by PAI on July 27, 2012; July 15, 16, 18, and 19, 2013; and August 2, 6, 7, 8, 9, 13, and 14, 2013. Surveys were conducted during the daylight hours. Weather conditions during the survey period are summarized in Table 3. The type of survey utilized for the protected species survey included meandering pedestrian transects, per WilsonMiller, Inc. methodology that was previously approved by the county. However, vehicular transects were also used when surveying portions of the grove habitat.

**Table 3. Survey Dates and Weather Conditions**

Survey Date	Weather Conditions
July 27, 2012	Temperatures in the mid-80s to low 90s, winds WSW 4 mph
July 15, 2013	Temperatures in the low 70s to high 80s, winds E 5 mph
July 16, 2013	Temperatures in the mid-70s to high 80s, winds ENE 9 mph
July 18, 2013	Temperatures in the low 70s to low 80s, winds SE 4 mph
July 19, 2013	Temperatures in the low 70s to high 80s, winds E 5 mph
August 2, 2013	Temperatures in the low 80s to high 90s, winds SW 4 mph
August 6, 2013	Temperatures in the mid-70s to low 90s, winds N 3 mph
August 7, 2013	Temperatures in the low 80s to mid-80s, winds ESE 3 mph
August 8, 2013	Temperatures in the low 70s to low 90s, winds ENE 5 mph
August 9, 2013	Temperatures in the low 70s to low 90s, winds E 6 mph
August 13, 2013	Temperatures in the mid-70s to low 90s, winds NW 5 mph
August 14, 2013	Temperatures in the low 70s to high 80s, winds variable, 2 mph

Visibility in the surveyed habitats varied due to the density of vegetation. A summary of the limits of visibility, number, length of transects walked, and percent of coverage by habitat type is provided in Table 4.

Table 4. Summary of Habitat Coverage

FLUCFCS Code	Description	Total Area (Acres)	Transects Total Length (Feet)	Average Visibility (Feet) <sup>1</sup>	Percent of Coverage
221	Citrus Grove <sup>2</sup>	2,742.57	447,999	200	30
3219 E1 3219 E2 3219 E3 3219 E4	Palmetto Prairie, Disturbed	3.33	1,451	40	80
4119 E1 4119 E2 4119 E3	Pine Flatwoods, Disturbed	17.79	7,749	40	80
4159 E1	Pine, Disturbed <sup>2</sup>	13.01	5,667	40	80
4221	Brazilian Pepper, Hydric <sup>2</sup>	0.17	74	40	80
4241	Melaleuca, Hydric <sup>2</sup>	99.4	43,299	40	80
4279 E1 4279 E2	Live Oak, Disturbed	1.04	453	40	80
4281 E1	Cabbage Palm, Hydric	0.08	35	40	80
4289 E1 4289 E2	Cabbage Palm, Disturbed	1.78	775	40	80
4291 E1 4291 E2 4291 E3	Wax Myrtle/Willow, Hydric <sup>2</sup>	0.93	405	40	80
4349 E1 4349 E2 4349 E3	Hardwood/Conifer Mixed, Disturbed	12.06	5,253	40	80
514	Ditch	153.73	66,965	40	80
525	Shallow Pond	0.07	30	40	80
6179 E1 6179 E2 6179 E3	Mixed Wetland Hardwoods, Disturbed	2.22	967	40	80
6189 E1 6189 E3 6189 E4	Willow, Disturbed <sup>2</sup>	5.63	2,452	40	80
6215 E2	Cypress, Disturbed and Drained	0.08	35	40	80
6219 E1 6219 E2 6219 E3 6219 E4	Cypress, Disturbed	603.46	262,867	40	80
6245 E1	Cypress/Pine, Disturbed and Drained	0.14	61	40	80

Table 4. (Continued)

FLUCFCS Code	Description	Total Area (Acres)	Transects Total Length (Feet)	Average Visibility (Feet) <sup>1</sup>	Percent of Coverage
6249 E1 6249 E2 6249 E3 6249 E4	Cypress/Pine/Cabbage Palm, Disturbed	109.63	47,755	40	80
6259 E1 6259 E2 6259 E3 6259 E4	Pine, Hydric, Disturbed	14.98	6,525	40	80
6309 E1 6309 E2 6309 E3	Mixed Wetland Forest, Disturbed	16.48	7,179	40	80
6411 E1	Freshwater Marsh, Sawgrass	1.11	484	40	80
6412 E1	Freshwater Marsh, Cattail	13.07	5,693	40	80
6419 E1 6419 E2 6419 E3 6419 E4	Freshwater Marsh, Disturbed	171.61	74,753	40	80
6439 E1 6439 E2 6439 E3 6429 E4	Wet Prairies, Disturbed	32.87	14,318	40	80
740	Disturbed Land <sup>2</sup>	31.60	13,765	40	80
7401	Disturbed Land, Hydric <sup>2</sup>	15.79	6,878	40	80
742	Borrow Area <sup>2</sup>	0.23	100	40	80
743	Spoil Area	8.38	3,650	40	80
747	Berm <sup>2</sup>	118.28	51,523	40	80
8146	Dirt Road <sup>2</sup>	5.73	2,496	40	80
8321	Electrical Power Transmission Line, Hydric <sup>2</sup>	5.05	2,200	40	80

<sup>1</sup>Average visibility to one side of transect

<sup>2</sup>Habitat surveyed as a precautionary measure

## SURVEY RESULTS

During the updated PSS, a total of six Lee County protected species or their signs (e.g., scratched tree) were documented on the Project site. A copy of the 2013 aerial photograph with survey transects and protected species observations is provided as Appendix B.

The Lee County protected wildlife species documented on the property during the updated PSS included American alligators and one alligator nest, little blue herons, tri-colored herons, snowy egrets, crested caracaras, and Florida black bear (*Ursus americanus floridanus*).

In addition, one white ibis (*Eudocimus albus*) was observed on the property during the Lee County protected species survey. The white ibis is not listed as a Lee County protected species, but is listed as a species of special concern by the Florida Fish and Wildlife Conservation Commission (2013). Squirrel nests were also documented on the site, but no Big Cypress fox squirrels were observed.

**ABUNDANCE OF PROTECTED SPECIES OBSERVED**

Density calculations for Lee County protected species observed during the protected species survey were done in accordance with Step 8, Attachment 2 of the Lee County Survey Methodology adopted on August 30, 1989. The Lee County protected species abundance calculations are provided in Table 5, while Table 6 summarizes the protected species survey findings.

**Table 5. Lee County Protected Species Abundance Calculations**

Protected Species Density:

$$= \{n / [L (w_1 + w_2)]\} (43,560 \text{ ft.}^2/\text{ac})$$

- Where n = number of individuals observed
- L<sub>1</sub> = Length of transect (feet)
- W<sub>1</sub> = Distance of visibility to the right of transect (feet)
- W<sub>2</sub> = Distance of visibility to the left of transect (feet)

---

**American Alligator**

*FLUCFCS Code 514*

$$= \{2AA / [66,965 \text{ ft.} (40 \text{ ft.} + 40 \text{ ft.})]\} (43,560 \text{ ft.}^2/\text{ac})$$

$$= \{2AA / 5,357,520 \text{ ft.}^2\} (43,560 \text{ ft.}^2/\text{ac})$$

$$= \{3.73 \times 10^{-7} / \text{ft.}^2\} (43,560 \text{ ft.}^2/\text{ac})$$

$$= 0.02 \text{ AA/Acre}$$

*FLUCFCS Code 6219 E4*

$$= \{1AA / [7,614 \text{ ft.} (40 \text{ ft.} + 40 \text{ ft.})]\} (43,560 \text{ ft.}^2/\text{ac})$$

$$= \{1AA / 616,080 \text{ ft.}^2\} (43,560 \text{ ft.}^2/\text{ac})$$

$$= \{1.62 \times 10^{-6} / \text{ft.}^2\} (43,560 \text{ ft.}^2/\text{ac})$$

$$= 0.07 \text{ AA/Acre}$$

**Table 5. (Continued)**

**American Alligator (continued)**

*FLUCFCS Code 6249 E1*

- = {2AA/ [28,933 ft. (40 ft. + 40 ft.)]} (43,560 ft.<sup>2</sup>/ac)
  - = {2AA/2,321,920 ft.<sup>2</sup>} (43,560 ft.<sup>2</sup>/ac)
  - = {8.61 x 10<sup>-7</sup>/ft.<sup>2</sup>} (43,560 ft.<sup>2</sup>/ac)
  - = 0.04 AA/Acre
- 

**Little Blue Heron**

*FLUCFCS Code 514*

- = {1LBHE/ [66,965 ft. (40 ft. + 40 ft.)]} (43,560 ft.<sup>2</sup>/ac)
- = {1LBHE/5,357,520 ft.<sup>2</sup>} (43,560 ft.<sup>2</sup>/ac)
- = {1.87 x 10<sup>-7</sup>/ft.<sup>2</sup>} (43,560 ft.<sup>2</sup>/ac)
- = 0.01 LBHE/Acre

*FLUCFCS Code 6419 E1, E4*

- = {3LBHE/ [68,089 ft. (40 ft. + 40 ft.)]} (43,560 ft.<sup>2</sup>/ac)
- = {3LBHE/5,447,120 ft.<sup>2</sup>} (43,560 ft.<sup>2</sup>/ac)
- = {5.51 x 10<sup>-7</sup>/ft.<sup>2</sup>} (43,560 ft.<sup>2</sup>/ac)
- = 0.02 LBHE/Acre

*FLUCFCS Code 6439 E4*

- = {1LBHE/ [10,550 ft. (40 ft. + 40 ft.)]} (43,560 ft.<sup>2</sup>/ac)
  - = {1LBHE/844,000 ft.<sup>2</sup>} (43,560 ft.<sup>2</sup>/ac)
  - = {1.18 x 10<sup>-6</sup>/ft.<sup>2</sup>} (43,560 ft.<sup>2</sup>/ac)
  - = 0.05 LBHE/Acre
- 

**Snowy Egret**

*FLUCFCS Code 514*

- = {4SNEG/ [66,965 ft. (40 ft. + 40 ft.)]} (43,560 ft.<sup>2</sup>/ac)
  - = {4SNEG/5,357,520 ft.<sup>2</sup>} (43,560 ft.<sup>2</sup>/ac)
  - = {7.47 x 10<sup>-7</sup>/ft.<sup>2</sup>} (43,560 ft.<sup>2</sup>/ac)
  - = 0.03 SNEG/Acre
-

**Table 5. (Continued)**

**Tri-Colored Heron**

*FLUCFCS Code 514*

- = {2TCHE/ [66,965 ft. (40 ft. + 40 ft.)]} (43,560 ft.<sup>2</sup>/ac)
- = {2TCHE/5,357,520 ft.<sup>2</sup>} (43,560 ft.<sup>2</sup>/ac)
- = {3.73 x 10<sup>-7</sup>/ft.<sup>2</sup>} (43,560 ft.<sup>2</sup>/ac)
- = 0.02 TCHE/Acre

*FLUCFCS Code 6249 E3*

- = {1TCHE/ [10,206 ft. (40 ft. + 40 ft.)]} (43,560 ft.<sup>2</sup>/ac)
- = {1TCHE/817,200 ft.<sup>2</sup>} (43,560 ft.<sup>2</sup>/ac)
- = {1.22 x 10<sup>-6</sup>/ft.<sup>2</sup>} (43,560 ft.<sup>2</sup>/ac)
- = 0.05 TCHE/Acre

*FLUCFCS Code 6439 E4*

- = {1TCHE/ [10,550 ft. (40 ft. + 40 ft.)]} (43,560 ft.<sup>2</sup>/ac)
- = {1TCHE/844,000 ft.<sup>2</sup>} (43,560 ft.<sup>2</sup>/ac)
- = {1.18 x 10<sup>-6</sup>/ft.<sup>2</sup>} (43,560 ft.<sup>2</sup>/ac)
- = 0.05 TCHE/Acre

**Crested Caracara**

*FLUCFCS Code 221*

- = {3CRCA/ [447,999 ft. (200 ft. + 200 ft.)]} (43,560 ft.<sup>2</sup>/ac)
- = {3CRCA/26,880,840 ft.<sup>2</sup>} (43,560 ft.<sup>2</sup>/ac)
- = {1.67 x 10<sup>-8</sup>/ft.<sup>2</sup>} (43,560 ft.<sup>2</sup>/ac)
- = <0.01 CRCA/Acre

**Florida Black Bear Scratch Tree**

*FLUCFCS Code 6219 E1, E3*

- = {2BBST/ [231,922 ft. (40 ft. + 40 ft.)]} (43,560 ft.<sup>2</sup>/ac)
- = {2BBST/18,551,680 ft.<sup>2</sup>} (43,560 ft.<sup>2</sup>/ac)
- = {1.07 x 10<sup>-7</sup>/ft.<sup>2</sup>} (43,560 ft.<sup>2</sup>/ac)
- = <0.01 BBST/Acre

Table 6. Lee County Protected Species Survey Summary

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)	
<b>Reptiles and Amphibians</b>						
American Alligator	514	80	X		0.02	
	525	80		X	N/A	
	6189 E1* 6189 E3* 6189 E4*	80		X	N/A	
	6219 E1 6219 E2 6219 E3 6219 E4	80	X		0.07	
	6249 E1*	80	X		0.04	
	6309 E1 6309 E2 6309 E3	80		X	N/A	
	6411 E1	80		X	N/A	
	6412 E1	80		X	N/A	
	6419 E1 6419 E2 6419 E3	80		X	N/A	
	742*	80		X	N/A	
	Eastern Indigo Snake	3219 E1 3219 E2 3219 E3	80		X	N/A
		4119 E1 4119 E2 4119 E3	80		X	N/A
4159 E1*		80		X	N/A	
4221*		80		X	N/A	
4241*		80		X	N/A	
4279 E1 4279 E2		80		X	N/A	
4281 E1		80		X	N/A	
4289 E1 4289 E2		80		X	N/A	
Gopher Tortoise	3219 E1 3219 E2 3219 E3	80		X	N/A	
	4119 E1 4119 E2 4119 E3	80		X	N/A	
	4159 E1*	80		X	N/A	

Table 6. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)	
<b>Reptiles and Amphibians (Continued)</b>						
Gopher Tortoise (Continued)	4279 E1 4279 E2	80		X	N/A	
	740*	80		X	N/A	
	743	80		X	N/A	
	747*	80		X	N/A	
Gopher Frog	3219 E1 3219 E2 3219 E3	80		X	N/A	
	4119 E1 4119 E2 4119 E3	80		X	N/A	
	4159 E1*	80		X	N/A	
	4221*	80		X	N/A	
	4241*	80		X	N/A	
	6215 E1 6215 E2	80		X	N/A	
	6219 E1 6219 E2 6219 E3	80		X	N/A	
	6245 E1	80		X	N/A	
	6249 E1 6249 E2 6249 E3	80		X	N/A	
	6259 E1 6259 E2 6259 E3	80		X	N/A	
	6309 E1 6309 E2 6309 E3	80		X	N/A	
	<b>Birds</b>					
	Roseate Spoonbill	514	80		X	N/A
		525	80		X	N/A
		6189 E1* 6189 E3* 6189 E4*	80		X	N/A
		4291 E1* 4291 E2* 4291 E3*	80		X	N/A
Limpkin	514	80		X	N/A	
	525	80		X	N/A	

Table 6. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)
<b>Birds (Continued)</b>					
Limpkin (Continued)	6179 E1 6179 E2 6179 E3	80		X	N/A
	6219 E1 6219 E2 6219 E3 6219 E4	80		X	N/A
	6309 E1 6309 E2 6309 E3	80		X	N/A
	6411 E1	80		X	N/A
	6412 E1	80		X	N/A
	6419 E1 6419 E2 6419 E3	80		X	N/A
	6439 E1 6439 E2 6439 E3	80		X	N/A
	4281 E1	80		X	N/A
Little Blue Heron	4291 E1* 4291 E2* 4291 E3*	80		X	N/A
	514	80	X		0.01
	525	80		X	N/A
	6179 E1 6179 E2 6179 E3	80		X	N/A
	6189 E1* 6189 E3* 6189 E4*	80		X	N/A
	6219 E1 6219 E2 6219 E3 6219 E4	80		X	N/A
	6249 E1 6249 E2 6249 E3 6249 E4	80		X	N/A

Table 6. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)	
<b>Birds (Continued)</b>						
Little Blue Heron (Continued)	6259 E1 6259 E2 6259 E3 6259 E4	80		X	N/A	
	6309 E1 6309 E2 6309 E3	80		X	N/A	
	6411 E1	80		X	N/A	
	6412 E1	80		X	N/A	
	6419 E1 6419 E2 6419 E3 6419 E4	80	X		0.02	
	6439 E1 6439 E2 6439 E3 6439 E4	80	X		0.05	
	7401*	80		X	N/A	
	Reddish Egret	514	80		X	N/A
		525	80		X	N/A
		6189 E1* 6189 E3* 6189 E4*	80		X	N/A
6411 E1		80		X	N/A	
6412 E1		80		X	N/A	
6419 E1 6419 E2 6419 E3 6419 E4		80		X	N/A	
6439 E1 6439 E2 6439 E3 6439 E4		80		X	N/A	
Snowy Egret		4281 E1	80		X	N/A
		4291 E1* 4291 E2* 4291 E3*	80		X	N/A
		514	80	X		0.03
	525	80		X	N/A	

Table 6. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)	
<b>Birds (Continued)</b>						
Snowy Egret (Continued)	6179 E1 6179 E2 6179 E3	80		X	N/A	
	6189 E1* 6189 E3* 6189 E4*	80		X	N/A	
	6219 E1 6219 E2 6219 E3 6219 E4	80		X	N/A	
	6249 E1 6249 E2 6249 E3 6249 E4	80		X	N/A	
	6259 E1 6259 E2 6259 E3 6259 E4	80		X	N/A	
	6309 E1 6309 E2 6309 E3	80		X	N/A	
	6411 E1	80		X	N/A	
	6412 E1	80		X	N/A	
	6419 E1 6419 E2 6419 E3 6419 E4	80		X	N/A	
	6439 E1 6439 E2 6439 E3 6439 E4	80		X	N/A	
	7401*	80		X	N/A	
	Tri-Colored Heron	4281 E1	80		X	N/A
		4291 E1* 4291 E2* 4291 E3*	80		X	N/A
		514	80	X		0.02
525		80		X	N/A	

Table 6. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)	
<b>Birds (Continued)</b>						
Tri-Colored Heron (Continued)	6179 E1 6179 E2 6179 E3	80		X	N/A	
	6189 E1* 6189 E3* 6189 E4*	80		X	N/A	
	6219 E1 6219 E2 6219 E3 6219 E4	80		X	N/A	
	6249 E1 6249 E2 6249 E3 6249 E4	80	X		0.05	
	6259 E1 6259 E2 6259 E3 6259 E4	80		X	N/A	
	6309 E1 6309 E2 6309 E3	80		X	N/A	
	6411 E1	80		X	N/A	
	6412 E1	80		X	N/A	
	6419 E1 6419 E2 6419 E3 6419 E4	80		X	N/A	
	6439 E1 6439 E2 6439 E3 6439 E4	80	X		0.05	
	7401*	80		X	N/A	
	Florida Sandhill Crane	3219 E1 3219 E2 3219 E3 3219 E4	80		X	N/A
		6411 E1	80		X	N/A
		6412 E1	80		X	N/A

Table 6. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)
<b>Birds (Continued)</b>					
Florida Sandhill Crane (Continued)	6419 E1	80		X	N/A
	6419 E2				
	6419 E3				
	6419 E4				
Wood Stork	221	80		X	N/A
	514	80		X	N/A
	6189 E1*	80		X	N/A
	6189 E3*				
	6189 E4*				
	6219 E1	80		X	N/A
	6219 E2				
	6219 E3				
	6219 E4				
	6309 E1	80		X	N/A
	6309 E2				
	6309 E3				
	6411 E1	80		X	N/A
	6412 E1	80		X	N/A
6419 E1	80		X	N/A	
6419 E2					
6419 E3					
6419 E4					
6439 E1	80		X	N/A	
6439 E2					
6439 E3					
6439 E4					
740*	80		X	N/A	
7401*			X	N/A	
Brown Pelican	6189 E1*	80		X	N/A
	6189 E3*				
	6189 E4*				
Southeastern American Kestrel	3219 E1	80		X	N/A
	3219 E2				
	3219 E3				
	3219 E4				
	4119 E1	80		X	N/A
	4119 E2				
	4119 E3				
4159 E1*	80		X	N/A	

Table 6. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)
<b>Birds (Continued)</b>					
Red-Cockaded Woodpecker	4119 E1	80		X	N/A
	4119 E2				
	4119 E3				
	4159 E1*				
Arctic Peregrine Falcon	6215 E1	80		X	N/A
	6215 E2				
	6219 E1	80		X	N/A
	6219 E2				
	6219 E3				
	6219 E4				
	6249 E1	80		X	N/A
	6249 E2				
	6249 E3				
	6249 E4				
	6259 E1	80		X	N/A
	6259 E2				
6259 E3					
6259 E4					
Bald Eagle	4119 E1	80		X	N/A
	4119 E2				
	4119 E3				
	4159 E1*	80		X	N/A
6259 E1	80		X	N/A	
6259 E2					
6259 E3					
6259 E4					
Crested Caracara	221*	60	X		<0.01
	3219 E1	80		X	N/A
	3219 E2				
	3219 E3				
	3219 E4				
	4281 E1	80		X	N/A
4289 E1	80		X	N/A	
4289 E2					
Everglade Snail Kite	525	80		X	N/A
	6411 E1	80		X	N/A
	6412 E1	80		X	N/A

Table 6. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)	
<b>Birds (Continued)</b>						
Everglade Snail Kite (Continued)	6419 E1 6419 E2 6419 E3 6419 E4	80		X	N/A	
	6439 E1 6439 E2 6439 E3	80		X	N/A	
	<b>Mammals</b>					
	Everglades Mink	514	80		X	N/A
		525	80		X	N/A
		6215 E1 6215 E2	80		X	N/A
6219 E1 6219 E2 6219 E3 6219 E4		80		X	N/A	
6259 E1 6259 E2 6259 E3 6259 E4		80		X	N/A	
6309 E1 6309 E2 6309 E3		80		X	N/A	
6411 E1		80		X	N/A	
6412 E1		80		X	N/A	
6419 E1 6419 E2 6419 E3		80		X	N/A	
6439 E1 6439 E2 6439 E3		80		X	N/A	
740*		80		X	N/A	
Big Cypress Fox Squirrel		4119 E1 4119 E2 4119 E3	80		X	N/A
		4159 E1*	80		X	N/A
		4241*	80		X	N/A
	6189 E1* 6189 E3* 6189 E4*	80		X	N/A	

Table 6. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)	
<b>Mammals (Continued)</b>						
Big Cypress Fox Squirrel (Continued)	6215 E1 6215 E2	80		X	N/A	
	6219 E1 6219 E2 6219 E3 6219 E4	80		X	N/A	
	6245 E1	80		X	N/A	
	6249 E1 6249 E2 6249 E3 6249 E4	80		X	N/A	
	6259 E1 6259 E2 6259 E3 6259 E4	80		X	N/A	
	Florida Panther	4119 E1 4119 E2 4119 E3	80		X	N/A
		4159 E1*	80		X	N/A
		4279 E1 4279 E2	80		X	N/A
		4281 E1	80		X	N/A
		4289 E1 4289 E2	80		X	N/A
		4349 E1 4349 E2 4349 E3	80		X	N/A
		6179 E1 6179 E2 6179 E3	80		X	N/A
6215 E1 6215 E2		80		X	N/A	
6219 E1 6219 E2 6219 E3		80		X	N/A	
6245 E1		80		X	N/A	
6249 E1 6249 E2 6249 E3		80		X	N/A	

Table 6. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)	
<b>Mammals (Continued)</b>						
Florida Panther (Continued)	6309 E1 6309 E2 6309 E3	80		X	N/A	
	Florida Black Bear	3219 E1 3219 E2 3219 E3 3219 E4	80		X	N/A
		4119 E1 4119 E2 4119 E3	80		X	N/A
4159 E1*		80		X	N/A	
4279 E1 4279 E2		80		X	N/A	
Florida Black Bear	4281 E1	80		X	N/A	
	4289 E1 4289 E2	80		X	N/A	
	6179 E1 6179 E2 6179 E3	80		X	N/A	
	6189 E1* 6189 E3* 6189 E4*	80		X	N/A	
	6215 E1 6215 E2	80		X	N/A	
	6219 E1 6219 E2 6219 E3	80	X		<0.01	
	6245 E1	80		X	N/A	
	6249 E1 6249 E2 6249 E3 6249 E4	80		X	N/A	
	6309 E1 6309 E2 6309 E3	80		X	N/A	
	<b>Plants</b>					
	Curtis Milkweed	3219 E1 3219 E2 3219 E3 3219 E4	80		X	N/A

Table 6. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)
<b>Plants (Continued)</b>					
Beautiful Pawpaw	3219 E1 3219 E2 3219 E3 3219 E4	80		X	N/A
	4119 E1 4119 E2 4119 E3	80		X	N/A
	4159 E1*	80		X	N/A
Fakahatchee Burmania	3219 E1 3219 E2 3219 E3	80		X	N/A
	4119 E1 4119 E2 4119 E3	80		X	N/A
	4159 E1*	80		X	N/A
Satinleaf	4119 E1 4119 E2 4119 E3	80		X	N/A
	4159 E1*	80		X	N/A
Florida Coontie	3219 E1 3219 E2 3219 E3 3219 E4	80		X	N/A
	4119 E1 4119 E2 4119 E3	80		X	N/A
	4159 E1*	80		X	N/A
Simpson's Stopper	4279 E1 4279 E2	80		X	N/A
	4281 E1	80		X	N/A
	4289 E1 4289 E2	80		X	N/A
Hand Adder's Tongue Fern	4279 E1 4279 E2	80		X	N/A
Twisted Air Plant	4279 E1 4279 E2	80		X	N/A
	6189 E1* 6189 E3* 6189 E4*	80		X	N/A

**Table 6. (Continued)**

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)
<b>Plants (Continued)</b>					
Prickly Apple	6189 E1*	80		X	N/A
	6189 E3*				
	6189 E4*				

\*This habitat was surveyed for the species indicated as a precautionary measure.

**MANAGEMENT PLANS**

A Preliminary Indigenous Preserve and Protected Species Management Plan was previously prepared and submitted to the Lee County Department of Environmental Services (DES) for the protected species documented on the Project site. Per Section 10-474 of the Lee County LDC, a final Indigenous Preserve and Protected Species Management Plan will be provided to the Lee County DES prior to the issuance of a Mining Development Order and Mining Operation Permit.

## REFERENCES

Florida Department of Transportation. 1999. Florida Land Use, Cover and Forms Classification System. Procedure No. 550-010-001-a. Third Edition.

Florida Fish and Wildlife Conservation Commission. 2013. Florida's Endangered Species, Threatened Species, and Species of Special Concern. Official Lists. Florida Fish and Wildlife Conservation Commission. Tallahassee, Florida.

**APPENDIX A**

**AERIAL WITH FLUCFCS AND WETLANDS MAP**



ALLUON	DESCRIPTION	ACRES	% OF TOTAL
0000	WATER	27.00	1.00%
0001	WATER	27.00	1.00%
0002	WATER	27.00	1.00%
0003	WATER	27.00	1.00%
0004	WATER	27.00	1.00%
0005	WATER	27.00	1.00%
0006	WATER	27.00	1.00%
0007	WATER	27.00	1.00%
0008	WATER	27.00	1.00%
0009	WATER	27.00	1.00%
0010	WATER	27.00	1.00%
0011	WATER	27.00	1.00%
0012	WATER	27.00	1.00%
0013	WATER	27.00	1.00%
0014	WATER	27.00	1.00%
0015	WATER	27.00	1.00%
0016	WATER	27.00	1.00%
0017	WATER	27.00	1.00%
0018	WATER	27.00	1.00%
0019	WATER	27.00	1.00%
0020	WATER	27.00	1.00%
0021	WATER	27.00	1.00%
0022	WATER	27.00	1.00%
0023	WATER	27.00	1.00%
0024	WATER	27.00	1.00%
0025	WATER	27.00	1.00%
0026	WATER	27.00	1.00%
0027	WATER	27.00	1.00%
0028	WATER	27.00	1.00%
0029	WATER	27.00	1.00%
0030	WATER	27.00	1.00%
0031	WATER	27.00	1.00%
0032	WATER	27.00	1.00%
0033	WATER	27.00	1.00%
0034	WATER	27.00	1.00%
0035	WATER	27.00	1.00%
0036	WATER	27.00	1.00%
0037	WATER	27.00	1.00%
0038	WATER	27.00	1.00%
0039	WATER	27.00	1.00%
0040	WATER	27.00	1.00%
0041	WATER	27.00	1.00%
0042	WATER	27.00	1.00%
0043	WATER	27.00	1.00%
0044	WATER	27.00	1.00%
0045	WATER	27.00	1.00%
0046	WATER	27.00	1.00%
0047	WATER	27.00	1.00%
0048	WATER	27.00	1.00%
0049	WATER	27.00	1.00%
0050	WATER	27.00	1.00%
0051	WATER	27.00	1.00%
0052	WATER	27.00	1.00%
0053	WATER	27.00	1.00%
0054	WATER	27.00	1.00%
0055	WATER	27.00	1.00%
0056	WATER	27.00	1.00%
0057	WATER	27.00	1.00%
0058	WATER	27.00	1.00%
0059	WATER	27.00	1.00%
0060	WATER	27.00	1.00%
0061	WATER	27.00	1.00%
0062	WATER	27.00	1.00%
0063	WATER	27.00	1.00%
0064	WATER	27.00	1.00%
0065	WATER	27.00	1.00%
0066	WATER	27.00	1.00%
0067	WATER	27.00	1.00%
0068	WATER	27.00	1.00%
0069	WATER	27.00	1.00%
0070	WATER	27.00	1.00%
0071	WATER	27.00	1.00%
0072	WATER	27.00	1.00%
0073	WATER	27.00	1.00%
0074	WATER	27.00	1.00%
0075	WATER	27.00	1.00%
0076	WATER	27.00	1.00%
0077	WATER	27.00	1.00%
0078	WATER	27.00	1.00%
0079	WATER	27.00	1.00%
0080	WATER	27.00	1.00%
0081	WATER	27.00	1.00%
0082	WATER	27.00	1.00%
0083	WATER	27.00	1.00%
0084	WATER	27.00	1.00%
0085	WATER	27.00	1.00%
0086	WATER	27.00	1.00%
0087	WATER	27.00	1.00%
0088	WATER	27.00	1.00%
0089	WATER	27.00	1.00%
0090	WATER	27.00	1.00%
0091	WATER	27.00	1.00%
0092	WATER	27.00	1.00%
0093	WATER	27.00	1.00%
0094	WATER	27.00	1.00%
0095	WATER	27.00	1.00%
0096	WATER	27.00	1.00%
0097	WATER	27.00	1.00%
0098	WATER	27.00	1.00%
0099	WATER	27.00	1.00%
0100	WATER	27.00	1.00%

**LEGEND**

- WETLANDS AND CDE (1974-81)
- WETLANDS AND CDE (1982-85)
- OTHER SURFACE WATERS AND CDE (1982-85)
- OTHER SURFACE WATERS (1982-85)
- SURVEYED WETLAND LINE

**NOTES**

ALL AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE 1ST COUNTY ENGINEER'S OFFICE WITH A FLIGHT DATE OF FEBRUARY 2011.

PROPERTY BOUNDARIES PER DEED # 2008-001 DRAWMING NO. 213-00 DATED AUGUST 7, 2008.

WETLAND AND SURFACE WATER PER BANK ENGINEERING DRAWMING NO. 213-00 DATED MARCH 22, 2009.

SURVEY DITCH LINES PER FIELD SURVEYING & MAPPING, LLC DRAWMING NO. 213-00 DATED DECEMBER 3, 2008.

FOR WETLAND AND CDE USES SHOWN PER BANK ENGINEERING DRAWMING NO. 213-00 DATED MARCH 22, 2009.

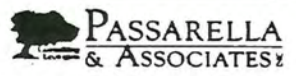
FOR WETLAND AND CDE USES SHOWN PER BANK ENGINEERING DRAWMING NO. 213-00 DATED MARCH 22, 2009.

FLIGHTS WERE CONDUCTED FROM 10:00 AM TO 12:00 PM ON FEBRUARY 20, 2011.

FLIGHTS WERE CONDUCTED FROM 10:00 AM TO 12:00 PM ON FEBRUARY 20, 2011.

DATE	BY	DESCRIPTION
11/11/11	JFL	PREPARED FOR REVIEW
11/11/11	JFL	PREPARED FOR REVIEW

3630 Metro (now Avon) Suite 200 Fort Myers, Florida 33902 Phone (239) 334-0066 Fax (239) 334-0069



**OLD CORKSCREW PLANTATION IPD AERIAL WITH FLIGHTS AND WETLANDS MAP**

DATE: 11/11/11  
 BY: JFL  
 TITLE: Aerial, IPD

**APPENDIX B**

**AERIAL WITH FLUCFCS AND WETLANDS, SURVEY TRANSECTS,  
AND PROTECTED SPECIES LOCATIONS MAP**



ALUPOS CODE	DESCRIPTION	ACREAGE	% OF TOTAL
21	OTHER GROVE	27.67 AC.	0.2%
8111	PALMETTO PRUNGS, DISTURBED (S-WA, E-PT) ECOTONE	1.81 AC.	0.0%
8112	PALMETTO PRUNGS, DISTURBED (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8113	PALMETTO PRUNGS, DISTURBED (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8114	PALMETTO PRUNGS, DISTURBED (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8115	PINE PLANTWOOD, DISTURBED (S-WA, E-PT) ECOTONE	1.81 AC.	0.0%
8116	PINE PLANTWOOD, DISTURBED (S-WA, E-PT) ECOTONE	1.81 AC.	0.0%
8117	PINE PLANTWOOD, DISTURBED (S-WA, E-PT) ECOTONE	1.81 AC.	0.0%
8118	PINE PLANTWOOD, DISTURBED (S-WA, E-PT) ECOTONE	1.81 AC.	0.0%
8119	PINE PLANTWOOD, DISTURBED (S-WA, E-PT) ECOTONE	1.81 AC.	0.0%
8120	PINE PLANTWOOD, DISTURBED (S-WA, E-PT) ECOTONE	1.81 AC.	0.0%
8121	PINE, DISTURBED (S-WA, E-PT) ECOTONE	1.81 AC.	0.0%
8122	MELALEUCA, HYBRID	0.98 AC.	0.0%
8123	LIVE OAK, DISTURBED (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8124	LIVE OAK, DISTURBED (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8125	LIVE OAK, DISTURBED (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8126	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8127	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8128	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8129	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8130	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8131	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8132	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8133	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8134	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8135	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8136	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8137	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8138	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8139	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8140	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8141	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8142	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8143	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8144	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8145	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8146	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8147	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8148	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8149	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8150	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8151	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8152	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8153	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8154	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8155	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8156	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8157	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8158	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8159	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8160	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8161	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8162	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8163	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8164	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8165	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8166	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8167	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8168	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8169	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8170	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8171	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8172	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8173	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8174	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8175	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8176	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8177	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8178	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8179	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8180	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8181	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8182	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8183	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8184	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8185	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8186	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8187	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8188	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8189	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8190	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8191	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8192	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8193	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8194	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8195	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8196	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8197	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8198	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8199	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%
8200	CABANAGE PALM HYBRID (S-WA, E-PT) ECOTONE	0.98 AC.	0.0%

**LEGEND**

- AA AMERICAN ALLIGATOR
- BBST FLORIDA BLACK BEAR SCRATCH TREE
- CACA CARACARA
- LBHE LITTLE BLUE HERON
- SNEG SNOWY EGRET
- TCHE TRI-COLORED HERON
- SURVEY TRANSECTS

FDEP AND COE WETLANDS (1,097.05 AC.)

FDEP WETLANDS AND COE ISOLATED WETLANDS (13.95 AC.)

FDEP "OTHER SURFACE WATERS" AND COE "WATERS OF THE U.S." (7.76 AC.)

FDEP "OTHER SURFACE WATERS" (124.07 AC.)

SURVEYED WETLAND LINE

**NOTES:**

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF FEBRUARY 2013.

PROPERTY BOUNDARY PER DELIS FITZGERALD; DRAWING NO. 2015 IPD.DWG DATED AUGUST 2, 2012.

WETLAND AND SURVEY DITCH LINES PER EAMNS ENGINEERING, INC. DRAWING NO. 1370-JD-SR.DWG DATED FEBRUARY 12, 2009.

SURVEY DITCH LINES PER METRON SURVEYING & MAPPING, LLC DRAWING NO. DITCHES TO BE SURVEY LOCATED 11-05-08.DWG DATED DECEMBER 3, 2008.

FDEP WETLAND AND COE WETLAND LINES SHOWN PER FDEP FEDERAL WETLAND JURISDICTIONAL DETERMINATION NO. FD-34-021608-00 ISSUED AUGUST 28, 2009.

COE WETLAND LINES PER JURISDICTIONAL VERIFICATION NO. SAJ-2008-0734 (JD-LBI) ISSUED MARCH 22, 2008.

FLUCFCS LINES ESTIMATED FROM 1"=300' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FOOT 1999).

<table border="1"> <tr> <td>REVISIONS</td> <td>DATE</td> <td>DRAWN BY</td> <td>DATE</td> </tr> <tr> <td></td> <td></td> <td>J.L./F.L.</td> <td>12/5/08</td> </tr> <tr> <td></td> <td></td> <td>DRAWN BY</td> <td>DATE</td> </tr> <tr> <td></td> <td></td> <td>J.E.</td> <td>12/5/08</td> </tr> <tr> <td></td> <td></td> <td>REVIEWED BY</td> <td>DATE</td> </tr> </table>	REVISIONS	DATE	DRAWN BY	DATE			J.L./F.L.	12/5/08			DRAWN BY	DATE			J.E.	12/5/08			REVIEWED BY	DATE	13620 Metropolis Avenue Suite 200 Fort Myers, Florida 33912 Phone (239) 274-0067 Fax (239) 274-0069		OLD CORKSCREW PLANTATION IPD AERIAL WITH FLUCFCS AND WETLANDS, SURVEY TRANSECTS, AND PROTECTED SPECIES LOCATIONS MAP	TRANSIT: 06DAL1616 SHEET NO. APPENDIX B
REVISIONS	DATE	DRAWN BY	DATE																					
		J.L./F.L.	12/5/08																					
		DRAWN BY	DATE																					
		J.E.	12/5/08																					
		REVIEWED BY	DATE																					

**EXHIBIT I**

**KINGSTON  
LEE COUNTY PROTECTED SPECIES SURVEY**

**DRAFT**

**April 2022**

Prepared For:

***CAM7-Sub, LLC***  
*21101 Design Parc Lane Suite 103*  
*Estero, Florida 33928*  
*(239) 425-8662*

Prepared By:

***Passarella & Associates, Inc.***  
*13620 Metropolis Avenue, Suite 200*  
*Fort Myers, Florida 33912*  
*(239) 274-0067*

## TABLE OF CONTENTS

	<u>Page</u>
1.0 Introduction.....	1
2.0 Land Uses and Vegetation Associations.....	1
3.0 Methodology and Discussion.....	10
4.0 Survey Results .....	19
5.0 Abundance of Protected Species Observed .....	19
6.0 Management Activities .....	34
7.0 References .....	34

## LIST OF FIGURES

	<u>Page</u>
Figure 1. Project Location Map.....	2

### LIST OF TABLES

	<u>Page</u>
Table 1. Vegetative and Land Cover Type by FLUCFCS Code .....	1
Table 2. Potential Lee County Protected Species by Habitat Type .....	10
Table 3. Summary of Weather Conditions for the Protected Species Survey .....	16
Table 4. Summary of Habitat Coverage.....	16
Table 5. Lee County Protected Species Abundance Calculations .....	20
Table 6. Lee County Protected Species Survey Summary.....	22

## LIST OF APPENDICES

	<u>Page</u>
Appendix A. Aerial with FLUCFCS and Wetlands Map.....	A-1
Appendix B. Aerial with FLUCFCS, Survey Transects, and Protected Species Locations .....	B-1

## 1.0 INTRODUCTION

This report documents the Lee County Protected Species Survey conducted by Passarella & Associates, Inc. (PAI) at Kingston (Project). Protected species were also documented during other fieldwork on the Project site. The protected species survey was conducted to meet the requirements of the Lee County Land Development Code (LDC) Chapter 10, Article III, Division 8 (Protection of Habitat) Standards.

The Project totals 6,676.72± acres and is located in Sections 2, 3, 10, 11, 14, 15, 23-26, 34-36; Township 46 South; Range 27 East; and Sections 34 and 35; Township 45 South; Range 27 East; Lee County. This report is for the southern portion of the Project site which totals 2,664.75± acres and is located in Sections 23-26, and 34-36; Township 46 South; Range 27 East; Lee County (Figure 1). The Lee County Protected Species Survey Report for the northern portion of the Project site, formerly known as Old Corkscrew Plantation IPD, is provided under a separate cover.

The majority of the site currently supports active citrus grove and other agricultural operations, while the remainder of the site contains native vegetation with varying amounts of disturbance and exotic vegetation (Appendix A). The surrounding land uses include single-family home sites to the north; Corkscrew Regional Ecosystem Watershed (CREW) lands to the south; CREW lands, single-family home sites, and a segment of Corkscrew Road to the east; and mining and agricultural uses to the west. Additionally, an east-west segment of Corkscrew Road bisects the property before it turns and heads north.

## 2.0 LAND USES AND VEGETATION ASSOCIATIONS

Vegetation and land cover mapping for the Project was conducted using a Lee County 2020 rectified aerial (Appendix A). Groundtruthing of the vegetative communities was conducted by PAI in February 2022 utilizing the Florida Land Use, Cover and Forms Classification System (FLUCFCS) Level III (Florida Department of Transportation 1999). Level IV FLUCFCS was utilized to denote disturbance and hydrologic conditions. “E” codes were used to identify levels of exotic and invasive vegetation (e.g., Brazilian pepper (*Schinus terebinthifolia*), melaleuca (*Melaleuca quinquenervia*), West Indian marsh grass (*Hymenachne amplexicaulis*), Wright’s nutrush (*Scleria lacustris*), and torpedograss (*Panicum repens*)). AutoCAD 3D 2021 software was used to determine the acreage of each mapping area, produce summaries, and generate the FLUCFCS map for the Project (Appendix A). A total of 52 vegetative and land cover types (i.e., FLUCFCS codes) were identified within the Project area. Table 1 provides the breakdown of the FLUCFCS codes by acreage for the Project, and a description of each of the classifications follows.

**Table 1. Vegetative and Land Cover Types by FLUCFCS Code**

FLUCFCS Code	Description	Acreage	Percent Total
221	Citrus Grove	2,099.36	78.8
224	Abandoned Groves	145.52	5.5
262	Low Pasture, Hydric	13.35	0.5

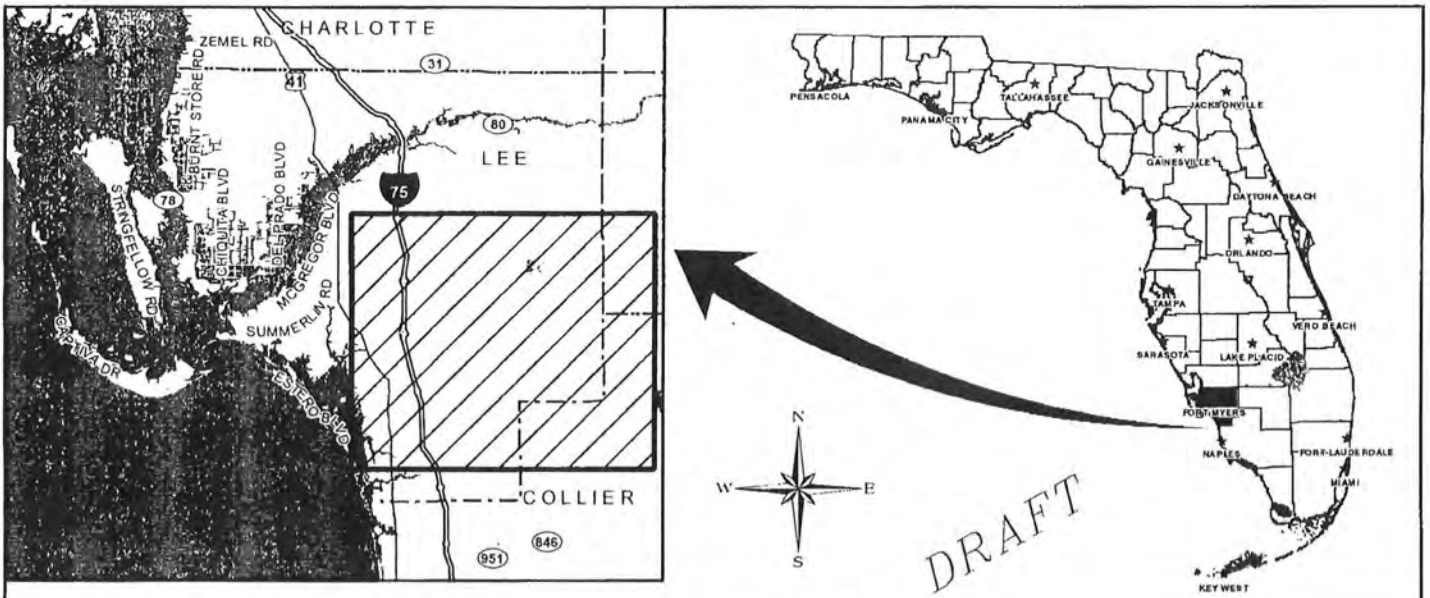


FIGURE 1. PROJECT LOCATION MAP  
KINGSTON

DRAWN BY	DATE
T.S.	03/14/22
REVIEWED BY	DATE
S.J.	03/14/22
REVISED	DATE



J:\2021\2021\2021\PROJECTS\SURVEY\REPORT\FIGURE 1 - PROJECT LOCATION MAP.MXD - 3/15/2022 11:59:42 AM

Table 1. (Continued)

FLUCFCS Code	Description	Acreage	Percent Total
3219 E1	Palmetto Prairie, Disturbed (0-24% Exotics)	4.98	0.2
3219 E2	Palmetto Prairie, Disturbed (25-49% Exotics)	0.61	<0.1
3219 E3	Palmetto Prairie, Disturbed (50-75% Exotics)	3.07	0.1
4119 E2	Pine Flatwoods, Disturbed (25-49% Exotics)	3.30	0.1
4119 E3	Pine Flatwoods, Disturbed (50-75% Exotics)	18.94	0.7
4119 E4	Pine Flatwoods, Disturbed (76-100% Exotics)	0.81	<0.1
4159 E2	Pine, Disturbed (25-49% Exotics)	0.40	<0.1
4159 E3	Pine, Disturbed (50-75% Exotics)	0.33	<0.1
4159 E4	Pine, Disturbed (76-100% Exotics)	0.24	<0.1
422	Brazilian Pepper	3.69	0.1
4221	Brazilian Pepper, Hydric	1.32	<0.1
4289 E4	Cabbage Palm, Disturbed (76-100% Exotics)	1.74	0.1
4299 E2	Wax Myrtle, Disturbed (25-49% Exotics)	2.05	0.1
4299 E3	Wax Myrtle, Disturbed (50-75% Exotics)	7.81	0.3
4299 E4	Wax Myrtle, Disturbed (76-100% Exotics)	9.33	0.3
4349 E3	Hardwood/Conifer Mixed, Disturbed (50-75% Exotics)	2.13	0.1
4349 E4	Hardwood/Conifer Mixed, Disturbed (76-100% Exotics)	5.17	0.2
514	Drainage Canal/Ditch	126.12	4.7
514 H	Drainage Canal/Ditch, Hydric	0.25	<0.1
533	Reservoirs (<10 Acres but >100 Acres)	47.96	1.8
6179 E2	Mixed Wetland Hardwoods, Disturbed (25-49% Exotics)	0.74	<0.1
6189 E1	Willow/Pop Ash, Disturbed (0-24% Exotics)	0.28	<0.1
6189 E2	Willow/Pop Ash, Disturbed (25-49% Exotics)	0.25	<0.1
6189 E3	Willow/Pop Ash, Disturbed (50-75% Exotics)	5.29	0.2
6189 E4	Willow/Pop Ash, Disturbed (76-100% Exotics)	11.16	0.4
6215 E1	Cypress, Disturbed and Drained (0-24% Exotics)	0.08	<0.1
6215 E3	Cypress, Disturbed and Drained (50-75% Exotics)	0.07	<0.1
6215 E4	Cypress, Disturbed and Drained (76-100% Exotics)	4.75	0.2
6219 E2	Cypress, Disturbed (25-49% Exotics)	2.11	0.1
6219 E3	Cypress, Disturbed (50-75% Exotics)	17.80	0.7
6219 E4	Cypress, Disturbed (76-100% Exotics)	1.43	0.1
6249 E2	Cypress/Pine/Cabbage Palm, Disturbed (25-49% Exotics)	1.12	<0.1
6259 E2	Pine, Hydric, Disturbed (25-49% Exotics)	0.81	<0.1
6259 E3	Pine, Hydric, Disturbed (50-75% Exotics)	0.52	<0.1
6259 E4	Pine, Hydric, Disturbed (76-100% Exotics)	1.07	<0.1
6309 E2	Mixed Wetland Forest, Disturbed (25-49% Exotics)	1.72	0.1
6309 E3	Mixed Wetland Forest, Disturbed (50-75% Exotics)	1.94	0.1
6309 E4	Mixed Wetland Forest, Disturbed (76-100% Exotics)	3.33	0.1
6419 E2	Freshwater Marsh, Disturbed (25-49% Exotics)	0.05	<0.1
6419 E3	Freshwater Marsh, Disturbed (50-75% Exotics)	7.31	0.3
6419 E4	Freshwater Marsh, Disturbed (76-100% Exotics)	1.12	<0.1

Table 1. (Continued)

FLUCFCS Code	Description	Acreage	Percent Total
6439 E1	Wet Prairies, Disturbed (0-24% Exotics)	0.05	<0.1
6439 E3	Wet Prairies, Disturbed (50-75% Exotics)	0.33	<0.1
740	Disturbed Land	51.18	1.9
7401	Disturbed Land, Hydric	10.33	0.4
742	Borrow Area	0.05	<0.1
743	Spoil Area	0.59	<0.1
747	Dikes and Levees (Berm)	40.55	1.5
814	Road	0.24	<0.1
<b>Total</b>		<b>2,664.75</b>	<b>100.0</b>

Citrus Grove (FLUCFCS Code 221)

This upland agricultural use contains active citrus trees in the canopy and sub-canopy. The ground cover contains sod grass (*Poaceae* sp.), Florida tasselflower (*Emilia fosbergii*), beggar-tick (*Bidens alba*), water pennywort (*Hydrocotyle umbellata*), thistle (*Cirsium* sp.), wild balsam apple (*Momordica charantia*), ragweed (*Ambrosia* sp.), lantana (*Lantana camara*), caesarweed (*Urena lobata*), torpedograss, and widely scattered Peruvian primrose willow (*Ludwigia peruviana*).

Abandoned Groves (FLUCFCS Code 224)

The canopy of this upland agricultural use is comprised of cabbage palm (*Sabal palmetto*). The sub-canopy contains cabbage palm, and Brazilian pepper. The ground cover includes bahiagrass (*Paspalum notatum*), spermacoce (*Spermacoce verticillata*), carpetgrass (*Axonopus* sp.), smutgrass (*Sporobolus indicus*), dog fennel (*Eupatorium capillifolium*), Mexican clover (*Richardia brasiliensis*), common ragweed (*Ambrosia artemisiifolia*), digit grass (*Digitaria* sp.), Bermuda grass (*Cynodon dactylon*), and broomsedge (*Andropogon virginicus*).

Low Pasture, Hydric (FLUCFCS Code 262)

The canopy of this disturbed wetland habitat type contains widely scattered cabbage palm. The sub-canopy is comprised of widely scattered cabbage palm, Brazilian pepper, and wax myrtle (*Morella cerifera*). The ground cover includes torpedograss, spermacoce, water pennywort, fogfruit (*Phyla nodiflora*), dog fennel, and dotted smartweed (*Persicaria punctata*).

Palmetto Prairie, Disturbed (0-24% Exotics) (FLUCFCS Code 3219 E1)

This canopy of this habitat type contains widely scattered melaleuca and scattered slash pine (*Pinus elliottii*). The sub-canopy is dominated by saw palmetto (*Serenoa repens*), staggerbush (*Lyonia fruticosa*), gallberry (*Ilex glabra*), and scattered wax myrtle and Brazilian pepper. The ground cover is dominated by saw palmetto, pennyroyal (*Piloblephis rigida*), shiny blueberry (*Vaccinium myrsinites*), and wiregrass (*Aristida stricta*).

Palmetto Prairie, Disturbed (25-49% Exotics) (FLUCFCS Code 3219 E2)

This habitat type is similar to that of FLUCFCS Code 3219 E1, except with higher concentrations of Brazilian pepper in the sub-canopy.

Palmetto Prairie, Disturbed (50-75% Exotics) (FLUCFCS Code 3219 E3)

This habitat type is similar to that of FLUCFCS Code 3219 E2, except with higher concentrations of Brazilian pepper in the sub-canopy.

Pine Flatwoods, Disturbed (25-49% Exotics) (FLUCFCS Code 4119 E2)

This canopy of this habitat type contains slash pine, cabbage palm, Brazilian pepper, and scattered melaleuca. The sub-canopy contains slash pine, cabbage palm, myrsine (*Myrsine cubana*), scattered wax myrtle, melaleuca, and Brazilian pepper. The ground cover includes saw palmetto, wax myrtle, caesarweed, wiregrass, Old World climbing fern (*Lygodium microphyllum*), blackberry (*Rubus* sp.), ragweed, melaleuca, and Brazilian pepper.

Pine Flatwoods, Disturbed (50-75% Exotics) (FLUCFCS Code 4119 E3)

This habitat type is similar to that of FLUCFCS Code 4119 E2, except with higher concentrations of Brazilian pepper and Old World climbing fern in the sub-canopy.

Pine Flatwoods, Disturbed (76-100% Exotics) (FLUCFCS Code 4119 E4)

This habitat type is similar to that of FLUCFCS Code 4119 E3, except with higher concentrations of Brazilian pepper and Old World climbing fern in the canopy and sub-canopy.

Pine, Disturbed (25-49% Exotics) (FLUCFCS Code 4159 E2)

The canopy of this habitat type is dominated by slash pine. The sub-canopy contains slash pine and scattered Brazilian pepper. The ground cover contains pineland heliotrope (*Heliotropium polyphyllum*), wax myrtle, caesarweed, wiregrass, blackberry, ragweed, melaleuca, and Brazilian pepper.

Pine, Disturbed (50-75% Exotics) (FLUCFCS Code 4159 E3)

This habitat type is similar to that of FLUCFCS Code 4159 E2, except with higher concentrations of Brazilian pepper in the sub-canopy.

Pine, Disturbed (76-100% Exotics) (FLUCFCS Code 4159 E4)

This habitat type is similar to that of FLUCFCS Code 4159 E3, except with higher concentrations of Brazilian pepper in the canopy and sub-canopy.

Brazilian Pepper (FLUCFCS Code 422)

This habitat type is dominated by Brazilian pepper in the canopy and sub-canopy. The ground cover is mostly open.

Brazilian Pepper, Hydric (FLUCFCS Code 4221)

This disturbed wetland habitat type is dominated by Brazilian pepper in the canopy and sub-canopy. The ground cover is mostly open.

Cabbage Palm, Disturbed (76-100% Exotics) (FLUCFCS Code 4289 E4)

The canopy of this habitat type is dominated by cabbage palm, Brazilian pepper, and scattered laurel oak (*Quercus laurifolia*). The sub-canopy contains saw palmetto, wax myrtle, cabbage palm, melaleuca, and Brazilian pepper. The ground cover includes saw palmetto and scattered swamp fern (*Telmatoblechnum serrulatum*).

Wax Myrtle, Disturbed (25-49% Exotics) (FLUCFCS Code 4299 E2)

The canopy of this habitat type contains cabbage palm, Brazilian pepper, and scattered laurel oaks. The sub-canopy contains cabbage palm, Brazilian pepper, wax myrtle, laurel oak, saltbush (*Baccharis halimifolia*), slash pine, and myrsine. The ground cover includes blackberry, caesarweed, fogfruit, cogon grass (*Imperata cylindrica*), broomsedge, and bushy bluestem (*Andropogon glomeratus*).

Wax Myrtle, Disturbed (50-75% Exotics) (FLUCFCS Code 4299 E3)

This habitat type is similar to that of FLUCFCS Code 4299 E2, except with higher concentrations of Brazilian pepper in the sub-canopy.

Wax Myrtle, Disturbed (76-100% Exotics) (FLUCFCS Code 4299 E4)

This habitat type is similar to that of FLUCFCS Code 4299 E3, except with higher concentrations of Brazilian pepper in the sub-canopy.

Hardwood/Conifer Mixed, Disturbed (50-75% Exotics) (FLUCFCS Code 4349 E3)

The canopy of this habitat type contains slash pine, cabbage palm, laurel oak, live oak (*Quercus virginiana*), and scattered melaleuca. The sub-canopy contains slash pine, cabbage palm, laurel oak, live oak, and Brazilian pepper. The ground cover includes saw palmetto, cabbage palm, laurel oak, water pennywort, spermacoce, bahiagrass, bracken fern (*Pteridium aquilinum*), and scattered swamp fern.

Hardwood/Conifer Mixed, Disturbed (76-100% Exotics) (FLUCFCS Code 4349 E4)

This disturbed upland habitat type is similar to that of FLUCFCS Code 4349 E3, except with higher concentrations of Brazilian pepper in the canopy and sub-canopy.

Drainage Canal/Ditch (FLUCFCS Code 514)

The canopy is open. The sub-canopy along the banks and within the ditches contains Carolina willow (*Salix caroliniana*), Peruvian primrose willow, Brazilian pepper, and wax myrtle. The ground cover contains water spangles (*Salvinia minima*), pickerelweed (*Pontederia cordata*), maidencane (*Panicum hemitomon*), cattail (*Typha* sp.), torpedograss, dotted smartweed, red ludwigia (*Ludwigia repens*), and fogfruit.

Drainage Canal/Ditch, Hydric (FLUCFCS Code 514H)

This land use contains vegetation similar to FLUCFCS Code 514, but is contained within a wetland.

Reservoirs (<10 Acres but >100 Acres) (FLUCFCS Code 533)

This land use type is utilized for water retention.

Mixed Wetland Hardwoods, Disturbed (25-49% Exotics) (FLUCFCS Code 6179 E2)

The canopy of this wetland habitat type contains laurel oak, swamp bay (*Persea palustris*), cabbage palm, bald cypress (*Taxodium distichum*), and melaleuca. The sub-canopy is comprised of cabbage palm, dahoon holly (*Ilex cassine*), myrsine, and Brazilian pepper. The ground cover contains swamp fern and widely scattered saw palmetto.

Willow/Pop Ash, Disturbed (0-24% Exotics) (FLUCFCS Code 6189 E1)

The canopy of this wetland habitat type contains scattered Carolina willow, bald cypress, and red maple (*Acer rubrum*). The sub-canopy is comprised of Carolina willow, bald cypress, and scattered Peruvian primrose willow, melaleuca, pond apple (*Annona glabra*), and Brazilian pepper. The ground cover contains maidencane, sawgrass (*Cladium jamaicense*), leather fern (*Acrostichum* sp.), water pennywort, Asiatic pennywort (*Centella asiatica*), and spikerush (*Eleocharis* sp.), Old World climbing fern, and scattered fireflag (*Thalia geniculata*).

Willow/Pop Ash, Disturbed (25-49% Exotics) (FLUCFCS Code 6189 E2)

This wetland habitat type is similar to that of FLUCFCS Code 6189 E1, except with higher concentrations of Peruvian primrose willow, and Brazilian pepper in the sub-canopy.

Willow/Pop Ash, Disturbed (50-75% Exotics) (FLUCFCS Code 6189 E3)

This wetland habitat type is similar to that of FLUCFCS Code 6189 E2, except with higher concentrations of Peruvian primrose willow, and Brazilian pepper in the sub-canopy.

Willow/Pop Ash, Disturbed (76-100% Exotics) (FLUCFCS Code 6189 E4)

This wetland habitat type is similar to that of FLUCFCS Code 6189 E3, except with higher concentrations of Peruvian primrose willow and Brazilian pepper in the canopy and sub-canopy.

Cypress, Disturbed and Drained (0-24% Exotics) (FLUCFCS Code 6215 E1)

The canopy of this habitat type contains bald cypress, scattered live oak, and cabbage palm. The sub-canopy contains Brazilian pepper, cabbage palm, and wax myrtle. The ground cover contains caesarweed, Boston fern (*Nephrolepis exaltata*), smutgrass, ragweed, beggar-tick, flatsedge (*Cyperus ligularis*), dog fennel, and muscadine grapevine (*Vitis rotundifolia*).

Cypress, Disturbed and Drained (50-75% Exotics) (FLUCFCS Code 6215 E3)

This habitat type is similar to FLUCFCS Code 6215 E1, except with higher concentrations of Brazilian pepper in the canopy and sub-canopy.

Cypress, Disturbed and Drained (76-100% Exotics) (FLUCFCS Code 6215 E4)

This habitat type is similar to FLUCFCS Code 6215 E3, except with higher concentrations of Brazilian pepper in the canopy and sub-canopy.

Cypress, Disturbed (0-24% Exotics) (FLUCFCS Code 6219 E1)

The canopy of this wetland habitat type is comprised of bald cypress, melaleuca, cabbage palm, strangler fig (*Ficus aurea*), laurel oak, scattered red maple, Brazilian pepper, and scattered slash pine. The sub-canopy contains bald cypress, cabbage palm, wax myrtle, dahoon holly, pond apple, myrsine, scattered red maple, Brazilian pepper, and scattered melaleuca. The ground cover contains swamp fern, Asiatic pennywort, saltbush, bog-hemp (*Boehmeria cylindrica*), wax myrtle, cabbage palm, rosy camphorweed (*Pluchea baccharis*), cocoplum (*Chrysobalanus icaco*), spikerush, pickerelweed, maidencane, torpedograss, saw palmetto, panicum (*Panicum* sp.), sawgrass, widely scattered cattail, morning glory (*Ipomoea* sp.), climbing hempvine (*Mikania scandens*), greenbrier (*Smilax* sp.), and muscadine grapevine.

Cypress, Disturbed (25-49% Exotics) (FLUCFCS Code 6219 E2)

This wetland habitat type is similar to that of FLUCFCS Code 6219 E1, except with higher concentrations of melaleuca and Brazilian pepper in the canopy and sub-canopy.

Cypress, Disturbed (50-75% Exotics) (FLUCFCS Code 6219 E3)

This wetland habitat type is similar to that of FLUCFCS Code 6219 E2, except with higher concentrations of melaleuca and Brazilian pepper in the canopy and sub-canopy.

Cypress, Disturbed (76-100% Exotics) (FLUCFCS Code 6219 E4)

This wetland habitat type is similar to that of FLUCFCS Code 6219 E3, except with higher concentrations of melaleuca, Old World climbing fern, and Brazilian pepper in the canopy and sub-canopy.

Cypress/Pine/Cabbage Palm, Disturbed (25-49% Exotics) (FLUCFCS Code 6249 E2)

The canopy of this wetland habitat type contains slash pine, bald cypress, cabbage palm, and scattered melaleuca. The sub-canopy contains slash pine, bald cypress, cabbage palm, myrsine, scattered melaleuca, and scattered Brazilian pepper. The ground cover contains swamp fern, Asiatic pennywort, cabbage palm, wiregrass, melaleuca, torpedograss, maidencane, gulf dune paspalum (*Paspalum monostachyum*), wax myrtle, beaksedge (*Rhynchospora* sp.), corkwood (*Stillingia aquatica*), and widely scattered saw palmetto.

Pine, Hydric, Disturbed (25-49% Exotics) (FLUCFCS Code 6259 E2)

The canopy of this wetland habitat type is comprised of slash pine, cabbage palm and widely scattered melaleuca. The sub-canopy contains slash pine, wax myrtle, cabbage palm, scattered Brazilian pepper, and widely scattered melaleuca. The ground cover includes wiregrass, torpedograss, ragweed, swamp fern, little blue maidencane (*Amphicarpum muehlenbergianum*), caesarweed, fogfruit, rosy camphorweed, Asiatic pennywort, Brazilian pepper, tickseed (*Coreopsis* sp.), pineland heliotrope, climbing hempvine, muscadine grapevine, and scattered saw palmetto.

Pine, Hydric, Disturbed (50-75% Exotics) (FLUCFCS Code 6259 E3)

This wetland habitat type is similar to that of FLUCFCS Code 6259 E2, but with higher concentrations of melaleuca in the canopy and sub-canopy.

Pine, Hydric, Disturbed (76-100% Exotics) (FLUCFCS Code 6259 E4)

This wetland habitat type is similar to that of FLUCFCS Code 6259 E3, but with higher concentrations of melaleuca in the canopy and sub-canopy.

Mixed Wetland Forest, Disturbed (25-49% Exotics) (FLUCFCS Code 6309 E2)

The canopy of this wetland habitat type contains red maple, bald cypress, and laurel oak. The sub-canopy consists of red maple, bald cypress, laurel oak, myrsine, wax myrtle, Brazilian pepper, swamp bay, and cabbage palm. The ground cover includes swamp fern, tickseed, cocoplum, red maple, maidencane, cinnamon fern (*Osmunda cinnamomea*), rosy camphorweed, climbing hempvine, muscadine grapevine, and cabbage palm.

Mixed Wetland Forest, Disturbed (50-75% Exotics) (FLUCFCS Code 6309 E3)

This wetland habitat type is similar to that of FLUCFCS Code 6309 E2, but with higher concentrations of Brazilian pepper in the sub-canopy.

Mixed Wetland Forest, Disturbed (76-100% Exotics) (FLUCFCS Code 6309 E4)

This wetland habitat type is similar to that of FLUCFCS Code 6309 E3, but with higher concentrations of Brazilian pepper in the sub-canopy.

Freshwater Marsh, Disturbed (25-49% Exotics) (FLUCFCS Code 6419 E2)

This wetland habitat type contains scattered cypress and widely scattered melaleuca in the canopy. The sub-canopy contains scattered cypress, widely scattered Carolina willow, cabbage palm, Peruvian primrose willow, and pond apple. The ground cover contains sawgrass, maidencane, corkwood, swamp fern, shield fern (*Thelypteris dentata*), dotted smartweed, spikerush, arrowhead (*Sagittaria lancifolia*), pickerelweed, fireflag, cattail, and torpedograss.

Freshwater Marsh, Disturbed (50-75% Exotics) (FLUCFCS Code 6419 E3)

This wetland habitat type is similar to that of FLUCFCS Code 6419 E2, but with higher densities of torpedograss in the ground cover.

Freshwater Marsh, Disturbed (76-100% Exotics) (FLUCFCS Code 6419 E4)

This wetland habitat type is similar to that of FLUCFCS Code 6419 E3, but with higher densities of torpedograss in the ground cover.

Wet Prairies, Disturbed (0-24% Exotics) (FLUCFCS Code 6439 E1)

The canopy of this wetland habitat type contains widely scattered slash pine and cypress. The sub-canopy is comprised of wax myrtle and widely scattered bald cypress. The ground cover contains panicum, wax myrtle, fogfruit, sand cordgrass (*Spartina bakeri*), gulfdune paspalum, corkwood, maidencane, wiregrass, bushy bluestem, rosy camphorweed, and scattered sawgrass.

Wet Prairies, Disturbed (50-75% Exotics) (FLUCFCS Code 6439 E3)

This wetland habitat type is similar to that of FLUCFCS Code 6439 E1, but with melaleuca in the canopy and sub-canopy, and higher densities of torpedograss in the ground cover.

Disturbed Land (FLUCFCS Code 740)

The canopy of this upland habitat type is comprised of scattered slash pine and cabbage palm. The sub-canopy contains scattered slash pine, Brazilian pepper, and wax myrtle. The ground cover contains sod grass, dog fennel, beggar-tick, crowfoot grass (*Dactyloctenium aegyptium*), wild balsam apple, bahiagrass, lantana, caesarweed, rose natalgrass (*Rhynchelytrum repens*), and scattered saw palmetto.

Disturbed Land, Hydric (FLUCFCS Code 7401)

The canopy of this disturbed wetland habitat type includes scattered slash pine, cabbage palm, and Brazilian pepper. The sub-canopy contains scattered wax myrtle, melaleuca, Peruvian primrose willow, Brazilian pepper, and bald cypress. The ground cover contains cattail, torpedograss, maidencane, little blue maidencane, Asiatic pennywort, slash pine, climbing hempvine, spermacoce, water pennywort, dog fennel, and Peruvian primrose willow.

Borrow Area (FLUCFCS Code 742)

This “other surface water” contains minimal vegetation. The borrow area appears to have been created to acquire fill for a berm connecting two adjacent citrus groves.

Spoil Area (FLUCFCS Code 743)

The canopy and sub-canopy of this land use are open. The ground cover contains caesarweed, dog fennel, ragweed, and bahiagrass.

Dikes and Levees (Berm) (FLUCFCS Code 747)

The canopy and sub-canopy of this land use are predominantly open with widely scattered Brazilian pepper. The ground cover contains ragweed, Florida tasselflower, rose natalgrass, lantana, beggar-tick, bahiagrass, caesarweed, and dog fennel.

Road (FLUCFCS Code 814)

This land use type includes unvegetated paved roadways.

**3.0 METHODOLOGY AND DISCUSSION**

Surveys for Lee County protected species are based on the presence of specific vegetation associations and habitat types, as outlined in the LDC. The frequency of transects performed in these habitats was designed to meet the 80 percent minimum coverage requirement, per the LDC. Table 2 outlines those protected species that may inhabit or utilize particular vegetation associations according to the LDC.

**Table 2. Potential Lee County Protected Species by Habitat Type**

<b>FLUCFCS Code</b>	<b>Description</b>	<b>Potential Protected Species</b>
221*	Citrus Groves	Gopher tortoise ( <i>Gopherus polyphemus</i> )
		Burrowing owl ( <i>Athene cunicularia floridana</i> )
		Crested caracara ( <i>Caracara cheriway</i> )
		Florida sandhill crane ( <i>Grus canadensis pratensis</i> )
		Little blue heron ( <i>Egretta caerulea</i> )
		Snowy egret ( <i>Egretta thula</i> )
		Wood stork ( <i>Mycteria americana</i> )
		Florida panther ( <i>Puma concolor coryi</i> )
224*	Abandoned Groves	Gopher tortoise ( <i>Gopherus polyphemus</i> )
		Burrowing owl ( <i>Athene cunicularia floridana</i> )
		Crested caracara ( <i>Caracara cheriway</i> )
		Florida sandhill crane ( <i>Grus canadensis pratensis</i> )
		Florida panther ( <i>Puma concolor coryi</i> )
262*	Low Pasture, Hydric	American alligator ( <i>Alligator mississippiensis</i> )
		Florida sandhill crane ( <i>Grus canadensis pratensis</i> )
		Limpkin ( <i>Aramus guarauna</i> )
		Little blue heron ( <i>Egretta caerulea</i> )

Table 2. (Continued)

FLUCFCS Code	Description	Potential Protected Species
262*	Low Pasture, Hydric (Continued)	Reddish egret ( <i>Egretta rufescens</i> )
		Roseate spoonbill ( <i>Platalea ajaja</i> )
		Snail kite ( <i>Rostrhamus sociabilis</i> )
		Snowy egret ( <i>Egretta thula</i> )
		Tri-colored heron ( <i>Egretta tricolor</i> )
		Wood stork ( <i>Mycteria americana</i> )
		Everglades mink ( <i>Mustela vison evergladensis</i> )
3219 E1 3219 E2 3219 E3	Palmetto Prairie, Disturbed (0-75% Exotics)	Eastern indigo snake ( <i>Drymarchon corais couperi</i> )
		Gopher frog ( <i>Rana capito</i> )
		Gopher tortoise ( <i>Gopherus polyphemus</i> )
		Crested caracara ( <i>Caracara cheriway</i> )
		Florida sandhill crane ( <i>Grus canadensis pratensis</i> )
		Southeastern American kestrel ( <i>Falco sparverius paulus</i> )
		Florida black bear ( <i>Ursus americanus floridanus</i> )
		Florida panther ( <i>Puma concolor coryi</i> )
		Beautiful pawpaw ( <i>Deeringothamnus pulchellus</i> )
		Curtis milkweed ( <i>Asclepias curtissii</i> )
		Fakahatchee burmania ( <i>Burmania flava</i> )
Florida coontie ( <i>Zamia floridana</i> )		
4119 E2 4119 E3 4119 E4*	Pine Flatwoods, Disturbed (25-100% Exotics)	Eastern indigo snake ( <i>Drymarchon corais couperi</i> )
		Gopher frog ( <i>Rana capito</i> )
		Gopher tortoise ( <i>Gopherus polyphemus</i> )
		Red-cockaded woodpecker ( <i>Picoides borealis</i> )
		Southeastern American kestrel ( <i>Falco sparverius paulus</i> )
		Big Cypress fox squirrel ( <i>Sciurus niger avicennia</i> )
		Florida black bear ( <i>Ursus americanus floridanus</i> )
		Florida panther ( <i>Puma concolor coryi</i> )
		Beautiful pawpaw ( <i>Deeringothamnus pulchellus</i> )
		Fakahatchee burmania ( <i>Burmania flava</i> )
		Florida coontie ( <i>Zamia floridana</i> )
Satinleaf ( <i>Chrysophyllum oliviforme</i> )		
4159 E2 4159 E3 4159 E4*	Pine, Disturbed (25-100% Exotics)	Eastern indigo snake ( <i>Drymarchon corais couperi</i> )
		Gopher frog ( <i>Rana capito</i> )
		Gopher tortoise ( <i>Gopherus polyphemus</i> )
		Red-cockaded woodpecker ( <i>Picoides borealis</i> )
		Southeastern American kestrel ( <i>Falco sparverius paulus</i> )

Table 2. (Continued)

FLUCFCS Code	Description	Potential Protected Species
4159 E2	Pine, Disturbed (25-100% Exotics) (Continued)	Big Cypress fox squirrel ( <i>Sciurus niger avicennia</i> )
4159 E3		Florida black bear ( <i>Ursus americanus floridanus</i> )
4159 E4*		Florida panther ( <i>Puma concolor coryi</i> )
422*	Brazilian Pepper	Florida black bear ( <i>Ursus americanus floridanus</i> )
4221*	Brazilian Pepper, Hydric	Florida black bear ( <i>Ursus americanus floridanus</i> )
4289 E4	Cabbage Palm, Disturbed (76-100% Exotics)	Eastern indigo snake ( <i>Drymarchon corais couperi</i> )
		Crested caracara ( <i>Caracara cheriway</i> )
		Florida black bear ( <i>Ursus americanus floridanus</i> )
		Florida panther ( <i>Puma concolor coryi</i> )
		Simpson's Stopper ( <i>Myrcianthes fragrans</i> var. <i>simpsonii</i> )
4299 E2 4299 E3 4299 E4*	Wax Myrtle, Disturbed (25-100% Exotics)	Eastern indigo snake ( <i>Drymarchon corais couperi</i> )
		Gopher frog ( <i>Rana capito</i> )
		Gopher tortoise ( <i>Gopherus polyphemus</i> )
		Southeastern American kestrel ( <i>Falco sparverius paulus</i> )
		Big Cypress fox squirrel ( <i>Sciurus niger avicennia</i> )
		Florida black bear ( <i>Ursus americanus floridanus</i> )
		Florida panther ( <i>Puma concolor coryi</i> )
4349 E3 4349 E4*	Hardwood/Conifer Mixed, Disturbed (50-100% Exotics)	Gopher frog ( <i>Rana capito</i> )
		Gopher tortoise ( <i>Gopherus polyphemus</i> )
		Big Cypress fox squirrel ( <i>Sciurus niger avicennia</i> )
		Florida black bear ( <i>Ursus americanus floridanus</i> )
		Florida panther ( <i>Puma concolor coryi</i> )
514*	Drainage Canal/Ditch	American alligator ( <i>Alligator mississippiensis</i> )
		Least tern ( <i>Sterna antillarum</i> )
		Limpkin ( <i>Aramus guarauna</i> )
		Little blue heron ( <i>Egretta caerulea</i> )
		Reddish egret ( <i>Egretta rufescens</i> )
		Roseate spoonbill ( <i>Platalea ajaja</i> )
		Snail kite ( <i>Rostrhamus sociabilis</i> )
		Snowy egret ( <i>Egretta thula</i> )
		Tri-colored heron ( <i>Egretta tricolor</i> )
		Wood stork ( <i>Mycteria americana</i> )
		Big Cypress fox squirrel ( <i>Sciurus niger avicennia</i> )
		Everglades mink ( <i>Mustela vison evergladensis</i> )
514H*	Drainage Canal/Ditch, Hydric	American alligator ( <i>Alligator mississippiensis</i> )
		Least tern ( <i>Sterna antillarum</i> )
		Limpkin ( <i>Aramus guarauna</i> )
		Little blue heron ( <i>Egretta caerulea</i> )
		Reddish egret ( <i>Egretta rufescens</i> )

Table 2. (Continued)

FLUCFCS Code	Description	Potential Protected Species
514H*	Drainage Canal/Ditch, Hydric (Continued)	Roseate spoonbill ( <i>Platalea ajaja</i> )
		Snail kite ( <i>Rostrhamus sociabilis</i> )
		Snowy egret ( <i>Egretta thula</i> )
		Tri-colored heron ( <i>Egretta tricolor</i> )
		Wood stork ( <i>Mycteria americana</i> )
		Everglades mink ( <i>Mustela vison evergladensis</i> )
533*	Reservoirs (<10 Acres but >100 Acres)	Gopher tortoise ( <i>Gopherus polyphemus</i> )
		Burrowing owl ( <i>Athene cunicularia floridana</i> )
		Crested caracara ( <i>Caracara cheriway</i> )
6179 E2	Mixed Wetland Hardwoods, Disturbed (25-49% Exotics)	Limpkin ( <i>Aramus guarauna</i> )
		Little blue heron ( <i>Egretta caerulea</i> )
		Snowy egret ( <i>Egretta thula</i> )
		Tri-colored heron ( <i>Egretta tricolor</i> )
		Big Cypress fox squirrel ( <i>Sciurus niger avicennia</i> )
		Everglades mink ( <i>Mustela vison evergladensis</i> )
		Florida black bear ( <i>Ursus americanus floridanus</i> )
		Florida panther ( <i>Puma concolor coryi</i> )
6189 E1 6189 E2 6189 E3 6189 E4*	Willow/Pop Ash, Disturbed (0-100% Exotics)	Twisted air plant ( <i>Tillandsia flexuosa</i> )
		Limpkin ( <i>Aramus guarauna</i> )
		Little blue heron ( <i>Egretta caerulea</i> )
		Snowy egret ( <i>Egretta thula</i> )
		Tri-colored heron ( <i>Egretta tricolor</i> )
		Wood stork ( <i>Mycteria americana</i> )
		Big Cypress fox squirrel ( <i>Sciurus niger avicennia</i> )
		Everglades mink ( <i>Mustela vison evergladensis</i> )
		Florida black bear ( <i>Ursus americanus floridanus</i> )
		Florida panther ( <i>Puma concolor coryi</i> )
6215 E1 6215 E3 6215 E4*	Cypress, Disturbed and Drained (0-100% Exotics)	Crested caracara ( <i>Caracara cheriway</i> )
		Limpkin ( <i>Aramus guarauna</i> )
		Little blue heron ( <i>Egretta caerulea</i> )
		Snowy egret ( <i>Egretta thula</i> )
		Tri-colored heron ( <i>Egretta tricolor</i> )
		Wood stork ( <i>Mycteria americana</i> )
		Big Cypress fox squirrel ( <i>Sciurus niger avicennia</i> )
		Everglades mink ( <i>Mustela vison evergladensis</i> )
		Florida black bear ( <i>Ursus americanus floridanus</i> )
		Florida panther ( <i>Puma concolor coryi</i> )
6219 E2 6219 E3 6219 E4*	Cypress, Disturbed (25-100% Exotics)	Twisted air plant ( <i>Tillandsia flexuosa</i> )
		American alligator ( <i>Alligator mississippiensis</i> )
		Gopher frog ( <i>Rana capito</i> )
		Limpkin ( <i>Aramus guarauna</i> )

Table 2. (Continued)

FLUCFCS Code	Description	Potential Protected Species
6219 E2 6219 E3 6219 E4*	Cypress, Disturbed (25-100% Exotics) (Continued)	Little blue heron ( <i>Egretta caerulea</i> )
		Snowy egret ( <i>Egretta thula</i> )
		Tri-colored heron ( <i>Egretta tricolor</i> )
		Wood stork ( <i>Mycteria americana</i> )
		Big Cypress fox squirrel ( <i>Sciurus niger avicennia</i> )
		Everglades mink ( <i>Mustela vison evergladensis</i> )
		Florida black bear ( <i>Ursus americanus floridanus</i> )
		Florida panther ( <i>Puma concolor coryi</i> )
6249 E2	Cypress/Pine/Cabbage Palm, Disturbed (25-49% Exotics)	Twisted air plant ( <i>Tillandsia flexuosa</i> )
		American alligator ( <i>Alligator mississippiensis</i> )
		Gopher frog ( <i>Rana capito</i> )
		Limpkin ( <i>Aramus guarauna</i> )
		Little blue heron ( <i>Egretta caerulea</i> )
		Snowy egret ( <i>Egretta thula</i> )
		Tri-colored heron ( <i>Egretta tricolor</i> )
		Wood stork ( <i>Mycteria americana</i> )
		Big Cypress fox squirrel ( <i>Sciurus niger avicennia</i> )
		Everglades mink ( <i>Mustela vison evergladensis</i> )
		Florida black bear ( <i>Ursus americanus floridanus</i> )
6259 E2 6259 E3 6259 E4*	Pine, Hydric, Disturbed (25-100% Exotics)	Florida panther ( <i>Puma concolor coryi</i> )
		Twisted air plant ( <i>Tillandsia flexuosa</i> )
		Little blue heron ( <i>Egretta caerulea</i> )
		Red-cockaded woodpecker ( <i>Picoides borealis</i> )
		Snowy egret ( <i>Egretta thula</i> )
		Southeastern American kestrel ( <i>Falco sparverius paulus</i> )
		Tri-colored heron ( <i>Egretta tricolor</i> )
		Big Cypress fox squirrel ( <i>Sciurus niger avicennia</i> )
6309 E2 6309 E3 6309 E4*	Mixed Wetland Forest, Disturbed (25-100% Exotics)	Florida black bear ( <i>Ursus americanus floridanus</i> )
		Florida panther ( <i>Puma concolor coryi</i> )
		American alligator ( <i>Alligator mississippiensis</i> )
		Gopher frog ( <i>Rana capito</i> )
		Limpkin ( <i>Aramus guarauna</i> )
		Little blue heron ( <i>Egretta caerulea</i> )
		Snowy egret ( <i>Egretta thula</i> )
		Tri-colored heron ( <i>Egretta tricolor</i> )
Wood stork ( <i>Mycteria americana</i> )		
Big Cypress fox squirrel ( <i>Sciurus niger avicennia</i> )		

Table 2. (Continued)

FLUCFCS Code	Description	Potential Protected Species
6309 E2 6309 E3 6309 E4*	Mixed Wetland Forest, Disturbed (25-100% Exotics) (Continued)	Everglades mink ( <i>Mustela vison evergladensis</i> )
		Florida black bear ( <i>Ursus americanus floridanus</i> )
		Florida panther ( <i>Puma concolor coryi</i> )
		Twisted air plant ( <i>Tillandsia flexuosa</i> )
6419 E2 6419 E3 6419 E4*	Freshwater Marsh, Disturbed (25-100% Exotics)	American alligator ( <i>Alligator mississippiensis</i> )
		Florida sandhill crane ( <i>Grus canadensis pratensis</i> )
		Limpkin ( <i>Aramus guarauna</i> )
		Little blue heron ( <i>Egretta caerulea</i> )
		Reddish egret ( <i>Egretta rufescens</i> )
		Roseate spoonbill ( <i>Platalea ajaja</i> )
		Snail kite ( <i>Rostrhamus sociabilis</i> )
		Snowy egret ( <i>Egretta thula</i> )
		Tri-colored heron ( <i>Egretta tricolor</i> )
		Wood stork ( <i>Mycteria americana</i> )
6439 E1 6439 E3*	Wet Prairie, Disturbed (0-75% Exotics)	Everglades mink ( <i>Mustela vison evergladensis</i> )
		Limpkin ( <i>Aramus guarauna</i> )
		Little blue heron ( <i>Egretta caerulea</i> )
		Reddish egret ( <i>Egretta rufescens</i> )
		Roseate spoonbill ( <i>Platalea ajaja</i> )
		Snail kite ( <i>Rostrhamus sociabilis</i> )
		Snowy egret ( <i>Egretta thula</i> )
		Tri-colored heron ( <i>Egretta tricolor</i> )
Wood stork ( <i>Mycteria americana</i> )		
740*	Disturbed Land	Everglades mink ( <i>Mustela vison evergladensis</i> )
		American alligator ( <i>Alligator mississippiensis</i> )
7401*	Disturbed Land, Hydric	Gopher tortoise ( <i>Gopherus polyphemus</i> )
		Burrowing owl ( <i>Athene cunicularia floridana</i> )
		American alligator ( <i>Alligator mississippiensis</i> )
		Little blue heron ( <i>Egretta caerulea</i> )
		Reddish egret ( <i>Egretta rufescens</i> )
		Snowy egret ( <i>Egretta thula</i> )
742*	Borrow Area	Tri-colored heron ( <i>Egretta tricolor</i> )
		Wood stork ( <i>Mycteria americana</i> )
		American alligator ( <i>Alligator mississippiensis</i> )
		Least tern ( <i>Sterna antillarum</i> )
		Limpkin ( <i>Aramus guarauna</i> )
		Little blue heron ( <i>Egretta caerulea</i> )
		Reddish egret ( <i>Egretta rufescens</i> )
Roseate spoonbill ( <i>Platalea ajaja</i> )		
Snail kite ( <i>Rostrhamus sociabilis</i> )		
		Snowy egret ( <i>Egretta thula</i> )

**Table 2. (Continued)**

FLUCFCS Code	Description	Potential Protected Species
742*	Borrow Area (Continued)	Tri-colored heron ( <i>Egretta tricolor</i> )
		Wood stork ( <i>Mycteria americana</i> )
		Everglades mink ( <i>Mustela vison evergladensis</i> )
743*	Spoil Area	Gopher tortoise ( <i>Gopherus polyphemus</i> )
747*	Dikes and Levees (Berm)	Gopher tortoise ( <i>Gopherus polyphemus</i> )
		Crested caracara ( <i>Caracara cheriway</i> )
		Wood stork ( <i>Mycteria americana</i> )
		Big Cypress fox squirrel ( <i>Sciurus niger avicennia</i> )
814*	Road	N/A

\*Habitat surveyed for the species noted, although not required per the LDC.

PAI conducted the protected species survey for six days between February 23 and April 8, 2022. A summary of weather conditions during the protected species survey is provided in Table 3.

**Table 3. Summary of Weather Conditions for the Protected Species Survey**

Day	Temperature (°Fahrenheit)	Wind (mph)	Cloud Cover (Percent)
February 23, 2022	Low 70s to Mid-80s	6-9 ENE	50-80
February 24, 2022	High 70s to Low 80s	7-9 E	15-35
February 25, 2022	Low 70s to High 80s	6 NE	20-25
March 1, 2022	High 60s to Low 70s	0-8 NNE	75-80
April 6, 2022	Mid-70s to High 70s	10-18 E	30-40
April 8, 2022	High 60s to Mid-70s	8-15 ENE	25-45

The survey utilized meandering pedestrian transects per the WilsonMiller, Inc. methodology. Visibility on the surveyed habitats varied due to the density of vegetation. A summary of the limits of visibility, total length of transects walked, and percent coverage by habitat type is provided in Table 4. An aerial with approximate locations of walked transects and species locations is provided as Appendix B.

**Table 4. Summary of Habitat Coverage**

FLUCFCS Code	Description	Total Acres	Transect Length (Feet)	Average Visibility (Feet)**	Percent Coverage
221*	Citrus Grove	2,099.36	731,585	50	80
224*	Abandoned Groves	145.52	50,711	50	80
262*	Low Pasture, Hydric	13.35	5,234	50	90
3219 E1	Palmetto Prairie, Disturbed (0-24% Exotics)	4.98	2,061	50	95

Table 4. (Continued)

FLUCFCS Code	Description	Total Acres	Transect Length (Feet)	Average Visibility (Feet)**	Percent Coverage
3219 E2	Palmetto Prairie, Disturbed (25-49% Exotics)	0.61	299	40	90
3219 E3	Palmetto Prairie, Disturbed (50-75% Exotics)	3.07	1,337	40	80
4119 E2	Pine Flatwoods, Disturbed (25-49% Exotics)	3.30	1,294	50	90
4119 E3	Pine Flatwoods, Disturbed (50-75% Exotics)	18.94	8,250	40	80
4119 E4*	Pine Flatwoods, Disturbed (76-100% Exotics)	0.81	706	20	80
4159 E2	Pine, Disturbed (25-49% Exotics)	0.40	185	40	85
4159 E3	Pine, Disturbed (50-75% Exotics)	0.33	230	25	80
4159 E4*	Pine, Disturbed (76-100% Exotics)	0.24	209	20	80
422*	Brazilian Pepper	3.69	2,143	15	40
4221*	Brazilian Pepper, Hydric	1.32	767	15	40
4289 E4*	Cabbage Palm, Disturbed (76-100% Exotics)	1.74	1,213	25	80
4299 E2	Wax Myrtle, Disturbed (25-49% Exotics)	2.05	949	40	85
4299 E3	Wax Myrtle, Disturbed (50-75% Exotics)	7.81	4,536	30	80
4299 E4*	Wax Myrtle, Disturbed (76-100% Exotics)	9.33	5,419	30	80
4349 E3	Hardwood/Conifer Mixed, Disturbed (50-75% Exotics)	2.13	1,060	35	80
4349 E4*	Hardwood/Conifer Mixed, Disturbed (76-100% Exotics)	5.17	3,003	30	80
514*	Drainage Canal/Ditch	126.12	46,697	50	85
514 H*	Drainage Canal/Ditch, Hydric	0.25	109	40	80
533*	Reservoirs (<10 Acres but >100 Acres)	47.96	23,503	40	90
6179 E2	Mixed Wetland Hardwoods, Disturbed (25-49% Exotics)	0.74	342	40	85
6189 E1	Willow/Pop Ash, Disturbed (0-24% Exotics)	0.28	130	40	85
6189 E2	Willow/Pop Ash, Disturbed (25-49% Exotics)	0.25	116	40	85
6189 E3	Willow/Pop Ash, Disturbed (50-75% Exotics)	5.29	2,634	35	80

Table 4. (Continued)

FLUCFCS Code	Description	Total Acres	Transect Length (Feet)	Average Visibility (Feet)**	Percent Coverage
6189 E4*	Willow/Pop Ash, Disturbed (76-100% Exotics)	11.16	6,482	30	80
6215 E1	Cypress, Disturbed and Drained (0-24% Exotics)	0.08	37	40	85
6215 E3	Cypress, Disturbed and Drained (50-75% Exotics)	0.07	35	35	80
6215 E4*	Cypress, Disturbed and Drained (76-100% Exotics)	4.75	4,138	20	80
6219 E2	Cypress, Disturbed (25-49% Exotics)	2.11	919	45	90
6219 E3	Cypress, Disturbed (50-75% Exotics)	17.80	8,238	40	85
6219 E4*	Cypress, Disturbed (76-100% Exotics)	1.43	712	35	80
6249 E2	Cypress/Pine/Cabbage Palm, Disturbed (25-49% Exotics)	1.12	829	25	85
6259 E2	Pine, Hydric, Disturbed (25-49% Exotics)	0.81	353	45	90
6259 E3	Pine, Hydric, Disturbed (50-75% Exotics)	0.52	241	40	85
6259 E4*	Pine, Hydric, Disturbed (76-100% Exotics)	1.07	533	35	80
6309 E2	Mixed Wetland Forest, Disturbed (25-49% Exotics)	1.72	843	40	90
6309 E3	Mixed Wetland Forest, Disturbed (50-75% Exotics)	1.94	1,197	30	85
6309 E4*	Mixed Wetland Forest, Disturbed (76-100% Exotics)	3.33	1,934	30	80
6419 E2	Freshwater Marsh, Disturbed (25-49% Exotics)	0.05	22	45	90
6419 E3	Freshwater Marsh, Disturbed (50-75% Exotics)	7.31	3,383	40	85
6419 E4*	Freshwater Marsh, Disturbed (76-100% Exotics)	1.12	650	30	80
6439 E1	Wet Prairies, Disturbed (0-24% Exotics)	0.05	21	50	95
6439 E3	Wet Prairies, Disturbed (50-75% Exotics)	0.33	204	30	85
740*	Disturbed Land	51.18	23,687	40	85
7401*	Disturbed Land, Hydric	10.33	4,781	40	85
742*	Borrow Area	0.59	273	40	85

Table 4. (Continued)

FLUCFCS Code	Description	Total Acres	Transect Length (Feet)	Average Visibility (Feet)**	Percent Coverage
743*	Spoil Area	1.17	722	30	85
747*	Dikes and Levees (Berm)	40.55	26,495	30	90
814*	Road	0.24	166	30	95

\*Habitat surveyed, although not required per the LDC.

\*\*Average visibility to each side of the transect.

#### 4.0 SURVEY RESULTS

A total of eight American alligators (*Alligator mississippiensis*), one gopher tortoise (*Gopherus polyphemus*), four Florida sandhill crane (*Grus canadensis pratensis*), two crested caracara (*Caracara cheriway*), four little blue herons (*Egretta caerulea*), one snowy egret (*Egretta thula*), three wood storks (*Mycteria americana*), one Big Cypress fox squirrel (*Sciurus niger avicennia*), and Florida panther (*Puma concolor coryi*) tracks and scat were observed on the Project site during the protected species survey. The gopher tortoise, Florida sandhill crane, little blue heron, and Big Cypress fox squirrel are listed as threatened by the Florida Fish and Wildlife Conservation Commission (FWCC) (2021). Additionally, the American alligator is listed as threatened by FWCC due to similarity of appearance to the American crocodile (*Crocodylus acutus*). The wood stork and crested caracara are listed as federally threatened by the FWCC and the U.S. Fish and Wildlife Service (USFWS). The Florida panther is listed as federally endangered by the FWCC and the USFWS. The snowy egret is not a state or federal listed species, but it is a Lee County Protected Species. No listed species nests or nesting activity were observed on the Project during the protected species survey. The locations of the American alligators, gopher tortoise, Florida sandhill crane, little blue herons, snowy egrets, wood stork, Big Cypress fox squirrel, and Florida panther tracks and scat are depicted on Appendix B.

#### 5.0 ABUNDANCE OF PROTECTED SPECIES OBSERVED

Density calculations are provided for each Lee County protected species documented within each habitat type during the protected species survey and additional fieldwork conducted on the Project site. Separate calculations are provided if more than one of the same protected species is observed within different habitat types. Please note that density estimates are only provided for Lee County protected species.

The Lee County protected species abundance calculations are provided in Table 5, while Table 6 summarizes the protected species survey findings.

**Table 5. Lee County Protected Species Abundance Calculations**

$$\text{Protected Species Density} = \{n (C)/[L (W_1+W_2)]\} (43,560 \text{ ft}^2/\text{ac})$$

Where n = number of individuals observed or active plus inactive  
gopher tortoise burrows

L = length of transect

W<sub>1</sub> = distance of visibility to the right of transect

W<sub>2</sub> = distance of visibility to the left of transect

C = gopher tortoise conversion factor (0.5)\*

\*Used for gopher tortoise calculation only. Conversion only applied when gopher tortoise burrow, not gopher tortoise itself, is documented.

#### **American Alligator (AA)**

*FLUCFCS Code 221*

$$\begin{aligned} &= \{2 \text{ AA}/[(731,585 \text{ ft}) (50 \text{ ft}+50 \text{ ft})]\} (43,560 \text{ ft}^2/\text{ac}) \\ &= \{2/73,158,500 \text{ ft}^2\} (43,560 \text{ ft}^2/\text{ac}) \\ &= (2.7 \times 10^{-8} \text{ ft}^2) (43,560 \text{ ft}^2/\text{ac}) \\ &= 0.001 \text{ American alligators / acre} \end{aligned}$$

*FLUCFCS Code 514*

$$\begin{aligned} &= \{3 \text{ AA}/[(46,697 \text{ ft}) (50 \text{ ft}+50 \text{ ft})]\} (43,560 \text{ ft}^2/\text{ac}) \\ &= \{3/4,669,700 \text{ ft}^2\} (43,560 \text{ ft}^2/\text{ac}) \\ &= (6.0 \times 10^{-7} \text{ ft}^2) (43,560 \text{ ft}^2/\text{ac}) \\ &= 0.03 \text{ American alligators / acre} \end{aligned}$$

*FLUCFCS Code 6189 E4*

$$\begin{aligned} &= \{1 \text{ AA}/[(6,482 \text{ ft}) (30 \text{ ft}+30 \text{ ft})]\} (43,560 \text{ ft}^2/\text{ac}) \\ &= \{1/388,920 \text{ ft}^2\} (43,560 \text{ ft}^2/\text{ac}) \\ &= (2.6 \times 10^{-6} \text{ ft}^2) (43,560 \text{ ft}^2/\text{ac}) \\ &= 0.11 \text{ American alligators / acre} \end{aligned}$$

*FLUCFCS Code 740*

$$\begin{aligned} &= \{2 \text{ AA}/[(23,687 \text{ ft}) (40 \text{ ft}+40 \text{ ft})]\} (43,560 \text{ ft}^2/\text{ac}) \\ &= \{2/1,894,960 \text{ ft}^2\} (43,560 \text{ ft}^2/\text{ac}) \\ &= (1.1 \times 10^{-6} \text{ ft}^2) (43,560 \text{ ft}^2/\text{ac}) \\ &= 0.05 \text{ American alligators / acre} \end{aligned}$$

#### **Gopher Tortoise (GT) burrow**

*FLUCFCS Code 3219 E1*

$$\begin{aligned} &= \{1 \text{ GT}(0.5)/[(2,061 \text{ ft}) (50 \text{ ft}+50 \text{ ft})]\} (43,560 \text{ ft}^2/\text{ac}) \\ &= \{0.5/206,100 \text{ ft}^2\} (43,560 \text{ ft}^2/\text{ac}) \\ &= (2.4 \times 10^{-6} \text{ ft}^2) (43,560 \text{ ft}^2/\text{ac}) \\ &= 0.1 \text{ Gopher tortoise burrows / acre} \end{aligned}$$

Table 5. (Continued)

**Crested Caracara (CRCA)***FLUCFCS Code 6215 E1*

$$= \{1 \text{ CRCA}/[(37 \text{ ft}) (40 \text{ ft}+40 \text{ ft})]\} (43,560 \text{ ft}^2/\text{ac})$$

$$= \{1/2,960 \text{ ft}^2\} (43,560 \text{ ft}^2/\text{ac})$$

$$= (3.4 \times 10^{-4} \text{ ft}^2) (43,560 \text{ ft}^2/\text{ac})$$

$$= 14.7 \text{ Crested caracara / acre}^*$$

*FLUCFCS Code 6215 E3*

$$= \{1 \text{ CRCA}/[(35 \text{ ft}) (35 \text{ ft}+35 \text{ ft})]\} (43,560 \text{ ft}^2/\text{ac})$$

$$= \{1/2,450 \text{ ft}^2\} (43,560 \text{ ft}^2/\text{ac})$$

$$= (4.1 \times 10^{-4} \text{ ft}^2) (43,560 \text{ ft}^2/\text{ac})$$

$$= 17.8 \text{ Crested caracara / acre}^*$$

**Florida Sandhill Crane (SACR)***FLUCFCS Code 221*

$$= \{4 \text{ SACR}/[(731,585 \text{ ft}) (50 \text{ ft}+50 \text{ ft})]\} (43,560 \text{ ft}^2/\text{ac})$$

$$= \{4/73,158,500 \text{ ft}^2\} (43,560 \text{ ft}^2/\text{ac})$$

$$= (5.5 \times 10^{-8} \text{ ft}^2) (43,560 \text{ ft}^2/\text{ac})$$

$$= 0.002 \text{ Sandhill cranes / acre}$$

**Little Blue Heron (LBH)***FLUCFCS Code 221*

$$= \{3 \text{ LBH}/[(731,585 \text{ ft}) (50 \text{ ft}+50 \text{ ft})]\} (43,560 \text{ ft}^2/\text{ac})$$

$$= \{3/73,158,500 \text{ ft}^2\} (43,560 \text{ ft}^2/\text{ac})$$

$$= (4.1 \times 10^{-8} \text{ ft}^2) (43,560 \text{ ft}^2/\text{ac})$$

$$= 0.002 \text{ Little blue herons / acre}$$

*FLUCFCS Code 514*

$$= \{1 \text{ LBH}/[(46,697 \text{ ft}) (50 \text{ ft}+50 \text{ ft})]\} (43,560 \text{ ft}^2/\text{ac})$$

$$= \{1/4,669,700 \text{ ft}^2\} (43,560 \text{ ft}^2/\text{ac})$$

$$= (2.1 \times 10^{-7} \text{ ft}^2) (43,560 \text{ ft}^2/\text{ac})$$

$$= 0.009 \text{ Little blue herons / acre}$$

**Snowy Egret (SNEG)***FLUCFCS Code 221*

$$= \{1 \text{ SNEG}/[(731,585 \text{ ft}) (50 \text{ ft}+50 \text{ ft})]\} (43,560 \text{ ft}^2/\text{ac})$$

$$= \{1/73,158,500 \text{ ft}^2\} (43,560 \text{ ft}^2/\text{ac})$$

$$= (1.4 \times 10^{-8} \text{ ft}^2) (43,560 \text{ ft}^2/\text{ac})$$

$$= 0.0005 \text{ Snowy egret / acre}$$

**Table 5. (Continued)**

**Wood Stork (WOST)**

*FLUCFCS Code 221*

= {2 WOST/[(731,585 ft) (50 ft+50 ft)]} (43,560 ft<sup>2</sup>/ac)

= {2/73,158,500 ft<sup>2</sup>} (43,560 ft<sup>2</sup>/ac)

= (2.7 x 10<sup>-8</sup> ft<sup>2</sup>) (43,560 ft<sup>2</sup>/ac)

= 0.001 Wood storks / acre

*FLUCFCS Code 747*

= {1 WOST/[(26,495 ft) (30 ft+30 ft)]} (43,560 ft<sup>2</sup>/ac)

= {1/1,589,700 ft<sup>2</sup>} (43,560 ft<sup>2</sup>/ac)

= (6.3 x 10<sup>-7</sup> ft<sup>2</sup>) (43,560 ft<sup>2</sup>/ac)

= 0.03 Wood storks / acre

**Big Cypress Fox Squirrel (BCFS)**

*FLUCFCS Code 514*

= {1 BCFS/[(46,697 ft) (50 ft+50 ft)]} (43,560 ft<sup>2</sup>/ac)

= {1/4,669,700 ft<sup>2</sup>} (43,560 ft<sup>2</sup>/ac)

= (2.1 x 10<sup>-7</sup> ft<sup>2</sup>) (43,560 ft<sup>2</sup>/ac)

= 0.009 Big Cypress fox squirrels / acre

**Florida Panther Sign (FPS)**

*FLUCFCS Code 221*

= {2 FPS/[(731,585 ft) (50 ft+50 ft)]} (43,560 ft<sup>2</sup>/ac)

= {2/73,158,500 ft<sup>2</sup>} (43,560 ft<sup>2</sup>/ac)

= (2.7 x 10<sup>-8</sup> ft<sup>2</sup>) (43,560 ft<sup>2</sup>/ac)

= 0.001 Florida panther sign / acre

\*High crested caracara density calculated is due to small size of habitat being utilized.

**Table 6. Lee County Protected Species Survey Summary**

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
<b>Amphibians</b>					
Gopher frog ( <i>Lithobates capito</i> )	3219 E1	95		X	
	3219 E2	90		X	
	3219 E3	80		X	
	4119 E2	90		X	
	4119 E3	80		X	
	4119 E4	80		X	
	4159 E2	85		X	
	4159 E3	80		X	

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
<b>Amphibians (Continued)</b>					
Gopher frog ( <i>Lithobates capito</i> ) (Continued)	4159 E4	80		X	
	4299 E2	85		X	
	4299 E3	80		X	
	4299 E4	80		X	
	4349 E3	80		X	
	4349 E4	80		X	
	6219 E2	90		X	
	6219 E3	85		X	
	6219 E4	80		X	
	6249 E2	85		X	
	6309 E2	90		X	
	6309 E3	85		X	
	6309 E4	80		X	
<b>Reptiles</b>					
American alligator ( <i>Alligator mississippiensis</i> )	221	80	X		0.001
	262	90		X	
	514	85	X		0.03
	514H	80		X	
	6189 E1	85		X	
	6189 E2	85		X	
	6189 E3	80		X	
	6189 E4	80	X		0.11
	6219 E2	90		X	
	6219 E3	85		X	
	6219 E4	80		X	
	6249 E2	85		X	
	6309 E2	90		X	
	6309 E3	85		X	
	6309 E4	80		X	
	6419 E2	90		X	
	6419 E3	85		X	
	6419 E4	80		X	
	740	85	X		0.05
	7401	85		X	
742	85		X		

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
<b>Reptiles (Continued)</b>					
Eastern indigo snake ( <i>Drymarchon corais couperi</i> )	3219 E1	95		X	
	3219 E2	90		X	
	3219 E3	80		X	
	4119 E2	90		X	
	4119 E3	80		X	
	4119 E4	80		X	
	4159 E2	85		X	
	4159 E3	80		X	
	4159 E4	80		X	
	4289 E4	80		X	
	4299 E2	85		X	
	4299 E3	80		X	
	4299 E4	80		X	
Gopher tortoise (burrow) ( <i>Gopherus polyphemus</i> )	221	80		X	
	224	80		X	
	3219 E1	95	X		0.10
	3219 E2	90		X	
	3219 E3	80		X	
	4119 E2	90		X	
	4119 E3	80		X	
	4119 E4	80		X	
	4159 E2	85		X	
	4159 E3	80		X	
	4159 E4	80		X	
	4299 E2	85		X	
	4299 E3	80		X	
	4299 E4	80		X	
	4349 E3	80		X	
	4349 E4	80		X	
	533	90		X	
	740	85		X	
743	85		X		
747	90		X		

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
<b>Birds</b>					
Burrowing owl ( <i>Athene cunicularia floridana</i> )	221	80		X	
	224	80		X	
	533	90		X	
	740	85		X	
Crested caracara ( <i>Caracara cheriway</i> )	221	80		X	
	224	80		X	
	3219 E1	95		X	
	3219 E2	90		X	
	3219 E3	85		X	
	4289 E4	80		X	
	533	90		X	
	6215 E1	85	X		14.7
	6215 E3	80	X		17.8
	6215 E4	80		X	
	747	90		X	
Florida sandhill crane ( <i>Grus canadensis pratensis</i> )	221	80	X		0,002
	224	80		X	
	262	90		X	
	3219 E1	95		X	
	3219 E2	90		X	
	3219 E3	80		X	
	6419 E2	90		X	
	6419 E3	80		X	
6419 E4	80		X		
Least tern ( <i>Sterna antillarum</i> )	514	85		X	
	514H	80		X	
	742	85		X	
Limpkin ( <i>Aramus guarauna</i> )	262	90		X	
	514	85		X	
	514H	80		X	
	6179 E2	85		X	
	6189 E1	85		X	
	6189 E2	85		X	
	6189 E3	80		X	
	6189 E4	80		X	
6215 E1	85		X		

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
<b>Birds (Continued)</b>					
Limpkin ( <i>Aramus guarauna</i> ) (Continued)	6215 E3	80		X	
	6215 E4	80		X	
	6219 E2	90		X	
	6219 E3	85		X	
	6219 E4	80		X	
	6249 E2	85		X	
	6309 E2	90		X	
	6309 E3	85		X	
	6309 E4	80		X	
	6419 E2	90		X	
	6419 E3	85		X	
	6419 E4	80		X	
	6439 E1	95		X	
	6439 E3	85		X	
	742	85		X	
Little blue heron ( <i>Egretta caerulea</i> )	221	80	X		0.002
	262	90		X	
	514	85	X		0.009
	514H	80		X	
	6179 E2	85		X	
	6189 E1	85		X	
	6189 E2	85		X	
	6189 E3	80		X	
	6189 E4	80		X	
	6215 E1	85		X	
	6215 E3	80		X	
	6215 E4	80		X	
	6219 E2	90		X	
	6219 E3	85		X	
	6219 E4	80		X	
	6249 E2	85		X	
	6259 E2	90		X	
	6259 E3	85		X	
	6259 E4	80		X	
	6309 E2	90		X	
6309 E3	85		X		

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
<b>Birds (Continued)</b>					
Little blue heron ( <i>Egretta caerulea</i> ) (Continued)	6309 E4	80		X	
	6419 E2	90		X	
	6419 E3	85		X	
	6419 E4	80		X	
	6439 E1	95		X	
	6439 E3	80		X	
	7401	85		X	
	742	85		X	
Red-cockaded woodpecker ( <i>Picoides borealis</i> )	4119 E2	90		X	
	4119 E3	80		X	
	4119 E4	80		X	
	4159 E2	85		X	
	4159 E3	80		X	
	4159 E4	80		X	
	6259 E2	90		X	
	6259 E3	85		X	
	6259 E4	80		X	
Reddish egret ( <i>Egretta rufescens</i> )	262	90		X	
	514	85		X	
	514H	80		X	
	6419 E2	90		X	
	6419 E3	85		X	
	6419 E4	80		X	
	6439 E1	95		X	
	6439 E3	85		X	
	7401	85		X	
Roseate spoonbill ( <i>Platalea ajaja</i> )	262	90		X	
	514	85		X	
	514H	80		X	
	6419 E2	90		X	
	6419 E3	85		X	
	6419 E4	80		X	
	6439 E1	95		X	
Snail kite ( <i>Rostrhamus sociabilis</i> )	6439 E3	85		X	
	7401	85		X	
	742	85		X	

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
<b>Birds (Continued)</b>					
Snail kite ( <i>Rostrhamus sociabilis</i> ) (Continued)	262	90		X	
	514	85		X	
	514H	80		X	
	6419 E2	90		X	
	6419 E3	85		X	
	6419 E4	80		X	
	6439 E1	95		X	
	6439 E3	85		X	
	7401	85		X	
	742	85		X	
Snowy egret ( <i>Egretta thula</i> )	221	80	X		0.0005
	262	90		X	
	514	85		X	
	514H	80		X	
	6179 E2	85		X	
	6189 E1	85		X	
	6189 E2	85		X	
	6189 E3	80		X	
	6189 E4	80		X	
	6215 E1	85		X	
	6215 E3	80		X	
	6215 E4	80		X	
	6219 E2	90		X	
	6219 E3	85		X	
	6219 E4	80		X	
	6249 E2	85		X	
	6259 E2	90		X	
	6259 E3	85		X	
	6259 E4	80		X	
	6309 E2	90		X	
	6309 E3	85		X	
	6309 E4	80		X	
	6419 E2	90		X	
	6419 E3	85		X	
	6419 E4	80		X	
6439 E1	95		X		

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
<b>Birds (Continued)</b>					
Snowy egret ( <i>Egretta thula</i> ) (Continued)	6439 E3	80		X	
	7401	85		X	
	742	85		X	
Southeastern American kestrel ( <i>Falco sparverius paulus</i> )	3219 E1	95		X	
	3219 E2	90		X	
	3219 E3	80		X	
	4119 E2	90		X	
	4119 E3	80		X	
	4119 E4	80		X	
	4159 E2	85		X	
	4159 E3	80		X	
	4159 E4	80		X	
	4299 E2	85		X	
	4299 E3	80		X	
	4299 E4	80		X	
	6259 E2	90		X	
	6259 E3	85		X	
	6259 E4	80		X	
	262	90		X	
	514	85		X	
	514H	80		X	
	6179 E2	85		X	
	6189 E1	85		X	
	6189 E2	85		X	
	6189 E3	80		X	
	6189 E4	80		X	
	6215 E1	85		X	
	6215 E3	80		X	
	6215 E4	80		X	
	6219 E2	90		X	
	6219 E3	85		X	
	6219 E4	80		X	
	6249 E2	85		X	
	6259 E2	90		X	
	6259 E3	85		X	
6259 E4	80		X		

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
<b>Birds (Continued)</b>					
Southeastern American kestrel ( <i>Falco sparverius paulus</i> ) (Continued)	6309 E2	90		X	
	6309 E3	85		X	
	6309 E4	80		X	
	6419 E2	90		X	
	6419 E3	85		X	
	6419 E4	80		X	
	6439 E1	95		X	
	6439 E3	85		X	
	7401	85		X	
	742	85		X	
Wood stork ( <i>Mycteria americana</i> )	221	80	X		0.001
	262	90		X	
	514	85		X	
	514H	80		X	
	6189 E1	85		X	
	6189 E2	85		X	
	6189 E3	80		X	
	6189 E4	80		X	
	6215 E1	85		X	
	6215 E3	80		X	
	6215 E4	80		X	
	6219 E2	90		X	
	6219 E3	85		X	
	6219 E4	80		X	
	6249 E2	85		X	
	6309 E2	90		X	
	6309 E3	85		X	
	6309 E4	80		X	
	6419 E2	90		X	
	6419 E3	85		X	
	6419 E4	80		X	
	7401	85		X	
	742	85		X	
	747	90		X	

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
<b>Mammals</b>					
Big Cypress fox squirrel ( <i>Sciurus niger avicennia</i> )	4119 E2	90		X	
	4119 E3	80		X	
	4119 E4	80		X	
	4159 E2	85		X	
	4159 E3	80		X	
	4159 E4	80		X	
	4299 E2	85		X	
	4299 E3	80		X	
	4299 E4	80		X	
	514	85	X		0.009
	6179 E2	85		X	
	6189 E1	85		X	
	6189 E2	85		X	
	6189 E3	80		X	
	6189 E4	80		X	
	6215 E1	85		X	
	6215 E3	80		X	
	6215 E4	80		X	
	6219 E2	90		X	
	6219 E3	85		X	
	6219 E4	80		X	
	6249 E2	85		X	
	6259 E2	90		X	
	6259 E3	85		X	
	6259 E4	80		X	
	6309 E2	90		X	
6309 E3	85		X		
6309 E4	80		X		
747	90		X		
Everglades mink ( <i>Mustela vison evergladensis</i> )	262	90		X	
	514	85		X	
	514H	80		X	
	6179 E2	85		X	
	6189 E1	85		X	
	6189 E2	85		X	
6189 E3	80		X		

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
<b>Mammals (Continued)</b>					
Everglades mink <i>(Mustela vison evergladensis)</i> (Continued)	6189 E4	80		X	
	6215 E1	85		X	
	6215 E3	80		X	
	6215 E4	80		X	
	6219 E2	90		X	
	6219 E3	85		X	
	6219 E4	80		X	
	6249 E2	85		X	
	6309 E2	90		X	
	6309 E3	85		X	
	6309 E4	80		X	
	6419 E2	90		X	
	6419 E3	85		X	
	6419 E4	80		X	
	6439 E1	95		X	
	6439 E3	80		X	
742	85		X		
Florida black bear <i>(Ursus americanus floridanus)</i>	3219 E1	95		X	
	3219 E2	90		X	
	3219 E3	80		X	
	4119 E2	90		X	
	4119 E3	80		X	
	4119 E4	80		X	
	4159 E2	85		X	
	4159 E3	80		X	
	4159 E4	80		X	
	422	40		X	
	4221	40		X	
	4289 E4	80		X	
	4299 E2	85		X	
	4299 E3	80		X	
	4299 E4	80		X	
	4349 E3	80		X	
	4349 E4	80		X	
	6179 E2	85		X	
6189 E1	85		X		

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
<b>Mammals (Continued)</b>					
Florida black bear ( <i>Ursus americanus floridanus</i> ) (Continued)	6189 E2	85		X	
	6189 E3	80		X	
	6189 E4	80		X	
	6215 E1	85		X	
	6215 E3	80		X	
	6215 E4	80		X	
	6219 E2	90		X	
	6219 E3	85		X	
	6219 E4	80		X	
	6249 E2	85		X	
	6259 E2	90		X	
	6259 E3	85		X	
	6259 E4	80		X	
	6309 E2	90		X	
	6309 E3	85		X	
6309 E4	80		X		
Florida panther (sign) ( <i>Puma concolor coryi</i> )	221	80	X		0.001
	224	80		X	
	3219 E1	95		X	
	3219 E2	90		X	
	3219 E3	80		X	
	4119 E2	90		X	
	4119 E3	80		X	
	4119 E4	80		X	
	4159 E2	85		X	
	4159 E3	80		X	
	4159 E4	80		X	
	4289 E4	80		X	
	4299 E2	85		X	
	4299 E3	80		X	
	4299 E4	80		X	
	4349 E3	80		X	
	4349 E4	80		X	
	6179 E2	85		X	
	6189 E1	85		X	
6189 E2	85		X		

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
<b>Mammals (Continued)</b>					
Florida panther (tracks) ( <i>Puma concolor coryi</i> ) (Continued)	6189 E3	80		X	
	6189 E4	80		X	
	6215 E1	85		X	
	6215 E3	80		X	
	6215 E4	80		X	
	6219 E2	90		X	
	6219 E3	85		X	
	6219 E4	80		X	
	6249 E2	85		X	
	6259 E2	90		X	
	6259 E4	80		X	
	6309 E2	90		X	
	6309 E3	85		X	
	6309 E4	80		X	

## 6.0 MANAGEMENT ACTIVITIES

Prior to the issuance of a development order, a protected species management plan per LDC 10-474 will be prepared and submitted to the Department of Community Development as part of the Lee County review process for the Project. The protected species management plan will outline protection measures for the protected species documented on the Project site.

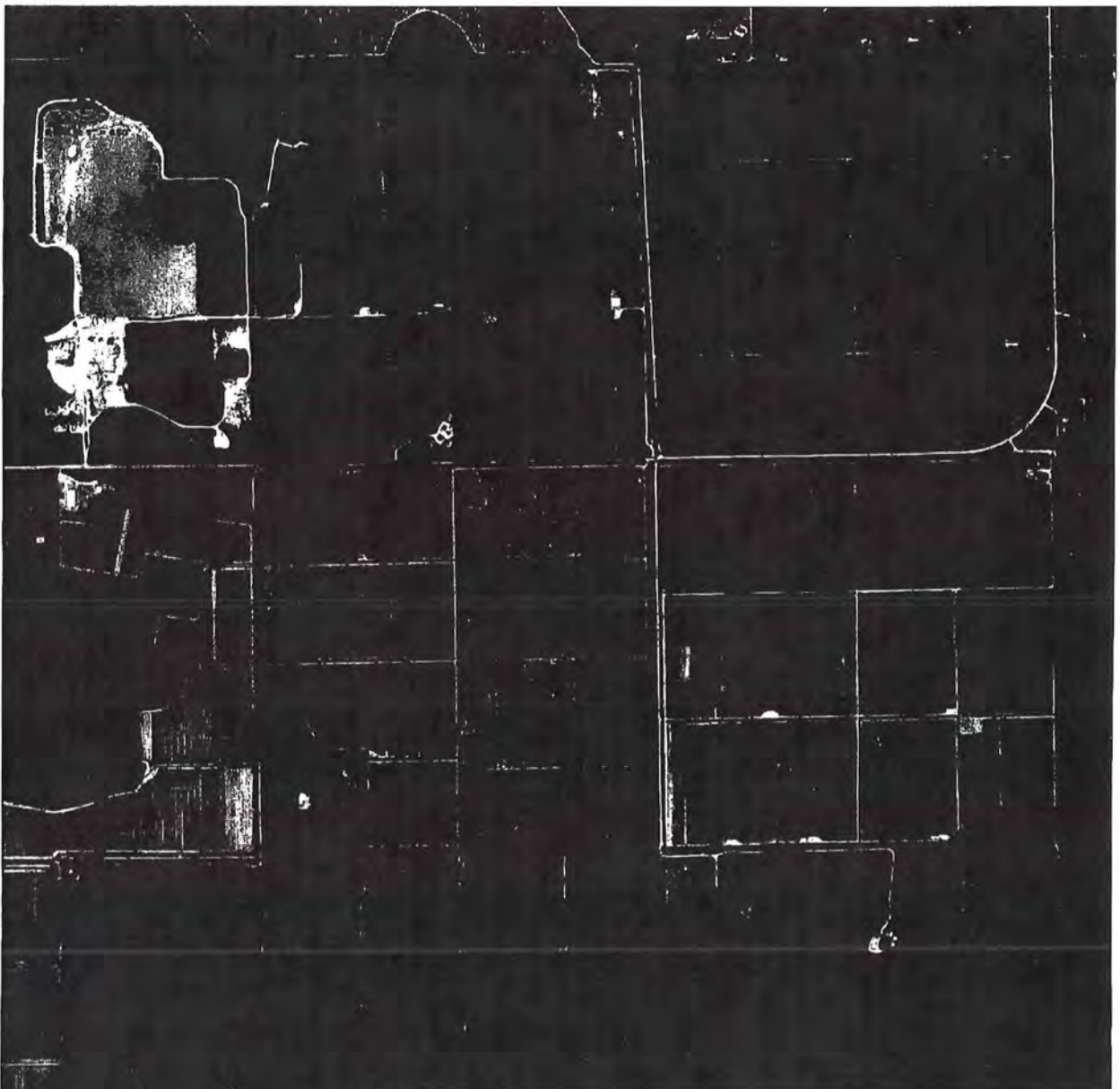
## 7.0 REFERENCES

Florida Department of Transportation. 1999. Florida Land Use, Cover and Forms Classification System (FLUCFCS). Procedure No. 550-010-001-a. Third Edition.

Florida Fish and Wildlife Conservation Commission. 2021. Florida's Endangered Species, Threatened Species and Species of Special Concern. Official Lists. Florida Fish and Wildlife Conservation Commission. Tallahassee, Florida.

**APPENDIX A**

**AERIAL WITH FLUCFCS AND WETLANDS MAP**



J:\2021\20210320\20210320\UNREGISTERED\PROJECT SURVEY\REPORTS\Aerial With FLUCFCS and Wetlands.mxd, T:\212121\_03\_2021\_10\_Scan\_Picture.mxd, 10/20/21

FLUCFCS CODE	DESCRIPTION	ACRAGE	% OF TOTAL
291	CITRUS GROVE	2080.20 AC.	78.7%
294	ABANDONED GROVE	148.94 AC.	5.2%
300	LOW PRAIRIE, HYDRIC	13.20 AC.	0.5%
301A E1	PALMETTO PRAIRIE, DISTURBED (20-40% EXOTICS)	4.90 AC.	0.2%
301A E2	PALMETTO PRAIRIE, DISTURBED (20-40% EXOTICS)	0.91 AC.	0.0%
301A E3	PALMETTO PRAIRIE, DISTURBED (20-70% EXOTICS)	3.67 AC.	0.1%
411A E1	PINE FLATWOODS, DISTURBED (20-40% EXOTICS)	9.30 AC.	0.3%
411A E2	PINE FLATWOODS, DISTURBED (20-70% EXOTICS)	14.84 AC.	0.5%
411A E4	PINE FLATWOODS, DISTURBED (70-100% EXOTICS)	8.61 AC.	0.3%
411B E1	PINE, DISTURBED (20-40% EXOTICS)	6.40 AC.	0.2%
411B E2	PINE, DISTURBED (20-70% EXOTICS)	0.36 AC.	0.0%
411B E4	PINE, DISTURBED (70-100% EXOTICS)	0.26 AC.	0.0%
421	BRADSHAW PEPPER	0.99 AC.	0.0%
422	BRADSHAW PEPPER HYDRIC	1.38 AC.	0.0%
426A E1	CABBAGE PALM, DISTURBED (70-100% EXOTICS)	1.74 AC.	0.0%
426A E2	WAX MYRTLE, DISTURBED (20-40% EXOTICS)	5.09 AC.	0.1%
426A E3	WAX MYRTLE, DISTURBED (20-70% EXOTICS)	7.81 AC.	0.3%
426A E4	WAX MYRTLE, DISTURBED (70-100% EXOTICS)	0.20 AC.	0.0%
426B E2	HARDWOOD/DOCKWOOD MIXED, DISTURBED (20-70% EXOTICS)	1.19 AC.	0.0%
426B E4	HARDWOOD/DOCKWOOD MIXED, DISTURBED (70-100% EXOTICS)	6.17 AC.	0.2%
814	DRAINAGE CANAL/DITCH	180.17 AC.	4.7%
814*	DRAINAGE CANAL/DITCH, HYDRIC	0.26 AC.	0.0%
805	RESERVATION (110 ACRES BUT >100 ACRES)	47.98 AC.	1.8%
819 E2	MIXED WETLAND PINEWOODS, DISTURBED (20-40% EXOTICS)	0.74 AC.	0.0%
819 E3	WILLOW/POPC ASHL, DISTURBED (20-40% EXOTICS)	0.28 AC.	0.0%
819 E4	WILLOW/POPC ASHL, DISTURBED (20-40% EXOTICS)	0.28 AC.	0.0%
819 E5	WILLOW/POPC ASHL, DISTURBED (20-70% EXOTICS)	0.26 AC.	0.0%
819 E6	WILLOW/POPC ASHL, DISTURBED (70-100% EXOTICS)	11.16 AC.	0.4%
821 E1	CYPRESS, DISTURBED AND DRAINED (20-40% EXOTICS)	0.98 AC.	0.0%
821 E2	CYPRESS, DISTURBED AND DRAINED (20-70% EXOTICS)	0.07 AC.	0.0%
821 E4	CYPRESS, DISTURBED AND DRAINED (70-100% EXOTICS)	4.78 AC.	0.2%
821 E5	CYPRESS, DISTURBED (20-40% EXOTICS)	2.11 AC.	0.1%
821 E6	CYPRESS, DISTURBED (20-70% EXOTICS)	1.78 AC.	0.1%
821 E7	CYPRESS, DISTURBED (70-100% EXOTICS)	1.48 AC.	0.1%
826 E2	CYPRESS/PINE/CABBAGE PALM, DISTURBED (20-40% EXOTICS)	1.17 AC.	0.0%
826 E3	PINE, HYDRIC, DISTURBED (20-40% EXOTICS)	0.81 AC.	0.0%
826 E4	PINE, HYDRIC, DISTURBED (20-70% EXOTICS)	0.80 AC.	0.0%
826 E5	PINE, HYDRIC, DISTURBED (70-100% EXOTICS)	1.07 AC.	0.0%
826 E6	MIXED WETLAND FOREST, DISTURBED (20-40% EXOTICS)	1.72 AC.	0.1%
826 E7	MIXED WETLAND FOREST, DISTURBED (20-70% EXOTICS)	1.84 AC.	0.1%
841A E1	MIXED WETLAND FOREST, DISTURBED (70-100% EXOTICS)	0.26 AC.	0.0%
841A E2	FRESHWATER MARSH, DISTURBED (20-40% EXOTICS)	0.02 AC.	0.0%
841A E3	FRESHWATER MARSH, DISTURBED (20-70% EXOTICS)	7.31 AC.	0.3%
841A E4	FRESHWATER MARSH, DISTURBED (70-100% EXOTICS)	1.12 AC.	0.0%
840 E1	WET PRAIRIE, DISTURBED (20-40% EXOTICS)	0.02 AC.	0.0%
840 E2	WET PRAIRIE, DISTURBED (20-70% EXOTICS)	0.20 AC.	0.0%
740	DISTURBED LAND	21.18 AC.	1.0%
741	DISTURBED LAND, HYDRIC	10.20 AC.	0.4%
742	BORROW AREA	0.08 AC.	0.0%
743	SPECIAL AREA	0.09 AC.	0.0%
747	DICES AND LEVES (800A)	40.20 AC.	1.5%
814	ROAD	0.24 AC.	0.0%
TOTAL		2694.76 AC.	100.0%

**NOTES**

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH FLIGHT DATES OF JANUARY - MARCH 2021.

PROPERTY BOUNDARY PER J.R. EVANS, INC. DRAWING NO. 857 KHLSTON MASTER CONCEPT PLAN K.0468 DATED MARCH 7, 2022.

WETLAND AND SURVEY DITCH LINES PER BANNS ENGINEERING, INC. DRAWING NO. 3370-JR-SR DWG DATED FEBRUARY 12, 2009.

SURVEY DITCH LINES PER METRON SURVEYING & MAPPING, LLC DRAWING NO. DITCHES TO BE SURVEY LOCATED 12-03-08.DWG DATED DECEMBER 3, 2008.

WETLAND AND OSW LINES SHOWN PER FDEP FORMAL WETLAND JURISDICTIONAL DETERMINATION NO.FD-34-0284268-001 ISSUED AUGUST 28, 2009.

FLUCFCS LINES ESTIMATED FROM 1"=300' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

**LEGEND**

WETLANDS (83.97 Ac.)

'OTHER SURFACE WATERS' (374.13 Ac.)

SURVEYED WETLAND LINE

**DRAFT**

DRAWN BY <b>H.H./T.S.</b>	DATE <b>03/29/22</b>
DESIGNED BY <b>S.J.</b>	DATE <b>03/29/22</b>
REVISION	DATE

13620 Metropolis Avenue  
Suite 200  
Ft. Myers, FL 33912  
Phone (239) 274-0067  
Fax (239) 274-0069

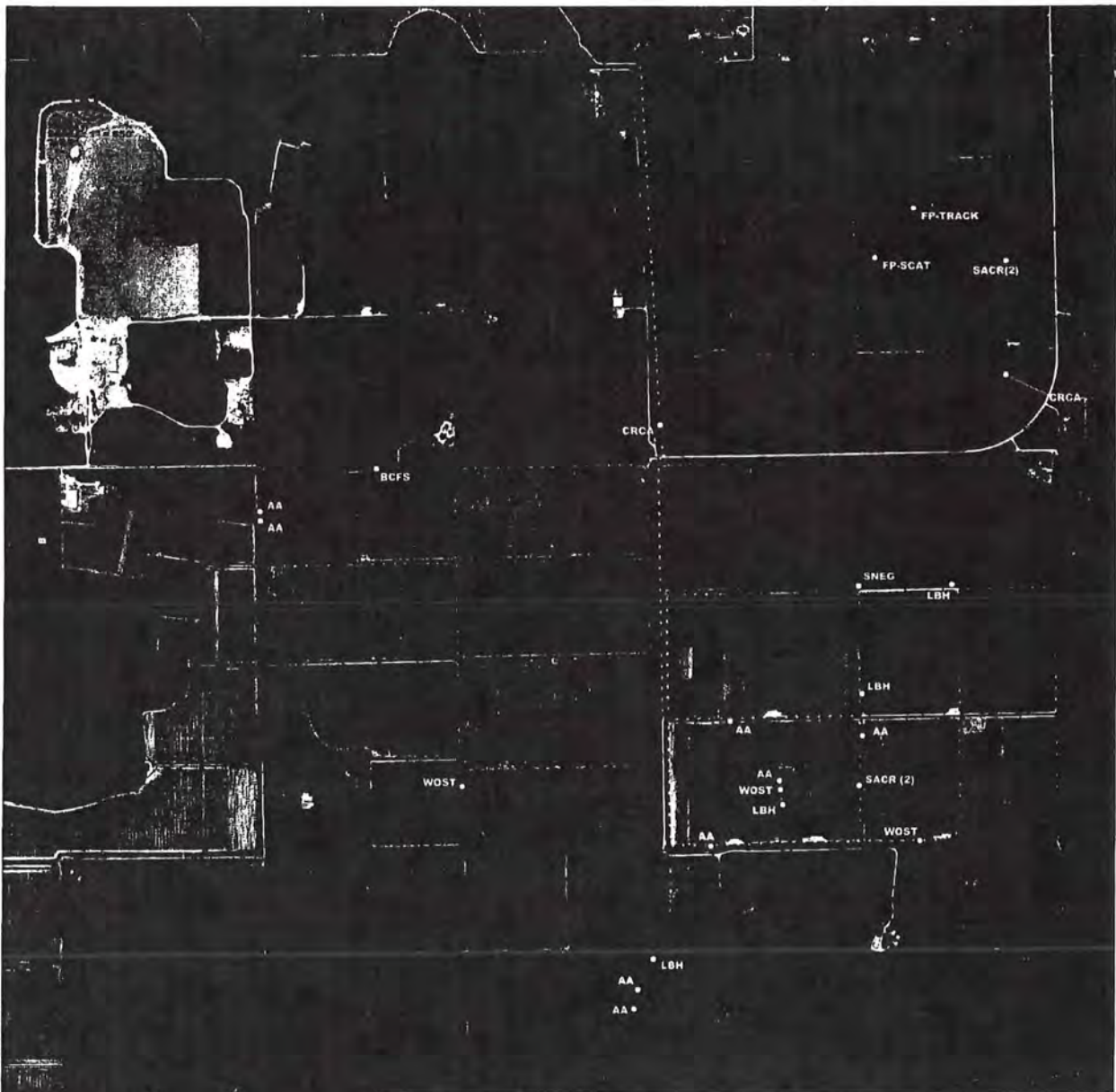


**KINGSTON**  
AERIAL WITH FLUCFCS AND WETLANDS

DRAWING NO. <b>21CCL3707</b>
SHEET NO. <b>APPENDIX A</b>

**APPENDIX B**

**AERIAL WITH FLUCFCS, SURVEY TRANSECTS,  
AND PROTECTED SPECIES LOCATIONS**



FLUCFCS CODE	DESCRIPTION	ACREAGE	% OF TOTAL
221	CITRUS GROVE	2003.35 Ac.	79.4%
224	ABANDONED GROVES	140.82 Ac.	3.3%
262	LOW PASTURE, HYDRIC	159.56 Ac.	0.9%
3018 E1	PALMETTO PRUNGE, DISTURBED (25-49% EXOTICS)	4.98 Ac.	0.2%
3018 E2	PALMETTO PRUNGE, DISTURBED (50-99% EXOTICS)	0.81 Ac.	0.0%
3018 E3	PALMETTO PRUNGE, DISTURBED (100% EXOTICS)	3.97 Ac.	0.1%
4119 E2	PINE FLATWOODS, DISTURBED (25-49% EXOTICS)	3.30 Ac.	0.1%
4119 E3	PINE FLATWOODS, DISTURBED (50-79% EXOTICS)	19.84 Ac.	0.7%
4119 E4	PINE FLATWOODS, DISTURBED (79-100% EXOTICS)	0.81 Ac.	0.0%
4119 E5	PINE, DISTURBED (25-49% EXOTICS)	0.40 Ac.	0.0%
4119 E6	PINE, DISTURBED (50-79% EXOTICS)	0.36 Ac.	0.0%
4119 E7	PINE, DISTURBED (79-100% EXOTICS)	0.24 Ac.	0.0%
422	BRADSHAW PEPPER	3.98 Ac.	0.1%
4221	BRADSHAW PEPPER, HYDRIC	1.92 Ac.	0.0%
4269 E4	CABBAGE PALM, DISTURBED (79-100% EXOTICS)	1.74 Ac.	0.1%
4269 E5	WAL SPITTLE, DISTURBED (25-49% EXOTICS)	2.88 Ac.	0.1%
4269 E6	WAL SPITTLE, DISTURBED (50-79% EXOTICS)	7.81 Ac.	0.3%
4269 E7	WAL SPITTLE, DISTURBED (79-100% EXOTICS)	8.89 Ac.	0.3%
4309 E3	HARDWOOD/CORNFIELD MIXED, DISTURBED (50-79% EXOTICS)	2.13 Ac.	0.1%
4309 E4	HARDWOOD/CORNFIELD MIXED, DISTURBED (79-100% EXOTICS)	3.17 Ac.	0.2%
814	DRAINAGE CANAL/DITCH	129.12 Ac.	4.7%
8141	DRAINAGE CANAL/DITCH, HYDRIC	2.29 Ac.	0.0%
821	RESERVOIR (>10 ACRES BUT <100 ACRES)	47.98 Ac.	1.8%
8179 E2	SAVED WETLAND HARDWOOD, DISTURBED (25-49% EXOTICS)	0.74 Ac.	0.0%
8181 E1	WILLOW/POF ASH, DISTURBED (25-49% EXOTICS)	0.28 Ac.	0.0%
8181 E2	WILLOW/POF ASH, DISTURBED (50-79% EXOTICS)	2.28 Ac.	0.0%
8181 E3	WILLOW/POF ASH, DISTURBED (79-100% EXOTICS)	0.28 Ac.	0.0%
8181 E4	WILLOW/POF ASH, DISTURBED (100% EXOTICS)	11.18 Ac.	0.4%
8111 E1	CYPRESS, DISTURBED AND DRAINED (25-49% EXOTICS)	0.08 Ac.	0.0%
8111 E2	CYPRESS, DISTURBED AND DRAINED (50-79% EXOTICS)	1.79 Ac.	0.1%
8111 E3	CYPRESS, DISTURBED (25-49% EXOTICS)	1.79 Ac.	0.1%
8111 E4	CYPRESS, DISTURBED (50-79% EXOTICS)	17.20 Ac.	0.7%
8111 E5	CYPRESS, DISTURBED (79-100% EXOTICS)	1.42 Ac.	0.1%
8018 E2	CYPRESS/PINE-CABBAGE PALM, DISTURBED (25-49% EXOTICS)	1.07 Ac.	0.0%
8018 E3	PINE, HYDRIC, DISTURBED (25-49% EXOTICS)	0.81 Ac.	0.0%
8018 E4	PINE, HYDRIC, DISTURBED (50-79% EXOTICS)	0.81 Ac.	0.0%
8018 E5	PINE, HYDRIC, DISTURBED (79-100% EXOTICS)	1.07 Ac.	0.0%
8018 E6	MIXED WETLAND FOREST, DISTURBED (25-49% EXOTICS)	1.72 Ac.	0.1%
8018 E7	MIXED WETLAND FOREST, DISTURBED (50-79% EXOTICS)	1.84 Ac.	0.1%
8018 E8	MIXED WETLAND FOREST, DISTURBED (79-100% EXOTICS)	3.93 Ac.	0.1%
8113 E2	FRESHWATER MARSH, DISTURBED (25-49% EXOTICS)	0.38 Ac.	0.0%
8113 E3	FRESHWATER MARSH, DISTURBED (50-79% EXOTICS)	7.21 Ac.	0.3%
8113 E4	FRESHWATER MARSH, DISTURBED (79-100% EXOTICS)	1.12 Ac.	0.0%
8018 E1	WET PRUNGE, DISTURBED (25-49% EXOTICS)	0.06 Ac.	0.0%
8018 E6	WET PRUNGE, DISTURBED (50-79% EXOTICS)	0.30 Ac.	0.0%
740	DISTURBED LAND	51.18 Ac.	1.8%
7401	DISTURBED LAND, HYDRIC	10.36 Ac.	0.4%
742	BORROW AREA	0.88 Ac.	0.0%
743	ROCK AREA	0.88 Ac.	0.0%
747	DITCH AND LEVEE (BENK)	46.16 Ac.	1.6%
811	ROAD	0.24 Ac.	0.0%
	<b>TOTAL</b>	<b>2694.75 Ac.</b>	<b>100.0%</b>

NOTES:  
 AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH FLIGHT DATES OF JANUARY - MARCH 2021.  
 PROPERTY BOUNDARY PER J.R. EVANS, INC. DRAWING NO. 430 KHST100 HAYTER CONCEPT PLAN 6, ONE DATED MARCH 7, 2022.  
 WETLAND AND SURVEY DITCH LINES PER BANKS ENGINEERING INC. DRAWING NO. 3376-JD-SR-DWG DATED FEBRUARY 12, 2023.  
 SURVEY DITCH LINES PER METRON SURVEYING & MAPPING, LLC. DRAWING NO. DITCHES TO BE SURVEY LOCATED 12-03-08 DWG DATED DECEMBER 3, 2008.  
 WETLAND AND OSW LINES SHOWN PER FDP FOR MALDEN WETLAND JURISDICTIONAL DETERMINATION NO. FD-34-024066-001 ISSUED AUGUST 26, 2009.  
 FLUCFCS LINES ESTIMATED FROM 1"=500' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.  
 FLUCFCS PER FLORIDA LAND USE COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FOOT 1999).

DRAFT

DRAWN BY: T.S. DATE: 03/29/22  
 DESIGNED BY: S.J. DATE: 03/29/22  
 REVISED: H.H./T.S. DATE: 04/11/22

13620 Metropolis Avenue  
 Suite 200  
 Ft. Myers, FL 33912  
 Phone (239) 274-0067  
 Fax (239) 274-0069



KINGSTON  
 AERIAL WITH FLUCFCS, WETLANDS, SURVEY  
 TRANSECTS, AND PROTECTED  
 SPECIES LOCATIONS MAP  
 DRAWING NO. 21CCL3707  
 SHEET NO. APPENDIX B

**EXHIBIT J**

**KINGSTON  
PROTECTED SPECIES MANAGEMENT  
AND HUMAN-WILDLIFE COEXISTENCE PLAN**

**DRAFT**

**April 2022**

Prepared For:

***CAM7-Sub, LLC***  
*21101 Design Parc Lane Suite 103*  
*Estero, Florida 33928*  
*(239) 425-8662*

Prepared By:

***Passarella & Associates, Inc.***  
*13620 Metropolis Avenue, Suite 200*  
*Fort Myers, Florida 33912*  
*(239) 274-0067*

## TABLE OF CONTENTS

		<u>Page</u>
1.0	Introduction.....	1
2.0	Lee County Protected Species Surveys.....	1
3.0	Conservation Areas.....	2
4.0	Wildlife Crossings .....	3
5.0	Perimeter Buffer Lakes and Fencing .....	3
6.0	Commercial Uses.....	4
7.0	Eastern Indigo Snake Management Plan .....	4
	7.1 Biology.....	4
	7.2 Management Plan.....	5
8.0	Gopher Tortoise Management Plan .....	5
	8.1 Biology.....	5
	8.2 Management Plan.....	6
9.0	American Alligator Management Plan .....	6
	9.1 Biology.....	7
	9.2 Management Plan.....	7
10.0	Crested Caracara Management Plan .....	8
	10.1 Biology.....	8
	10.2 Management Plan.....	8
11.0	Wading Bird and Florida Sandhill Crane Management Plan.....	9
	11.1 Management Plan.....	9
12.0	Big Cypress Fox Squirrel Management Plan.....	9
	12.1 Biology.....	10
	12.2 Pre-Construction Surveys .....	10
	12.3 Management Plan.....	11

**Table of Contents (Continued)**

	<u>Page</u>
13.0 Florida Black Bear Management Plan .....	11
13.1 Biology.....	11
13.2 Management Plan.....	11
14.0 Florida Panther Management Plan.....	12
14.1 Biology.....	12
14.2 Management Plan.....	13
15.0 Prescribed Fire .....	13
16.0 Human-Wildlife Coexistence Plan .....	14
16.1 Eastern Indigo Snake .....	14
16.2 American Alligator .....	14
16.3 Wading Bird.....	14
16.4 Florida Black Bear .....	14
16.5 Florida Panther.....	15
17.0 Preserve Signage and Community Education Plan.....	15
18.0 References.....	15

**LIST OF TABLES**

	<u>Page</u>
Table 1. Protected Species Documented on the Project Site .....	2

## LIST OF APPENDICES

	<u>Page</u>
Appendix A. Project Location Map .....	A-1
Appendix B. Aerial with Conservation Areas and Proposed Location of Wildlife Crossing and Fencing Plan .....	B-1
Appendix C. Bear-Resistant Container List.....	C-1
Appendix D. Eastern Indigo Snake Informational Pamphlet .....	D-1
Appendix E. American Alligator Informational Pamphlet .....	E-1
Appendix F. Wading Bird Informational Pamphlet.....	F-1
Appendix G. Florida Black Bear Informational Pamphlet.....	G-1
Appendix H. Florida Panther Informational Pamphlet.....	H-1
Appendix I. Prescribed Burning Information .....	I-1
Appendix J. American Alligator Management and Preserve Signage.....	J-1

## 1.0 INTRODUCTION

This report documents the Protected Species Management and Human-Wildlife Coexistence Plan for Kingston (Project). The management plan contained in this report pertains to the Eastern indigo snake (*Drymarchon corais couperi*), gopher tortoise (*Gopherus polyphemus*), American alligator (*Alligator mississippiensis*), crested caracara (*Caracara cheriway*), Florida sandhill crane (*Grus canadensis pratensis*) and listed wading birds, Big Cypress fox squirrel (*Sciurus niger avicennia*), Florida black bear (*Ursus americanus floridanus*), and Florida panther (*Puma concolor coryi*).

The Project totals 6,676.72± acres and is located in Sections 2, 3, 10, 11, 14, 15, 23-26, and 34-36; Townships 46 South; Range 27 East; and Sections 34 and 35; Township 45 South; Range 27 East; Lee County (Appendix A). The surrounding land uses include single-family home sites to the north; Corkscrew Regional Ecosystem Watershed (CREW) lands to the south; CREW lands, single-family home sites, and a segment of Corkscrew Road to the east; and mining and agricultural uses to the west. Additionally, an east-west segment of Corkscrew Road bisects the property before it turns and heads north.

The majority of the site currently supports active citrus grove and other agricultural operations, while the remainder of the site contains native vegetation with varying amounts of disturbance and exotic vegetation. The native wetland habitats include, but are not limited to, cypress, hydric pine, cypress/pine/cabbage palm, mixed wetland forest, freshwater marsh, and wet prairie habitats. Native upland habitats on the Project site include, but are not limited to, palmetto prairie, pine, and pine flatwoods habitat types. As part of the historic agricultural surface water management, an extensive network of ditches, berms, and reservoirs have been constructed on the property which has led to the isolation of native wetland systems within the site.

## 2.0 LEE COUNTY PROTECTED SPECIES SURVEYS

Passarella & Associates, Inc. (PAI) conducted a Lee County protected species survey (PSS) in July and August 2013 on the northern portion of the Project site, formerly known as Old Corkscrew Plantation IPD. The survey was conducted to meet Lee County Land Development Code (LDC) Chapter 10, Article III, Division 8 (Protection of Habitat) standards. Six Lee County protected species and their signs (e.g., scat, tracks, nests, scratched trees, etc.) were documented during the PSS by PAI. The protected wildlife species observed included American alligator and one alligator nest, little blue heron (*Egretta caerulea*), tri-colored heron (*Egretta tricolor*), snowy egret (*Egretta thula*), crested caracara, and Florida black bear.

Additionally, PAI conducted a Lee County PSS in February, March, and April 2022 on the southern portion of the Project site in accordance with Lee County standards. Eight Lee County protected species and their signs (e.g., scat, tracks, nests, etc.) were documented during the PSS. The protected wildlife species observed included American alligator, gopher tortoise, Florida sandhill crane, little blue heron, snowy egret, wood stork (*Mycteria americana*), Big Cypress fox squirrel, and Florida panther tracks and scat.

Table 1 summarizes the protected species that were documented during the 2013 and 2022 surveys conducted on the Project site.

**Table 1. Protected Species Documented on the Project Site**

Common Name	Scientific Name	Listing Status	
		FWCC	USFWS
<b>Reptiles</b>			
American alligator	<i>Alligator mississippiensis</i>	FT(S/A)	FT(S/A)
Gopher tortoise	<i>Gopherus polyphemus</i>	ST	*
<b>Birds</b>			
Crested caracara	<i>Caracara cheriway</i>	T	T
Florida sandhill crane	<i>Grus canadensis pratensis</i>	ST	-
Little blue heron	<i>Egretta caerulea</i>	ST	-
Snowy egret	<i>Egretta thula</i>	**	-
Tri-colored heron	<i>Egretta tricolor</i>	ST	-
Wood stork	<i>Mycteria americana</i>	FT	T
<b>Mammals</b>			
Big Cypress fox squirrel	<i>Sciurus niger avicemia</i>	ST	-
Florida black bear	<i>Ursus americanus floridanus</i>	**	-
Florida panther (tracks and scat)	<i>Puma concolor coryi</i>	FE	E

FWCC – Florida Fish and Wildlife Conservation Commission

USFWS – U.S. Fish and Wildlife Service

E – Endangered

FE – Federally Endangered

FT – Federally Threatened

FT(S/A) – Federally Threatened Due to Similarity of Appearance

ST – State Threatened

T – Threatened

\*Currently listed as a candidate species by the USFWS

\*\*Delisted at the state level but protected by an FWCC Management Plan

### 3.0 CONSERVATION AREAS

The proposed conservation areas total 3,287.23± acres. The conservation areas will be maintained in accordance with the Indigenous Preservation, Restoration, and Management Plan provided under separate cover. The conservation areas will be managed to provide habitat for listed species.

The Project has been designed to minimize impacts to the listed species that have been identified on the property and other listed wildlife species that could potentially utilize the site. The site plan minimizes impacts to existing native vegetation habitats and concentrates development primarily within the existing agricultural lands.

The proposed conservation areas will contain the following elements:

- Preservation and enhancement of 999.07± acres of indigenous wetlands and uplands (existing forested and herbaceous habitats with less than 75 percent exotics);
- Restoration of 373.16± acres of indigenous wetlands, other surface waters (OSW), and uplands vegetation through removal of exotic vegetation (existing forested and herbaceous habitats with greater than 75 percent exotics) and supplemental planting; and
- Restoration of 1,915± acres of wetlands and uplands from farm fields and replanting with native vegetation.
- Open water areas may be incorporated into the restoration from farm fields.

The preservation and enhancement of existing indigenous vegetation and the restoration of extensive areas of farm fields back to indigenous habitats will serve to provide significant regional flow-ways and wildlife corridors within the Project site.

The conservation areas will be managed for listed species based on habitat type and currently listed species utilization. Targeted listed species include the Eastern indigo snake, gopher tortoise, American alligator, crested caracara, Florida sandhill crane and listed wading birds, Big Cypress fox squirrel, Florida black bear, and Florida panther.

The conservation areas will be placed in an easement with inspection, enforcement, and approval rights granted to Lee County, the South Florida Water Management District (SFWMD), and the Florida Department of Environmental Protection. The total preserve area to be placed under a conservation easement is 3,287.23± acres.

#### **4.0 WILDLIFE CROSSINGS**

To maintain internal connectivity for wildlife and promote the restoration of historic flow-ways through the property, wildlife crossings will be installed where the proposed internal roads cross the conservation areas. An aerial depicting the proposed location of the wildlife crossings is provided as Appendix B. Two forms of wildlife crossings will be designed to accommodate the passage of both large and small mammals, as well as reptiles and amphibians. Wildlife crossings for large mammals will consist of a box culvert sized up to 6 x 8 feet. Wildlife crossings for small mammals, reptiles, and amphibians will consist of reinforced concrete pipes (RCPs) sized up to 48 inches. The invert of the box culverts and RCPs will be placed at natural grade. A section of low-level chain link fencing will be installed on either side of the crossings to direct wildlife through the crossings.

#### **5.0 PERIMETER BUFFER LAKES AND FENCING**

The Project site design includes perimeter fencing between the development and conservation areas. The goal of the fencing is to help deter Florida panther, Florida black bear, and their prey species from entering residential and commercial areas. The fencing will also serve to

accommodate the movement of wildlife among the conservation areas as described in Section 4.0 above.

The wildlife fencing will consist of a six-foot chain link fence which has previously been approved by the Florida Fish and Wildlife Conservation Commission (FWCC) for projects in Southwest Florida. The locations of the proposed fencing are depicted on Appendix B. Further details regarding the location of the fencing will be provided at time of development order.

## **6.0 COMMERCIAL USES**

The Project includes dedicated commercial uses adjacent to Corkscrew Road and State Road 82. To minimize potential human-wildlife interaction, educational brochures provided in this plan will be provided to commercial tenants. Commercial development will be required to minimize wildlife attractants by securing all exterior food and water sources.

Commercial uses, including restaurants, must secure exterior trash containers with locking lids and periodically clean cans to reduce residual odors. Bear-resistant dumpsters will be used in areas where communal garbage is collected. A list of companies obtained from the FWCC that provide bear-resistant garbage containers for commercial use is provided as Appendix C. In consultation with the local waste disposal company, bear-resistant dumpsters will be purchased from one of the listed companies or another company that is able to provide bear-resistant dumpsters which are compatible with local equipment. The bear-resistant dumpsters will be incorporated at the time Lee County's waste collection sub-contractor makes them available for use.

In order to minimize disturbance to wildlife, lighting within the commercial parcel will not directly illuminate the adjacent preserve areas.

## **7.0 EASTERN INDIGO SNAKE MANAGEMENT PLAN**

The Eastern indigo snake has not been documented on-site; however, the following plan outlines the protection guidelines that will be implemented for the Eastern indigo snake during clearing operations for the Project. The plan provides educational material and guidelines for construction personnel to follow in the event they encounter an Eastern indigo snake. The plan has been prepared following the guidelines established by the U.S. Fish and Wildlife Service (USFWS). The Eastern indigo snake is a federally threatened species and is listed by the Endangered Species Act (ESA). It is unlawful for anyone to injure, harm, harass, or kill this species. Persons who knowingly violate provisions of the ESA that afford this species protection may be subject to a fine and/or imprisonment.

### **7.1 Biology**

The Eastern indigo snake is a large, non-poisonous, glossy black snake with smooth iridescent scales. The chin and throat may be rusty or white-blotched. The juvenile snakes are similar to the adults, but may be lighter and exhibit a blotched dorsal pattern. Adults

can grow to lengths over eight feet. The Eastern indigo snake might be confused with the black racer (*Coluber constrictor*), but the black racer exhibits a white or brown throat and is smaller and lighter in build.

The Eastern indigo snake inhabits a range of habitat types including pine flatwoods and wet prairies. Individuals are wide ranging and may utilize an area of 250 acres or more. Eastern indigo snakes are known to shelter in gopher tortoise burrows. The Eastern indigo snake is diurnal (active only during the daytime) and will actively search for prey. Prey may include frogs, snakes, birds, and small mammals. Very little is known of the reproduction of this species in the wild. Breeding is believed to occur during the winter and early spring months with up to 11 large white eggs being deposited in late spring and early summer.

## **7.2 Management Plan**

The USFWS's Standard Protection Measures for the Eastern Indigo Snake (2013) will be followed prior to and during construction activities. The Standard Protection Measures include the placement of posters at strategic locations on the construction site and along proposed access roads clearly visible to construction staff. The posters include a description and photograph of the Eastern indigo snake, its protection status, and instructions in the event that one is observed. In addition, informational brochures will be provided to all construction staff.

The Project will preserve, enhance, and restore 3,287.23± acres of existing vegetation on-site through the removal of exotic vegetation and supplemental plantings. The preserve areas will be maintained per the Project's Indigenous Preservation, Restoration, and Management Plan and will provide habitat for the Eastern indigo snake.

Problematic encounters between future residents and Eastern indigo snakes are not anticipated. Construction personnel, maintenance staff, and homeowners will be informed that the Eastern indigo snake is a protected species and informational brochures will be provided (Appendix D).

## **8.0 GOPHER TORTOISE MANAGEMENT PLAN**

One gopher tortoise was observed during the 2022 PSS. The following plan outlines the management activities that will be implemented for the gopher tortoise prior to the implementation of site clearing. The gopher tortoise is listed as threatened by the FWCC.

### **8.1 Biology**

The gopher tortoise is a large, terrestrial turtle averaging 23 to 28 centimeters (9 to 11 inches) in shell length. Maximum length is around 38 centimeters (15 inches). The gopher tortoise is characterized by stumpy, elephantine hind feet and flattened, shovel-like forelimbs adapted for digging. The tan, brown, or gray carapace (top portion of the shell)

is domed and oblong. The plastron (bottom portion of the shell) is somewhat concave in males. Growth annuli may be conspicuous, particularly in juveniles. Hatchlings are approximately 4.4 centimeters (1.7 inches) in length and are yellowish orange in color.

The gopher tortoise occurs in the Southeastern Coastal Plain of the United States from Eastern Louisiana to Southeastern South Carolina and throughout Florida. In Florida, gopher tortoises occur in portions of all 67 counties. Gopher tortoises inhabit a wide variety of upland vegetative communities. Three environmental conditions are especially important for gopher tortoises: well-drained, sandy soil in which to burrow; adequate low-growing herbaceous ground cover for food; and relatively open, sunlit areas for nesting. The gopher tortoise is primarily associated with longleaf pine-scrub oak woodlands (sandhills), but it is also found in sand pine scrub, coastal strands, live oak hammocks, dry prairies, pine flatwoods, and mixed hardwood-pine communities. Disturbed habitats, such as roadsides, fencerows, clearings, and old fields, often support relatively high tortoise densities.

Gopher tortoises excavate burrows averaging 4.5 meters (14.8 feet) in length and 2 meters (6.6 feet) in depth and wide enough to allow them to turn around at any point. These burrows provide protection from temperature extremes, desiccation, and predators and serve as refuges for a variety of other animals. The placement and depth of burrows vary with the soil type, geographic location, and ground water levels. An individual tortoise may use more than one burrow and may excavate new burrows at any time during its life.

Gopher tortoise densities and movements are affected by the amount of herbaceous ground cover present. Generally, feeding activity is confined to within 50 meters (164 feet) of the burrow. Principal foods include grasses, legumes, and grass-like plants of the sedge and aster families. Legumes appear to be particularly important in the diet of juveniles. Fruits such as blackberries (*Rubus* sp.), pawpaws (*Asimina triloba*), gopher apples (*Licania michauxii*), and saw palmetto (*Serenoa repens*) berries are also consumed.

## 8.2 Management Plan

Prior to commencement of clearing activities within the development footprint a survey will be conducted to identify gopher tortoises or gopher tortoise burrows. If gopher tortoise burrows are located within the development footprint, the applicant will obtain a permit from the FWCC to relocate gopher tortoise(s) to a protected recipient site prior to initiating construction activities. The recipient site will be approved by the FWCC and managed in perpetuity, consistent with FWCC's Gopher Tortoise Management Plan (2012).

## 9.0 AMERICAN ALLIGATOR MANAGEMENT PLAN

Eight American alligators and one American alligator nest was observed on-site during the 2022 PSS. The following plan outlines the protection guidelines that will be implemented for the American alligator during clearing operations for the Project. The American alligator is listed as threatened (due to similarity of appearance) by the USFWS and the FWCC.

## 9.1 Biology

The American alligator is a reptile with an elongated, armored, lizard-like body with a muscular flat tail. Adult alligators are dark with a pale underside while juveniles have bright yellow stripes and blotches. The average size for adults is 8.2 feet for females and 11.2 feet for males. The body weight can reach up to a half ton. American alligators inhabit all counties in the State of Florida and are most common in the major river drainage basins and large lakes in the central and southern portions of the state. They also can be found in marshes, swamps, ponds, drainage canals, phosphate-mine settling ponds, and ditches. Alligators are tolerant of poor water-quality and occasionally inhabit brackish marshes along the coast. A few even venture into saltwater. Individuals are wide ranging, and some males may utilize an area of two square miles or more. Individuals of both sexes are most likely to become more active and extend their ranges during the April to May courtship and breeding season. Prey may include frogs, snakes, birds, and small mammals, although alligators are opportunistic feeders and may prey on what is readily available. Larger individuals often prefer carrion to fresh meat.

## 9.2 Management Plan

The proposed Project will not impact the alligator. Alligators commonly move from water body to water body in response to factors such as season, disturbances, food supply, etc. The American alligator is listed as a federally threatened species due to similarity of appearance to the American crocodile (*Crocodylus acutus*). Only representatives of the FWCC are authorized to handle nuisance alligators. If an alligator is present within the limits of construction at the time of clearing, work within the immediate vicinity of the alligator will be halted and the animal will be allowed to move out and into safer territory. Once the alligator has moved, work can be restarted. If an active alligator nest is found, it will be temporarily protected with an adequate buffer zone until the hatchlings leave the nest.

Extensive, high quality American alligator habitat will be provided throughout the property through wetland preservation, enhancement, and restoration. This includes the includes exotic vegetation removal within 1,162.96± acres of existing wetlands on the property. These wetlands are predominantly cypress forest, mixed wetland hardwoods, hydric pine forest, and freshwater marshes habitat types. Invasive exotic removal will result in wetland preserves that are more suitable to alligators and their prey species. In addition to the enhancing and restoration of existing wetlands, the Project will restore wetlands from existing farm fields that will benefit the American alligator. The preserve areas will be maintained per the Project's Indigenous Preservation, Restoration, and Management Plan.

To avoid problematic encounters between future residents and American alligators, the FWCC's educational brochure entitled "A Guide to Living with Alligators" (Appendix E) will be provided to homeowners and maintenance staff (see Section 16.2).

## 10.0 CRESTED CARACARA MANAGEMENT PLAN

Two crested caracara were observed during the 2022 PSS. As such, the following management plan outlines the protection guidelines that will be implemented for the crested caracara prior to clearing activities on the Project and addresses habitat enhancement and restoration on the site. The crested caracara is listed as threatened by the USFWS and the FWCC.

### 10.1 Biology

The crested caracara is a large, non-migratory raptor that feeds both on prey and carrion and is often found with flocks of turkey vultures (*Cathartes aura*) and black vultures (*Coragyps atratus*). The population of crested caracara found in peninsular Florida is genetically isolated from other populations of crested caracara subspecies found in the Southwestern United States and portions of Central and South America (USFWS 1999). While other subspecies of crested caracara are not listed as threatened or endangered, the crested caracara subspecies found in Florida was listed in July 1987 as threatened under the ESA.

Crested caracaras primarily use open habitats including native prairies; grasslands and cattle pastures with their associated freshwater marshes; and small clumps of cabbage palms (*Sabal palmetto*), live oak (*Quercus* spp.) hammocks, and cypress (*Taxodium* spp.). Cabbage palms in open habitats are of high importance for nesting (Rodgers *et al.* 1996, Morrison 2001). The primary nesting season for the crested caracara is November through April. Egg laying typically occurs December through February. Clutch size is one to three eggs and incubation ranges from 28 to 32 days. Caracara young fledge at age seven to eight weeks, mostly in March and April (Wood 2001).

### 10.2 Management Plan

Prior to clearing activities, a qualified ecologist will survey the construction impact area and adjacent habitats for the presence of crested caracara nests. The removal of any caracara nests located within the Project site will be coordinated with USFWS and Lee County Department of Community Development staff prior to initiation of construction activities.

The completed Project will preserve, enhance, and restore 3,287.23± acres of native habitat. The conservation areas will include open freshwater marsh, pine, and other habitat types that will provide potential foraging opportunities for caracaras.

Problematic encounters between future residents and crested caracaras are not anticipated. Should a caracara choose to nest adjacent to the community or close to approved access areas within the preserves, the nest will be left undisturbed. If unanticipated nest disturbance is noted, then an appropriate no-entry buffer zone will be established around the nest with signage until the young fledge.

## **11.0 WADING BIRD AND FLORIDA SANDHILL CRANE MANAGEMENT PLAN**

Florida sandhill cranes and several listed wading bird species, including the little blue heron, tri-colored heron, American wood stork, and snowy egret were observed utilizing the Project site during the 2013 and 2022 PSS. It is anticipated that these birds and others, including limpkin (*Aramus guarauna*), and roseate spoonbill (*Platalea ajaja*) may utilize the wetlands and other native habitats on the property. The following management plan has been prepared for the purpose of addressing the management of potential wading bird and Florida sandhill crane habitat on the site.

### **11.1 Management Plan**

Prior to clearing activities, a qualified ecologist will survey the construction impact area and adjacent habitats for the presence of Florida sandhill crane and listed wading bird nests. If there is evidence of Florida sandhill crane or listed wading bird nesting, the appropriate FWCC-recommended buffer will be provided around the nest site(s) to avoid disturbance by human activities. If Florida sandhill crane or listed wading bird nesting is discovered after construction has begun or if maintaining the buffers is not possible, the applicant will coordinate with the FWCC staff regarding permitting requirements.

The Project proposes preservation and enhancement of wading bird habitat. Foraging areas will be provided through the preservation, enhancement, and restoration of 1,162.96± acres of existing wetlands. Enhancement and restoration of the preserved wetlands through removal of invasive exotic plants and installation of native plantings will result in habitats that are more suitable for wading bird foraging and roosting. In addition to enhancing and restoring existing wetlands, the Project will restore wetland from existing farm field which will benefit Florida sandhill cranes and wading bird species.

Problematic encounters between future residents and Florida sandhill cranes and wading birds are not anticipated. Construction personnel, maintenance staff, and homeowners will be informed that the wading birds are protected species. Additionally, informational pamphlets will be provided to homeowners and maintenance staff (Appendix F) (see Section 16.2).

## **12.0 BIG CYPRESS FOX SQUIRREL MANAGEMENT PLAN**

The Big Cypress fox squirrel was observed utilizing forested and disturbed areas on the Project during the 2022 PSS. The following management plan has been prepared for the purpose of addressing the conservation of Big Cypress fox squirrel habitat on the Project site and outlines the protection guidelines that will be implemented for the Big Cypress fox squirrel prior to, during, and after construction of the Project. The Big Cypress fox squirrel is listed as threatened by the FWCC. There is no federal listing for the Big Cypress fox squirrel in Florida.

## 12.1 Biology

The Big Cypress fox squirrel lives and breeds in varied habitats in Southwest Florida including cypress swamps, pine flatwoods, tropical hardwood forests, live oak woods, mangrove forests, and suburban habitats, including golf courses, city parks, and residential areas in native vegetation (Humphrey 1992). Dense cypress/hardwood swamps are avoided. This may be due to the competition for food and habitat with the Eastern gray squirrel (*Sciurus carolinensis*). Little data is available on the preferred forage habitat of the Big Cypress fox squirrel. Big Cypress fox squirrels prefer to feed on the male and female cones of slash pine. Cabbage palm fruits, bromeliad (*Bromeliaceae* sp.) buds, and acorns are also important food items. A smaller percentage of the diet may consist of seasonal fruits, berries, and seeds (Humphrey 1992).

Big Cypress fox squirrels often form platform nests in pines and hardwoods, and moss and stick nests in cypress, tops of cabbage palms, and large clumps of bromeliads. Cabbage palms and bromeliads are especially important because they can provide immediate shelter, which allows the squirrel to travel over large areas without requiring a daily return to a permanent nesting facility (Humphrey 1992).

Big Cypress fox squirrels are solitary animals. Interaction between animals occurs primarily during mating season. Mating chases occur frequently throughout the months of May through August. During the non-mating season, interactions are infrequent and often occur around food sources. Young remain in the nest for approximately 90 days. Home ranges are 40 hectares (approximately 100 acres) for males and 20 hectares (approximately 50 acres) for females (Humphrey 1992).

## 12.2 Pre-Construction Surveys

A qualified ecologist will be on-site to supervise Big Cypress fox squirrel management and monitoring activities as detailed in this plan. Prior to clearing activities, the preserve areas will be staked in the field and clearly identified with silt fencing or an equivalent barrier. The fencing will be inspected by the preserve manager prior to clearing activities. The operation and storage of construction equipment and the stock-piling of fill and construction material will be prohibited within the fenced preserve areas. The fencing identifying the limits of the preserves will be maintained for the duration of construction activities.

Also, prior to commencement of clearing activities in the development area and removal of exotic trees within the preserve areas, a survey will be conducted by a qualified ecologist to identify potential Big Cypress fox squirrel nests. If potential nests are identified within the clearing limits or within the preserve areas, observations will be conducted to determine if the nests are being utilized by Big Cypress fox squirrels. The FWCC will be notified of nests determined to be utilized by Big Cypress fox squirrels. Active nests will be temporarily protected from clearing by a 125-foot radius undisturbed buffer until juvenile fox squirrels have vacated the nest(s), as confirmed by a qualified ecologist. After completion of nesting and observations documenting that juvenile fox squirrels have

vacated the nest(s), a written request to remove the nest tree(s) will be made to the FWCC. After receipt of the written authorization from the FWCC, the nest tree and buffer can then be cleared.

### **12.3 Management Plan**

Enhancement and restoration of the preserve areas will be conducted as detailed in the Indigenous Preservation, Restoration, and Management Plan. Prescribed fires may be used within the preserved habitats to help maintain an open understory. The preserve areas will provide foraging and nesting habitats for Big Cypress fox squirrels.

Problematic encounters between future residents and Big Cypress fox squirrels are not anticipated. The typical nest location, high within the tree canopy, will ensure against disturbance to fox squirrel nests. Construction personnel, maintenance staff, and homeowners will be informed that the Big Cypress fox squirrel is a protected species.

## **13.0 FLORIDA BLACK BEAR MANAGEMENT PLAN**

Florida black bear sign (i.e., scratch tree) was documented on the Project site during the 2013 PSS. The following habitat management plan has been prepared for the purpose of addressing the conservation of Florida black bear habitat on the Project site. The Florida black bear is not listed by the FWCC or the USFWS. However, the FWCC and the Lee County LDC have specific management activities for this species.

### **13.1 Biology**

The Florida black bear is a subspecies of the American black bear (*Ursus americanus*). The Florida black bear is a solitary animal that inhabits heavily wooded terrain and is most often found in large tracts of swamp forest and undisturbed upland forest. Some of the most important habitat types for the Florida black bear include pine flatwoods, hardwood swamps, cypress swamps, cabbage palm forests, sand pine scrub, and mixed hardwood hammocks. Denning often occurs in remote swamps or thickets with dense vegetation. Adult females breed in alternating years during the months of June and July. In Florida, hibernation may be restricted to females producing cubs. Hibernation most often occurs during the winter months. The diet of Florida black bears is highly variable and includes both plants and animals including saw palmetto berries, honeybees (*Apis* sp.), ants (*Formicidae* sp.), armadillo (*Dasypus novemcinctus*), feral hog (*Sus scrofa*), and white-tailed deer (*Odocoileus virginianus*) (Humphrey 1992).

### **13.2 Management Plan**

In order to deter the potential for interactions between humans and large mammals such as the Florida black bear, perimeter fencing will be utilized between development and the conservation areas to deter large mammals from accessing the development areas.

The preserved, enhanced, and restored habitat within the conservation areas will provide habitat for the Florida black bear and associated prey species. Enhancement activities will provide higher quality habitat for the Florida black bear than what currently exists within the site.

To avoid problematic encounters between future residents and Florida black bears, the FWCC's educational brochure entitled "A Guide to Living in Bear Country" (Appendix G) will be provided to homeowners and maintenance staff (see Section 16.4).

#### **14.0 FLORIDA PANTHER MANAGEMENT PLAN**

No Florida panthers were observed on the Project; however, panther tracks and scat were observed during the 2022 PSS. The property is located within both the USFWS's Primary and Secondary Zones for the Florida panther. In addition, FWCC Florida panther telemetry has been recorded on the Project site and adjacent properties. The following habitat management plan has been prepared for the purpose of addressing the conservation of Florida panther habitat on the Project site. The Florida panther is listed as endangered by the FWCC and the USFWS.

##### **14.1 Biology**

The Florida panther is a large, long-tailed cat with a great deal of color variation: pale brown or rusty upper parts; dull white or buff-colored under parts; and dark brown or blackish tail tip, back of ears, and sides of the nose. Mature males have an average weight range between 100 to 150 pounds and measure nearly seven feet from nose to tip of the tail. Females are considerably smaller with a weight range of 50 to 100 pounds and measuring about six feet (USFWS 1987). Panthers subsist on a variety of mammalian prey dominated by white-tailed deer, feral hog, and in some areas raccoon (*Procyon lotor*) (Maehr 1988a). Existing data on Florida panther reproduction indicates that breeding occurs throughout the year with a peak in the winter/spring period, a gestation period of around 90 to 95 days, litter sizes of one to four kittens, and a breeding cycle of two years for females successfully raising young to dispersal (which occurs around 18 to 24 months) (Belden 1988, Maehr 1988b).

In terms of population size and occupied range, the Florida panther population is at least stable, and at best expanding, as evidenced by natality rates exceeding mortality rates and by recent dispersals north of the Caloosahatchee River (Land *et al.* 2000). According to Maehr *et al.* (1991), home ranges average 200 square miles for resident adult males, 75 square miles for adult females, 241 square miles for transient males, and 69 square miles for sub-adult females. Florida panthers inhabit large remote tracts of land with adequate prey and cover and occupy a variety of habitat types including hardwood hammocks, pine flatwoods, mixed hardwood swamps, and cypress swamps. Appropriate cover is an important component of habitats used, especially during hunting, denning, and day-bedding. Recent information based on global positioning system (GPS) telemetry data collected during nocturnal and diurnal periods indicate that forests are the habitats selected by panthers (Land *et al.* 2008).

## 14.2 Management Plan

In order to deter the potential for interactions between humans and large mammals such as the Florida panther, perimeter fencing will be utilized between the development and conservation areas to deter large mammals from accessing the development areas.

The preserved, enhanced, and restored habitat within the conservation areas will provide habitat and a wildlife corridor for the Florida panther and associated prey species. Enhancement activities will provide higher quality habitat for the Florida panther than what currently exists within the site.

To avoid problematic encounters between future residents and Florida panthers, the educational brochure entitled “A Guide to Living with Florida Panthers” (Appendix H), prepared by the FWCC and the USFWS, will be provided to homeowners and maintenance staff (see Section 16.5).

## 15.0 PRESCRIBED FIRE

Prescribed burning may be used as a management tool to maintain the native vegetation communities within the conservation areas. Prescribed burns help maintain vegetative communities in their natural state, reduce fuel loads and the danger of wildfire, aid with the eradication and control of exotic and nuisance vegetation species, and improve wildlife habitat. The objectives of prescribed burning in the conservation areas will be to aid in the control of exotic vegetation and woody shrubs (i.e., wax myrtle (*Morella cerifera*) and saltbush (*Baccharis halimifolia*)), and to stimulate the growth and diversity of herbaceous vegetation.

If utilized, the burning frequency for the conservation areas will be two to four years, which is consistent with the natural fire regime for mesic flatwoods, wet flatwoods, and wet prairies described by Florida Natural Areas Inventory (FNAI) in the *Guide to the Natural Communities of Florida* (2010). The edges of the Project’s freshwater marshes will be burned when the fire moves through the adjacent pine and prairie habitats. The fire will be allowed to extinguish naturally within the wetter marsh habitats.

Prescribed burning is typically conducted during the winter or early spring when temperatures are reduced, and wind direction is more constant. The initial burn is anticipated to occur during the late winter. Winter burns are preferred to reduce high fuel loads. Growing season burns also may be conducted as conditions allow. Changes in annual weather cycles determine when burn permits will be available, and burns may be conducted only on the day(s) of Florida Forest Service (FFS) permission. Fires will be excluded from planted areas for at least ten years to allow plantings to mature enough to survive fires.

Controlled burns will be conducted only when authorized with a permit by the FFS. In addition, notice will be given to the Estero Fire District. Coordination with CREW and the South Florida Water Management District will occur before burning. Burning will not be conducted if smoke is anticipated to encroach upon Corkscrew Road, State Road 82, or adjacent residences.

Information on prescribed fire will be incorporated into the property owner association or developer's agreement documents (Appendix I).

## **16.0 HUMAN-WILDLIFE COEXISTENCE PLAN**

The following Human-Wildlife Coexistence Plans will be incorporated into the declaration of covenants of the Project's Homeowners Association or Community Development District documents.

### **16.1 Eastern Indigo Snake**

As previously noted, the USFWS's Standard Protection Measures for the Eastern Indigo Snake (2013) will be followed prior to and during construction activities. The USFWS's Standard Protection Measures, including the poster and brochure, can be found at <http://www.fws.gov/verobeach/listedspeciesreptiles.html>. A copy of the brochure is provided as Appendix C.

### **16.2 American Alligator**

Signs will be posted on the subject property to instruct on-site workers and homeowners not to feed or harass the American alligator. The signs will indicate that the offense is punishable by law. The typical signage is provided as Appendix I. Signs will be spaced a maximum of 300 feet apart. The FWCC's educational brochure entitled "A Guide to Living with Alligators" (Appendix D) will be provided to homeowners and maintenance staff. The brochure can be found at [http://myfwc.com/media/152524/Alligator\\_Brochure.pdf](http://myfwc.com/media/152524/Alligator_Brochure.pdf). Construction personnel and homeowners will be instructed that in the event there is a problem with a persistent nuisance alligator, they should contact the FWCC's Nuisance Alligator Hotline at 866-FWC-GATOR (866-392-4286). The FWCC is the only agency empowered to handle nuisance alligators.

### **16.3 Wading Bird**

A wading bird informational brochure entitled "Wading Bird Informational Pamphlet" (Appendix E) will be provided to homeowners and maintenance staff. The brochure provides wading bird information and methods to prevent human-wading bird interactions. In addition, the brochure informs residents of the need to avoid disturbance around a nest(s), should a wading bird nest(s) be identified on the property in the future.

### **16.4 Florida Black Bear**

Residents will be educated about the presence of black bears in their community. FWCC's educational brochure entitled "A Guide to Living in Bear Country" (Appendix F) will be provided to homeowners and maintenance staff. This brochure can be found at <http://myfwc.com/wildlifehabitats/managed/bear/brochures/>.

### **16.5 Florida Panther**

Residents will be educated about the presence of Florida panthers in their community. The educational brochure entitled “A Guide to Living with Florida Panthers” (Appendix G), prepared by the FWCC and the USFWS, will be provided to homeowners and maintenance staff. This brochure provides safety tips and instructions for panther encounters. The brochure can be found on the FWCC website located at <http://myfwc.com/conservation/you- conserve/wildlife/panthers/>.

### **17.0 PRESERVE SIGNAGE AND COMMUNITY EDUCATION PLAN**

Signs identifying the conservation areas as a “nature preserve area” will be installed along the boundary of the preserve. The signage will include language stating, “No dumping allowed” (Appendix J). The signs will be spaced a maximum of 300 feet apart, will be no closer than ten feet from residential property lines, and will be limited to a maximum height of four feet and a maximum size of two square feet.

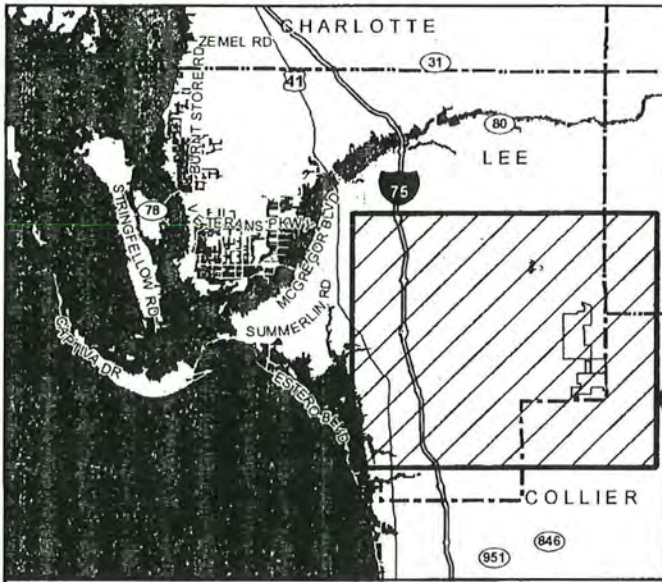
Periodic seminars may be held to further educate the community about the conservation areas, wetland benefits, coexistence with and protection of wildlife, and the benefits of prescribed fire. Community informational and educational brochures, such as those describing the benefits of prescribed fire (Appendix J), may be created and provided as needed to keep residents in compliance with conservation easements, wildlife regulations, etc. Continued education will ensure that the community is well informed regarding the preserves and wildlife coexistence.

### **18.0 REFERENCES**

- Belden, R.C. 1988. The Florida Panther. Pages 514-532 *in* W.J. Chandler (ed) Audubon Wildlife Report. 1988/1989. The National Audubon Society, New York. 817 pages.
- Florida Fish and Wildlife Conservation Commission. 2012. Gopher Tortoise Management Plan (September 2012). Tallahassee, Florida.
- Florida Natural Areas Inventory. 2010. Guide to the natural communities of Florida: 2010 edition. Florida Natural Areas Inventory, Tallahassee, Florida.
- Humphrey, Stephen R. 1992. Rare and Endangered Biota of Florida; Volume I. Mammals. University Press of Florida, Gainesville, FL. 392 pages.
- Land, E.D., M. Lotz, D. Shindle, and S.K. Taylor. 2000. Florida panther genetic restoration and management. Annual report, Study Number 7508. Florida Fish and Wildlife Conservation Commission, Tallahassee, Florida.

- Land E.D., D.B. Shindle, R. J. Kawula, J.F. Benson, M.A. Lotz, D.P. Onorato. 2008. Florida panther habitat selection analysis of concurrent GPS and VHF telemetry data. *Journal of Wildlife Management*: Volume 72, No. 3 pp. 633–639.
- Maehr, D.S. 1988*a*. Florida Panther Movements, Social Organization and Habitat Utilization. Annual Performance Report, 7/1/87-6/30/88, Study No. E-1-12 II-E-2 7502, Florida Game and Fresh Water Fish Commission. 19 pages.
- Maehr, D.S. 1988*b*. Florida Panther Food Habits and Energetics. Annual Performance Report, 7/1/87-6/30/88, Study No. E-1-12 II-E-3 7503, Florida Game and Fresh Water Fish Commission. 4 pages.
- Maehr, D.S., E.D. Land, and J.C. Roof. 1991. Social Ecology of Florida Panthers. *National Geographic Research & Exploration*, 7(4): 414-431.
- Morrison, J. L. 2001. Recommended management practices and survey protocols for Audubon's crested caracara (*Caracara cheriway audubonii*) in Florida. Technical Report No. 18. Florida Fish and Wildlife Conservation Commission, Tallahassee, Florida, USA.
- Rodgers, J.A., Jr., H.W. Kale II, H.T. Smith (*eds.*). 1996. Rare and Endangered Biota of Florida, Vol. V. Birds. University of Florida Press, Gainesville, Florida.
- U.S. Fish and Wildlife Service. 1987. Florida Panther Recovery Plan. Prepared by the Florida Panther Interagency Committee for the U.S. Fish and Wildlife Service, Atlanta, Georgia. 75 pages.
- U.S. Fish and Wildlife Service. 1999. Multi-species Recovery Plan for South Florida. U.S. Fish and Wildlife Service, Vero Beach, Florida.
- U.S. Fish and Wildlife Service. 2013. Standard Protection Measures for the Eastern Indigo Snake. South Florida Ecological Services Office, Vero Beach, Florida.
- Wood, Don A. 2001. Florida's Fragile Wildlife Conservation and Management. University Press of Florida. Gainesville, FL.

**APPENDIX A**  
**PROJECT LOCATION MAP**



J:\2021\2022\03\21\05\2022\PROJECT\_LOCATION\_MAP.MXD - 4/16/2022 @ 2:34:30 PM

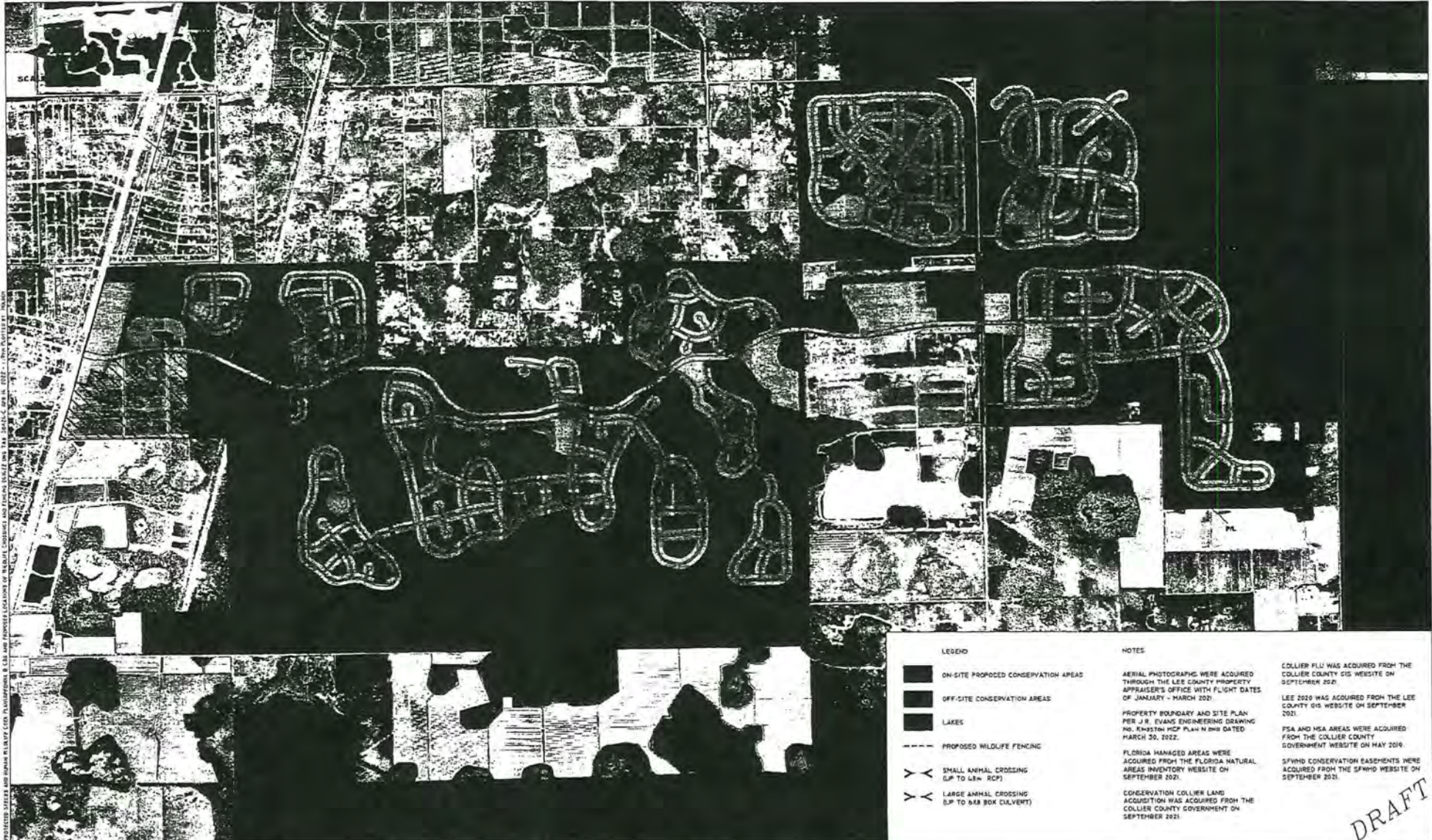
APPENDIX A. PROJECT LOCATION MAP  
KINGSTON

DRAWN BY	DATE
H.H.	03/14/22
REVIEWED BY	DATE
S.J.	03/14/22
REVISED	DATE



**APPENDIX B**

**AERIAL WITH CONSERVATION AREAS AND PROPOSED LOCATION  
OF WILDLIFE CROSSINGS AND FENCING PLAN**



- LEGEND**
- ON-SITE PROPOSED CONSERVATION AREAS
  - OFF-SITE CONSERVATION AREAS
  - LAKES
  - PROPOSED WILDLIFE FENCING
  - SMALL ANIMAL CROSSING (LP TO LEW RCP)
  - LARGE ANIMAL CROSSING (LP TO 6x8 BOX CULVERT)

**NOTES**

AERIAL PHOTOGRAPHIC WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH FLIGHT DATES OF JANUARY - MARCH 2021.

PROPERTY BOUNDARY AND SITE PLAN PER J.R. EVANS ENGINEERING DRAWING NO. K1925104 HCP PLAN N AND DATED MARCH 30, 2022.

FLORIDA HAZARDED AREAS WERE ACQUIRED FROM THE FLORIDA NATURAL AREAS INVENTORY WEBSITE ON SEPTEMBER 2021.

CONSERVATION COLLIER LAND ACQUISITION WAS ACQUIRED FROM THE COLLIER COUNTY GOVERNMENT ON SEPTEMBER 2021.

COLLIER FLU WAS ACQUIRED FROM THE COLLIER COUNTY GIS WEBSITE ON SEPTEMBER 2021.

LEE 2020 WAS ACQUIRED FROM THE LEE COUNTY GIS WEBSITE ON SEPTEMBER 2021.

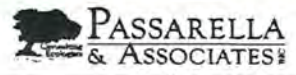
PSA AND MSA AREAS WERE ACQUIRED FROM THE COLLIER COUNTY GOVERNMENT WEBSITE ON MAY 2019.

SFWMD CONSERVATION EASEMENTS WERE ACQUIRED FROM THE SFWMD WEBSITE ON SEPTEMBER 2021.

**DRAFT**

REVISIONS	DATE	DRAWN BY	DATE
		H.H.	04/04/22
		DESIGNED BY	DATE
		S.J.	04/04/22
		CHECKED BY	DATE
		S.J.	04/04/22

13620 Metropolis Avenue  
 Suite 200  
 Ft. Myers, FL 33912  
 Phone (239) 374-0067  
 Fax (239) 374-0069



<b>KINGSTON</b>	DATE/SCALE:
<b>AERIAL WITH CONSERVATION AREAS AND PROPOSED LOCATION OF WILDLIFE CROSSING AND FENCING PLAN</b>	21CCL3707
	SHEET No.
	APPENDIX B

**APPENDIX C**  
**BEAR-RESISTANT CONTAINER LIST**



# BEAR RESISTANT TRASH & RECREATIONAL STORAGE CONTAINERS

## Residential Poly Carts and Cans



**BearProofInc**  
234 S. Golden Dr.  
Silt, CO 81652  
Ph: (970) 309-2460  
Fax: (970) 876-0420  
E-mail: [info@BearProofinc.com](mailto:info@BearProofinc.com)  
Website: <http://www.bearproofinc.com/>

**Metal Roll Away Container**  
95 gallon

\* Metal food and trash lockers also available



**Bear Proofing-R-US**  
(no address available)  
Ph: (865) 430-8902  
E-mail: [akruk@charter.net](mailto:akruk@charter.net)  
Website: <http://www.bearproofing-r-us.com/>

**Residential Street-side  
Trash Can**  
96 gallon

\* dumpster lids, loaders, and bird feeders also available



**Bear Proof Systems, LLC**  
7855 E. Lark Dr.  
Parker, CO 80138  
Phone: (303) 840-3390/1-800-944-7973  
Fax: (303) 840-3460  
E-mail: [solidws@comcast.net](mailto:solidws@comcast.net)  
Website: <http://www.bearproofsystems.com/>

**Curbside Carts**  
64 gallon  
94 gallon

\*Also make various metal containers



### **BearSaver – USA Sales**

Steve Thompson

Ph: 1-800-851-3887  
Fax: 909-605-7780  
E-mail: [sales@bearsaver.com](mailto:sales@bearsaver.com)  
Website: <http://www.bearsaver.com/>

### **Bear Resistant Residential Poly Carts**

**Model PC-95**  
95 gallon (min order 24)

**Model PC-65**  
65 gallon (min order 20)

**Model PC-32**  
32 gallon (min order 20)

\*Commercial Yard Dumpsters also available



# BEAR RESISTANT TRASH & RECREATIONAL STORAGE CONTAINERS



### Cascade Industries

The Learning Community  
3400 Innovation Court SE  
Grand Rapids, MI 49512-2085  
Ph. (616)-975-4800

Fax: (616) 254-4174  
E-mail: [info@cascadeng.com](mailto:info@cascadeng.com)  
<http://www.cascadeng.com/markets/waste/index.htm>

### "Cascade Cart"

35 gallons  
64 gallons  
96 gallons

**Bear Resistant  
Cascade Cart**  
96 gallons



### DAWG, Inc.

25 Lassy Court  
Terryville, CT 06786  
Phone: 1-800-YEL-DAWG (935-3294)  
Fax: 1-800-LIL-PAWS (545-7297)  
website: [www.dawginc.com](http://www.dawginc.com)

### Bearicuda Bin

"Critter Can" Model  
Mobile Screw Top Model  
Mobile Bearicuda Bin  
BEARier Bins

## Residential Trash Storage Containers



### BearGuard Co. Ltd.

P.O. Box 89  
Tahoe City, CA. 96145-0089  
Phone/Fax (530) 581-2211  
E-mail: [sales@BearGuardInfo.com](mailto:sales@BearGuardInfo.com)  
Website: <http://www.bearguardinfo.com/index.html>

### Green and Brown

**Containers**  
Various sizes



### Carson Valley Welding

1046 Mallory Way  
Carson City NV. 89701  
PH: (775) 884-9353  
Cell: (530) 318-1136  
Fax: (775) 884-9354  
Email: [Don@nobearcan.com](mailto:Don@nobearcan.com)  
Website: <http://www.nobearcan.com/index.html>

### "No Bear Can"

Model B-5030 \$999.00  
Model B-5036 \$1149.00

### See also the following companies:

Bear Proof Inc.  
Bear Proofing-R-US  
Bear Proof Systems

Info. above



# BEAR RESISTANT TRASH & RECREATIONAL STORAGE CONTAINERS

## Animal Resistant Dumpsters



**Capital Industries, Inc.**  
5801 Third Avenue South  
Seattle WA 98108  
Phone: (206) 762-8585/1-800-967-8585  
FAX: (206) 762-5455  
E-mail: [sales@capitalind.com](mailto:sales@capitalind.com)  
Website: <http://www.capitalind.com/main/>

**Bear Resistant  
Metal Containers & Lids**  
Various designs



**Haul-All Equipment Systems**  
(no address available)  
Phone: 1-888-428-5255  
Fax: (403) 328-9956  
E-mail: [solutions@haulall.com](mailto:solutions@haulall.com)  
Website: <http://www.haulall.com/index.htm>

**Hyd-A-Way Model**  
Several options available  
for garbage disposal  
and storage

## **See also the following companies:**

Bear Proof Inc.  
Bear Proofing-R-US  
Bear Proof Systems  
BearSaver-USA Sales

**Info. above**

## Recreational Storage Containers

### Panniers (for cooler storage)



**Bear-Aware**  
(no address available)  
Phone: 800-568-8990 / 818-504-3518  
Contact Jeff Berns  
E-mail: [jmberns@bear-aware.com](mailto:jmberns@bear-aware.com)  
Website: <http://www.bear-aware.com/>

**Dry & Ice Panniers**  
24" Medium Dry  
28" Large Dry  
28" Slim Dry  
24" Medium Ice  
28" Large Ice



**Outfitters Supply**  
7373 US Highway 2E  
Columbia Falls, MT 59912  
Phone: 888-467-2256/ 406-892-3650  
Fax: 406-892-4234  
E-mail: [gopackn@outfitterssupply.com](mailto:gopackn@outfitterssupply.com)  
Website: <http://www.outfitterssupply.com/>

**Pack Panniers**



**Pack Saddle Shop**  
3071 West Twin Rd  
Moscow Idaho 83843  
Phone: 208-882-1791  
E-mail: [support@packsaddleshop.com](mailto:support@packsaddleshop.com)  
Website:  
<http://www.packsaddleshop.com/Bearpan.html>

**Aluminum Panniers**  
Medium  
Large  
Sold with and without  
hardware



## BEAR RESISTANT TRASH & RECREATIONAL STORAGE CONTAINERS

### Food Storage Lockers



#### **See the following companies:**

BearProofInc

BearSaver – USA Sales

Haul-All Equipment Systems (product shown)

Info. above

Ask your local waste service provider if they offer wildlife resistant canisters. For example, Waste Pro Inc. and Waste Management Inc. have offered wildlife resistant containers for both residential and commercial locations. In some areas the Waste Service Provider has retrofitted the existing dumpster to a wildlife resistant design.

All images/photos are copyright of their respective company/website.

**APPENDIX D**

**EASTERN INDIGO SNAKE INFORMATIONAL PAMPHLET**

**Killing, harming, or harassing indigo snakes is strictly prohibited and punishable under State and Federal Law.**

Only individuals currently authorized through an issued Incidental Take Statement in association with a USFWS Biological Opinion, or by a Section 10(a)(1)(A) permit issued by the USFWS, to handle an eastern indigo snake are allowed to do so.

**LEGAL STATUS:** The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. "Taking" of eastern indigo snakes is prohibited by the Endangered Species Act without a permit. "Take" is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses, if convicted.



August 12, 2013

**ATTENTION:**  
THREATENED EASTERN INDIGO  
SNAKES MAY BE PRESENT ON  
THIS SITE!!!



Please read the following information provided by the U.S. Fish and Wildlife Service to become familiar with standard protection measures for the eastern indigo snake.

**IF YOU SEE A LIVE EASTERN  
INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site without interference.
- Personnel must NOT attempt to touch or handle snake due to protected status.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor or the applicant's designated agent, **and** the appropriate U.S. Fish and Wildlife Service (USFWS) office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

**IF YOU SEE A DEAD EASTERN  
INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and immediately notify supervisor or the applicant's designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

**USFWS Florida Field Offices to be contacted if a live or dead eastern indigo snake is encountered:**

**North Florida ES Office – (904) 731-3336**  
**Panama City ES Office – (850) 769-0552**  
**South Florida ES Office – (772) 562-3909**

**DESCRIPTION:** The eastern indigo snake is one of the largest non-venomous snakes in North America, with individuals often reaching up to 8 feet in length. They derive their name from the glossy, blue-black color of their scales above and uniformly slate blue below. Frequently, they have orange to coral reddish coloration in the throat area, yet some specimens have been reported to only have cream coloration on the throat. These snakes are not typically aggressive and will attempt to crawl away when disturbed. Though indigo snakes rarely bite, they should NOT be handled.

**SIMILAR SNAKES:** The black racer is the only other solid black snake resembling the eastern indigo snake. However, black racers have a white or cream chin, thinner bodies, and WILL BITE if handled.

**LIFE HISTORY:** The eastern indigo snake occurs in a wide variety of terrestrial habitat types throughout Florida. Although they have a preference for uplands, they also utilize some wetlands and agricultural areas. Eastern indigo snakes will often seek shelter inside gopher tortoise burrows and other below- and above-ground refugia, such as other animal burrows, stumps, roots, and debris piles. Females may lay from 4 - 12 white eggs as early as April through June, with young hatching in late July through October.

**APPENDIX E**

**AMERICAN ALLIGATOR INFORMATIONAL PAMPHLET**

■ Never feed alligators – it’s dangerous and illegal. When fed, alligators can overcome their natural wariness and learn to associate people with food. When this happens, some of these alligators have to be removed and killed.

■ Dispose of fish scraps in garbage cans at boat ramps and fish camps. Do not throw them into the water. Although you are not intentionally feeding alligators when you do this, the result can be the same.

■ Seek immediate medical attention if you are bitten by an alligator. Alligator bites can result in serious infections.

■ Observe and photograph alligators only from a distance. Remember, they’re an important part of Florida’s natural history as well as an integral component of aquatic ecosystems.



Janice Plain

To report nuisance alligators call  
**866-FWC-GATOR (866-392-4286).**



MyFWC.com/Alligator



# A Guide to Living with Alligators



Jamie Feddersen



Tim Donovon, FWC

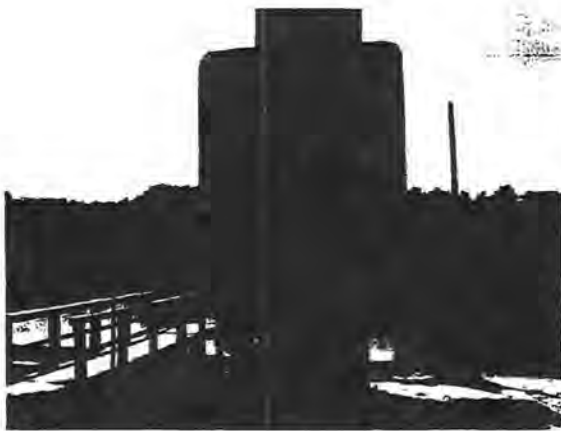
Call 866-FWC-GATOR (392-4286) to report nuisance alligators.

Printed on recycled content.

02/2012



Florida Fish and Wildlife Conservation Commission  
MyFWC.com



Elizabeth West, FWC

Do not swim outside of posted swimming areas or in waters that may be inhabited by alligators.

### Living with Alligators

In Florida, the growing number of people living and recreating near water has led to a steady rise in the number of alligator-related complaints. The majority of these complaints relate to alligators being where they simply aren't wanted. Because of these complaints, the Florida Fish and Wildlife Conservation Commission's Statewide Nuisance Alligator Program permits the killing of approximately 7,000 nuisance alligators each year. Using this approach, and through increased public awareness, the rate of alligator bites on people has remained constant despite the increased potential for alligator-human interactions as Florida's human population has grown.

Alligators are an important part of Florida's landscape and play a valuable role in the ecology of our state's wetlands. Alligators are predators and help keep other aquatic animal populations in balance. A better understanding of the facts and information presented in this brochure will help ensure that people and alligators can continue to coexist.

Visit [MyFWC.com/Gators](http://MyFWC.com/Gators) for more information about alligators and the latest nuisance alligator program statistics.



Tim Donovan, FWC

### Alligators and People

Alligators are a fundamental part of Florida's wetlands, swamps, rivers and lakes, and they are found in all 67 counties. Florida continues to experience human population growth. Many new residents seek waterfront homes, resulting in increased interactions between people and alligators.

Although most Floridians understand that we have alligators living in our state, the potential for conflict exists. Because of their predatory nature, alligators may target pets and livestock as prey. Unfortunately, people also are occasionally bitten. Since 1948, Florida has averaged about five unprovoked bites per year. During that period, a little more than 300 unprovoked bites to people have been documented in Florida, with 22 resulting in deaths.

In the past 10 years, the Florida Fish and Wildlife Conservation Commission has received an average of nearly 16,000 alligator-related complaints per year. Most of these complaints deal with alligators occurring in places such as backyard ponds, canals, ditches and streams, but other conflicts occur when alligators wander into garages, swimming pools and golf course ponds. Sometimes, alligators come out of the water to bask in the sun or move between wetlands. In many cases, if left alone, these alligators will eventually move on to areas away from people.

### Safety Tips

■ Generally, alligators less than four feet in length are not large enough to be dangerous unless handled. However, if you encounter any alligator that you believe poses a threat to people, pets or property,

call the Nuisance Alligator Hotline at 866-FWC-GATOR (866-392-4286). Please be aware, nuisance alligators are killed, not relocated.

- Be aware of the possibility of alligators when you are in or near fresh or brackish water. Bites may occur when people do not pay close enough attention to their surroundings when working or recreating near water.
- Do not swim outside of posted swimming areas or in waters that might be inhabited by large alligators.
- Alligators are most active between dusk and dawn. Therefore, avoid swimming at night.
- Dogs and cats are similar in size to the natural prey of alligators. Don't allow pets to swim, exercise or drink in or near waters that may contain alligators. Dogs often attract an alligator's interest, so do not swim with your dog.
- Leave alligators alone. State law prohibits killing, harassing or possessing alligators. Handling even small alligators can result in injury.



Tim Donovan, FWC

A young alligator wanders onto a porch in a residential neighborhood.

**APPENDIX F**

**WADING BIRD INFORMATIONAL PAMPHLET**

**Action to be taken if you  
observe someone  
harassing a  
wading bird:**

**Promptly notify the FWCC  
1-888-404-FWCC**

**Tips for living with  
wading birds**

- Do not feed wading birds.
- Keep out of vegetated areas surrounding lakes and marshes.
- Keep pets leashed to avoid coming into contact with wading birds.
- Properly dispose of fishing line to avoid bird entanglement.

*Prepared By:*

 **PASSARELLA  
& ASSOCIATES** 

*13620 Metropolis Avenue, Suite 200  
Fort Myers, Florida 33912  
(239) 274-0067*

**WADING  
BIRD  
INFORMATIONAL  
PAMPHLET**



**KINGSTON**

### **Description:**

Wading birds are a diverse group of birds which utilize shallow marsh areas as foraging and breeding habitats. They are typically characterized as having long necks, legs and bills, which allows them to feed in shallow water. Wading birds can be found in Florida year round. Examples of wading birds include: great egrets, great blue herons, white ibises, little blue herons and snowy egrets.

### **Habitat:**

Wading birds inhabit all counties in the state of Florida and are most common in the shallow marsh or wetland areas throughout the state. They can also be found in both coastal and inland areas, salt marshes, swamps, ponds, drainage canals, and ditches. Wading birds breed and nest in colonies which consist of various species of other wading birds. Breeding generally occurs just prior to or during the wet season. Stick nests are built in trees or bushes near wetland areas and above the water line.

Wading birds feed in shallow water areas where prey is most concentrated. They feed by spearing prey with their bills or by straining small species out of the water and sediment. Prey may include small fish, invertebrates or other aquatic organisms. Wading birds have also been known to consume snakes, frogs and small rodents.

### **Protection:**

Most wading birds are listed as species of special concern by the State of Florida. Some species such as wood storks are listed as endangered by both the State of Florida and the U.S. Fish and Wildlife Service. It is unlawful for anyone to disturb or take nests or eggs, feed, injure, harm, harass, or kill any wading birds species. Persons who knowingly violate the law may be subject to fines and/or jail time.

If wading birds form a nesting colony on the property in the future, avoid activities within 330 feet of the colony during the nesting season (March 1 to August 1).

**APPENDIX G**

**FLORIDA BLACK BEAR INFORMATIONAL PAMPHLET**



### Secure your garbage

- Store garbage in a secure area, such as a sturdy shed or garage, until the morning of pickup, or
- Build a small shed to store trash cans. Be sure there are no gaps along the shed's edges and use screws. If the shed is curbside, call your waste service provider to ensure it will still service your trash cans, or
- Modify your regular trash can to make it bear-resistant by adding hardware. To be successful, the lid must not be flexible and the can must not collapse when you stand on its side. Call your waste service provider to ensure it will service a modified trash can, or
- Request a commercially manufactured bear-resistant trash can from your waste service provider. If they do not provide these cans, you can special order one from a hardware store, but ensure your waste service provider will service it.



Funds from Florida's "Conserve Wildlife" license plate help conserve bears and reduce human-bear conflicts. Buy one today through your local tax collector's office or online at [BuyAPlate.com](http://BuyAPlate.com).



### How FWC responds to conflicts

The FWC addresses human-bear conflicts in a variety of ways, including providing technical assistance over the phone, conducting an in-person visit with the resident, using deterrents (such as an electric fence), attempting to scare the bear away, or, in rare cases, attempting to trap the bear.

While most conflicts can be avoided by securing attractants, biologists assess each situation on a case-by-case basis and use FWC policies and guidelines to help decide on the most appropriate response.

The earlier the FWC is notified, the more response options are available.

The longer a conflict situation continues, the more likely the bear will develop behaviors that present a risk to public safety, such as entering a dwelling, harming a leashed dog or injuring a person.

Once this happens, it is too late to try to change the bear's behavior and it must be humanely killed.

**Warning! It is illegal to take, possess, injure, shoot, collect or sell black bears under Florida state law unless authorized by an FWC-issued permit. If you are found guilty, you could face fines and/or jail time.**

### Where bears live in Florida



If you are experiencing bear conflicts, please contact the nearest FWC regional office. The sooner the FWC knows about bear activity, the more options are available to prevent a bear from becoming a public safety risk.

North Central	Lake City	(386) 758-0525
Northeast	Ocala	(352) 732-1225
Northwest	Panama City	(850) 265-3676
South	West Palm Beach	(561) 625-5122
Southwest	Lakeland	(863) 648-3200

In an emergency or if you suspect illegal activity, call the Wildlife Alert Hotline at 888-404-FWCC (3922).

Follow us on:

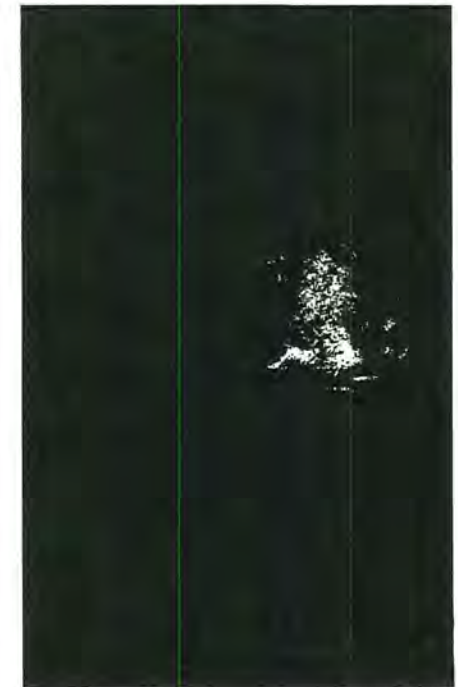


Florida Fish and Wildlife Conservation Commission  
[MyFWC.com/Bear](http://MyFWC.com/Bear)

printed on recycled paper

8/2018

## A guide to living in bear country



Ashley Hockenberry



Florida Fish and Wildlife Conservation Commission  
[MyFWC.com/Bear](http://MyFWC.com/Bear)



CHRISTOPHER GUNNY

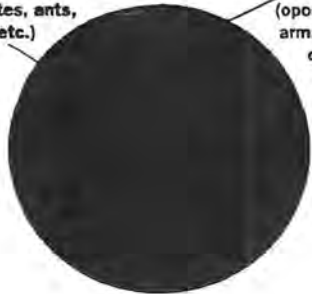
**The bear facts**

- Black bears are the only species of bear in Florida.
- Biologists estimate approximately 4,000 black bears roam Florida today, compared to as few as 300 bears in the 1970s.
- Bears can pick up scents from over a mile away; that's seven times better than a bloodhound and the best of any land mammal.
- Adult bears typically weigh between 150 to 400 pounds, with males often twice the size of females.
- Females have their first litter around 3 years of age, with one to three cubs born every other year.
- Breeding occurs from June to August, with cubs born around February 1.
- On average, females range over 15 square miles and males range over 60 square miles.

**A bear's diet**

**15% Insects**  
(termites, ants, bees, etc.)

**5% Meat**  
(opossums, armadillos, carrion, etc.)



**It is illegal to put out food or garbage that attracts bears and causes conflicts.**

**Anything that attracts dogs, cats or raccoons also attracts bears!**

**Bear behavior and you**

Black bears are shy and generally not aggressive. When seen near homes or workplaces, bears are often just passing through. When frightened, bears typically run away or climb a tree. If a bear is in a tree, it is either feeding or trying to escape danger. Keep people and pets away, and the bear will leave on its own, usually after dark.

When a bear stands on its hind legs, it is trying to get a better view or scent. Black bears may huff, snap their jaws, swat the ground or "bluff charge" when cornered, threatened or defending food or young. If this happens, stop, hold your ground and then slowly back away.

Remember bears are large, powerful, wild animals that can act unpredictably and become dangerous. Bears who receive food from people may lose their natural fear of them and are more likely to damage property or become a public safety risk. NEVER feed or attract bears. If a bear is eating something on your property, take note of what it is and secure it after the bear has left the area.

**Carry bear spray and learn how to use it properly, paying attention to wind direction, distance to bear (20-30 ft.) and your escape route. Make sure to buy spray designed for use on bears.**

**Learn all about Florida's bears and being BearWise at [MyFWC.com/BearWise](http://MyFWC.com/BearWise).**



**BearWise tips:**

- Never approach a bear. Keep as much distance between you and the bear as possible.
- If a bear changes its behavior because you're there, you are too close.
- If you encounter a bear at close range, stand with arms raised, back up slowly and speak to the bear in a calm, assertive voice.
- Do not turn your back, play dead or run from a black bear.
- Make sure you are in a secure area, such as a car or building, and the bear has a clear escape route, then scare the bear away with loud noises, like yelling, blowing a whistle, or using an air or car horn.
- Install a motion-activated device, such as flood lights, a water sprinkler or audio alarm, to scare a bear away from a location when you are not present.
- Report any bear threatening the safety of people, pets or livestock, or causing property damage, to the FWC (see back cover).
- Walk dogs on a non-retractable leash and be aware of your surroundings. Dogs can trigger defensive behaviors from bears.

**Encourage your school system to use the Florida Black Bear Curriculum Guide. The guide is designed for grades 3 to 8 and is correlated to state education standards.**



**Avoid attracting bears**

Bears do not hang around people if they do not find food. Properly storing or securing garbage and other attractants is a proven method of preventing bear conflicts. However, it takes a community-wide effort to keep bears wild and away from neighborhoods.

- Use electric fencing to protect gardens, garbage, compost piles, beehives, fruit trees and livestock.



JOHN BOFFA

- Keep garage doors closed when not in use.
- Feed pets indoors or bring food dishes (even empty ones) inside at night.
- Store pet and livestock feed in bear-resistant containers or inside a secure area.
- Remove or modify bird and wildlife feeders and ensure the ground is free of all feed debris.
- Properly harvest ripe nuts, fruits, and vegetables and remove rotten fruits and vegetables.
- Create an "unwelcome" mat by driving finishing nails, heads up, into a sheet of anchored plywood to keep bears away from a specific area, such as under a window, door or fence.
- Keep outdoor refrigerators and freezers in a secure location or lock up with super-adhesive anchors, like Marine Locks™.
- Clean meat smokers and barbeque grills with a degreasing detergent and store in a secure area. Dispose of food remnants/grease after each use.

**A screened-in porch will not keep bears out!**

**APPENDIX H**

**FLORIDA PANTHER INFORMATIONAL PAMPHLET**

### You live in Florida panther country

Florida panthers are reclusive and rarely seen by people. They normally live in remote, undeveloped areas. However, as the number of people in southern Florida grows, there is an increased chance of an encounter with a Florida panther.

This brochure contains some guidelines to help you live safely in Florida panther country.



Keep children within sight and close to you, especially outdoors between dusk and dawn.

**If you feel threatened by a panther, or have lost pets or livestock to a panther, please call the Florida Fish and Wildlife Conservation Commission's Wildlife Alert Hotline at 1-888-404-FWCC (3922).**

### If you see a Florida panther

The Florida panther moves primarily at night. The chances of seeing a panther are slim. But if you live in Florida panther country, you need to know what to do if you see one.

- Keep children within sight and close to you.** Pick up any small children so they don't panic and run. Try to do this without bending over or turning away from the Florida panther.
- Give them space.** Florida panthers typically will avoid a confrontation. Give them a way to escape.
- Do not run.** Running may stimulate a panther's instinct to chase. Stand and face the animal. Make eye contact to let the panther know you are aware of its presence.
- Avoid crouching or bending over.** Squatting or bending makes you look smaller, resembling a prey-sized animal.
- Appear larger.** Make gestures that indicate you are not prey and that you may be a danger to the panther. Raise your arms. Open your jacket. Throw stones, branches or whatever you can reach without crouching or turning your back. Wave your arms slowly and speak firmly in a loud voice.
- Fight back if attacked.** There has never been a reported panther attack in Florida. In western states, where attacks by cougars have occurred very rarely, potential victims have fought back successfully with rocks, sticks, caps, jackets, garden tools and their bare hands. Since large cats usually try to bite the head or neck, try to remain standing and face the animal.



♻️ printed on recycled paper



Florida Fish and Wildlife  
Conservation Commission  
620 S. Meridian Street  
Tallahassee, FL 32399-1600  
[MyFWC.com/Panther](http://MyFWC.com/Panther)

## A guide to living with Florida Panthers



© Lynn Stone

[MyFWC.com/Panther](http://MyFWC.com/Panther)

## 7 ways to live safely in Florida panther country

While these guidelines are meant to help you live safely in Florida panther habitat, they also apply to living with more commonly encountered wildlife, including raccoons, snakes, bears and alligators.

### 1. Be alert from dusk 'til dawn (and whenever deer are active)

Florida panthers primarily are active at night. Exercise more caution at dawn, dusk or dark.

### 2. Keep panther prey away

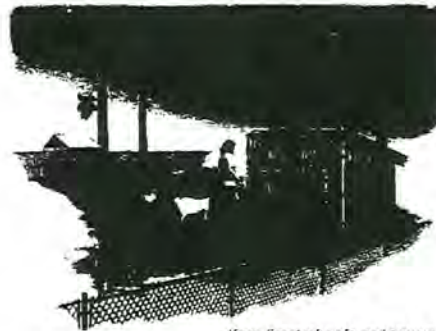
Deer, raccoons, rabbits, armadillos and wild hogs are prey for the Florida panther. By feeding deer or other wildlife, people inadvertently may attract panthers. Do not leave potential wildlife food outside, such as unsecured garbage or pet food. Consider fencing vegetable gardens.

### 3. Keep pets secure

Free-roaming pets, or pets that are tethered and unfenced, are easy prey for predators, including panthers. Bring pets inside or keep them in a secure and covered kennel at night. Feeding pets outside also may attract raccoons and other panther prey; do not leave uneaten pet food available to wildlife.



Keep your pets safe and secure. Bring pets inside or keep them in a secure and covered kennel at night.



Keep livestock safe and secure.

### 4. Keep domestic livestock secure

Where practical, place chickens, goats, hogs or other livestock in enclosed structures at night. Electric fencing can be an effective predator deterrent.

### 5. Landscape for safety

Remove dense or low-lying vegetation that would provide hiding places for panthers and other predatory animals near your house.

- Remove plants that deer like to eat.
- Choose plants that do not attract deer or other panther prey species. For information on plants that deer do not like to eat, visit [edis.ifas.ufl.edu/UW137](http://edis.ifas.ufl.edu/UW137).
- Appropriate fencing will make your yard or play area uninviting to prey animals such as deer.

### 6. Consider other deterrents

Outdoor lighting, motion sensors and electric fencing also may deter prey animals and panthers from entering your yard. Outdoor lighting also will make approaching prey and panthers more visible to you.

### 7. Hike or bike with a friend

When recreating outdoors, it's a good practice to let friends or family know your whereabouts and when you expect to return. Better yet, take a friend with you!

## Florida panther facts

- 🐾 The Florida panther is a subspecies of puma, also known as a mountain lion or cougar. It is the last subspecies still surviving in the eastern United States.
- 🐾 Biologists estimate roughly 100-160 adult and subadult Florida panthers remain in the wild. Most panthers live in southwest Florida, south of the Caloosahatchee River, although some panthers have been documented traveling as far north as central Georgia.
- 🐾 The Florida panther's decline occurred prior to 1950, when it still was legal to hunt panthers. It was listed as endangered in 1967 and is protected under federal and state laws.
- 🐾 Florida panther numbers declined to roughly 30 cats by the early 1980s. Severe inbreeding resulted in many health and physical problems. A genetic restoration project in 1995 was successful in improving the genetic health and vigor of the panther population.
- 🐾 Florida panthers are found primarily in the Big Cypress/Everglades ecosystem in Collier, Lee, Hendry, Monroe and Miami-Dade counties.
- 🐾 Florida panthers' home range sizes vary by sex and by individual. Female home ranges are typically 60-75 square miles whereas males' are typically 160-200 square miles.



FWS panther team

- 🐾 There is no record of a Florida panther attacking a person. Florida panthers are rarely seen.
- 🐾 The biggest threat to the future of the Florida panther is habitat loss. A number of panthers also die each year due to vehicle strikes on roadways.
- 🐾 The Florida panther was chosen as the State Animal of Florida in 1982 by a vote of elementary school students throughout the state.



This brochure was produced through a partnership of the Audubon Society of Florida, Conservancy of Southwest Florida, Defenders of Wildlife, Florida Fish and Wildlife Conservation Commission, Florida Wildlife Federation, Friends of the Florida Panther Refuge, Mountain Lion Foundation, National Park Service, National Wildlife Federation, Seminoles Tribe of Florida, University of Florida and the U.S. Fish and Wildlife Service.

Funding provided by the Florida Fish and Wildlife Conservation Commission, Friends of the Florida Panther Refuge and the National Fish and Wildlife Foundation.

**APPENDIX I**  
**PRESCRIBED BURNING INFORMATION**

# Florida Landowner Assistance Program Practice Standard - Prescribed Burning



## Definition

The controlled application of fire in accordance with a written prescription for vegetative fuels under specified environmental conditions while following appropriate precautionary measures that insure that the fire is contained to a predetermined area to improve habitat for resident and migratory wildlife species.

## Purposes

This practice may be applied as part of a conservation management system to support one or more of the following purposes:

- To improve habitat for various wildlife species, including imperiled species.
- To control invasive and/or exotic vegetation.
- To control plant diseases affecting native vegetation.
- To reduce wildfire hazards.
- To enhance native ground cover plants and seed production.
- To restore and maintain fire dependent ecological sites.

## Conditions Where Practice Applies

This practice may be applied on any private land, where deemed needed, to improve overall wildlife habitat conditions.

## Criteria

### I. General Criteria Applicable to All Purposes

The method(s) of prescribed burning to improve wildlife habitat structure and composition shall be determined by the assigned biologist conducting the Needs Assessment. Application of the prescribed treatment will be based on the GIS analysis, site examination, and local wildlife species present. The landowner shall obtain all necessary burn authorizations and/or permits before implementation of the practice. Planning and application shall comply with all Federal, State, and local laws, rules, and regulations. The procedure, equipment, and number of trained personnel shall be adequate to accomplish the intended purposes as stated in the burn plan. The expected weather conditions, human and vehicular traffic that may be impeded by heat or smoke, liability, and safety and health precautions shall be integrated into the timing, location and expected intensity of the burn. Timing of burning will be commensurate with soil and site conditions to maintain site productivity and minimize effects on soil erosion and soil properties. Firebreak construction and maintenance are not included as a cost-shared treatment.

## **II. Specific Criteria to Improve Wildlife Habitat**

The appropriate season of burning, burning technique, burning frequency, and size of burn shall be selected based on the wildlife habitat needs and site limitations. Where practical, prescribed burning shall be planned and applied in a manner that creates a "patchy" mosaic of burned and unburned vegetation.

## **III. Specific Criteria to Control Undesirable Vegetation**

Prescribed burns to control brush or other undesirable vegetation shall consider the anticipated seed production and re-sprouting response of the targeted species. The frequency and intensity of the planned burn shall be based on the re-growth of the target species, weighed against wildlife habitat considerations. Prescribed burns planned for areas with known infestations of invasive and/or exotic species shall address anticipated response of those species during and following the prescribed burn. Re-establishment of native vegetation shall be planned for burned areas, where needed, to prevent encroachment of undesirable plants, control soil erosion, and restore historic plant communities.

## **IV. Specific Criteria to Improve Native Plant Production Quantity and/or Quality**

Prescribed burns shall be planned to provide optimum benefit to the native plant species of concern. When possible, prescribed burns shall be conducted during periods of adequate soil moisture to encourage desirable plant recovery following the burn. Appropriate protection from livestock, human, and wildlife activities shall be implemented to allow desirable vegetation to recover from the stress of the burn. Burned areas shall be protected until the vegetation has recovered sufficiently to allow use to be restored without damaging the vegetation.

## **Considerations**

Prescribed burns should be cost-effective and efforts to protect any threatened and endangered species, cultural resources, wildlife habitat, water resources, and identified unique natural areas should be considered. Personal safety should also be considered during all prescribed burning activities. Where practical, the season, frequency, duration, and intensity of prescribed burns should mimic the natural occurrence of fire typical of the ecological community being managed. Consider the use of existing barriers, such as lakes, streams, wetlands, roads, and existing firebreaks in the design and layout of the burn. To minimize smoke related issues, burn frequently under acceptable weather conditions and complete all burns as quickly as practical.

## **Operation and Maintenance**

The following actions shall be carried out to insure that this practice functions as intended throughout its expected life: 1) Evaluations to determine if the stated objectives were met and to improve coordination of future burns, 2) Initial evaluations should be conducted within 2 weeks following the burn, 3) Long term evaluations should be conducted during or after the first growing season following the burn.

Items to consider in these evaluations include:

- a. Were the pre-burn preparations properly completed?
- b. Were the initial objectives met?
- c. Was the burn prescription followed?
- d. Were deviations from the burn prescription documented?
- e. Was the burning technique(s) adequate to meet the planned objectives?
- f. Were weather conditions, fire behavior, and smoke dispersion within the planned limits of the prescription?
- g. What were the effects on the soil, vegetation, water, and wildlife resources?
- h. Did the fire escape the planned area?
- i. How could future burns be improved?
- j. Were the post-burn activities applied correctly to meet the stated purpose or objective of the burn?

**APPENDIX J**

**AMERICAN ALLIGATOR MANAGEMENT AND PRESERVE SIGNAGE**



## EXHIBIT K Kingston Offsite Sewer

### Scope:

- The Kingston development will require a 16" force main westerly along Corkscrew Road from the development and connect to a 20" force main at the entrance of the FFD development.
- It is anticipated that the FFD development will require a 20" force main from their development westerly along Corkscrew Road to Alico Road where it will connect to a County installed force main
- The County installed force main will then go northerly along Alico Road and connect to the Alico Road Wastewater Treatment Plant SEWRF.

### Construction Phasing:

Prior to the completion of the SEWRF the amount of initial Kingston density allowed to utilize the existing County wastewater system shall be 3,930 residential units determined as follows:

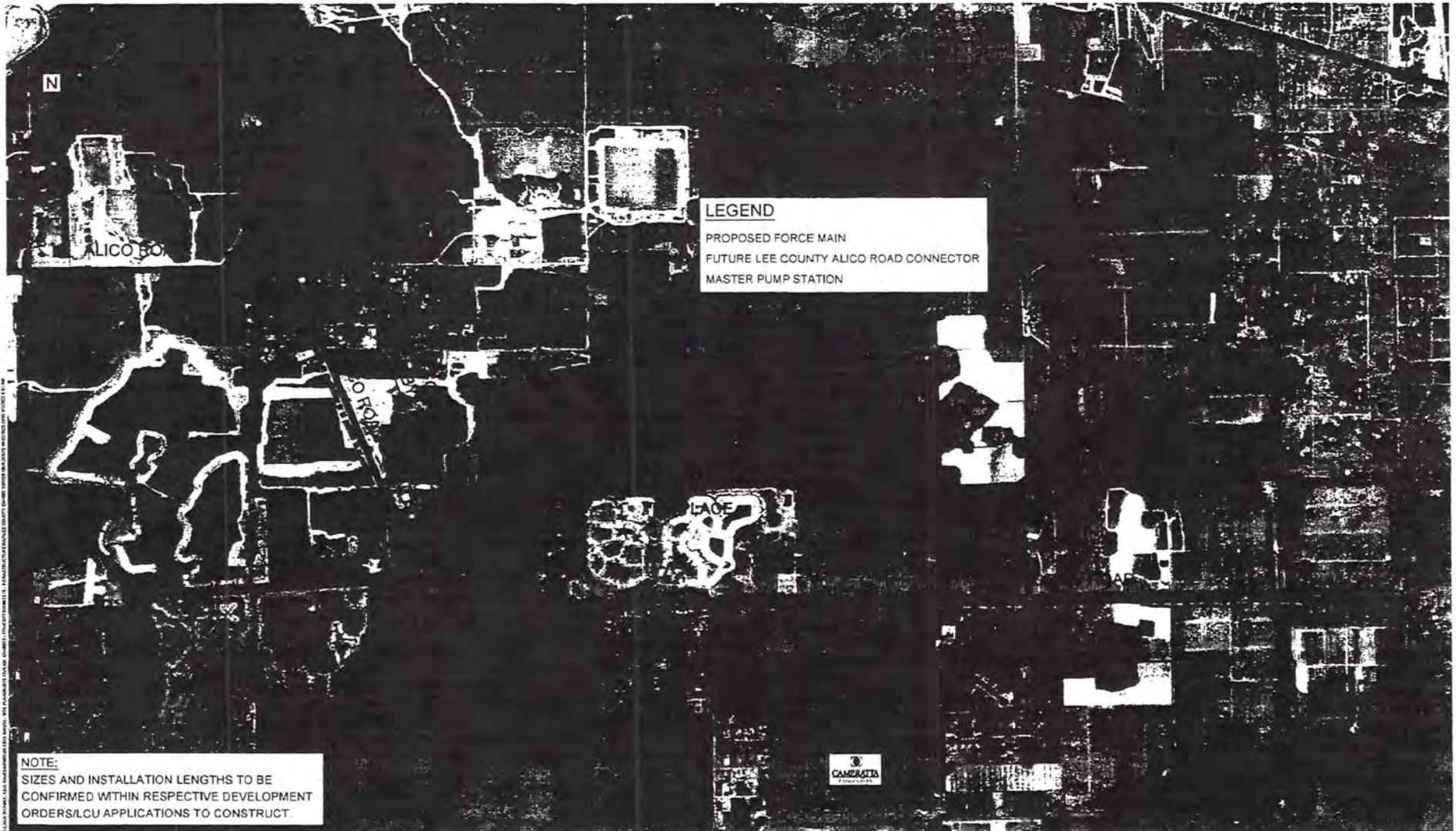
- The Kingston Developer will coordinate with the Verdana Village Developer to delay constructing residential homes in the Verdana Village Phase 3 (Pod 2) which is currently approved for 1,219 residential homes.
- The sewer capacity at the Pinewoods Master Pump Station has been analyzed using a consumptive use rate of 200GPD compared to a design calculation of 250GPD which generates additional Pinewoods capacity for 2,711 residential units. This calculation is solely being used to determine the maximum Kingston density allowed to connect to the County existing wastewater facilities until the SEWRF is completed. All Project sewer design and connection fees shall be performed using the consumptive use rate of 250GPD.

### Phase 1 Construction Phase:

A force main will be installed from the Kingston development westerly along Corkscrew Road and connect to the Verdana Village Phase 3 (Pod 2) master lift station.

### Phase 2 Construction Phase:

A force main will be installed from the Verdana Village development along Corkscrew Road and connect to an existing force main at the FFD development that connects along Corkscrew Road to a force main on Alico Road installed by the County that connects to the SEWRF.



**EXHIBIT L**

**KINGSTON  
INDIGENOUS PRESERVATION, RESTORATION, AND  
MANAGEMENT PLAN**

**DRAFT**

**April 2022**

Prepared For:

***CAM7-Sub, LLC***  
*21101 Design Parc Lane Suite 103*  
*Estero, Florida 33928*  
*(239) 425-8662*

Prepared By:

***Passarella & Associates, Inc.***  
*13620 Metropolis Avenue, Suite 200*  
*Fort Myers, Florida 33912*  
*(239) 274-0067*

## TABLE OF CONTENTS

	<u>Page</u>
1.0 Introduction.....	1
2.0 Existing Indigenous Vegetation Habitats.....	1
3.0 Existing Non-Indigenous Vegetation.....	2
4.0 Indigenous Vegetation Preservation and Enhancement.....	2
4.1 Methods to Remove and Control Exotic and Nuisance Plants .....	2
4.2 Debris Removal .....	3
4.3 Method and Frequency of Pruning and Trimming .....	3
5.0 Indigenous Vegetation Restoration.....	4
5.1 Removal of Exotics and Supplemental Plantings .....	4
5.2 Wetland and Upland Restoration from Farm Fields .....	6
5.2.1 Wetland Grading and Planting .....	6
5.2.2 Upland Grading and Planting.....	8
6.0 Preserve Activity Schedule .....	10
7.0 Success Criteria.....	10
7.1 Indigenous Wetland and Upland Preservation and Enhancement .....	10
7.2 Indigenous Wetland and Upland Restoration .....	10
7.3 Wetland and Upland Restoration from Farm Fields .....	10
8.0 Maintenance .....	11
8.1 Prescribed Fire .....	11
9.0 Monitoring Reports.....	12
10.0 Long-Term Management and Monitoring .....	12
11.0 Preserve Signage and Community Education Plan.....	13
12.0 References.....	13

**LIST OF TABLES**

	<u>Page</u>
Table 1. Prohibited Invasive Exotics .....	2
Table 2. Supplemental Wetland Plantings .....	5
Table 3. Supplemental Upland Plantings .....	6
Table 4. Wetland Restoration Plantings.....	7
Table 5. Upland Restoration Plantings .....	9

## LIST OF APPENDICES

	<u>Page</u>
Appendix A. Indigenous Vegetation Map .....	A-1
Appendix B. FLUCFCS Descriptions .....	B-1
Appendix C. Aerial with FLUCFCS and Wetlands Map .....	C-1
Appendix D. Indigenous Vegetation, Preservation, and Restoration Plan .....	D-1
Appendix E. Typical Preserve Signage .....	E-1

## 1.0 INTRODUCTION

The following outlines the Lee County Indigenous Preservation, Restoration, and Management Plan for Kingston (Project) located in Sections 2, 3, 10, 11, 14, 15, 23-26, and 34-36; Township 46 South; Range 27 East; and Section 35; Township 45 South; Range 27 East; Lee County. The Project site totals 6,676.72± acres. As part Lee County's open space requirements, the Project proposes to establish on-site conservation areas totaling 3,287.23± acres. The proposed conservation areas will contain the following elements:

- Preservation and enhancement of 999.07± acres of indigenous wetlands and uplands (existing forested and herbaceous habitats with less than 75 percent exotics);
- Restoration of 373.16± acres of indigenous wetlands, other surface waters (OSW), and uplands vegetation through removal of exotic vegetation (existing forested and herbaceous habitats with greater than 75 percent exotics) and supplemental planting; and
- Restoration of 1,915± acres of wetlands and uplands from farm fields and replanting with native vegetation.
- Open water areas may be incorporated into the wetland restoration from farm fields.

The preservation and enhancement of existing indigenous vegetation and the restoration of extensive areas of farm fields back to indigenous habitats will serve to provide significant regional flow-ways and wildlife corridors within the Project site. The proposed on-site preservation and restoration of indigenous upland and wetland vegetation communities will create significant areas of wildlife habitat that will complement the adjacent Lee County Imperial Marsh Preserve to the west and the Corkscrew Regional Ecosystem Watershed (CREW) to the south. The proposed flow-ways will also serve to re-establish the north to south flow of water through the Project that existed historically.

## 2.0 EXISTING INDIGENOUS VEGETATION HABITATS

Pursuant to Land Development Code (LDC) Section 10-1, indigenous native vegetation means those plant species that are characteristic of the major plant communities of the County. Native habitats where invasive exotic vegetation has exceeded 75 percent coverage are not considered to be indigenous vegetation.

The Project site includes 1,005.13± acres (combined pre-development wetland and upland acres) of existing indigenous native vegetation. The indigenous areas occur on-site as clustered areas of wetland and upland forest and herbaceous habitats with less than 75 percent coverage by exotics, primarily located within the central and northern portion of the Project site. Smaller, remnant areas of indigenous habitat are located scattered in the southern portion of the Project. The existing indigenous wetland and upland vegetation communities are identified in Appendix A.

The indigenous wetland habitats total 914.21± acres and consist mostly of cypress, hydric pine, cypress/pine/cabbage palm, mixed wetland forest, freshwater marsh, and wet prairie habitats. The indigenous uplands total 90.92± acres and consist mostly of pine flatwoods and disturbed pine

habitat types. The Florida Land Use, Cover and Forms Classification System (FLUCFCS) (Florida Department of Transportation 1999) descriptions of the indigenous wetland and upland habitats proposed for preservation are provided in Appendix B. An aerial with FLUCFCS is attached as Appendix C.

**3.0 EXISTING NON-INDIGENOUS VEGETATION**

Approximately 5,671.58± acres (combined pre-development wetland and upland acres) of the Project site consist of vegetation communities that do not meet the LDC’s definition of indigenous vegetation. The non-indigenous areas are predominantly row crop and citrus grove with associated agricultural operations and ditching and drainage systems. Existing non-indigenous wetlands on the site total 278.60± acres and consist of Brazilian pepper areas, melaleuca areas, disturbed lands, and wetland habitats with greater than 75 percent coverage by exotics, primarily Brazilian pepper (*Schinus terebinthifolia*) and melaleuca (*Melaleuca quinquenervia*). Non-indigenous uplands on the Project site total 5,086.63± acres and consist primarily of row crop and citrus grove along with their associated agricultural operation areas. Non-indigenous areas also include 306.35± acres of agricultural ditching and man-made surface waters (water detention and conveyance). The non-indigenous wetland and upland vegetation communities and surface waters are identified in Appendix A. The FLUCFCS descriptions of the non-indigenous areas on the Project site are provided in Appendix B.

**4.0 INDIGENOUS VEGETATION PRESERVATION AND ENHANCEMENT**

A total of 999.07± acres (910.22± acres of wetlands and 88.85± acres of uplands) with less than 75 percent existing exotic vegetation will be preserved and enhanced by the removal/treatment of exotic and nuisance vegetation. The locations of the indigenous preservation areas are shown on Appendix D.

**4.1 Methods to Remove and Control Exotic and Nuisance Plants**

Exotics to be eradicated include, but are not limited to, the 21 species of prohibited invasive exotic species listed in Section 10-420(h) of the LDC (Table 1).

**Table 1. Prohibited Invasive Exotics**

Common Name	Scientific Name
Air potato	<i>Dioscorea alata</i>
Australian pines	All <i>Casuarina</i> species
Bishopwood	<i>Bischofia javanica</i>
Brazilian pepper	<i>Schinus terebinthifolia</i>
Carrotwood	<i>Cupaniopsis anacardioides</i>
Chinese tallow	<i>Sapium sebiferum</i>

Table 1. (Continued)

Common Name	Scientific Name
Cork tree	<i>Thespesia populnea</i>
Cuban laurel fig	<i>Ficus microcarpa</i>
Downy rose-myrtle	<i>Rhodomyrtus tomentosus</i>
Earleaf acacia	<i>Acacia auriculiformis</i>
Japanese climbing fern	<i>Lygodium japonicum</i>
Java plum	<i>Syzygium cumini</i>
Melaleuca	<i>Melaleuca quinquenervia</i>
Murray red gum	<i>Eucalyptus camaldulensis</i>
Old World climbing fern	<i>Lygodium microphyllum</i>
Rose apple	<i>Syzygium jambos</i>
Rosewood	<i>Dalbergia sissoo</i>
Tropical soda apple	<i>Solanum viarum</i>
Wedelia	<i>Wedelia trilobata</i>
Weeping fig	<i>Ficus benjamina</i>
Woman's tongue	<i>Albizia lebbek</i>

Exotic and nuisance vegetation removal will be conducted primarily by hand methods. Hand treatment will be either felling of exotic trees, hand removal, and herbicide treatment of the stumps; or by hand pulling and removal. The treatment of exotic and nuisance vegetation will include one or more of the following methods: (1) cut exotics within 12 inches of ground elevation, hand remove cut vegetation, and treat remaining stump with approved herbicide; (2) girdle standing Brazilian pepper, melaleuca, and Australian pine (*Casuarina equisetifolia*) with diameter at breast height greater than 4 inches and apply approved herbicide to cambium; (3) foliar application of approved herbicide to Brazilian pepper, melaleuca saplings, Australian pine, and downy rose-myrtle (*Rhodomyrtus tomentosus*); (4) foliar application of approved herbicide or hand pulling of exotic seedlings; and (5) foliar application of approved herbicide to nuisance grasses.

#### 4.2 Debris Removal

Exotic vegetative debris that is cut will be removed from the indigenous preserve areas. Exotic debris may be stacked in the adjacent farm fields or open land and burned. The preserve areas will be inspected annually for trash/garbage. Any trash/garbage located within the preserve areas will be removed and disposed of by hand.

#### 4.3 Method and Frequency of Pruning and Trimming

Exotic removal within the existing indigenous habitats is scheduled to begin after the applicable permits and approvals have been attained for each phase. After the completion

of the initial exotic removal, semi-annual inspections of the preserves will occur for the first two years. During these inspections, the conservation areas will be traversed by a qualified ecologist. Locations of nuisance and/or exotic species will be identified for immediate treatment with an appropriate herbicide. Any additional potential problems will also be noted, and corrective actions taken. Once exotic/nuisance species levels have been reduced to acceptable limits, inspections of the conservation areas will be conducted a minimum of once every two years to coincide with the Community Development District (CDD) engineer inspection.

Maintenance will be conducted in perpetuity to ensure that the conservation areas are free of exotic vegetation, including the prohibited invasive exotic species listed in Section 10-420(h) of the LDC (Table 1).

## **5.0 INDIGENOUS VEGETATION RESTORATION**

Restoration and re-establishment of indigenous vegetation communities will be conducted in areas with greater than 75 percent coverage by exotic vegetation and in the existing farm fields within the conservation areas. Restoration activities will include 373.16± acres of exotic removal and supplemental plantings in existing habitats and OSWs with greater than 75 percent exotics and 1,915± acres of wetland and upland restoration from existing agricultural lands. The locations of the various types of restoration areas are shown on Appendix D.

### **5.1 Removal of Exotics and Supplemental Plantings**

Approximately 373.16 acres (258.74± acres of wetlands, 2.23± acres of OSWs, and 112.19± acres of uplands) with greater than 75 percent exotics will be enhanced by the removal of exotic species and supplemental plantings of native vegetation. Mechanical equipment may be utilized to assist in the removal of exotic species in these areas. Cut vegetative debris will be removed from these areas in order to allow for successful supplemental plantings. All efforts will be made to preserve native trees when conducting the exotic removal with mechanized equipment. To minimize adverse impacts to the ground surface, machinery that exerts a relatively low impact on the ground surface (i.e., tracked skid steer, feller-buncher) will be utilized within the mechanical removal areas.

Following the removal of exotics, supplemental wetland plantings will be installed in the 258.74± acres of wetland and 2.23± acres of OSW habitats. Wetland plantings will be selected based on the type of native vegetation that occurs in the adjacent or nearby wetland habitats. Tree and ground cover species will be planted according to the specifications in Table 2. A minimum of three tree species and five ground cover species will be planted. The species selected for planting will depend on market availability at the time the plantings are to occur.

Table 2. Supplemental Wetland Plantings<sup>1</sup>

Common Name	Scientific Name	Minimum Height	Container Size	Planting Instruction (On Center)
<b>Trees</b>				
Bald cypress	<i>Taxodium distichum</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Red maple	<i>Acer rubrum</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Slash pine	<i>Pinus elliottii</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Laurel oak	<i>Quercus laurifolia</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Dahoon holly	<i>Ilex cassine</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Pop ash	<i>Fraxinus caroliniana</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Pond apple	<i>Anona glabra</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
<b>Ground Cover</b>				
Sand cordgrass	<i>Spartina bakeri</i>	12 in.	2 in.	5 to 8 ft.
Wiregrass	<i>Aristida stricta</i>	12 in.	2 in.	5 to 8 ft.
Gulfdune paspalum	<i>Paspalum monostachyum</i>	12 in.	2 in.	5 to 8 ft.
Muhly grass	<i>Muhlenbergia capillaris</i>	12 in.	2 in.	5 to 8 ft.
Sawgrass	<i>Cladium jamaicense</i>	12 in.	2 in.	5 to 8 ft.
Blue maidencane	<i>Amphicarpum muhlenbergianum</i>	12 in.	2 in.	5 to 8 ft.
Swamp lily	<i>Crinum americanum</i>	12 in.	2 in.	5 to 8 ft.
Golden canna	<i>Canna flaccida</i>	12 in.	2 in.	5 to 8 ft.
Maidencane	<i>Panicum hemitomon</i>	12 in.	2 in.	5 to 8 ft.
Spikerush	<i>Eleocharis interstincta</i>	12 in.	2 in.	5 to 8 ft.
Arrowhead	<i>Sagittaria lancifolia</i>	12 in.	2 in.	5 to 8 ft.
Pickerelweed	<i>Pontederia cordata</i>	12 in.	2 in.	5 to 8 ft.
Alligator flag	<i>Thalia geniculata</i>	12 in.	2 in.	5 to 8 ft.
Soft-stem bulrush	<i>Scirpus validus</i>	12 in.	2 in.	5 to 8 ft.
Sawgrass	<i>Cladium jamaicensis</i>	12 in.	2 in.	5 to 8 ft.

<sup>1</sup>Additional tree and ground cover species may be included in the planting table prior to Development Order approval.

BR - Bare Root

Following the removal of exotic vegetation, supplemental upland plantings will be installed in 112.19± acres of upland habitats. Upland plantings will be selected to replace the type of native vegetation that occurs in the adjacent or nearby upland habitats. Tree plantings will include primarily slash pine (*Pinus elliottii*), although other tree species listed in Table 3 may be utilized. Upland tree and ground cover plantings will be installed according to the specifications listed in Table 3. A minimum of three tree species and five ground cover species will be planted. The species selected for planting will depend on market availability at the time the plantings are to occur.

**Table 3. Supplemental Upland Plantings<sup>1</sup>**

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Instruction (On Center)
<b>Trees</b>				
Slash pine	<i>Pinus elliottii</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Cabbage palm	<i>Sabal palmetto</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Live oak	<i>Quercus virginiana</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Laurel oak	<i>Quercus laurifolia</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Dahoon holly	<i>Ilex cassine</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
<b>Ground Cover</b>				
Saw palmetto	<i>Serenoa repens</i>	12 in.	1 gal.	15 to 20 ft..
Gulfdune paspalum	<i>Paspalum monostachyum</i>	12 in.	2 in.	5 to 8 ft.
Blue maidencane	<i>Amphicarpum muhlenbergianum</i>	12 in.	2 in.	5 to 8 ft.
Wiregrass	<i>Aristida stricta</i>	12 in.	2 in.	5 to 8 ft.
Muhly grass	<i>Muhlenbergia capillaris</i>	12 in.	2 in.	5 to 8 ft.
Sand cordgrass	<i>Spartina bakeri</i>	12 in.	2 in.	5 to 8 ft.
Broomsedge	<i>Andropogon virginicus</i>	12 in.	2 in.	5 to 8 ft.
Fakahatchee grass	<i>Tripsacum dactyloides</i>	12 in.	2 in.	5 to 8 ft.
Purple lovegrass	<i>Eragrostis spectabilis</i>	12 in.	2 in.	5 to 8 ft.

<sup>1</sup>Additional tree and ground cover species may be included in the planting table prior to Development Order approval.

BR - Bare Root

## 5.2 Wetland and Upland Restoration from Farm Fields

Approximately 1,915± acres of existing farm fields, including agricultural ditches, water detention areas, and berms will be restored to native wetland and upland habitats. Wetland and upland restoration activities will include leveling of row crop fields, removal of citrus trees, backfilling of agricultural ditches and detention systems, regrading to contours necessary for restoration of historic habitat communities, replanting of vegetation to achieve target habitat types, and ongoing maintenance and management.

### 5.2.1 Wetland Grading and Planting

Stormwater from development areas of the Project will be treated for water quality in stormwater lakes within the stormwater management system for each development area. Following water quality treatment, stormwater will be discharged from treatment lakes into the restoration area at various locations.

Drainage ditches and other components of the agricultural drainage/water management system will be backfilled using material from the existing berms and disturbed areas. Proposed wetland areas will be graded and planted with wetland plantings in Table 4. The species selected for planting will depend on market availability at the time the plantings are to occur. Specifications for plantings size and density (on-center spacing) are also provided in Table 4.

**Table 4. Wetland Restoration Plantings<sup>1</sup>**

Common Name	Scientific Name	Minimum Height	Container Size	Planting Instruction (On Center)
<b>Trees<sup>2</sup></b>				
Bald cypress	<i>Taxodium distichum</i>	2 to 5 ft.	BR to 3 gal.	30 to 50 ft.
Slash pine	<i>Pinus elliottii</i>	2 to 5 ft.	BR to 3 gal.	30 to 50 ft.
<b>Ground Cover Plantings</b>				
<b>Zone 1</b>				
Gulfdune paspalum	<i>Paspalum monostachyum</i>	12 in.	2 in.	5 to 8 ft.
Muhly grass	<i>Muhlenbergia capillaris</i>	12 in.	2 in.	5 to 8 ft.
Sand cordgrass	<i>Spartina bakeri</i>	12 in.	2 in.	5 to 8 ft.
Blue maidencane	<i>Amphicarpum muhlenbergianum</i>	12 in.	2 in.	3 to 5 ft.
Sawgrass	<i>Cladium jamaicense</i>	12 in.	2 in.	3 to 5 ft.
Maidencane	<i>Panicum hemitomon</i>	12 in.	2 in.	3 to 5 ft.
<b>Zone 2</b>				
Sawgrass	<i>Cladium jamaicense</i>	12 in.	2 in.	3 to 5 ft.
Maidencane	<i>Panicum hemitomon</i>	12 in.	2 in.	3 to 5 ft.
Spikerush	<i>Eleocharis interstincta</i>	12 in.	2 in.	3 to 5 ft.
Golden canna	<i>Canna flaccida</i>	12 in.	2 in.	3 to 5 ft.
Arrowhead	<i>Sagittaria lancifolia</i>	12 in.	2 in.	3 to 5 ft.
Pickerelweed	<i>Pontederia cordata</i>	12 in.	2 in.	3 to 5 ft.
Alligator flag	<i>Thalia geniculata</i>	12 in.	2 in.	3 to 5 ft.
Soft-stem bulrush	<i>Scirpus validus</i>	12 in.	2 in.	3 to 5 ft.
<b>Zone 3</b>				
Spikerush	<i>Eleocharis interstincta</i>	12 in.	2 in.	3 to 5 ft.
Golden canna	<i>Canna flaccida</i>	12 in.	2 in.	3 to 5 ft.
Arrowhead	<i>Sagittaria lancifolia</i>	12 in.	2 in.	3 to 5 ft.
Pickerelweed	<i>Pontederia cordata</i>	12 in.	2 in.	3 to 5 ft.

Table 4. (Continued)

Common Name	Scientific Name	Minimum Height	Container Size	Planting Instruction (On Center)
<b>Zone 3 (Continued)</b>				
Soft-stem bulrush	<i>Scirpus validus</i>	12 in.	2 in.	3 to 5 ft
Alligator flag	<i>Thalia geniculata</i>	12 in.	2 in.	3 to 5 ft
Spatterdock	<i>Nuphar luteum</i>	24 in.	1 gal.	15 ft.
Water lily	<i>Nymphaea odorata</i>	24 in.	1 gal.	15 ft.

<sup>1</sup>Additional tree and ground cover species may be included in the planting table prior to Development Order approval.

<sup>2</sup>Wetland tree plantings will be clustered along the edge of the flow-way restoration area as to not preclude open foraging habitat for listed wading bird species.

BR - Bare Root

Slash pine, cypress (*Taxodium* sp.), and ground cover species from Zone 1 in Table 4 will be installed on the higher slope of the restored wetlands where the target habitat is pine-cypress. Zone 2 plantings will be installed on the mid- to lower elevations where the target habitat is freshwater marsh. Zone 3 plantings will be installed in the lowest portions of the graded area. The Zone 3 target habitat type is freshwater marsh, but may contain intermittent areas of open water. A minimum of three ground cover species will be planted per zone.

5.2.2 Upland Grading and Planting

Upland restoration will consist of levelling of row crop fields, removal of citrus trees and removal of berms, and the backfilling of ditches and detention areas. Re-grading will occur to provide appropriate ground elevations for targeted upland plant communities.

Following final grading, tree species and ground cover from Table 5 will be installed. The species selected for planting will depend on the market availability at the time plantings are to occur. Trees may be planted in clusters to provide distinct areas that can be defended from prescribed fire by the installation of disked fire breaks around the perimeter of the clusters. The locations of the tree clusters will be identified based on an analysis of historic aerials and proposed site topography. Trees will be planted in accordance with the specifications listed in Table 5. The goal is to create clusters of primarily open canopy native forest areas, with adequate sunlight for an abundance of ground cover species. Clusters of trees may be pine, hardwoods, or a mix of pine and hardwoods. A variety of tree sizes may be utilized to create a more heterogeneous plant community.

In areas where tree plantings are not clustered, widely scattered trees will be planted randomly in the upland restoration areas. The widely scattered trees will be slash pine and bare root plantings.

Native ground cover plantings will be installed in the upland restoration areas and will include a minimum of four of the species listed in Table 5. No one species will constitute more than 50 percent of the total ground cover plantings. Direct seeding to establish upland ground cover may be used in conjunction with ground cover plantings within the upland restoration areas. The seed source will be obtained from and applied by a professional experienced with direct seeding as a method of upland restoration. The seed source will be harvested from a local area and will include a mixture of regionally-appropriate native graminoid species. The seed source mixture will include a variety of species to optimize ground cover diversity to the maximum extent possible.

**Table 5. Upland Restoration Plantings<sup>1</sup>**

Common Name	Scientific Name	Minimum Height	Container Size	Planting Instruction (On Center)
<b>Trees</b>				
Slash pine	<i>Pinus elliotii</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Live oak	<i>Quercus virginiana</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Laurel oak	<i>Quercus laurifolia</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Dahoon holly	<i>Ilex cassine</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
Cabbage palm	<i>Sabal palmetto</i>	2 to 5 ft.	BR to 3 gal.	15 to 20 ft.
<b>Ground Cover</b>				
Saw palmetto	<i>Serenoa repens</i>	12 in.	1 gal.	15 to 20 ft.
Gulfdune paspalum	<i>Paspalum monostachyum</i>	12 in.	2 in.	5 to 8 ft.
Wiregrass	<i>Aristida stricta</i>	12 in.	2 in.	5 to 8 ft.
Muhlygrass	<i>Muhlenbergia capillaris</i>	12 in.	2 in.	5 to 8 ft.
Sand cordgrass	<i>Spartina bakeri</i>	12 in.	2 in.	5 to 8 ft.
Fakahatchee grass	<i>Tripsacum dactyloides</i>	12 in.	2 in.	5 to 8 ft.
Purple lovegrass	<i>Eragrostis spectabilis</i>	12 in.	2 in.	5 to 8 ft.

<sup>1</sup>Additional tree and ground cover species may be included in the planting table prior to Development Order approval.

BR - Bare Root

## **6.0 PRESERVE ACTIVITY SCHEDULE**

Site development will occur in phases. The timing, phasing, and phase boundaries for the implementation of restoration and preserve activities will be provided prior to the issuance of the first development order for the Project.

## **7.0 SUCCESS CRITERIA**

### **7.1 Indigenous Wetland and Upland Preservation and Enhancement**

The following are the success criteria for the indigenous preserve areas:

- 1) Initial eradication of exotic and nuisance vegetation will be completed; and
- 2) The preserve areas will be maintained free from exotic vegetation. Exotic vegetation species include, but are not limited to, the 21 species of prohibited invasive exotic species listed in Section 10-420(h) of the LDC (Table 1).

### **7.2 Indigenous Wetland and Upland Restoration**

The following are the success criteria for the indigenous wetland and upland restoration areas:

- 1) Initial eradication of exotic and nuisance vegetation will be completed;
- 2) Supplemental plantings will be completed in the indigenous restoration areas;
- 3) A minimum 80 percent survival of tree and ground cover plantings after five years; and
- 4) The preserve areas will be maintained free from exotic vegetation. Exotic vegetation species include, but are not limited to, the 21 species of prohibited invasive exotic species listed in Section 10-420(h) of the LDC (Table 1).

### **7.3 Wetland and Upland Restoration from Farm Fields**

The following are the success criteria for the wetland and upland restoration from farm field areas:

- 1) Initial eradication of exotic and nuisance vegetation will be completed;
- 2) Levelling of row crop fields, removal of citrus trees, removal of berms and spoil areas, backfilling of ditches and borrow areas, and regrading of wetland and upland restoration areas will be completed;
- 3) Plantings within wetland and upland restoration areas will be completed;
- 4) A minimum of 80 percent survival of tree and ground cover species after five years;
- 5) The preserve areas will be maintained free from exotic vegetation. Exotic vegetation species include, but are not limited to, the 21 species of prohibited invasive exotic species listed in Section 10-420(h) of the LDC (Table 1).

## 8.0 MAINTENANCE

After the completion of the initial exotic removal, semi-annual inspections of the conservation areas will occur for the first two years. During these inspections, the conservation areas will be traversed by a qualified ecologist. Locations of nuisance and/or exotic species will be identified for immediate treatment with an appropriate herbicide. Any additional potential problems will also be noted, and corrective actions taken. Once exotic/nuisance species levels have been reduced to acceptable limits, inspections of the conservation areas will be conducted annually.

Maintenance will be conducted in perpetuity to ensure that the conservation areas are free of exotic vegetation, including the prohibited invasive exotic species listed in Section 10-420(h) of the LDC (Table 1).

### 8.1 Prescribed Fire

Prescribed burning will be used as a management tool in the conservation areas to maintain the native vegetation communities. Prescribed burns help maintain vegetative communities in their natural state, reduce fuel loads and the danger of wildfire, aid with the eradication and control of exotic and nuisance vegetation species, and improve wildlife habitat. The objectives of prescribed burning maintenance events will be to aid in the control of exotic vegetation and woody shrubs (i.e., wax myrtle and saltbush), and to stimulate the growth and diversity of herbaceous vegetation.

The burning frequency for the conservation areas will be two to four years, which is consistent with the natural fire regime for mesic flatwoods, wet flatwoods, and wet prairies described by the Florida Natural Areas Inventory (FNAI) *Guide to the Natural Communities of Florida* (2010). The edges of the Project's freshwater marshes will be burned when the fire moves through the adjacent pine and prairie habitats. The fire will be allowed to extinguish naturally within the wetter marsh habitats.

Prescribed burning is typically conducted during the winter or early spring when temperatures are reduced and wind direction is more constant. The initial burn is anticipated to occur during the late winter. Winter burns are preferred to reduce high fuel loads. Growing season burns also may be conducted as conditions allow. Changes in annual weather cycles determine when burn permits will be available and burns may be conducted only on the day(s) of Florida Forest Service permission.

Fire breaks will be installed in strategic locations in order to safely ignite and control prescribed fires. Fire breaks will be co-located with maintenance trails, access roads, easements, fence lines, property boundaries, and natural habitat boundaries. A 12-foot wide fire break will be established directly adjacent to and inside (i.e., the restoration side) of the 6-foot tall wildlife control fence, or other structural wildlife deterrent. Fires will be excluded from the planted tree clusters until such time that the plantings are mature enough to survive fires. Fires will be allowed to extinguish naturally within the wetter preserve areas, such as the marsh habitats.

Controlled burns will be conducted only when authorized with a permit by the Florida Forest Service. In addition, notice will be given to the Estero Fire District. Coordination with CREW and the South Florida Water Management District will occur before burning. Burning will not be conducted if smoke is anticipated to encroach upon Corkscrew Road, State Road 82, or adjacent residences.

## **9.0 MONITORING REPORTS**

Monitoring will be conducted annually for the conservation areas. Annual reports documenting the achievement of the success criteria outlined in Section 7.0 will be submitted to Lee County's Department of Community Development (DCD). Monitoring will typically be conducted during the height of the growing season (August to October) with annual reports submitted by December 31. Adjustment to the monitoring schedule may be made based on environmental conditions.

Five annual monitoring reports for each conservation area phase will be submitted to DCD describing the conditions of the conservation areas. The monitoring reports will include documented exotic and nuisance species, mortality of vegetation, estimated causes of mortality, growth of the vegetation, wildlife observed and other factors that demonstrate the functional health of the conservation areas, and photographs. A brief description of anticipated maintenance work to be conducted over the next year will also be included. Periodic inspections will be conducted by DCD staff to ensure the accuracy of the monitoring reports.

## **10.0 LONG-TERM MANAGEMENT AND MONITORING**

The conservation areas will be placed in a conservation easement granted to Lee County. The conservation easement will prevent the encroachment of future development as well as activities that are incompatible with the goal of sustaining the preserved and restored conservation areas in good ecological health. These areas will be physically managed in accordance with the approved long-term management plan prepared by the Project ecologist and implemented by a CDD or Homeowners' Association (HOA) with the assistance of an appropriately skilled environmental professional.

Responsibility for management of the conservation areas will shift to the CDD or HOA following the completion of enhancement and restoration activities on-site. Prior to completion of the five-year annual monitoring program, a long-term management and monitoring plan will be drafted for DCD review and approval. The plan will then be implemented after completion of the five-year annual monitoring program and achievement of success criteria has been verified by DCD. Long-term management activities within the conservation areas will include periodic surveys of vegetation and wildlife, control of exotic and nuisance plant species, regulating water levels, maintenance of the water control structures and access, and prescribed fires.

Long-term monitoring reports will be provided to DCD biannually (every other year). The long-term monitoring reports will provide ecological data such as water levels, vegetative cover, degree

and location of exotic vegetation cover, and wildlife utilization. This information will guide the active management of the site.

#### **11.0 PRESERVE SIGNAGE AND COMMUNITY EDUCATION PLAN**

Signs identifying the preserve as a “nature preserve area” will be installed along the boundary of the conservation areas. The signage will include language stating, “No dumping allowed.” The signs will be spaced a maximum of 300 feet apart. The signs will be no closer than ten feet from residential property lines and be limited to a maximum height of four feet and a maximum size of two square feet. A typical preserve sign is attached as Appendix E.

The community will be advised of the benefits of the conservation areas to the surrounding landscape and their residential community. One or more kiosks containing information, maps, wildlife sightings, and community notices may be installed at appropriate locations within the development including the activity center and recreation areas.

Periodic seminars may be held to further educate the community about the conservation areas, wetland benefits, coexistence with and protection of wildlife, and the benefits of prescribed fire. Community informational and educational brochures, such as those describing the benefits of preserve areas, may be created and provided as needed to keep residents in compliance with conservation easements, wildlife regulations, etc. Continued education will ensure that the community is well-informed regarding the preserves and wildlife coexistence.

#### **12.0 REFERENCES**

- Florida Department of Transportation. 1999. Florida Land Use, Cover and Forms Classification System (FLUCFCS). Procedure No. 550-010-001-a. Third Edition.
- Florida Natural Areas Inventory. 2010. Guide to the Natural Communities of Florida: 2010 Edition. Florida Natural Areas Inventory, Tallahassee, Florida.

**APPENDIX A**  
**INDIGENOUS VEGETATION MAP**



**APPENDIX B**  
**FLUCFCS DESCRIPTIONS**

## KINGSTON FLUCFCS DESCRIPTIONS

### L INDIGENOUS WETLAND HABITATS

#### Cabbage Palm, Hydric (0-24% Exotics) (FLUCFCS Code 4281 E1)

This canopy of this wetland habitat type is dominated by cabbage palm (*Sabal palmetto*). The sub-canopy contains cabbage palm and scattered wax myrtle (*Morella cerifera*). The ground cover contains beaksedge (*Rhynchospora* sp.) and swamp fern (*Telmatoblechnum serrulatum*).

#### Wax Myrtle/Willow, Hydric (0-24% Exotics) (FLUCFCS Code 4291 E1)

This wetland habitat type contains an open canopy. The sub-canopy contains wax myrtle, Carolina willow (*Salix caroliniana*), saltbush (*Baccharis halimifolia*), slash pine (*Pinus elliottii*), and Brazilian pepper (*Schinus terebinthifolia*). The ground cover contains bushy bluestem (*Andropogon glomeratus*), broomsedge (*Andropogon virginicus*), gulfdune paspalum (*Paspalum monostachyum*), Asiatic pennywort (*Centella asiatica*), and water pennywort (*Hydrocotyle umbellata*).

#### Wax Myrtle/Willow, Hydric (25-49% Exotics) (FLUCFCS Code 4291 E2)

This wetland habitat type is similar to that of FLUCFCS Code 4291 E1, except with higher concentrations of Brazilian pepper in the sub-canopy.

#### Wax Myrtle/Willow, Hydric (50-75% Exotics) (FLUCFCS Code 4291 E3)

This disturbed wetland habitat type is similar to that of FLUCFCS Code 4291 E2, except with higher concentrations of Brazilian pepper in the sub-canopy.

#### Mixed Wetland Hardwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 6179 E1)

The canopy of this wetland habitat type contains laurel oak (*Quercus laurifolia*), swamp bay (*Persea palustris*), cabbage palm, bald cypress (*Taxodium distichum*), and melaleuca (*Melaleuca quinquenervia*). The sub-canopy contains cabbage palm, dahoon holly (*Ilex cassine*), myrsine (*Myrsine cubana*), and Brazilian pepper. The ground cover contains swamp fern and widely scattered saw palmetto (*Serenoa repens*).

#### Mixed Wetland Hardwoods, Disturbed (25-49% Exotics) (FLUCFCS Code 6179 E2)

This wetland habitat type is similar to that of FLUCFCS Code 6179 E1, but contains a higher concentration of melaleuca in the canopy and Brazilian pepper in the sub-canopy.

#### Mixed Wetland Hardwoods, Disturbed (50-75% Exotics) (FLUCFCS Code 6179 E3)

This wetland habitat type is similar to that of FLUCFCS Code 6179 E2, but contains a higher concentration of melaleuca in the canopy and Brazilian pepper in the sub-canopy.

#### Willow/Pop Ash, Disturbed (0-24% Exotics) (FLUCFCS Code 6189 E1)

The canopy of this wetland habitat type contains scattered Carolina willow, bald cypress, and red maple (*Acer rubrum*). The sub-canopy is comprised of Carolina willow, bald cypress, scattered Peruvian primrose willow (*Ludwigia peruviana*), melaleuca, pond apple (*Annona glabra*) and

Brazilian pepper. The ground cover contains maidencane (*Panicum hemitomon*), sawgrass (*Cladium jamaicense*), leather fern (*Acrostichum* sp.), water pennywort, Asiatic pennywort, and spikerush (*Eleocharis* sp.), Old World climbing fern (*Lygodium microphyllum*), and scattered fireflag (*Thalia geniculata*).

Willow/Pop Ash, Disturbed (25-49% Exotics) (FLUCFCS Code 6189 E2)

This wetland habitat type is similar to that of FLUCFCS Code 6189 E1, except with higher concentrations of Peruvian primrose willow and Brazilian pepper in the sub-canopy.

Willow/Pop Ash, Disturbed (50-75% Exotics) (FLUCFCS Code 6189 E3)

This wetland habitat type is similar to that of FLUCFCS Code 6189 E2, except with higher concentrations of Peruvian primrose willow and Brazilian pepper in the sub-canopy.

Cypress, Disturbed (0-24% Exotics) (FLUCFCS Code 6219 E1)

The canopy of this wetland habitat type is comprised of bald cypress, melaleuca, cabbage palm, strangler fig (*Ficus aurea*), laurel oak, Brazilian pepper, and scattered slash pine and red maple. The sub-canopy contains bald cypress, cabbage palm, wax myrtle, dahoon holly, pond apple, myrsine, Brazilian pepper, and scattered red maple and melaleuca. The ground cover contains swamp fern, Asiatic pennywort, saltbush, bog-hemp (*Boehmeria cylindrica*), wax myrtle, cabbage palm, rosy camphorweed (*Pluchea baccharis*), cocoplum (*Chrysobalanus icaco*), spikerush, pickerelweed (*Pontederia cordata*), maidencane, torpedograss (*Panicum repens*), saw palmetto, panicum (*Panicum* sp.), sawgrass, widely scattered cattail (*Typha* sp.), morning glory (*Ipomoea* sp.), climbing hempvine (*Mikania scandens*), greenbrier (*Smilax* sp.), and muscadine grapevine (*Vitis rotundifolia*).

Cypress, Disturbed (25-49% Exotics) (FLUCFCS Code 6219 E2)

This wetland habitat type is similar to that of FLUCFCS Code 6219 E1, except with higher concentrations of melaleuca and Brazilian pepper in the canopy and sub-canopy.

Cypress, Disturbed (50-75% Exotics) (FLUCFCS Code 6219 E3)

This wetland habitat type is similar to that of FLUCFCS Code 6219 E2, except with higher concentrations of melaleuca and Brazilian pepper in the canopy and sub-canopy.

Cypress/Pine/Cabbage Palm, Disturbed (0-24% Exotics) (FLUCFCS Code 6249 E1)

The canopy of this wetland habitat type contains slash pine, bald cypress, cabbage palm, and scattered melaleuca. The sub-canopy contains slash pine, bald cypress, cabbage palm, myrsine, scattered melaleuca, and scattered Brazilian pepper. The ground cover contains swamp fern, Asiatic pennywort, cabbage palm, wiregrass (*Aristida stricta*), melaleuca, torpedograss, maidencane, gulfdune paspalum, wax myrtle, beaksedge, corkwood (*Stillingia aquatica*), and widely scattered saw palmetto.

Cypress/Pine/Cabbage Palm, Disturbed (25-49% Exotics) (FLUCFCS Code 6249 E2)

This wetland habitat type is similar to that of FLUCFCS Code 6249 E1, except with higher concentrations of melaleuca and Brazilian pepper in the canopy and sub-canopy.

Cypress/Pine/Cabbage Palm, Disturbed (50-75% Exotics) (FLUCFCS Code 6249 E3)

This wetland habitat type is similar to that of FLUCFCS Code 6249 E2, except with higher concentrations of melaleuca and Brazilian pepper in the canopy and sub-canopy.

Pine, Hydric, Disturbed (0-24% Exotics) (FLUCFCS Code 6259 E1)

The canopy of this wetland habitat type is comprised of slash pine, cabbage palm and widely scattered melaleuca. The sub-canopy contains slash pine, wax myrtle, cabbage palm, scattered Brazilian pepper, and widely scattered melaleuca. The ground cover includes wiregrass, torpedograss, ragweed (*Ambrosia artemisiifolia*), swamp fern, little blue maidencane (*Amphicarpum muehlenbergianum*), caesarweed (*Urena lobata*), fogfruit (*Phyla nodiflora*), rosy camphorweed, Asiatic pennywort, Brazilian pepper, tickseed (*Coreopsis* sp.), pineland heliotrope (*Heliotropium polyphyllum*), climbing hempvine, muscadine grapevine, and scattered saw palmetto.

Pine, Hydric, Disturbed (25-49% Exotics) (FLUCFCS Code 6259 E2)

This wetland habitat type is similar to that of FLUCFCS Code 6259 E1, but with higher concentrations of melaleuca in the canopy and sub-canopy.

Pine, Hydric, Disturbed (50-75% Exotics) (FLUCFCS Code 6259 E3)

This wetland habitat type is similar to that of FLUCFCS Code 6259 E2, but with higher concentrations of melaleuca in the canopy and sub-canopy.

Mixed Wetland Forest, Disturbed (0-24% Exotics) (FLUCFCS Code 6309 E1)

The canopy of this wetland habitat type contains red maple, bald cypress, and laurel oak. The sub-canopy consists of red maple, bald cypress, laurel oak, myrsine, wax myrtle, Brazilian pepper, swamp bay, and cabbage palm. The ground cover includes swamp fern, tickseed, cocoplum, red maple, maidencane, cinnamon fern (*Osmunda cinnamomea*), rosy camphorweed, climbing hempvine, muscadine grapevine, and cabbage palm.

Mixed Wetland Forest, Disturbed (25-49% Exotics) (FLUCFCS Code 6309 E2)

This wetland habitat type is similar to that of FLUCFCS Code 6309 E1, but with higher concentrations of Brazilian pepper in the sub-canopy.

Mixed Wetland Forest, Disturbed (50-75% Exotics) (FLUCFCS Code 6309 E3)

This wetland habitat type is similar to that of FLUCFCS Code 6309 E2, but with higher concentrations of Brazilian pepper in the sub-canopy.

Freshwater Marsh, Sawgrass (0-24% Exotics) (FLUCFCS Code 6411 E1)

This wetland habitat type contains a predominately open canopy and sub-canopy. The ground cover is dominated by sawgrass.

Freshwater Marsh, Cattail (0-24% Exotics) (FLUCFCS Code 6412 E1)

This disturbed wetland habitat type contains a predominately open canopy and sub-canopy. The ground cover is dominated by cattail.

Freshwater Marsh, Disturbed (0-24% Exotics) (FLUCFCS Code 6419 E1)

The canopy of this wetland habitat type contains scattered bald cypress and widely scattered melaleuca. The sub-canopy contains cabbage palm, Peruvian primrose willow, pond apple, scattered bald cypress, and widely scattered Carolina willow. The ground cover contains sawgrass, maidencane, corkwood, swamp fern, shield fern (*Dryopteris ludoviciana*), dotted smartweed (*Persicaria punctata*), spikerush, arrowhead (*Sagittaria lancifolia*), pickerelweed, fireflag, cattail, and torpedograss.

Freshwater Marsh, Disturbed (25-49% Exotics) (FLUCFCS Code 6419 E2)

This wetland habitat type is similar to that of FLUCFCS Code 6419 E1, but with higher densities of torpedograss in the ground cover.

Freshwater Marsh, Disturbed (50-75% Exotics) (FLUCFCS Code 6419 E3)

This wetland habitat type is similar to that of FLUCFCS Code 6419 E2, but with higher densities of torpedograss in the ground cover.

Wet Prairies, Disturbed (0-24% Exotics) (FLUCFCS Code 6439 E1)

The canopy of this wetland habitat type contains widely scattered slash pine and bald cypress. The sub-canopy is comprised of wax myrtle and widely scattered bald cypress. The ground cover contains panicum, wax myrtle, fogfruit, sand cordgrass (*Spartina bakeri*), gulfdune paspalum, corkwood, maidencane, wiregrass, bushy bluestem, rosy camphorweed, and scattered sawgrass.

Wet Prairies, Disturbed (25-49% Exotics) (FLUCFCS Code 6439 E2)

This wetland habitat type is similar to that of FLUCFCS Code 6439 E1, but with melaleuca in the canopy and sub-canopy, and higher densities of torpedograss in the ground cover.

Wet Prairies, Disturbed (50-75% Exotics) (FLUCFCS Code 6439 E3)

This wetland habitat type is similar to that of FLUCFCS Code 6439 E2, but with higher densities of melaleuca in the canopy and sub-canopy, and torpedograss in the ground cover.

## II. INDIGENOUS UPLAND HABITATS

Palmetto Prairie, Disturbed (0-24% Exotics) (FLUCFCS Code 3219 E1)

The canopy of this upland habitat type contains scattered slash pine and widely scattered melaleuca. The sub-canopy contains saw palmetto, staggerbush (*Lyonia fruticosa*), gallberry (*Ilex glabra*), and scattered wax myrtle and Brazilian pepper. The ground cover includes saw palmetto, pennyroyal (*Piloblephis rigida*), shiny blueberry (*Vaccinium myrsinites*), and wiregrass.

Palmetto Prairie, Disturbed (25-49% Exotics) (FLUCFCS Code 3219 E2)

This upland habitat type is similar to that of FLUCFCS Code 3219 E1, except with higher concentrations of Brazilian pepper in the sub-canopy.

Palmetto Prairie, Disturbed (50-75% Exotics) (FLUCFCS Code 3219 E3)

This upland habitat type is similar to that of FLUCFCS Code 3219 E2, except with higher concentrations of Brazilian pepper in the sub-canopy.

Pine Flatwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 4119 E1)

The canopy of this upland habitat type contains slash pine, cabbage palm, Brazilian pepper, and scattered melaleuca. The sub-canopy contains slash pine, cabbage palm, myrsine, and scattered wax myrtle, melaleuca, and Brazilian pepper. The ground cover includes saw palmetto, wax myrtle, caesarweed, wiregrass, blackberry (*Rubus* sp.), ragweed, Old World climbing fern, melaleuca, and Brazilian pepper.

Pine Flatwoods, Disturbed (25-49% Exotics) (FLUCFCS Code 4119 E2)

This upland habitat type is similar to that of FLUCFCS Code 4119 E1, except with higher concentrations of Brazilian pepper, melaleuca, and Old World climbing fern in the canopy and sub-canopy.

Pine Flatwoods, Disturbed (50-75% Exotics) (FLUCFCS Code 4119 E3)

This upland habitat type is similar to that of FLUCFCS Code 4119 E2, except with higher concentrations of Brazilian pepper, melaleuca, and Old World climbing fern in the canopy and sub-canopy.

Pine, Disturbed (0-24% Exotics) (FLUCFCS Code 4159 E1)

The canopy of this upland habitat type is dominated by slash pine. The sub-canopy contains slash pine and scattered Brazilian pepper. The ground cover contains pineland heliotrope, wax myrtle, caesarweed, wiregrass, blackberry, ragweed, melaleuca, and Brazilian pepper.

Pine, Disturbed (25-49% Exotics) (FLUCFCS Code 4159 E2)

This upland habitat type is similar to that of FLUCFCS Code 4159 E1, except with higher concentrations of Brazilian pepper in the sub-canopy.

Pine, Disturbed (50-75% Exotics) (FLUCFCS Code 4159 E3)

This upland habitat type is similar to that of FLUCFCS Code 4159 E2, except with higher concentrations of Brazilian pepper in the sub-canopy.

Live Oak, Disturbed (0-24% Exotics) (FLUCFCS Code 4279 E1)

The canopy of this upland habitat type contains live oak (*Quercus virginiana*), laurel oak, and cabbage palm. The sub-canopy contains cabbage palm, laurel oak, and wax myrtle. The ground cover contains saw palmetto, cabbage palm, and scattered swamp fern.

Live Oak, Disturbed (25-49% Exotics) (FLUCFCS Code 4279 E2)

This upland habitat type is similar to that of FLUCFCS Code 4279 E1, except with higher concentrations of Brazilian pepper and melaleuca in the canopy and sub-canopy.

Cabbage Palm, Disturbed (0-24% Exotics) (FLUCFCS Code 4289 E1)

The canopy of this upland habitat type contains cabbage palm and scattered laurel oak. The sub-canopy contains saw palmetto, wax myrtle, cabbage palm, melaleuca, and Brazilian pepper. The ground cover is dominated by saw palmetto with scattered swamp fern.

Cabbage Palm, Disturbed (25-49% Exotics) (FLUCFCS Code 4289 E2)

This upland habitat type is similar to that of FLUCFCS Code 4289 E1, except with higher concentrations of Brazilian pepper in the canopy and sub-canopy.

Wax Myrtle, Disturbed (25-49% Exotics) (FLUCFCS Code 4299 E2)

The canopy of this upland habitat type contains cabbage palm, Brazilian pepper, and scattered laurel oak. The sub-canopy contains cabbage palm, Brazilian pepper, wax myrtle, laurel oak, saltbush, slash pine, and myrsine. The ground cover includes blackberry, caesarweed, fogfruit, cogon grass (*Imperata cylindrica*), broomsedge, and bushy bluestem.

Wax Myrtle, Disturbed (50-75% Exotics) (FLUCFCS Code 4299 E3)

This upland habitat type is similar to that of FLUCFCS Code 4299 E2, except with higher concentrations of Brazilian pepper in the sub-canopy.

Hardwood/Conifer Mixed, Disturbed (0-24% Exotics) (FLUCFCS Code 4349 E1)

The canopy of this upland habitat type contains slash pine, cabbage palm, laurel oak, live oak, and scattered melaleuca. The sub-canopy contains slash pine, cabbage palm, laurel oak, live oak, and Brazilian pepper. The ground cover includes saw palmetto, cabbage palm, laurel oak, water pennywort, spermacoce (*Spermacoce verticillata*), bahiagrass (*Paspalum notatum*), bracken fern (*Pteridium aquilinum*), and scattered swamp fern.

Hardwood/Conifer Mixed, Disturbed (25-49% Exotics) (FLUCFCS Code 4349 E2)

This upland habitat type is similar to that of FLUCFCS Code 4349 E1, except with higher concentrations of Brazilian pepper in the canopy and sub-canopy.

Hardwood/Conifer Mixed, Disturbed (50-75% Exotics) (FLUCFCS Code 4349 E3)

This upland habitat type is similar to that of FLUCFCS Code 4349 E2, except with higher concentrations of Brazilian pepper in the canopy and sub-canopy.

Cypress, Disturbed and Drained (0-24% Exotics) (FLUCFCS Code 6215 E1)

This disturbed upland habitat type contains bald cypress, cabbage palm, and scattered live oak. The sub-canopy contains Brazilian pepper, cabbage palm, and wax myrtle. The ground cover contains caesarweed, Boston fern (*Nephrolepis exaltata*), smutgrass (*Sporobolus indicus*), ragweed, beggar-tick (*Bidens alba*), flatsedge (*Cyperus ligularis*), dog fennel (*Eupatorium capillifolium*), and muscadine grapevine.

Cypress, Disturbed and Drained (25-49% Exotics) (FLUCFCS Code 6215 E2)

This upland habitat type is similar to that of FLUCFCS Code 6215 E1, except with higher concentrations of Brazilian pepper in the sub-canopy.

Cypress, Disturbed and Drained (50-75% Exotics) (FLUCFCS Code 6215 E3)

This upland habitat type is similar to FLUCFCS Code 6215 E2, except with higher concentrations of Brazilian pepper in the canopy and sub-canopy.

Cypress/Pine, Disturbed and Drained (0-24% Exotics) (FLUCFCS Code 6245 E1)

This disturbed upland habitat type contains slash pine, bald cypress, cabbage palm, and scattered melaleuca in the canopy. The sub-canopy contains slash pine, bald cypress, cabbage palm, myrsine, scattered melaleuca, and scattered Brazilian pepper. The ground cover contains saw palmetto and swamp fern.

### III. NON-INDIGENOUS WETLAND HABITATS

Low Pasture, Hydric (FLUCFCS Code 262)

The canopy of this disturbed wetland habitat type contains widely scattered cabbage palm. The sub-canopy is comprised of widely scattered cabbage palm, Brazilian pepper, and wax myrtle. The ground cover includes torpedograss, spermacoce, water pennywort, fogfruit, dog fennel, and dotted smartweed.

Brazilian Pepper, Hydric (FLUCFCS Code 4221)

The canopy and sub-canopy of this disturbed wetland habitat type are dominated by Brazilian pepper. The ground cover is mostly open.

Melaleuca, Hydric (FLUCFCS Code 4241)

The canopy of this disturbed wetland habitat type contains melaleuca with widely scattered bald cypress and slash pine. The sub-canopy contains melaleuca and widely scattered bald cypress and wax myrtle. The ground cover contains wax myrtle, rosy camphorweed, and scattered beaksedge (*Rhynchospora microcarpa*).

Drainage Canal/Ditch, Hydric (FLUCFCS Code 514\*)

These ditches are interior to a wetland. The sub-canopy along the banks and within the ditches contains Carolina willow, Peruvian primrose willow, Brazilian pepper, and wax myrtle. The ground cover contains water spangles (*Salvinia minima*), maidencane, primrose willow, cattail, and torpedograss. The ditches are associated with the citrus (*Citrus* sp.) groves.

Cattle Pond, Hydric (FLUCFCS Code 525\*)

This surface water area is interior to wetlands and contains minimal vegetation.

Willow/Pop Ash, Disturbed (76-100% Exotics) (FLUCFCS Code 6189 E4)

This wetland habitat type is similar to that of FLUCFCS Code 6189 E3, except with higher concentrations of Peruvian primrose willow and Brazilian pepper in the canopy and sub-canopy.

Cypress, Disturbed (76-100% Exotics) (FLUCFCS Code 6219 E4)

This wetland habitat type is similar to that of FLUCFCS Code 6219 E3, except with higher concentrations of melaleuca, Old World climbing fern, and Brazilian pepper in the canopy and sub-canopy.

Cypress/Pine/Cabbage Palm, Disturbed (76-100% Exotics) (FLUCFCS Code 6249 E4)

This disturbed wetland habitat type is similar to that of FLUCFCS Code 6249 E3 except with higher concentrations of Brazilian pepper, melaleuca, and downy rose-myrtle (*Rhodomyrtus tomentosa*) in the sub-canopy.

Pine, Hydric, Disturbed (76-100% Exotics) (FLUCFCS Code 6259 E4)

This wetland habitat type is similar to that of FLUCFCS Code 6259 E3, but with higher concentrations of melaleuca in the canopy and sub-canopy.

Mixed Wetland Forest, Disturbed (76-100% Exotics) (FLUCFCS Code 6309 E4)

This wetland habitat type is similar to that of FLUCFCS Code 6309 E3, but with higher concentrations of Brazilian pepper in the sub-canopy.

Freshwater Marsh, Disturbed (76-100% Exotics) (FLUCFCS Code 6419 E4)

This wetland habitat type is similar to that of FLUCFCS Code 6419 E3, but with higher densities of torpedograss in the ground cover.

Wet Prairies, Disturbed (76-100% Exotics) (FLUCFCS Code 6439 E4)

This disturbed wetland habitat type contains an open canopy. The sub-canopy contains scattered melaleuca, scattered willow (*Salix* sp.), and scattered wax myrtle. The ground cover is dominated by the exotic species torpedograss but also contains cattail and sawgrass.

Disturbed Land, Hydric (FLUCFCS Code 7401)

The canopy of this disturbed wetland habitat type includes scattered slash pine, cabbage palm, and Brazilian pepper. The sub-canopy contains melaleuca, Peruvian primrose willow, Brazilian pepper, bald cypress, and scattered wax myrtle. The ground cover contains cattail, torpedograss, maidencane, little blue maidencane, Asiatic pennywort, slash pine, climbing hempvine, spermacoce, water pennywort, dog fennel, and Peruvian primrose willow.

Borrow Area, Hydric (FLUCFCS Code 742\*)

The canopy and sub-canopy of this wetland habitat type are open. The ground cover consists of torpedograss, scattered dotted smartweed, and water pennywort.

Electrical Power Transmission Line, Hydric (FLUCFCS Code 8321)

There are two sets of power lines that run in a northwest-southeast direction on the northern portion of the property. The land is maintained and contains torpedograss in the ground cover.

#### **IV. NON-INDIGENOUS UPLAND HABITATS**

Citrus Grove (FLUCFCS Code 221)

This upland agricultural use contains active citrus trees in the canopy and sub-canopy. The ground cover contains sod grass (*Poaceae* sp.), Florida tasselflower (*Emilia fosbergii*), beggar-tick, water pennywort, thistle (*Cirsium* sp.), wild balsam apple (*Momordica charantia*), ragweed, lantana (*Lantana camara*), caesarweed, torpedograss, and widely scattered Peruvian primrose willow.

Abandoned Groves (FLUCFCS Code 224)

The canopy of this upland agricultural use is comprised of cabbage palm. The sub-canopy contains cabbage palm and Brazilian pepper. The ground cover includes bahiagrass, spermacoce, carpetgrass (*Axonopus* sp.), smutgrass, dog fennel, Mexican clover (*Richardia brasiliensis*), common ragweed, digit grass (*Digitaria* sp.), bermudagrass (*Cynodon dactylon*), and broomsedge.

Palmetto Prairie, Disturbed (76-100% Exotics) (FLUCFCS Code 3219 E4)

This upland habitat type is similar to that of FLUCFCS Code 3219 E3, except with higher concentrations of Brazilian pepper in the sub-canopy.

Pine Flatwoods, Disturbed (76-100% Exotics) (FLUCFCS Code 4119 E4)

This upland habitat type is similar to that of FLUCFCS Code 4119 E3, except with higher concentrations of Brazilian pepper and Old World climbing fern in the canopy and sub-canopy.

Pine, Disturbed (76-100% Exotics) (FLUCFCS Code 4159 E4)

This upland habitat type is similar to that of FLUCFCS Code 4159 E3, except with higher concentrations of Brazilian pepper in the canopy and sub-canopy.

Brazilian Pepper (FLUCFCS Code 422)

This upland habitat type is dominated by Brazilian pepper in the canopy and sub-canopy. The ground cover is mostly open.

Cabbage Palm, Disturbed (76-100% Exotics) (FLUCFCS Code 4289 E4)

This upland habitat type is similar to that of FLUCFCS Code 4289 E2, except with higher concentrations of Brazilian pepper in the canopy and sub-canopy.

Wax Myrtle, Disturbed (76-100% Exotics) (FLUCFCS Code 4299 E4)

This upland habitat type is similar to that of FLUCFCS Code 4299 E3, except with higher concentrations of Brazilian pepper in the sub-canopy.

Hardwood/Conifer Mixed, Disturbed (76-100% Exotics) (FLUCFCS Code 4349 E4)

This upland habitat type is similar to that of FLUCFCS Code 4349 E3, except with higher concentrations of Brazilian pepper in the canopy and sub-canopy.

Cypress, Disturbed and Drained (76-100% Exotics) (FLUCFCS Code 6215 E4)

This upland habitat type is similar to FLUCFCS Code 6215 E3, except with higher concentrations of Brazilian pepper in the canopy and sub-canopy.

Disturbed Land (FLUCFCS Code 740)

The canopy of this disturbed upland habitat type is comprised of scattered slash pine and cabbage palm. The sub-canopy contains scattered slash pine, Brazilian pepper, and wax myrtle. The ground cover contains sod grass, dog fennel, beggar-tick, crowfoot grass (*Dactyloctenium aegyptium*), balsam apple, bahiagrass, lantana, caesarweed, natalgrass (*Rhynchelytrum repens*), and scattered saw palmetto.

Spoil Area (FLUCFCS Code 743)

The canopy and sub-canopy of this land use are open. The ground cover contains caesarweed, dog fennel, ragweed, and bahiagrass.

Dikes and Levees (Berm) (FLUCFCS Code 747)

The canopy and sub-canopy of this land use are predominantly open with widely scattered Brazilian pepper. The ground cover contains ragweed, Florida tasselflower, natalgrass, lantana, beggar-tick, bahiagrass, caesarweed, and dog fennel.

Road (FLUCFCS Code 814)

This land use type includes unvegetated paved roadways.

Unpaved Road (FLUCFCS Code 8146)

This land use consists of an unvegetated dirt road that runs in a north-south direction along the northeast portion of the property.

**V. NON-INDIGENOUS OTHER SURFACE WATERS**

Pine Flatwoods, Disturbed, OSW (0-24% Exotics) (FLUCFCS Code 4119 E1\*\*)

This land cover type contains vegetation similar to FLUCFCS Code 4119 E1 but is an "other surface water" (OSW).

Live Oak, Disturbed, OSW (0-24% Exotics) (FLUCFCS Code 4279 E1\*\*)

This land cover type contains vegetation similar to FLUCFCS Code 4279 E1 but is an OSW.

Hardwood/Conifer Mixed, Disturbed, OSW (0-24% Exotics) (FLUCFCS Code 4349 E1\*\*)

This land use type contains vegetation similar to FLUCFCS Code 4349 E1 but is an OSW.

Hardwood/Conifer Mixed, Disturbed, OSW (25-49% Exotics) (FLUCFCS Code 4349 E2\*\*)

This land use type is similar to FLUCFCS Code 4349 E1\*\* but has higher concentrations of Brazilian pepper in the sub-canopy.

Drainage Canal/Ditch (FLUCFCS Code 514)

This OSW has an open canopy. The sub-canopy along the banks and within the ditches contains Carolina willow, Peruvian primrose willow, Brazilian pepper, and wax myrtle. The ground cover contains water spangles, pickerelweed, maidencane, Peruvian primrose willow, cattail, torpedograss, dotted smartweed, red ludwigia (*Ludwigia repens*), and fogfruit. The ditches are associated with the citrus groves.

Reservoirs (<10 acres but >100 acres) (FLUCFCS Code 533)

This land use type is utilized for water retention.

Borrow Area (FLUCFCS Code 742)

This OSW contains minimal vegetation. The borrow area appears to have been created to acquire fill for a berm connecting two adjacent citrus groves.

\*Denotes Wetlands

\*\*Denotes OSW

**APPENDIX C**

**AERIAL WITH FLUCFCS AND WETLANDS MAP**



FLUCFCS CODE	DESCRIPTION	ACREAGE	% OF TOTAL
221	CITRUS GROVE	487.80 AC ±	86.8%
224	ABANDONED GROVES	146.50 AC ±	2.2%
261	LOW PASTURE, HYDRIC	13.28 AC ±	0.2%
271B01	PALMETTO PRAIRIE, DISTURBED (0-24% EXOTICS)	6.48 AC ±	0.1%
271B02	PALMETTO PRAIRIE, DISTURBED (25-49% EXOTICS)	1.80 AC ±	0.0%
271B03	PALMETTO PRAIRIE, DISTURBED (50-79% EXOTICS)	3.09 AC ±	0.1%
271B04	PALMETTO PRAIRIE, DISTURBED (78-100% EXOTICS)	0.00 AC ±	0.0%
411B01	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	12.61 AC ±	0.2%
411B02	PINE FLATWOODS, DISTURBED (25-49% EXOTICS)	0.21 AC ±	0.0%
411B03	PINE FLATWOODS, DISTURBED (50-79% EXOTICS)	23.29 AC ±	0.3%
411B04	PINE FLATWOODS, DISTURBED (78-100% EXOTICS)	0.31 AC ±	0.0%
419B01	PINE, DISTURBED (0-24% EXOTICS)	13.21 AC ±	0.2%
419B02	PINE, DISTURBED (25-49% EXOTICS)	0.40 AC ±	0.0%
419B03	PINE, DISTURBED (50-79% EXOTICS)	0.33 AC ±	0.0%
419B04	PINE, DISTURBED (78-100% EXOTICS)	0.24 AC ±	0.0%
422	BRAGGAN PEPPER	3.69 AC ±	0.1%
423	BRAGGAN PEPPER, HYDRIC	1.49 AC ±	0.0%
441	MELALEUCA, HYDRIC	88.34 AC ±	1.3%
427B01	LIVE OAK, DISTURBED (0-24% EXOTICS)	0.00 AC ±	0.0%
427B02	LIVE OAK, DISTURBED (25-49% EXOTICS)	0.00 AC ±	0.0%
427B03	LIVE OAK, DISTURBED (50-79% EXOTICS)	0.18 AC ±	0.0%
427B04	LIVE OAK, DISTURBED (78-100% EXOTICS)	0.00 AC ±	0.0%
438E1	CABBAGE PALM, HYDRIC (0-24% EXOTICS)	0.00 AC ±	0.0%
438E2	CABBAGE PALM, DISTURBED (25-49% EXOTICS)	0.88 AC ±	0.0%
438E3	CABBAGE PALM, DISTURBED (50-79% EXOTICS)	1.11 AC ±	0.0%
438E4	CABBAGE PALM, DISTURBED (78-100% EXOTICS)	1.74 AC ±	0.0%
439E1	WAX MYRTLE/WALLOW, HYDRIC (0-24% EXOTICS)	0.28 AC ±	0.0%
439E2	WAX MYRTLE/WALLOW, HYDRIC (25-49% EXOTICS)	0.41 AC ±	0.0%
439E3	WAX MYRTLE/WALLOW, HYDRIC (50-79% EXOTICS)	0.26 AC ±	0.0%
439E4	WAX MYRTLE/WALLOW, HYDRIC (78-100% EXOTICS)	2.02 AC ±	0.0%
439E5	WAX MYRTLE, DISTURBED (0-24% EXOTICS)	7.81 AC ±	0.1%
439E6	WAX MYRTLE, DISTURBED (25-49% EXOTICS)	9.30 AC ±	0.1%
439E7	HARDWOOD/CYPRESS MIXED, DISTURBED (0-24% EXOTICS)	7.79 AC ±	0.1%
439E8	HARDWOOD/CYPRESS MIXED, DISTURBED (25-49% EXOTICS)	1.88 AC ±	0.0%
439E9	HARDWOOD/CYPRESS MIXED, DISTURBED (50-79% EXOTICS)	2.11 AC ±	0.0%
439E10	HARDWOOD/CYPRESS MIXED, DISTURBED (78-100% EXOTICS)	0.29 AC ±	0.0%
439E11	HARDWOOD/CYPRESS MIXED, DISTURBED (0-24% EXOTICS)	2.14 AC ±	0.0%
439E12	HARDWOOD/CYPRESS MIXED, DISTURBED (25-49% EXOTICS)	5.17 AC ±	0.1%
439E13	HARDWOOD/CYPRESS MIXED, DISTURBED (50-79% EXOTICS)	28.11 AC ±	0.4%
439E14	HARDWOOD/CYPRESS MIXED, DISTURBED (78-100% EXOTICS)	9.17 AC ±	0.1%
514	DRAINAGE CANALS/DITCH	19.26 AC ±	0.3%
514*	DRAINAGE CANALS/DITCH, HYDRIC	19.26 AC ±	0.3%
82*	CATTLE POND, HYDRIC	0.07 AC ±	0.0%
833	RESERVOIR (+10 ACRES BUT <100 ACRES)	47.88 AC ±	0.7%
871B01	MIXED WETLAND HARDWOODS, DISTURBED (0-24% EXOTICS)	1.80 AC ±	0.0%
871B02	MIXED WETLAND HARDWOODS, DISTURBED (25-49% EXOTICS)	0.81 AC ±	0.0%
871B03	MIXED WETLAND HARDWOODS, DISTURBED (50-79% EXOTICS)	0.26 AC ±	0.0%
871B04	MIXED WETLAND HARDWOODS, DISTURBED (78-100% EXOTICS)	2.09 AC ±	0.0%
871B05	WILLOW/POPCAH, DISTURBED (0-24% EXOTICS)	0.38 AC ±	0.0%
871B06	WILLOW/POPCAH, DISTURBED (25-49% EXOTICS)	0.77 AC ±	0.1%
871B07	WILLOW/POPCAH, DISTURBED (50-79% EXOTICS)	1.51 AC ±	0.0%
871B08	WILLOW/POPCAH, DISTURBED (78-100% EXOTICS)	0.08 AC ±	0.0%
871B09	CYPRESS, DISTURBED AND DRAINED (0-24% EXOTICS)	11.93 AC ±	0.2%
871B10	CYPRESS, DISTURBED AND DRAINED (25-49% EXOTICS)	0.06 AC ±	0.0%
871B11	CYPRESS, DISTURBED AND DRAINED (50-79% EXOTICS)	0.07 AC ±	0.0%
871B12	CYPRESS, DISTURBED AND DRAINED (78-100% EXOTICS)	4.75 AC ±	0.1%
871B13	CYPRESS, DISTURBED (0-24% EXOTICS)	49.86 AC ±	0.8%
871B14	CYPRESS, DISTURBED (25-49% EXOTICS)	88.49 AC ±	1.4%
871B15	CYPRESS, DISTURBED (50-79% EXOTICS)	16.17 AC ±	0.2%
871B16	CYPRESS, DISTURBED (78-100% EXOTICS)	88.49 AC ±	1.4%
871B17	CYPRESS/PINE/CABBAGE PALM, DISTURBED (0-24% EXOTICS)	0.14 AC ±	0.0%
871B18	CYPRESS/PINE/CABBAGE PALM, DISTURBED (25-49% EXOTICS)	30.73 AC ±	0.5%
871B19	CYPRESS/PINE/CABBAGE PALM, DISTURBED (50-79% EXOTICS)	22.40 AC ±	0.4%
871B20	CYPRESS/PINE/CABBAGE PALM, DISTURBED (78-100% EXOTICS)	0.14 AC ±	0.0%
871B21	PINE, HYDRIC, DISTURBED (0-24% EXOTICS)	7.47 AC ±	0.1%
871B22	PINE, HYDRIC, DISTURBED (25-49% EXOTICS)	2.40 AC ±	0.0%
871B23	PINE, HYDRIC, DISTURBED (50-79% EXOTICS)	8.34 AC ±	0.1%
871B24	PINE, HYDRIC, DISTURBED (78-100% EXOTICS)	1.18 AC ±	0.0%
871B25	MIXED WETLAND FOREST, DISTURBED (0-24% EXOTICS)	8.88 AC ±	0.1%
871B26	MIXED WETLAND FOREST, DISTURBED (25-49% EXOTICS)	7.29 AC ±	0.1%
871B27	MIXED WETLAND FOREST, DISTURBED (50-79% EXOTICS)	2.78 AC ±	0.0%
871B28	MIXED WETLAND FOREST, DISTURBED (78-100% EXOTICS)	3.83 AC ±	0.0%
871B29	FRESHWATER MARSH, SAVANNAH (0-24% EXOTICS)	1.11 AC ±	0.0%
871B30	FRESHWATER MARSH, SAVANNAH (25-49% EXOTICS)	13.07 AC ±	0.2%
871B31	FRESHWATER MARSH, DISTURBED (0-24% EXOTICS)	100.21 AC ±	1.8%
871B32	FRESHWATER MARSH, DISTURBED (25-49% EXOTICS)	2.88 AC ±	0.0%
871B33	FRESHWATER MARSH, DISTURBED (50-79% EXOTICS)	18.40 AC ±	0.3%
871B34	FRESHWATER MARSH, DISTURBED (78-100% EXOTICS)	37.24 AC ±	0.6%
871B35	WET PRAIRIE, DISTURBED (0-24% EXOTICS)	6.18 AC ±	0.1%
871B36	WET PRAIRIE, DISTURBED (25-49% EXOTICS)	0.42 AC ±	0.0%
871B37	WET PRAIRIE, DISTURBED (50-79% EXOTICS)	0.40 AC ±	0.0%
871B38	WET PRAIRIE, DISTURBED (78-100% EXOTICS)	24.52 AC ±	0.4%
740	DISTURBED LAND	80.80 AC ±	1.3%
7401	DISTURBED LAND, HYDRIC	80.11 AC ±	0.4%
742	BORROW AREA	0.20 AC ±	0.0%
742*	BORROW AREA, HYDRIC	0.20 AC ±	0.0%
743	SPOIL AREA	8.99 AC ±	0.1%
747	DITCH AND LEVEES (SEPA)	18.79 AC ±	0.4%
814	ROAD	0.24 AC ±	0.0%
814*	UNPAVED ROAD	0.70 AC ±	0.1%
8301	ELECTRICAL POWER TRANSMISSION LINE, HYDRIC	1.02 AC ±	0.1%
	TOTAL	8878.77 AC ±	100.0%

\* DENOTES 'WETLANDS'  
 \*\* DENOTES 'OTHER SURFACE WATERS'

**LEGEND**

- 'WETLANDS' (1,192.81 AC ±)
- 'OTHER SURFACE WATERS' (356.35 AC ±)
- SURVEYED WETLAND LINE

DRAFT

**NOTES**

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH FLIGHT DATES OF JANUARY - MARCH 2021.

PROPERTY BOUNDARY PER J.R. EVANS, INC. DRAWING NO. 853 KINGSTON MASTER CONCEPT PLAN K.DWG DATED MARCH 7, 2022.

WETLAND AND SURVEY DITCH LINES PER BANKS ENGINEERING, INC. DRAWING NO. 3370-JD-SR.DWG DATED FEBRUARY 12, 2009.

SURVEY DITCH LINES PER METRON SURVEYING & MAPPING, LLC DRAWING NO. DITCHES TO BE SURVEY LOCATED 12-03-08.DWG DATED DECEMBER 3, 2008.

WETLAND AND GSW LINES SHOWN PER FDEP FORMAL WETLAND JURISDICTIONAL DETERMINATION NO. FD-36-028406-001 ISSUED AUGUST 26, 2009.

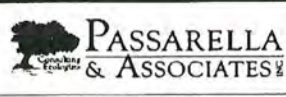
FLUCFCS LINES ESTIMATED FROM 1"-300" AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1993).

DRAWN BY: H.H. DATE: 03/22/22  
 REVISION: S.J. DATE: 03/22/22  
 APPROVED: T.S. DATE: 03/29/22

DRAWING NO. 21CCL3707  
 SHEET NO. APPENDIX C

13620 Metropolis Avenue  
 Suite 200  
 Ft. Myers, FL 33912  
 Phone (239) 274-0067  
 Fax (239) 274-0069

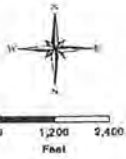


KINGSTON  
 AERIAL WITH FLUCFCS AND WETLANDS

DRAWING NO. 21CCL3707  
 SHEET NO. APPENDIX C

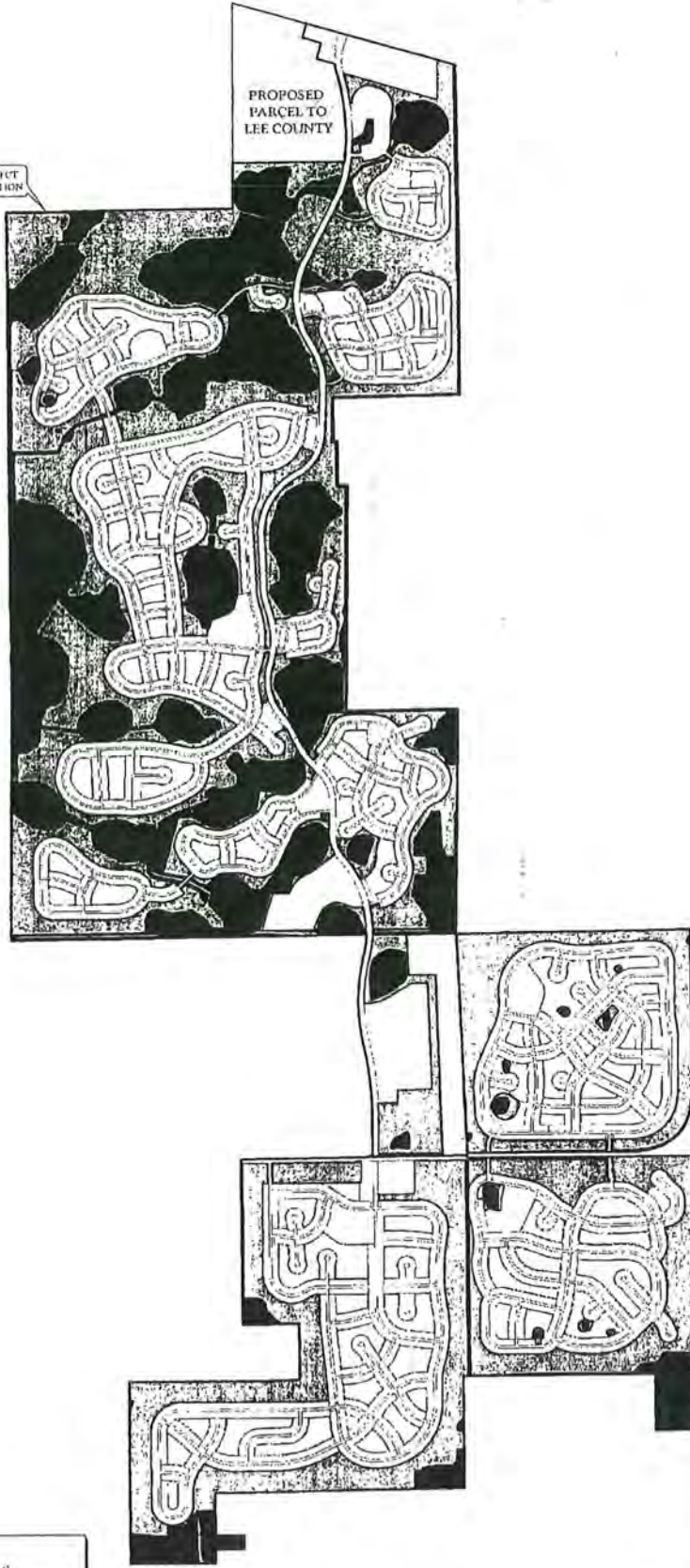
**APPENDIX D**

**INDIGENOUS VEGETATION, PRESERVATION, AND  
RESTORATION PLAN**



PROJECT LOCATION

PROPOSED PARCEL TO LEE COUNTY



LEGEND	
	KINGSTON
	PRESERVATION OF INDIGENOUS WETLANDS (910.24 AC ±)
	PRESERVATION OF INDIGENOUS UPLANDS (86.85 AC ±)
	PRESERVATION OF NON-INDIGENOUS WETLANDS (258.74 AC ±)
	RESTORATION OF NON-INDIGENOUS "OTHER SURFACE WETLANDS" (1.23 AC ±)
	RESTORATION OF NON-INDIGENOUS UPLANDS (612.19 AC ±)
	RESTORATION OF WETLANDS AND UPLANDS FROM FAIR PLAY (595.00 AC ±)

NOTES

PROPERTY BOUNDARY AND SITE PLAN PER J.R. EVANS ENGINEERING DRAWING NO. KINGSLEY HOP PLAN 11866 DATED MARCH 30, 2022

WELL AND SHO SURVEY DITCH LINES PER BURNS ENGINEERING INC DRAWING NO. 0510-00-SR DWG DATED FEBRUARY 17, 2009

RUBBER DITCH LINES PER METHOBY SURVEYING & MAPPING, LLC DRAWING NO. 010106 TO BE SURVEY LOCATED 12-03-08 DWG DATED DECEMBER 3, 2008

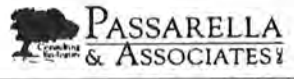
WELL AND OSW LINES SHOWN PER FISH-FORUM WELLS AND JURISDICTIONAL DETERMINATION NO. FD-10-018486-001 ISSUED AUGUST 10, 2009

PLUCKES LINES ESTIMATED FROM F-100 AERIAL PHOTOGRAPHY AND LOCATIONS APPROXIMATED

PLUCKES PER FLORIDA LAND USE COVER AND FORMS CLASSIFICATION SYSTEM (PLUCKES) (FDOT 1998)

DRAFT

DRAWN BY	DATE	11650 Metropolitan Avenue
H.H.	04/05/22	Suite 200
REVIEWED BY	DATE	Fort Myers, Florida 33912
S.J.	04/05/22	Phone: (239) 274-0067
REVISION	DATE	Fax: (239) 274-0067



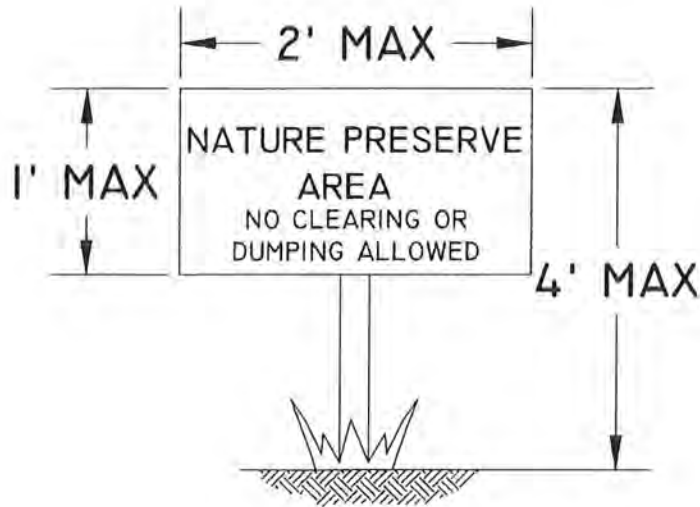
KINGSTON  
INDIGENOUS VEGETATION, PRESERVATION,  
AND RESTORATION PLAN

DRAWING NO.	213/23707
PROJECT	APPENDIX D

**APPENDIX E**  
**TYPICAL PRESERVE SIGNAGE**



TYPICAL AMERICAN ALLIGATOR SIGNAGE  
N.T.S.



TYPICAL PRESERVE SIGNAGE  
N.T.S.

3/22/2022 10:52:11 AM C:\Users\hhs\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.IE5\... KINGSTON

APPENDIX E. TYPICAL PRESERVE SIGNAGE  
KINGSTON

DRAWN BY	H.H.	DATE	03/14/22
REVIEWED BY	H.S.	DATE	03/14/22
REVISED		DATE	



EXHIBIT M

**BONA FIDE AGRICULTURAL USE AT THE TIME  
OF ZONING APPLICATION AFFIDAVIT**

WHEREAS, Section 34-202(b)(7), Lee County Land Development Code, requires property located in an agricultural zoning district at the time a zoning application is filed to include an existing agricultural use affidavit; and

WHEREAS, the affidavit, pursuant to the Land Development Code, must identify the property in question with specificity, and the affidavit must identify whether or not a bona fide agricultural use is in existence on the property at the time the application was filed.

STATE OF FLORIDA  
COUNTY OF LEE

BEFORE ME, the undersigned notary public on this 28 day of April, 2022, personally appeared Mitch Hutchcraft, who is personally known to me or who produced a Drivers License as identification and who, after first being duly sworn, deposes and says that:

1. The property that is subject of the zoning application is described more completely on the attached Exhibit "A".
2. That I am the authorized representative of the Corkscrew Grove Limited Partnership that owns or represents the property described in Exhibit "A".
3. The property in question is zoned AG-2 (Agriculture). Section 34-202(b)(7) does not require an agricultural affidavit for property that is not located in an agricultural district at the time of zoning.
4. The property is in agricultural use. Future agricultural use is permitted under Exhibits "D" and "E" of the Agreement Pursuant to Stipulation of Settlement.
5. The agricultural use of the subject property is a mixture of citrus, sod fields, and row crops.
6. The agricultural activity is occurring within the area identified on the attached Exhibit "B".
7. The affiant intends to continue the existing agricultural activity subsequent to the rezoning.

FURTHER AFFIANT SAYETH NAUGHT.

By:   
Name: Mitch Hutchings

SWORN TO and subscribed before me on the date and year first above written.

(Notary Seal)



  
Signature of Notary Public

BETTINA THOMPSON  
(Print, type of stamp commissioned name of Notary Public)

Commission No. GG 316512

**Barraco**  
and Associates, Inc.

www.barraco.net

Civil Engineer, Land Surveyors and Planners

**DESCRIPTION**

Parcel in  
Section 35, Township 45 South, Range 27 East  
and Sections 2, 3, 10, 11, 14, 15, 24, 25, 26, 34, 35 and 36,  
Township 46 South, Range 27 East,  
Lee County, Florida

A tract or parcel of land lying in Section 35, Township 45 South, Range 27 East and Sections 2, 3, 10, 11, 14, 15, 24, 25, 26, 34, 35 and 36, Township 46 South, Range 27 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

**PARCEL 1:**

Beginning at the Southwest corner of said Section 35 run  $N00^{\circ}42'20''W$  along the West line of said Section 35 for 4,913.47 feet to an intersection with the Southwesterly right of way line of State Road 82 (F.D.O.T. right of way Section No. 1207-101) (200 feet wide right of way); thence run  $S74^{\circ}24'28''E$  along said Southwesterly right of way line for 5,474.38 feet to an intersection with the East line of said Section 35; thence run  $S01^{\circ}27'49''E$  for 3,347.79 feet to the Northeast corner of said Section 2; thence run  $S00^{\circ}37'24''E$  along the East line of said Section 2 for 4,496.97 feet; thence run  $S88^{\circ}14'39''W$  for 2,954.70 feet; thence run  $S00^{\circ}38'17''E$  for 1,000.18 feet; thence run  $N89^{\circ}34'20''E$  for 89.85 feet; thence run  $S00^{\circ}42'50''E$  for 1,075.98 feet to an intersection with the North line of the West Half (W 1/2) of said Section 11; thence run  $N88^{\circ}06'17''E$  along said North line for 218.81 feet to the Northeast corner of said Fraction; thence run  $S00^{\circ}11'24''E$  along the East line of said Fraction for 5,325.44 feet to Southeast corner of said Fraction; thence run  $N88^{\circ}33'37''E$  along the North line of said Section 14 for 2,623.23 feet to the Northeast corner of said Section 14; thence run  $S00^{\circ}02'19''W$  along the East line of said Section 14 for 5,330.76 feet to the Southeast corner of said Section 14; thence run  $S88^{\circ}57'32''W$  along the South line of said Section 14 for 5,217.75 feet to the Southeast corner of said Section 15; thence run  $S88^{\circ}56'48''W$  along the South line of said Section 15 for 5,216.63 feet to the Southwest corner of said Section 15; thence run  $N00^{\circ}12'22''W$  along the West line of said Section 15 for 5,552.99 feet to the Southwest corner of said Section 10; thence run  $N01^{\circ}06'50''W$  along the West line of said Section 10 for 5,068.95 feet to the Southwest corner of said Section 3; thence run  $N00^{\circ}58'11''W$  along the West line of said Section 3 for 6,632.47 feet to the Northwest corner of said Section 3; thence run  $N89^{\circ}02'20''E$  along the North line of said Section 3 for 5,301.06 feet to the POINT OF BEGINNING. Containing 4,202.62 acres, more or less.

**PARCEL 2:**

Beginning at the Northwest corner of said Section 24 run  $N88^{\circ}48'32''E$  along the North line of said Section 24 for 5,496.75 feet to an intersection with the West line right of way line of Corkscrew Road, also being the West line of the East 25 feet of said

Post Office Drawer 2800 • Fort Myers, FL 33902  
Phone (839) 461-3170 • Fax (839) 461-3169

EXHIBIT "A"

**Barraco**  
and Associates, Inc.

[www.barraco.net](http://www.barraco.net)  
Civil Engineers, Land Surveyors and Planners

**DESCRIPTION (CONTINUED)**

Section 24; thence run  $801^{\circ}20'16''$ E along said West line for 4,100.62 feet to an intersection with the Northerly right of way line of Corkscrew Road, as described in a deed recorded in Instrument No. 2005000136900, Lee County Records; thence run along said Northerly right of way line the following three (3) courses:  $888^{\circ}39'44''$ W for 50.00 feet to a point on a non-tangent curve; Southwesterly along an arc of a curve to the right of radius 1,175.00 feet (delta  $90^{\circ}09'17''$ ) (chord bearing  $S44^{\circ}50'13''$ W) (chord 1,663.94 feet) for 1,848.86 feet and  $800^{\circ}05'08''$ E along a radial line for 25.00 feet to an intersection with the North right of way line of said Corkscrew Road, also being North line of the South 50 feet of said Section 24; thence run along said North right of way line the following two (2) courses:  $889^{\circ}54'52''$ W for 1,393.63 feet and  $888^{\circ}51'37''$ W for 2,675.85 feet to an intersection with the West line of said Section 24; thence run  $N03^{\circ}15'49''$ W along said West line for 5,255.07 feet to the POINT OF BEGINNING.

Containing 6.44.59 acres, more or less.

**PARCEL 3:**

Beginning at the Northwest corner of said Section 26 run  $N88^{\circ}51'40''$ E along the North line of the Northwest Quarter (NW 1/4) of said Section 26 for 2,663.66 feet to the North Quarter corner of said Section 26; thence run  $N88^{\circ}54'17''$ E along the North line of the Northeast Quarter (NE 1/4) of said Section 26 for 2,666.51 feet to the Northwest corner of said Section 25; thence run  $S01^{\circ}09'29''$ E along the West line of the Northwest Quarter (NW 1/4) of said Section 25 for 50.00 feet to an intersection with the South right of way line of Corkscrew Road, also being South line of the North 50 feet of said Section 25; thence run along said South right of way line the following two (2) courses:  $N88^{\circ}51'37''$ E for 2,673.06 feet and  $N89^{\circ}54'52''$ E for 2,671.08 feet to an intersection with the East line of Northeast Quarter (NE 1/4) of said Section 25; thence run  $S01^{\circ}11'48''$ E along said East line for 2,550.74 feet to the East Quarter corner of said Section 25; thence run  $S01^{\circ}12'17''$ E along the East line of Southeast Quarter (SE 1/4) of said Section 25 for 2,650.95 feet to the Northeast corner of said Section 36; thence run  $S01^{\circ}11'26''$ E along the East line of Northeast Quarter (NE 1/4) of said Section 36 for 1,320.34 feet; thence run  $S89^{\circ}10'39''$ W parallel with the North line of said Fraction for 990.98 feet; thence run  $N01^{\circ}11'26''$ W parallel with the East line of said Fraction for 1,320.34 feet to an intersection with the North line of said Fraction; thence run  $S89^{\circ}10'39''$ W along the North line of said Fraction for 1,683.83 feet to the North Quarter corner of said Section 36; thence run  $S89^{\circ}09'00''$ W along the North line of the Northwest Quarter (NW 1/4) of said Section 36 for 2,672.43 feet to the Northeast corner of said Section 35; thence run  $S88^{\circ}41'30''$ W along the North line Northeast Quarter (NE 1/4) of said Section 35 for 150.00 feet to an intersection with the West line of the East 150 feet the Northeast Quarter (NE 1/4) of said Section 35; thence run  $S01^{\circ}02'25''$ E along said West line for 2,605.57 feet to an intersection with the South line of the North Half (N 1/2) of said Section 35; thence run  $S88^{\circ}35'54''$ W along said South line for 5,197.13 feet to the East Quarter corner of said Section 34; thence run  $S89^{\circ}18'56''$ W along the North line of the Southeast Quarter (SE 1/4) of said Section 34 for 662.39 feet to the Northeast corner of the West Half (W 1/2) of the East

**Barraco**  
and Associates, Inc.

[www.barraco.net](http://www.barraco.net)  
Civil Engineers, Land Surveyors and Planners

**DESCRIPTION (CONTINUED)**

Half (E 1/2) of the Southeast Quarter (SE 1/4) of said Section 34; thence run 800°56'36"E along the East line of said Fraction for 978.73 feet to the Northwest corner of the South Half (S 1/2) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) said Section 34; thence run N89°21'38"E along the North line of said Fraction for 662.30 feet to the Northeast corner of said Fraction; thence run 800°56'36"E along the East line of said Fraction, also being the East line of the Southeast Quarter (SE 1/4) of said Section 34 for 326.43 feet to the Southeast corner of said Fraction; thence run S89°21'38"W along the South line of said Fraction for 662.30 feet to the Southwest corner of said Fraction; thence run 800°56'36"E along the East line of said West Half (W 1/2) of the East Half (E 1/2) of the Southeast Quarter (SE 1/4) of Section 34 for 325.25 feet; thence run S89°21'38"W for 1,985.63 feet to an intersection with the West line of said Southeast Quarter (SE 1/4) of Section 34; thence run N00°56'43"W along said West line for 1,628.85 feet to the Center of said Section 34; thence run N00°55'48"W along the West line of the Northeast Quarter (NE 1/4) of said Section 34 for 2,623.36 feet to the North Quarter corner of said Section 34; thence run N89°31'02"E along the North line of the Northeast Quarter (NE 1/4) of said Section 34 for 2,645.41 feet to the Southwest corner of said Section 26; thence run N88°41'30"E along the South line of the Southwest Quarter (SW 1/4) of said Section 26 for 1,335.92 feet to the Southeast corner of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of said Section 26; thence run N01°03'24"W along the East line of said Fraction for 1,321.72 feet to the Northeast corner of said Fraction; thence run S88°43'35"W along the North line of said Fraction for 1,335.09 feet to the Northwest corner of said Fraction and intersection with the West line of said Southwest Quarter (SW 1/4) of Section 26; thence run N01°01'16"W along said West line for 1,322.52 feet to the West Quarter corner of said Section 26; thence run N01°00'42"W W along the West line of the Northwest Quarter (NW 1/4) of said Section 26 for 2,645.28 feet to the POINT OF BEGINNING.

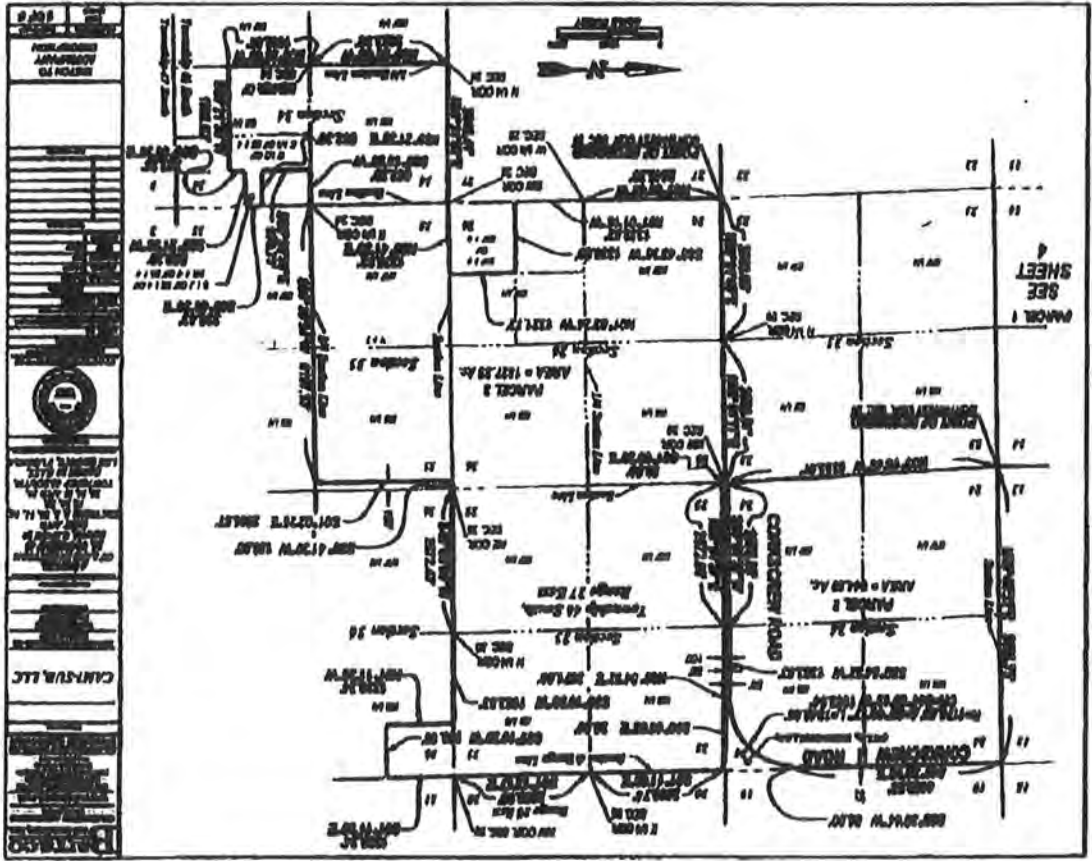
Containing 1,827.35 acres, more or less.

Bearings hereinabove mentioned are based on the North line of said Section 3 to bear N89°02'20"E.

**Scott A. Wheeler (For The Firm)**  
Professional Surveyor and Mapper  
Florida Certificate No. 5949

L:\14069 - C227-Sub, LLC\surveying\descriptions\14069\14069E03.doc







KINGSTON (A Cameraia Development)  
MAP

April 1, 2022

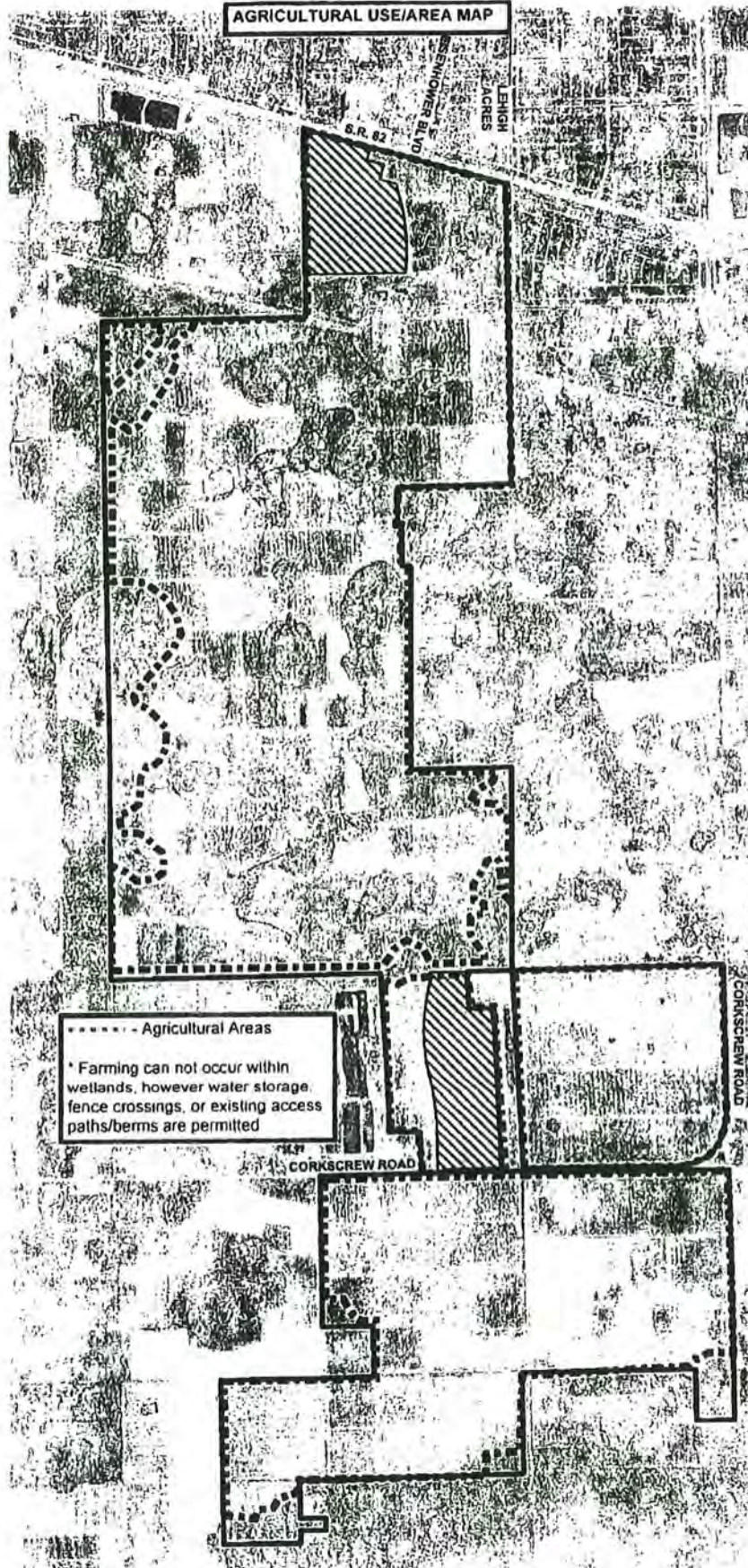


EXHIBIT N



# Kingston – Enhanced Lake Management Plan

## Table of Contents

---

	<u>Page</u>
<b>Introduction</b>	<b>1</b>
<b>Section 1. Historic Surface Water Hydrology</b>	<b>3</b>
<b>Section 2. Water Resources Best Management Practices</b>	<b>4</b>
A. Construction Phase BMPs	4
B. Post-Construction Phase BMPs	5
<b>Section 3. Lake Maintenance</b>	<b>6</b>
A. General Provisions	6
B. Deep Lake Management	6
C. Nuisance and Exotic Vegetation Control	7
D. Littoral Vegetation Preservation	7
E. Fertilizer Application	7
F. Erosion Protection and Lake Bank Maintenance	8
G. Lake Education Program	8
H. Pesticide, Herbicide or Fungicide Applications	9
I. Underground Fuel Storage Tank Systems	9
<b>Section 4. Corkscrew Wellfield Protection</b>	<b>10</b>
A. Corkscrew Wellfield Protection	10
<b>Section 5. Surface Water Quality Monitoring Program</b>	<b>11</b>
A. General Data Quality Objectives	11
B. Surface Water Monitoring Goals	11
C. Surface Water Quality Monitoring	11
<b>Section 6. Water Quality Data Reporting and Analysis</b>	<b>12</b>
<b>Section 7. Remedial Actions</b>	<b>13</b>
<b>Section 8. In Conclusion</b>	<b>14</b>

**TABLES**

Table 1	Water Quality Sampling Schedule	15
Table 2	Surface Water Quality Analytes List	16

**FIGURES**

Figure 1	Proposed Development and the DR/GR	Attached
Figure 2	Conceptual Layout and Proposed Withdrawals	Attached
Figure 3	Proximity to Lee County's Wellfield Protection Zones	Attached
Figure 4	Proposed Surface Water Sampling Locations	Attached

**APPENDICES**

Appendix A	Example of Deep Lake Aeration Device	Attached
Appendix B	Lee County Fertilizer Ordinance No. 08-08	Attached

## Introduction

The proposed Kingston residential development is uniquely distinct from other projects due to its immense decrease in permitted groundwater quantities within Lee County's Density Reduction/Groundwater Resource (DR/GR) area. Currently the site is occupied by intensive agricultural operations that occupy approximately 4,805 acres and are authorized to withdraw a total of 12.8 million gallons per day (mgd), or 4,680,790,000 gallons on an annual basis. The irrigation demands for the proposed 832 acres of residential lawn and landscape associated with the Kingston development are estimated at 2.9 mgd. The proposed decrease in irrigation demands also includes the elimination of all permitted Sandstone Aquifer withdrawals, totaling approximately 6.1 mgd on an annual average basis or 2,230,080,000 gallons on an annual basis.

In addition, despite the project's proposed use of Water Table Aquifer irrigation supply wells, there is a proposed decrease of approximately 3.8 mgd from the Water Table Aquifer on an annual average basis. Combined, the overall reductions in permitted groundwater quantities total approximately 9.9 mgd. The retirement of permitted quantities of this magnitude represents a highly significant benefit to the water resources of the DR/GR.

The Kingston project encompasses approximately 6,674.56 +/- acres and has a long farming history with sections of the property currently being used for the cultivation of citrus, sod and row crops. In accordance with Lee County's Comprehensive Plan (The Lee Plan), proposed developments within the DR/GR must demonstrate the protection, preservation and enhancement of groundwater resources and environmental (wetland) systems. The Kingston project not only proposes an immense reduction in permitted groundwater quantities that is anticipated to result in significant recovery in groundwater levels, but also includes additional resource protections, culminating in the following Water Resource Benefits to the DR/GR.

## Water Resource Benefits

- The total proposed lawn and landscape area within the Kingston development represents a decrease of approximately 3,973 acres (approximately 83 percent reduction) as compared to the existing agricultural areas. The reduced footprint not only decreases irrigation demands, but also significantly reduces applications of fertilizer, pesticides and herbicides, thereby further enhancing water quality within the DR/GR.
- There are currently 67 known irrigation wells onsite that are finished into the Water Table and Sandstone Aquifers. The proposed Kingston development is anticipated to utilize approximately 29 irrigation wells that are exclusively finished into the Water Table Aquifer. The reduction in the number of withdrawal points (reduction of 57 percent) further reduces groundwater impacts and the areal extent of groundwater drawdowns. This reduction further contributes to the recovery of groundwater levels within the DR/GR.

- The Kingston development will utilize both groundwater and captured stormwater for irrigation, whereby groundwater quantities from the Water Table Aquifer are used to supplement surface water irrigation supplies within the project's stormwater management system lakes. If adequate supplies of surface water are stored in the development's wet detention areas, no groundwater augmentation will occur. During droughts or adverse hydrologic conditions, augmentation of lake volumes may be necessary. Once the lakes reach their respective control elevations, wells used for augmentation will be shut down. Irrigation quantities will then be withdrawn from the lakes via surface water pump stations to irrigate lawn and landscaped areas. The conjunctive use of both ground and surface water supplies is anticipated to conserve additional groundwater supplies from the Water Table Aquifer when adequate surface water supplies are available, thereby furthering the project's resource benefits within the DR/GR.
- The project includes a master-controlled irrigation system that will regulate the initiation (i.e., start-up) and overall duration of irrigation events in order to increase irrigation water use efficiency and enhance water conservation (i.e., no individual homeowner will have access to irrigation timers). Evapotranspiration sensors are also proposed for each irrigation pump station and future plans may include an integrated communication system between the controller clocks and the irrigation pump station(s).
- Currently there is little, if any, stormwater attenuation or treatment onsite. Improved surface water quality is anticipated through the creation of numerous interconnected stormwater management system lakes.
- Only professional landscape businesses registered with Lee County will be allowed to perform their services at the Kingston development. Proof of completion of a Lee County-approved Best Management Practices (BMP) training program will be required.
- To further protect the water resources, the Kingston project includes surface water quality monitoring of hydrologically important locations such as outfalls, canals, and other features necessary to document improvements to surface water quality due to the proposed change in land use.

Collectively, these Water Resource Benefits represent a unique benchmark of water resource and environmental protection and, in many cases, exceed the future land use requirements contemplated by Lee County's Comprehensive Plan. For ease of use and understanding, the contents of the Kingston ELMP contain Sections that address key water resource protection elements, with each of the main ELMP Sections in turn having Subsections that provide specificity regarding the management actions necessary to safeguard the water resources. Where applicable, BMPs are provided to highlight specific water resource protection measures.

## Section 1. Historic Surface Water Hydrology

To better understand the proposed water resource management actions contained within this ELMP, it is important to provide a basic context of the historic, pre-development surface water flows on the property. The project site gradually slopes to the south, with the highest land surface elevations of approximately 40 feet NAVD located in the northern sections of the property. The lowest land surface elevations are located in the south-central portion of the property at approximately 17 feet NAVD.

Prior to agricultural development, the project site was characterized as open rangeland and pine flatwoods interspersed with wet prairies, marshes and cypress forest. Historic aerial photography indicates a series of shallow depressions forming wetland slough systems, or flow-ways, that transected the property and conveyed surface water downslope. With the advent of agricultural development, the natural flow-ways were backfilled, ditched and drained, resulting in surface water flows being redirected south.

Agricultural development of the site began in the late 1950's and before engineering designs for stormwater management facilities were required. Therefore, the early farming approach to seasonal high-water levels was to drain, and in some cases pump, stormwater away from the farm fields through ditches and canals. The early drainage system used by the farmers also included "rim-ditching" around internal wetlands and sloughs. These ditches were used to control the elevation of surface water within the wetlands and to keep water levels from intruding into the farm fields.

The Kingston project aims to eliminate all wetland rim-ditching and lift pumps in order to help restore wetland system hydroperiods. In addition, the proposed hydrologic restoration of the site includes the reestablishment of historic flow-ways and flow-paths, including the acceptance of off-site stormwater flows. These actions will help restore the property's interaction with surrounding properties and further enhance the hydrology of the region.

Please note that the Kingston property occurs within Water Body Identification (WBID) No. 3259B<sub>1</sub> and is reported by the Florida Department of Environmental Protection (FDEP) as impaired for iron. Observations of significant iron staining on infrastructure onsite indicates that the groundwater is naturally high in iron. The high historic use of groundwater for irrigation most likely contributes to the iron impairment. Therefore, the reduction in groundwater use as a consequence of the proposed land use change is anticipated to greatly improve groundwater quality and may potentially address the existing impairment to WBID No. 3259B<sub>1</sub>.

## Section 2. Water Resources Best Management Practices

As the Kingston project evolves from predominately a “construction phase” to “partial construction” and ultimately to a “post-construction” residential phase, the BMPs must also evolve to maintain water resource protection. Construction of the proposed development may take in excess of 20 years, depending on market conditions. However, the initiation of construction is anticipated to commence prior to the end of 2024. Please note that the property will transition from agriculture to residential development, so while the site is under construction, active farming is proposed to continue in future development areas. At build-out, all farming activities and associated irrigation will be fully terminated.

### A. Construction Phase BMPs

During construction of the proposed development, the greatest potential for impacts is associated with increased turbidity and/or potential spills of fuels/oils (hydrocarbons), otherwise known as Volatile Organic Compounds (VOCs) used to power earthmoving equipment, etc. Specific BMPs associated with the construction phase are provided below. The Developer will be responsible for maintaining compliance with all ELMP BMP requirements until such time that control of the development is transitioned to the Homeowner’s Association (HOA) and/or Community Development District (CDD).

1. The site’s general contractor shall be responsible for assuring that each contractor or subcontractor evaluates the work area before construction is initiated to determine if site conditions may pose particular problems for the safe and secure handling of any regulated substances.
2. If any regulated substances are stored on the construction site during the construction process, they shall be stored in a location and manner which will minimize any possible risk of release to the environment. There will be no intention to use, handle, produce or store regulated substances in violation of the Lee County Land Development Code Section 14-477, Stormwater Pollution Prevention Plan (SWP3) criteria.
3. Each contractor/subcontractor shall familiarize themselves with the manufacturer’s safety data sheet supplied with each material containing a regulated substance and shall be familiar with procedures required to contain and clean up any releases of a regulated substance. Any tools or equipment necessary to accomplish the same shall be available in case of an accidental release.
4. In the event of a spill of a regulated substance, the contractor/subcontractor will immediately notify the Developer, who will in turn notify the Lee County Division of Natural Resources Director at (239) 533-8109 and the FDEP South District Office at (239) 344-5600. Additional measures, such as those described in this ELMP’s Section 4 (Part A), may also apply.
5. Upon completion of construction, all unused quantities of regulated substances and their containment systems shall be completely removed from the construction site.

6. Proper turbidity abatement measures, as required by the SFWMD, the Florida Stormwater Sedimentation Control Inspector's Manual standards, and the FDEP National Pollutant Discharge Elimination System (NPDES) permit criteria, will be maintained while construction is ongoing or until adequate vegetation or other stabilization measures have been established.

B. Post-Construction Phase BMPs

After the Lee County Certificate of Compliance or the SFWMD stormwater management system certification is completed for a particular phase of the development, the primary focus of the ELMP will be maintaining the stormwater management system lakes since all internal runoff will be routed to these features for treatment. It is also anticipated that the Developer will establish and create an HOA and/or a CDD that will be responsible for the operation and maintenance of all aspects of the stormwater management system including the lakes, associated stormwater conveyance and control components, and the flow-way system in perpetuity. At a minimum, the operation and maintenance of the stormwater management and flow-way systems will require compliance with the terms and conditions contained within this ELMP. Additional details on BMPs, including monitoring of surface water, are provided in Section 3 below.

## Section 3. Lake Maintenance

### A. General Provisions

Proper lake maintenance is an integral aspect of this ELMP since internal stormwater runoff may be discharged to restoration areas after treatment and attenuation. As an added protection to underlying groundwater resources, the excavation of the lakes will not penetrate any continuous impervious layer of clay or rock. In addition, the groundwater withdrawn from the proposed (new) onsite wells will be used to replenish a subset of stormwater lakes as needed for use in the master irrigation system.

As shown on **Figure 2**, surface water irrigation pumps will “repump” groundwater supplies and retained stormwater (surface water) for the irrigation of the residential development. The recycling of surface water quantities is expected to further improve water quality on the property and maintain high water quality in the lakes. The stormwater lakes must be maintained in perpetuity and the following management actions are proposed. Specific post-construction BMPs are also provided.

### B. Deep Lake Management

The Kingston stormwater management lakes are proposed to be deeper than 12 feet in depth. In accordance with Lee County Land Development Code Section 10-329(d) (3), these lakes are therefore designated as “deep lakes” and are subject to specific criteria. Based on Lee County Code, the proposed deep lakes will satisfy the following criteria:

1. The stormwater management deep lakes will not exceed a maximum water depth of 35 feet below land surface and will not penetrate any continuous impervious layer of clay or rock. As required by Lee County Land Development Code Section 10-329, all excavations deeper than 20 feet below land surface will require approval as a planned development rezoning deviation or as a condition of a zoning special exception.
2. A destratification (i.e., aeration) system will be installed in any lake that exceeds a 12-foot water depth. Documentation that the proposed destratification system is adequately sized and designed for each lake deeper than 12 feet will be submitted to Lee County for approval. An example of a deep lake aeration device is provided as **Appendix A**.
3. Native shade trees meeting the specifications of Lee County Land Development Code Section 10-420 will be planted around each deep lake perimeter at approximately one tree per 100 feet of lake shoreline measured at the detention lake’s water level control elevation. Trees and other plants may be grouped or clustered together around the lake perimeter. Proposed modifications to these criteria will require approval as a planned development rezoning deviation or as a condition of a zoning special exception.

4. The deep lake management techniques, including operation of the destratification system, will be maintained for the life of the stormwater management system and will be recorded in the development's covenants, in accordance with the County Attorney's Office.
5. A post-construction bathymetric survey verifying each deep lake's finished water depth, sealed by a professional surveyor and mapper, will be submitted to Lee County for approval

C. Nuisance and Exotic Vegetation Control

The HOA and/or CDD will be responsible for the removal (in perpetuity) of all nuisance and exotic vegetation from the stormwater management system as defined by the Lee County Land Development Code.

1. Lakes must be inspected annually and any prohibited vegetation must be removed by the use of hand-clearing or appropriate chemical treatment. Only aquatic-approved compounds may be utilized in the stormwater management system lakes.
2. Herbicides and/or algaecides may only be applied by a licensed professional applicator who meets the requirements of Lee County, and in accordance with manufacturer specifications. All applicable local, state and/or federal guidelines and requirements will also be followed.

D. Littoral Vegetation Preservation

Littoral zone vegetation is required to be installed by the Developer and maintained by the HOA and/or CDD (in perpetuity). Littoral zones provide habitats for wading birds, fish and aquatic invertebrates and also help to stabilize shorelines and reduce lake bank erosion.

1. Littoral plants that die will be replaced in accordance with Lee County Land Development Code requirements. The presence of littoral plants throughout the lakes is desirable and may also help to improve the water quality within the lakes.
2. The spread of littoral plants will be encouraged throughout the designated littoral areas.
3. Mechanical trimming or the use of land-based herbicides on desirable littoral plants is prohibited. Any trimming or removal of vegetation required to promote the survival and viability of littoral vegetation will be performed by hand or by approved aquatic herbicides and methods.

E. Fertilizer Application

Strict adherence will be maintained with Lee County's Fertilizer Ordinance. Individual lot owners are prohibited from applying fertilizer to their lots. Any person(s) applying fertilizers must have received a

limited certification in compliance with Florida Statute 482.1562 prior to application of any and all fertilizers. Additionally, fertilizer content and application rate must be in compliance with Lee County's Fertilizer Ordinance. The Lee County Fertilizer Ordinance No. 08-08 is provided as **Appendix B**.

1. All professional landscape businesses must register with Lee County prior to performing landscape fertilization services within unincorporated Lee County.
2. At least one (1) employee of a firm employed to perform landscape fertilization services must be a Certified Professional Landscaper.
3. Proof of completion of a Lee County-approved BMP training program is proposed to be provided to the Division of Lee County Natural Resources.
4. At least one (1) BMP-trained employee must be onsite while fertilizers are applied. A registration decal provided by the division must be displayed on all company vehicles.

#### F. Erosion Protection and Lake Bank Maintenance

Lake banks are susceptible to erosion due to overland flow of stormwater runoff, wave action, and the natural seasonal fluctuation of water levels. Accordingly, lake banks within the project are designed to minimize this potential for erosion.

1. Lake banks will be inspected annually to identify areas of erosion. Once identified, the erosion will be repaired and the source of erosion shall be eliminated, if possible.
2. Where excessive erosion occurs, repair of the lake banks and/or enhancement of stabilization measures may be necessary.
3. No motorized boats will be allowed within any of the onsite stormwater management lakes.

#### G. Lake Education Program

A narrative explaining the benefits of littoral vegetation, lake maintenance and surface and groundwater quality will be made available to residents.

1. Lake experts will be encouraged to attend the HOA and/or CDD meetings annually to discuss the lake system operation and maintenance requirements.
2. Homeowners will be informed that they are prohibited from removing or trimming littoral vegetation.

3. Additionally, the homeowners will be made aware of the extreme importance regarding any introduction of hazardous materials or substances into the lakes.

#### H. Pesticide, Herbicide or Fungicide Applications

All applications of pesticides, herbicides, algaecides and/or fungicides shall be applied by a licensed professional applicator, meet the requirements of Lee County, be applied in accordance with the manufacturer's specifications, and shall meet all applicable local, state and/or federal guidelines and requirements. Only approved aquatic herbicides may be used to treat the stormwater management system.

1. Homeowners shall be prohibited from applying pesticides, herbicides and/or fungicides to their lots. These activities will only be performed by certified contractors approved by the HOA and/or CDD.
2. The use of any chemical product in a manner that will allow airborne or waterborne entry of such products into the stormwater management system is prohibited. This requirement shall not apply to the use of chemical agents by certified lake management specialists for the control of algae and nuisance vegetation within the stormwater management system lakes. However, application of such agents shall be in compliance with the requirements of Lee County, applied in accordance with the manufacturer's specifications, and meet all applicable local, state and/or federal guidelines and requirements.
3. Pesticides, fungicides and herbicides will be used only in response to a specific problem and in the manner and amount recommended by the manufacturer. Broad application of pesticides, fungicides and herbicides as a preventative measure is prohibited.

#### I. Underground Fuel Storage Tank Systems

1. In the event that a fuel dispensing and storage system, i.e., gas station, is proposed, the facility must be registered and strictly adhere to the requirements of Chapter 62-761 Florida statutes and meet all FDEP construction and monitoring requirements therein. Proper financial responsibility shall be maintained and be demonstrated to the County and the Department for all storage tank systems. The responsible party must also be able to prove the ability to pay for cleanup of a discharge and cover all liabilities resulting from a discharge of petroleum or petroleum products at the site.

## Section 4. Corkscrew Wellfield Protection

### A. Corkscrew Wellfield Protection

The Kingston development is not located within a Lee County Wellfield Protection Zone and is approximately 0.6 miles east of the outside extent of the 10-year travel time Wellfield Protection Zone, as shown in **Figure 3**. Therefore, measures regarding Wellfield Protection are not applicable to this ELMP. The level of water quality assurance offered by this ELMP offers abundant assurance that, in the unlikely event that degradation of water quality or contamination occurs, ample time exists to initiate remedial measures and safeguard Lee County's nearest production well. Further assurance in regards to protecting water quality within the DR/GR is demonstrated by the proposed surface water quality monitoring described in **Section 5** and shown in **Figure 4**.

## Section 5. Surface Water Quality Monitoring Program

### A. General Data Quality Objectives

All surface water quality samples will be collected in accordance with Chapter 62-160, Florida Administrative Code (F.A.C.), and the FDEP's Standard Operating Procedures (SOPs) DEP-SOP-001/01 FQ 1000 Field Quality Control Requirements and FDEP-SOP-001/01 FS 2100 Surface Water Sampling. A summary of the proposed surface water sampling schedule is provided in the attached **Table 1**.

### B. Surface Water Monitoring Goals

The purpose of the surface water monitoring program is to assure that surface water coming onto, originating within, and leaving the project meet all applicable requirements of the SFWMD Environmental Resource Permit (ERP) program authorized pursuant to Part IV of Chapter 373, F.S. and all applicable requirements of Chapter 62-302, F.A.C., Surface Water Quality Standards. Please note that if there is no flow observed at any of the designated flow-way system monitoring points at the time of sample collection, the "no flow" condition will be noted and no surface water sample will be taken. Additional surface water quality parameters may be required if the FDEP determines that the sub-watershed or FDEP WBID No. 3259B<sub>1</sub> becomes impaired.

### C. Surface Water Quality Monitoring

Surface water quality grab samples will be collected per FDEP protocol and analyzed by a NELAC/TNI-certified laboratory. The surface water quality parameters to be tested are listed below and summarized in the attached **Table 2**. In addition, the attached **Table 2** also includes the laboratory's Accuracy, Precision and minimum Method Detection Limit (MDL). Please note that the Practical Quantitation Limit (PQL) for each parameter varies between laboratories, however the PQL typically equates to four times the MDL.

- **Field Parameters – Depth of Water, Dissolved Oxygen, pH, Temperature, Total Dissolved Solids and Specific Conductivity**
- **Lab Parameters – Total Nitrogen, Nitrate and Nitrite, Ammonium, Ammonia, Total Kjeldahl Nitrogen, Total Phosphorus, Chlorophyll-a, and Ortho-phosphate.**

Surface water quality monitoring shall be continued for a minimum of five (5) years after operational completion of all the stormwater management system components. After five (5) consecutive years of testing, a request for discontinuation or reduction in the monitoring requirements will be proposed to the Lee County Natural Resources Department if it can be demonstrated that the surface water quality is being maintained within applicable State standards.

## Section 6. Water Quality Data Reporting and Analysis

Surface water quality data will be submitted to the Lee County Natural Resources Department staff in an approved electronic format within 30 days of receiving results from the contract laboratory if an issue has been detected. Otherwise, data will be submitted annually. The submittal will include all field notes, field and laboratory water quality data results and all previously collected (i.e., period of record) water quality data. The submittals will also include a brief narrative on the most recent sample collection, sample chain of custody, descriptions of any re-testing of erroneous values, and any water quality exceedances.

By **March 1 of each year**, a Water Quality Summary Report for the preceding calendar year shall be supplied to Lee County Natural Resources staff which summarizes the surface water testing results for the development. The results will include a summary table that lists all the field and laboratory parameters for the monitoring locations. Laboratory parameter concentrations that fall below the PQL for that parameter will be reported with no value; however, a value qualifier of "I" (i.e., between the MDL and PQL) or "U" (below the MDL) will be included in the summary table.

All water quality data for the analytes listed in the attached **Table 2** that are detected in concentrations above the laboratory PQL will be reviewed, graphed and statistically analyzed for trends and exceedances above two (2) standard deviations of the mean of all values. Any reported concentrations above the MCL will be clearly identified, as well as remedial actions which were used to timely reduce that particular analyte's concentration.

## Section 7. Remedial Actions

In the unforeseen event that any significant surface water impacts are identified as a result of a hydrocarbon spill or pesticide/herbicide application at the subject property, the Developer or designee of the HOA and/or CDD will notify the Director of the Lee County Natural Resources Division within no more than 12 hours (or next business day). If a spill or release "presents an immediate threat to human health and/or the environment" then the FDEP Office of Emergency Response (OER) will be contacted within 24 hours. Guidance outlining the definition of a release as well as reporting procedures is presented in the OER webpage located at:

[http://www.dep.state.fl.us/per/reportable incident.htm](http://www.dep.state.fl.us/per/reportable%20incident.htm).

The Developer or their successor(s) will coordinate contamination assessment and remediation efforts with Lee County and will comply with applicable local, state and federal permitting requirements. The initial phase of the remediation plan will consider the actions outlined in **Section 5** and may consist of temporary monitoring wells installed for the short-term temporal monitoring of potential subsurface impacts and to evaluate the horizontal and the vertical distribution of the impacted area. Based on the findings of the initial phase, if necessary, a more comprehensive assessment may be required.

## Section 8. In Conclusion

The information and technical requirements in this ELMP are provided to the Developer or designee of the HOA and/or CDD to assist with understanding the importance of a well-maintained and fully-functioning stormwater management system. The stormwater management system lakes within the development are not only required by state law but can also be a source of beauty and enjoyment for the residents while maintaining the value and integrity of the water resources. The Kingston flow-way systems are integral hydrologic features that enhance the project site and promotes increased recharge to the shallow Water Table Aquifer. The overall reductions in permitted groundwater quantities requested as part of the Kingston development total approximately 9.9 mgd. The retirement of permitted quantities of this magnitude represents the single largest benefit to the water resources of the DR/GR.

Therefore, the groundwater resource benefits and the management actions required herein demonstrate an exceptional level of protection, preservation and enhancement of groundwater and surface water resources within the DR/GR.

**Table 1**  
**Water Quality Sampling Schedule**

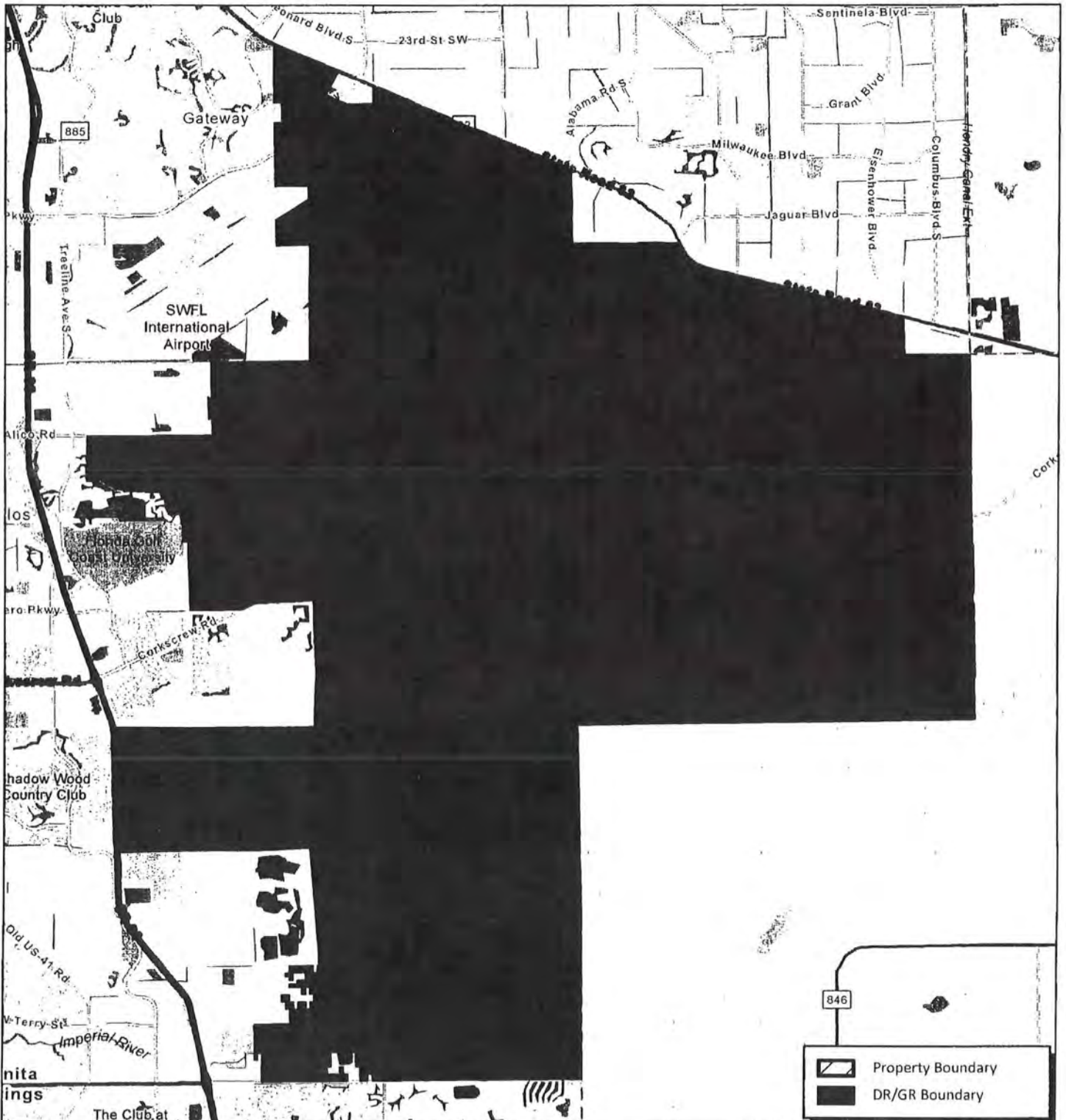
<b>Date</b>	<b>Sample Type</b>	<b>Sample Location</b>
<b>January-31</b>	N/A	N/A
<b>February-28</b>	N/A	N/A
<b>March-31</b>	N/A	N/A
<b>April-30</b>	N/A	N/A
<b>May-31</b>	Surface Water	9 locations
<b>June-30</b>	N/A	N/A
<b>July-31</b>	Surface Water	9 locations
<b>August-31</b>	N/A	N/A
<b>September-30</b>	Surface Water	9 locations
<b>October-31</b>	N/A	N/A
<b>November-30</b>	N/A	N/A
<b>December-31</b>	N/A	N/A

\*See Figure 4 for surface water quality sampling locations

**Table 2**  
**Surface Water Quality Analytes**

<b>Field Parameters</b>					
<b>Parameter</b>	<b>Units</b>	<b>Precision (%RPD)</b>	<b>Accuracy (%Recovery)</b>	<b>MDL</b>	<b>Sampling Frequency</b>
Depth of Water	Feet	0.01	NA	NA	3 times per year
Dissolved Oxygen	mg/L	FT 1000-1	FT 1000-1	NA	3 times per year
pH	SU	FT 1000-1	FT 1000-1	NA	3 times per year
Temperature	Deg C	FT 1000-1	FT 1000-1	NA	3 times per year
Specific Conductivity	μS/cm	FT 1000-1	FT 1000-1	NA	3 times per year
<b>Laboratory Parameters (Nutrients)</b>					
Total Nitrogen	mg/L	CALC	CALC	CALC	3 times per year
Nitrite + Nitrate	mg/L	5	90-110	0.004	3 times per year
Ammonium	mg/L	CALC	CALC	CALC	3 times per year
Ammonia	mg/L	17	90-110	0.008	3 times per year
Total Kjeldahl Nitrogen	mg/L	11	90-110	0.05	3 times per year
Total Phosphorus	mg/L	10	90-110	0.008	3 times per year
Chlorophyll-a	mg/L	20	93-108	0.25	3 times per year
Ortho-phosphate	mg/L	10	88-118	0.002	3 times per year

Notes:

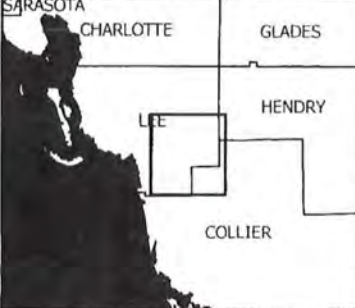


	Property Boundary
	DR/GR Boundary

N

0 0.6 1.2 2.4 Mi

Scale: 1:140,000



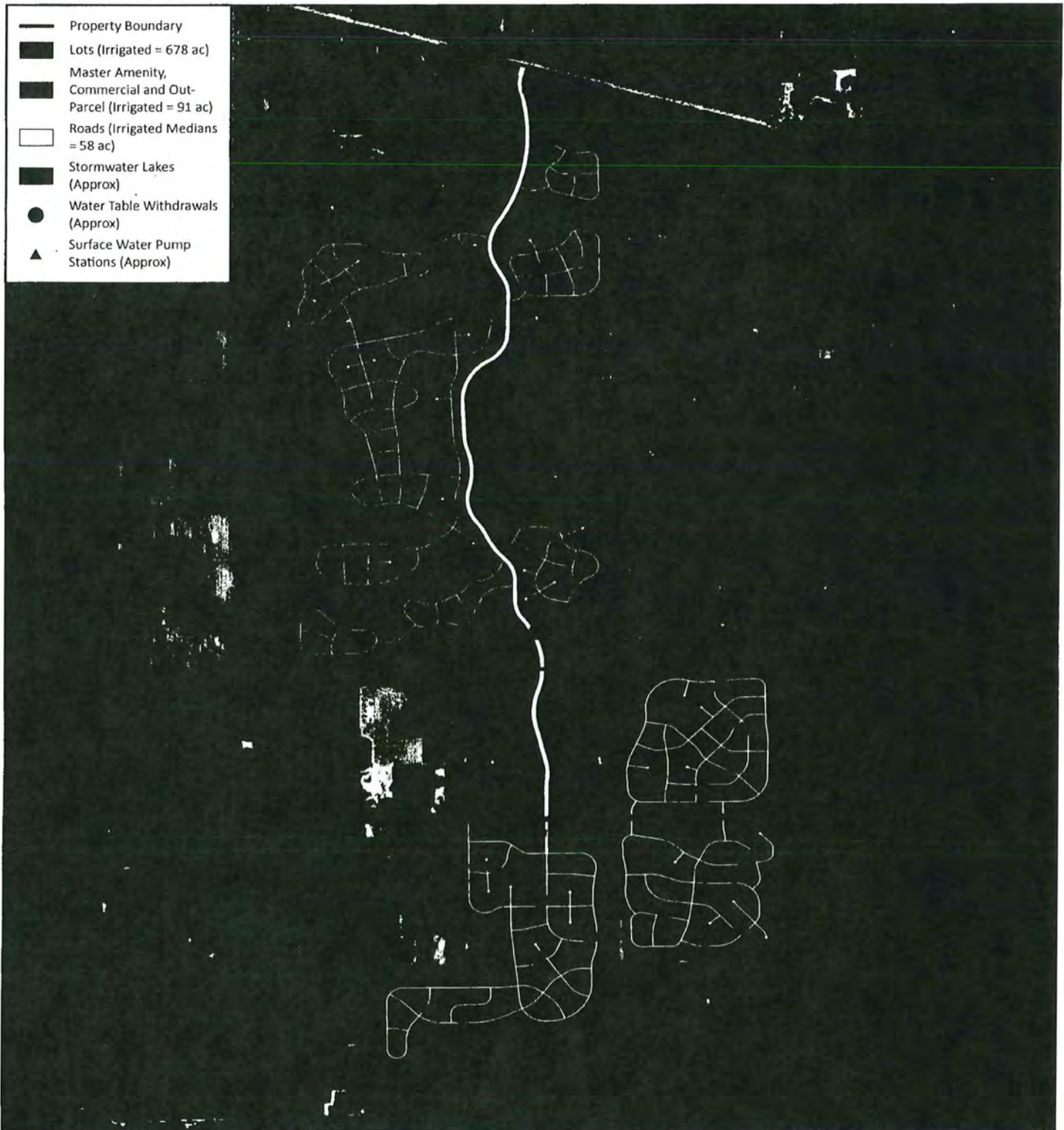
**Figure 1**  
**Kingston Property and the DR/GR**  
*Lee County, Florida*

Progressive Water Resources, a Division of RESPEC, LLC has provided the images or data presented in this map for informational purposes only. This data is not intended to be used in lieu of official survey data provided by a Professional Surveyor licensed by the State of Florida

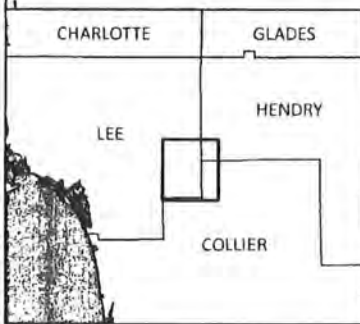
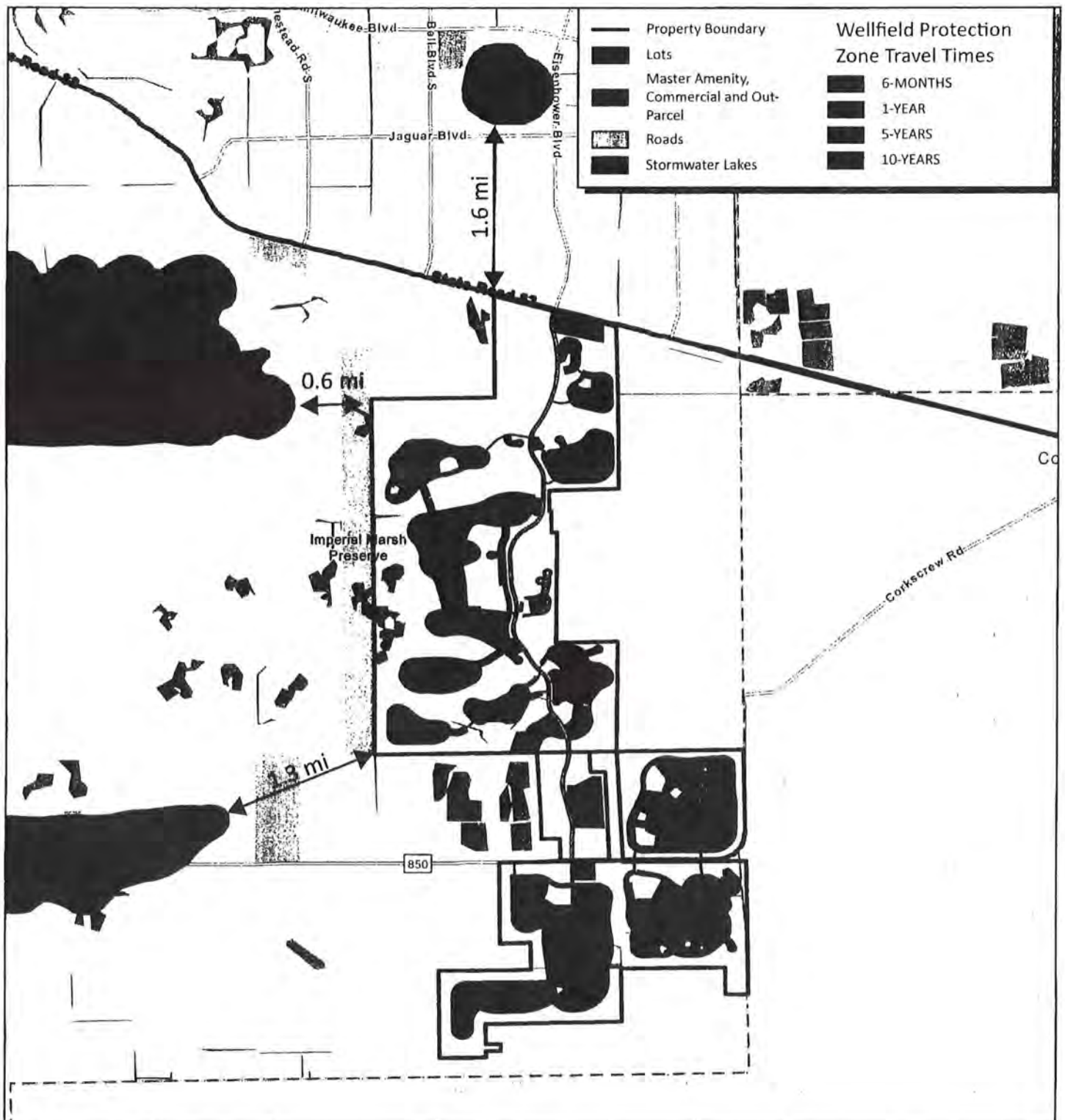
4/12/2022

Image: ESRI World Street Map

**Progressive Water Resources**  
 Integrated Water Resource Consultants  
 a Division of RESPEC Company, LLC



	<p><b>Figure 2</b>  <b>Kingston Conceptual Layout                  and Withdrawals</b>  <i>Lee County, Florida</i></p>	
	<p>Progressive Water Resources, a Division of RESPEC, LLC has provided the images or data presented in this map for informational purposes only. This data is not intended to be used in lieu of official survey data provided by a Professional Surveyor licensed by the State of Florida</p>	<p>4/27/2022</p>
<p>Image: ESRI World Imagery</p>		





**Figure 3**  
**Proximity to Lee County**  
**Wellfield Protection Zones**  
*Lee County, Florida*

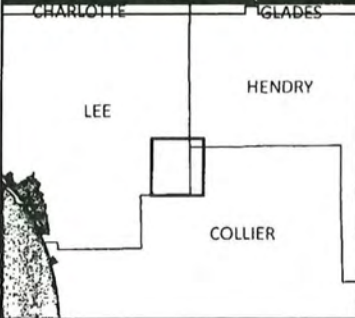
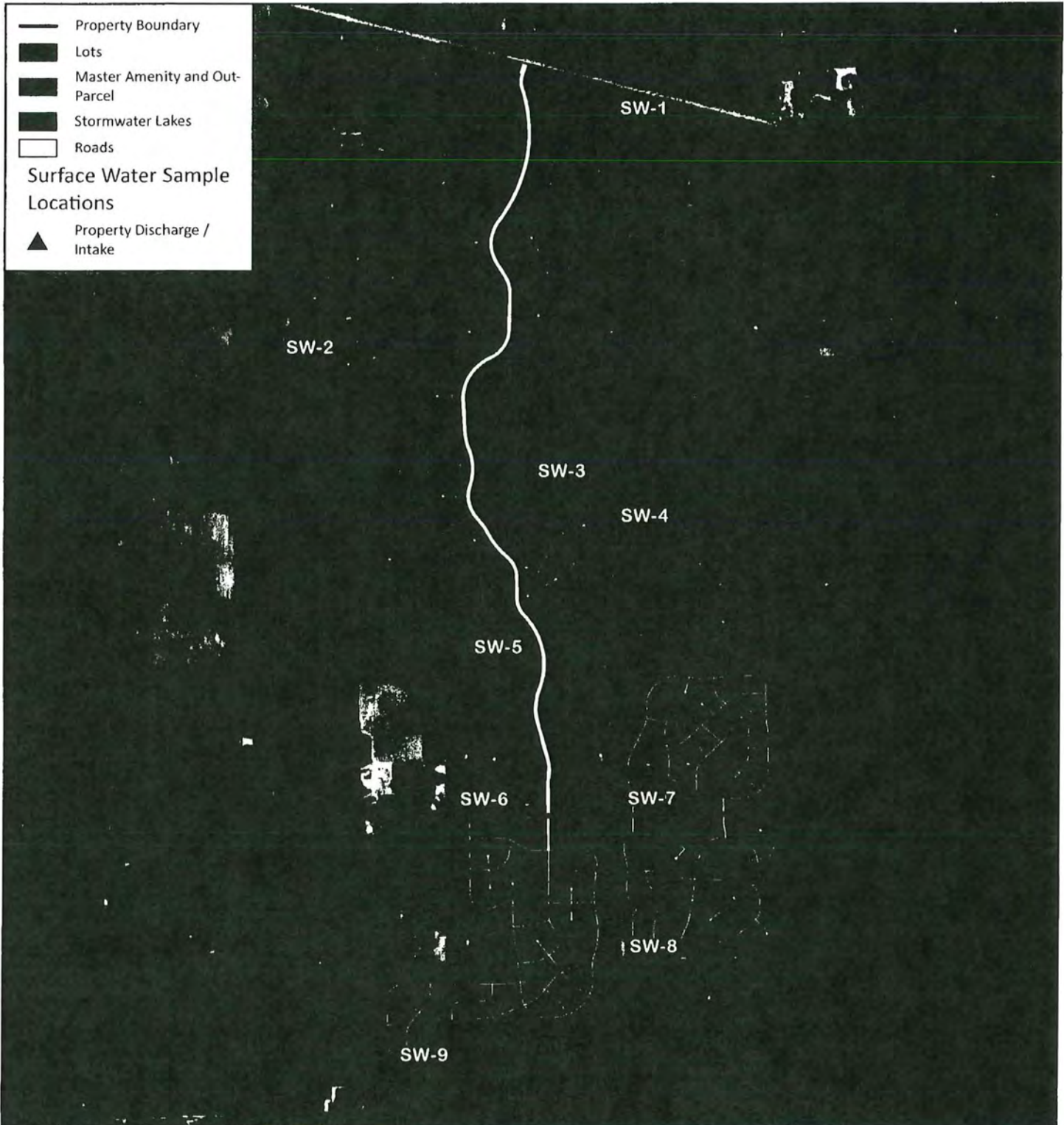
Progressive Water Resources, a Division of RESPEC, LLC has provided the images or data presented in this map for informational purposes only. This data is not intended to be used in lieu of official survey data provided by a Professional Surveyor licensed by the State of Florida

4/27/2022

Image: ESRI World Street Map


 0 0.38 0.75 1.5 Mi  
 Scale: 1:75,000

  
**Progressive Water Resources**  
 Integrated Water Resource Consultants  
 a Division of RESPEC Company LLC


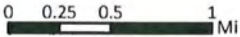



**Figure 4**  
**Proposed Surface Water Sampling Locations**  
*Lee County, Florida*

Progressive Water Resources, a Division of RESPEC, LLC has provided the images or data presented in this map for informational purposes only. This data is not intended to be used in lieu of official survey data provided by a Professional Surveyor licensed by the State of Florida

4/27/2022

Image: ESRI World Imagery



  
 Scale: 1:55,000

  
**Progressive Water Resources**  
 Integrated Water Resource Consultants  
 a Division of RESPEC Company LLC

## **APPENDIX A**

# ***Example of Deep Lake Aeration Device***



# Vertex Water Features Pond and Lake Aeration

**BOTTOM AERATION**

With  
Vertex  
MicronBubble™  
Technology



## AIR3 XL2

Cabinet shown is representative, actual system may be different.

## AIR3 XL2™

The Vertex Air3 XL2™ pond aerator is a super-efficient, affordable and safe system. In a typical pond, an Air3 XL2™ can aerate approximately 3-4 acres depending on shape, slope, oxygen demand and other factors. A 1/2hp (0.37kW) Brookwood™ SafeStart™ compressor, housed in our rustproof aluminum outdoor cabinet, feeds three bottom mounted CoActive AirStations™ utilizing Vertex's MicronBubble™ technology. The rising force of millions of bubbles circulates the entire water column, entraining bottom water up to the surface allowing vital oxygen to be absorbed and poisonous gasses expelled. With no electricity in the water, Vertex's aeration systems are safe for any type of water recreation.

Our systems have a full 3-year Vertex warranty, excluding wearable parts (air filters and compressor maintenance kits) plus a Limited Lifetime warranty against rust and corrosion on the cabinet, 5-year warranty on the AirStations™ and a 15-year warranty on BottomLine™ supply tubing.



## FEATURES

### AIRSTATIONXL2™

- ♦ Total pumping capacity of up to 11,400 GPM
- ♦ Six 9" flexible membrane discs with MicronBubble™ technology
- ♦ Shallow water Airstation optional for depths lower than 8'
- ♦ Self-cleaning, low maintenance
- ♦ Powder-coated stainless steel self-sinking base unit designed to prevent sinking into soft bottom sediments
- ♦ 5-year "No Questions" warranty

### BROOKWOOD™ COMPRESSOR

- ♦ 3-year Vertex warranty, excluding wearable parts (air filters and compressor maintenance kits)
- ♦ Vertex SafeStart™ Technology
- ♦ UL, 115v or 230v, 35 Max PSI
- ♦ Thermal overload protection
- ♦ 1/2hp (0.37kW): low electrical costs
- ♦ 2-3 year extended duty cycle between scheduled maintenance

### QUIETAIR™ CABINET

- ♦ Class "A" GFCI protection on all 115v circuits
- ♦ Powder coated aluminum for a durable attractive finish
- ♦ High capacity 290 CFM fan
- ♦ Easy access design with cam lock
- ♦ Easy plug-in connection to waterside electrical service
- ♦ Disconnect switch
- ♦ Heavy duty, light weight mounting pad included
- ♦ Sound dampening kit optional
- ♦ Limited lifetime warranty against rust

### BOTTOMLINE™ TUBING

- ♦ Over-sized I.D. for high flow
- ♦ Self-weighted for easy installation
- ♦ Available in 100' and 500' increments
- ♦ 15-year Vertex warranty

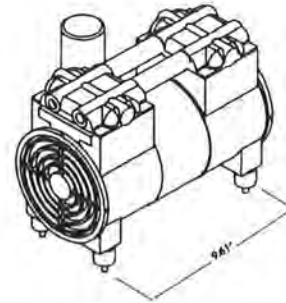
### BENEFITS TO THE LAKE

- ♦ High pumping rate easily penetrates stratification layers
- ♦ Circulates entire water column
- ♦ Increases oxygen levels throughout water column
- ♦ Promotes beneficial bacteria growth
- ♦ Prevents low oxygen fish kills
- ♦ Reduces nutrient levels and associated algae growth
- ♦ Oxidizes/reduces bottom muck
- ♦ Expands oxygenated habitat for improved fisheries
- ♦ Reduces aquatic midge and mosquito insect hatches
- ♦ Eliminates foul odors from undesirable dissolved gases
- ♦ Safe entry – no electricity in the water
- ♦ Extremely energy efficient

## SPECIFICATIONS: AIR3XL2™ LAKE AERATION SYSTEM

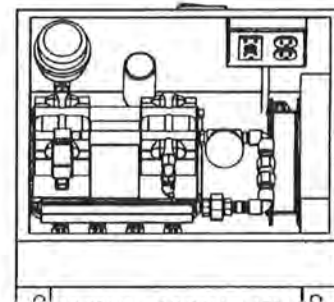
### BROOKWOOD™ COMPRESSOR

1/2hp (0.37kW), 115v or 230v, Single Phase piston type compressor. Built for continuous 24/7 operation and equipped with Vertex SafeStart™ technology allowing auto restart under maximum rated pressure without motor damage. Super-duty Brookwood™ compressors incorporate upgraded rotors, stators, valve plates, bearings and capacitors and are thermally protected, oil-free, and require no lubrication; just periodic cleaning of included washable air filter. Extended duty cycle is approximately 2 to 3 years for compressor maintenance, about 2 to 3 times the duty cycle of ordinary piston and rotary vane compressors. All Brookwood™ SafeStart™ compressors carry a 3-year Vertex warranty, excluding wearable parts (air filters and compressor maintenance kits).



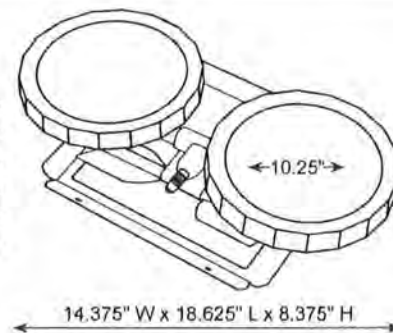
### QUIETAIR™ CABINET

Enclosure comes equipped with cam lock for security, fully gasketed and constructed of aluminum with gray electrostatically-bonded powder coating to provide Limited Lifetime warranty against cabinet rust and corrosion. Enclosure furnished with stamped ventilation grills to insure forced air circulation and an integral cooling fan with thermal protection, producing 290 CFM to guard against excessive compressor operating temperatures. Cabinet provided with HDPE mounting pad. Enclosure comes with class a GFCI protection on both the compressor and fan circuits. Quick disconnect switch included. Side mounted muffler box and additional insulation optional for quieter operation.



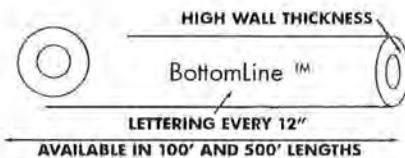
### AIRSTATION XL2™ ASSEMBLY

Diffuser station consists of two self-cleaning, 9" diameter, flexible membrane diffusers of EPDM compound with 100% rebound memory, each producing millions of fine 500 to 3000 micron bubbles – the majority 500 to 1000 microns. Each diffuser station base unit is made of powder-coated stainless steel and designed to prevent settling into soft bottom sediments. AIRSTATION™ is designed with adjustable diffuser riser to accommodate any site requirements. AirStations are independently tested and verified to provide stated pumping rates. 5-year warranty.



### BOTTOMLINE™ SUPPLY TUBING

Self-weighted, direct burial submersible tubing for connection from compressor to diffuser stations. Tubing is flexible PVC composite construction for use with standard PVC solvent weld cement and insert fittings. Tubing has 0.58" I.D. and high wall thickness for long term durability and protection against punctures. Remains flexible in cold temperatures.



(844) 432-4303 • [info@vertexwaterfeatures.com](mailto:info@vertexwaterfeatures.com)  
[www.vertexwaterfeatures.com](http://www.vertexwaterfeatures.com)

Install all electrical equipment in accordance with Article 682 of the National Electrical Code and all local codes. Vertex Water Features reserves the right to improve and change our designs and/or specifications of our aerators without notice or obligation.  
 ©Vertex Water Features rev.051116

## **APPENDIX B**

# ***Lee County Fertilizer Ordinance No. 08-08***

**APPLICATION:** This ordinance applies to anyone performing lawn care and maintenance on turf and/or landscape plants within unincorporated Lee County as a "professional landscape business" or an "institutional landscaper". This ordinance does not apply to individual homeowners who perform their own landscape maintenance.

**EFFECTIVE DATE:** This ordinance goes in to effect on May 13, 2009.

**REGISTRATION:**

- All professional landscape businesses must register with Lee County prior to performing landscaping within unincorporated Lee County. At least one (1) employee must be a Certified Professional Landscaper. Proof of completion of a Lee County approved BMP training program must be provided to the Division of Lee County Natural Resources. At least one (1) BMP trained employee must be on site while fertilizers are applied. A registration decal provided by the division must be displayed on all company vehicles. NOTE: An example of a professional landscape business is any company you hire to perform landscaping at your home.
- All institutional landscapers must follow the same registration guidelines as professional landscape businesses with the exception of displaying a registration decal on company vehicles. NOTE: An example of an institutional landscaper is the in-house landscape maintenance staff at Shadow Wood.



**TRAINING & CERTIFICATION:**

- Florida Green BMP training & certification can be completed through the Lee County Extension Service. This must be done prior to registration.
- Non-professional landscapers are not required to complete the Florida Green BMP training & certification, but are strongly encouraged to participate in the University of Florida IFAS Florida Yards & Neighborhoods Outreach & Public Education Program. This applies to individual owners of single-family residential units who perform lawn care and maintenance on turf and/or landscape plants.

**TIMING OF FERTILIZER APPLICATION:** Fertilizers containing Nitrogen (N) and/or Phosphorus (P) may not be applied on turf and/or landscape plants from June 1 through September 30.

**FERTILIZER CONTENT/APPLICATION RATE:**

- Phosphorus (P) in any fertilizer may not exceed a rate of 0.25 lb. per 1,000 sq. ft. per application.
- Phosphorus (P) in any fertilizer may not exceed a rate of 0.50 lbs. per 1,000 sq. ft. per year.
- All fertilizers applied must contain at least 50% slow release nitrogen (N).
- Nitrogen (N) in any fertilizer may not exceed a rate of 4 lbs. per 1,000 sq. ft. per year.

**IMPERVIOUS SURFACES:** No fertilizers should be deposited, intentionally or accidentally, on an impervious surface such as a driveway, sidewalk or street.

**BUFFER ZONES:** No fertilizers shall be applied on turf and/or landscape plants within ten (10) feet of a water body, seawall or wetland. (See Florida DEP chapter 62-340)

**MODE OF FERTILIZER APPLICATION:** When using a rotary spreader, use of a deflector shield is required to deflect fertilizers away from water bodies, seawalls and wetlands.

**LOW MAINTENANCE ZONES (NO MOW):** A voluntary six (6) foot low maintenance zone is strongly recommended from any water body, seawall or wetland.

**GRASS CLIPPINGS/VEGETATIVE MATERIAL:** No grass clippings or vegetative materials shall be deposited into storm drains, ditches, water bodies, roadways or other impervious surfaces.

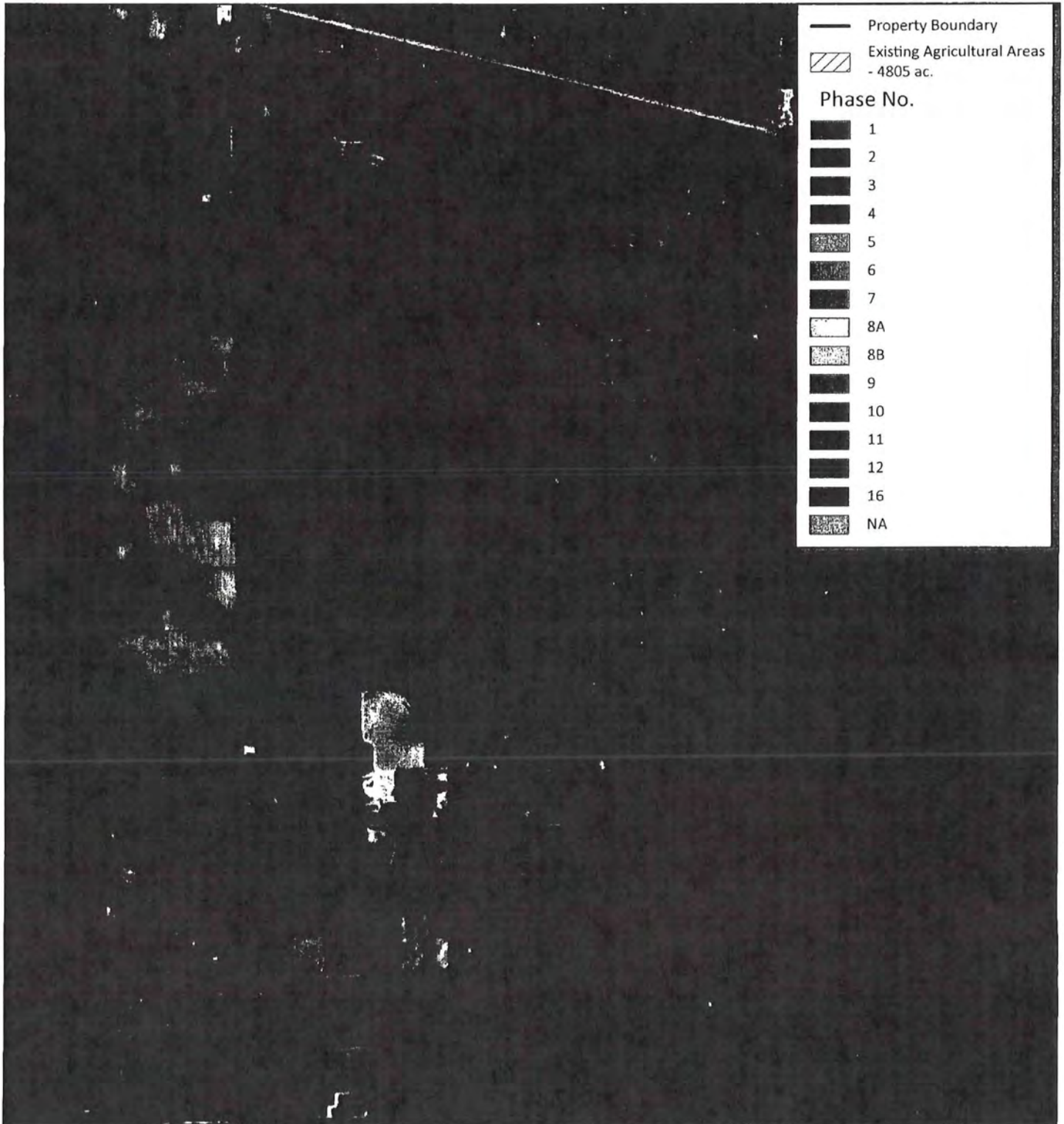
**EXEMPTIONS (ordinance does not apply to):**

- New landscaping in place for less than sixty (60) days.
- Vegetable gardens as long as they are not within fifteen (15) feet of a water body, seawall or wetland.
- Yard waste, compost or mulches applied to improve the soil.
- Reclaimed water used for irrigation which usually contains high amounts of nitrogen and phosphorus.
- Farm operations.
- Pastures used for grazing livestock.
- Golf courses.
- Specialized turf areas (parks, cemeteries, athletic fields, golf practice areas).


**ENFORCEMENT & PENALTIES:**

- This ordinance shall be enforced by designated Lee County officials and/or inspectors.
- First violation...\$100.00
- Second violation...\$250.00
- Third and subsequent violations...\$500.00


















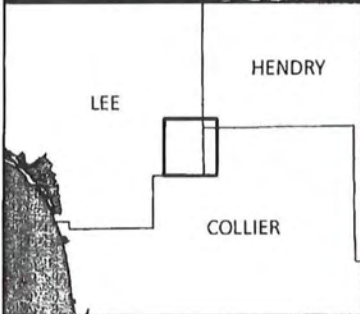


— Property Boundary

 Existing Agricultural Areas  
- 4805 ac.

**Phase No.**

-  1
-  2
-  3
-  4
-  5
-  6
-  7
-  8A
-  8B
-  9
-  10
-  11
-  12
-  16
-  NA




**Kingston - Cameratta**  
Existing Agricultural Areas  
vs. Proposed Phasing  
*Lee County, Florida*

Progressive Water Resources, a Division of RESPEC, LLC has provided the images or data presented in this map for informational purposes only. This data is not intended to be used in lieu of official survey data provided by a Professional Surveyor licensed by the State of Florida

4/29/2022

Image: ESRI World Imagery

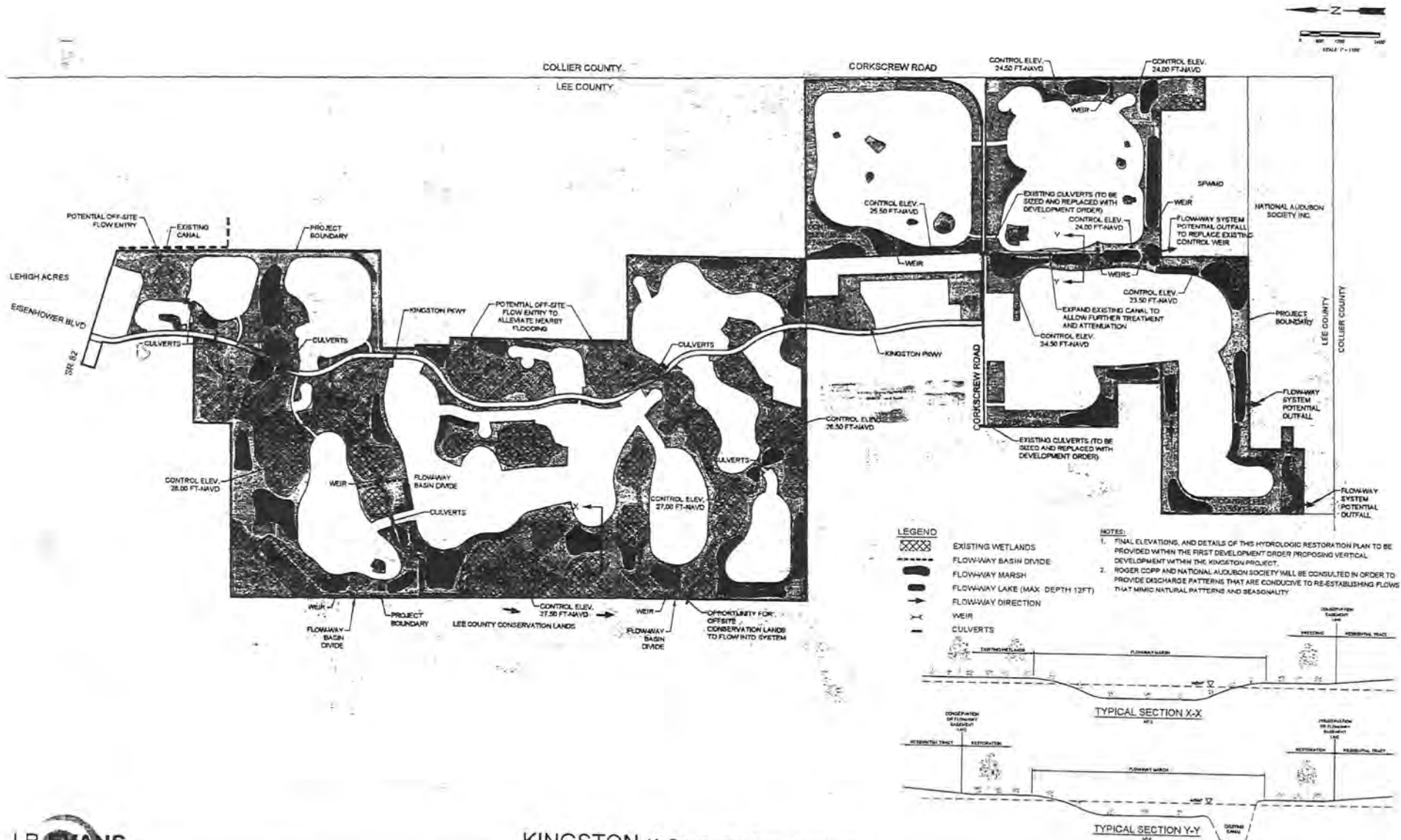
N  
0 0.25 0.5 1 Mi  
Scale: 1:55,000

  
**Progressive Water Resources**  
Integrated Water Resource Consultants  
a Division of RESPEC Company LLC

**Kingston Development - Cameratta**  
Existing vs. Proposed Acreage and Irrigation Allocations

APPROXIMATE

Phase No.	Existing Agricultural Acres Removed	Proposed Development Acres	Existing Agricultural Annual Water Use (GPD)	Proposed Development Annual Water Use (Est. GPD)	Est. Net Reduction (GPD)	Est. Net Change (Percent)
1	913.9	142.28	2,308,232	500,658	1,807,574	-78%
2	536.5	85.8	1,355,035	301,918	1,053,117	-78%
3	610.4	97.72	1,541,684	343,863	1,197,821	-78%
4	235.41	66.48	653,766	233,945	419,821	-64%
5	80.31	11.6	223,030	40,822	182,208	-82%
6	52.81	27	146,659	95,014	51,645	-35%
7	279.51	47.08	776,238	165,671	610,567	-79%
8A	442.51	72.12	1,228,913	253,781	975,132	-79%
8B	499.71	79.04	1,387,766	278,137	1,109,629	-80%
9	343.31	44.04	953,420	154,959	798,461	-84%
10	298.01	35.32	827,615	124,274	703,341	-85%
11	149.11	28.52	414,098	100,356	313,742	-76%
12	68.21	12	189,427	42,219	147,208	-78%
16	30.9	25	78,044	87,973	-9,929	13%
Spine Road	75.61	58	209,978	204,082	5,895	-3%
NA	188.8	NA	526,097	0	526,097	-100%
<b>Total</b>	<b>4,805</b>	<b>832</b>	<b>12,820,000</b>	<b>2,927,671</b>	<b>9,892,329</b>	<b>-77%</b>



## EXHIBIT P Kingston Offsite Water

### Kingston Phase 1 (Kingston density from 0 – 1,200 units):

- The Kingston development will install a 20" watermain westerly along Corkscrew Road from the Kingston development and connect to the existing 16" watermain at the east entrance of Verdana Village.
- The Kingston development will also install the first 250,000-gallon water tank with associated pumps.

### Kingston Phase 2 (Kingston density from 1,201 units – 2,700 units):

- The Kingston development will install a booster pump near the east entrance to the Place connecting to the existing 16" watermain.

### Installation By Others (Kingston density from 2,701 units – 5,700 units):

- Install a 24" watermain westerly from the FFD development to Alico Road connecting to the existing 24" watermain on Alico Road.

### Kingston Phase 3 (Kingston density from 5,701 units – 8,400 units):

- The Kingston development will install a 24" watermain westerly along Corkscrew Road from The Place west entrance and connect to the existing 24" watermain at the FFD Development on Corkscrew Rd.

### Kingston Phase 4 (Kingston density from 8,401 units – 10,000 units):

- The Kingston development will install a 20" watermain easterly along Corkscrew Road from The Place west entrance and connect to the booster pump installed in Phase 2.
- The Kingston development will also install an approximate second 250,000-gallon water tank. (Final size TBD)

*Note – The specific phases shown above can be interchanged with Kingston unit densities verified by the engineer.*

# BUILDING A OF DIFFERENCE

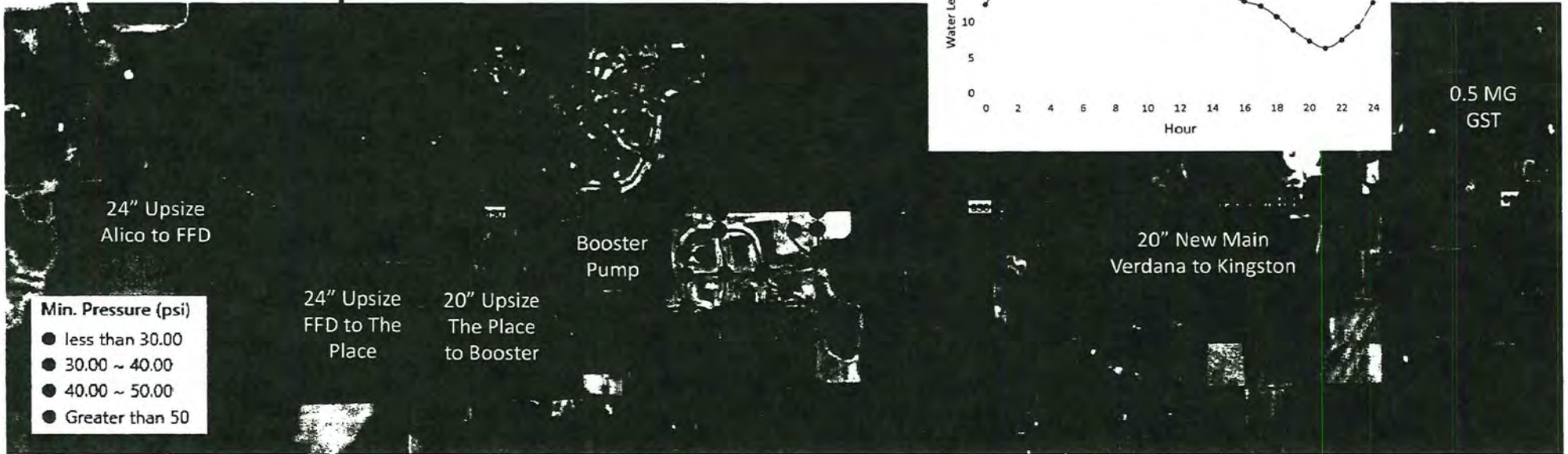
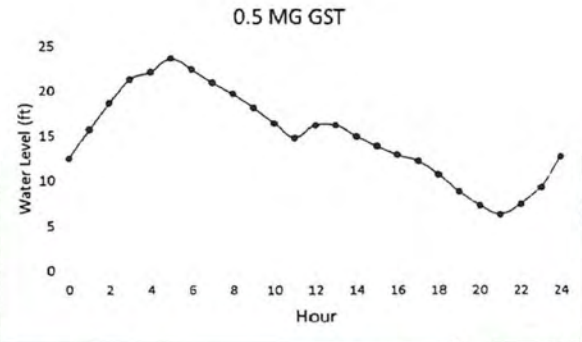
14 April 2022

## Kingston Offsite Utility Infrastructure Requirements

BUILDING A WORLD OF DIFFERENCE®  
////////////////////



# MDD Minimum Pressures



- Min. Pressure (psi)**
- less than 30.00
  - 30.00 ~ 40.00
  - 40.00 ~ 50.00
  - Greater than 50

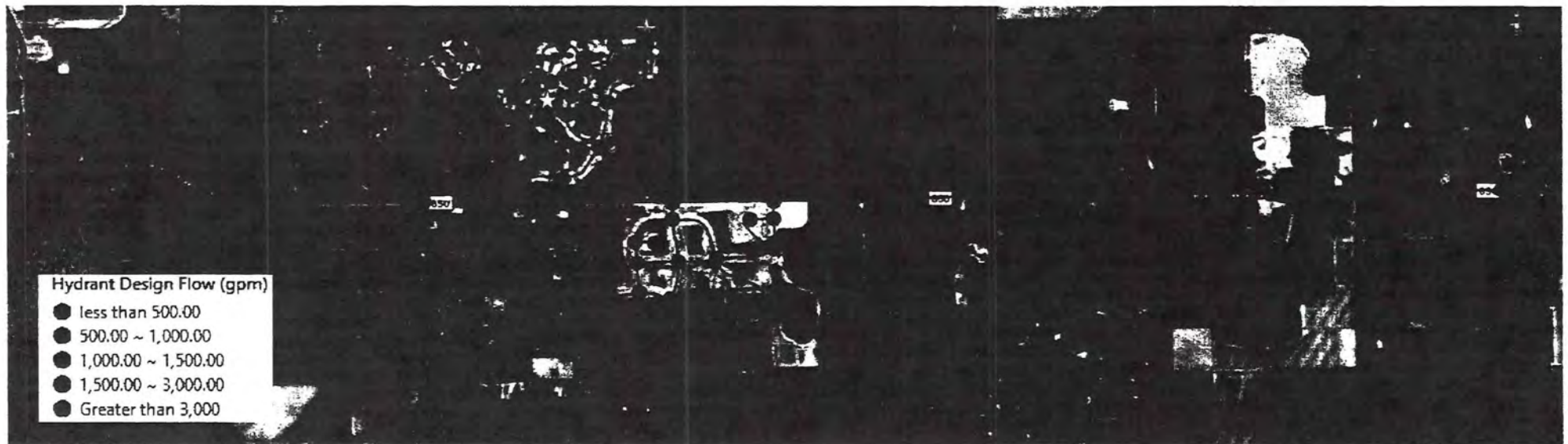
**Total Demand = 7.9 mgd**



## Available Fire Flow at Peak Hour

★ 1,450 gpm

☆ 1,375 gpm, Junction is at a dead end



## Length of Pipe Required

	From Alico Rd to FFD		From FFD to The Place Western Entrance		From The Place Western Entrance to Booster Pump	From Eastern Verdana Entrance to Kingston Tank	Booster Station
	20" Upsize (ft)	24" Upsize (ft)	20" Upsize (ft)	24" Upsize (ft)	20" Upsize (ft)	20" New (ft)	Required Pumping @ BO
<b>Estimated Pipe Lengths</b>	-	7,514	-	2,591	2,081	18,384	80 ft Head @ 3600 gpm

Year	FFD Units	The Place Units	Verdana Pod 1 Units	Verdana Pod 2 Units	Kingston Units	Booster Pump Flow Required (gpm)	Improvement Alternative 1	Improvement Alternative 2
2023	300	1,325	1,181	-	-	-		
2024	600	1,325	1,181	-	-	-		
2025	900	1,325	1,181	-	300	-		
2026	1,200	1,325	1,181	900	600	-		
2027	1,500	1,325	1,181	600	900	-		
2028	1,800	1,325	1,181	900	1,200	-		
						1,123	Booster Pump Required	24" Main Upsize from Alico Rd. to FFD Required
2030	2,400	1,325	1,181	1,219	1,800	1,216		
						1,303	24" Main Upsize from Alico Rd. to FFD Required	
2032	3,000	1,325	1,181	1,219	2,400	1,390		
2033	3,300	1,325	1,181	1,219	2,700	1,477		
						1,564		Booster Pump Required
2035	3,900	1,325	1,181	1,219	3,300	1,651		
2036	4,200	1,325	1,181	1,219	3,600	1,739		
2037	4,500	1,325	1,181	1,219	3,900	1,826		
2038	4,800	1,325	1,181	1,219	4,200	1,913		
2039	5,100	1,325	1,181	1,219	4,500	2,000		
2040	5,208	1,325	1,181	1,219	4,800	2,087		
2041	5,208	1,325	1,181	1,219	5,100	2,174		
2042	5,208	1,325	1,181	1,219	5,400	2,261		
2043	5,208	1,325	1,181	1,219	5,700	2,348		
						2,435	24" Main Upsize from FFD to The Place Required	
2045	5,208	1,325	1,181	1,219	6,300	2,522		
2046	5,208	1,325	1,181	1,219	6,600	2,610		
2047	5,208	1,325	1,181	1,219	6,900	2,697		
2048	5,208	1,325	1,181	1,219	7,200	2,784		
2049	5,208	1,325	1,181	1,219	7,500	2,871		
2050	5,208	1,325	1,181	1,219	7,800	2,958		
2051	5,208	1,325	1,181	1,219	8,100	3,045		
2052	5,208	1,325	1,181	1,219	8,400	3,132		
						3,219	20" Main from The Place to Booster Required	
2054	5,208	1,325	1,181	1,219	9,000	3,306		
2055	5,208	1,325	1,181	1,219	9,300	3,393		
2056	5,208	1,325	1,181	1,219	9,600	3,481		
2057	5,208	1,325	1,181	1,219	9,900	3,568		
2058	5,208	1,325	1,181	1,219	10,000	3,597		

## Growth Assumptions

- 300 units per year in FFD starting 2023
- 300 units per year in Verdana Pod 2 starting 2026
- 300 units per year in Kingston starting 2025





# Land Development Code Amendments

**MEMORANDUM**  
**FROM**  
**THE DEPARTMENT OF**  
**COMMUNITY DEVELOPMENT**

**TO:** Local Planning Agency (LPA)      **DATE:** February 13, 2026  
**FROM:** Brandon Dunn  
Planning Manager

**RE:** **Land Development Code (LDC) Amendments**  
*Parking Design Standards, Turn Lane Extensions, Exterior Lighting Standards*

---

On April 1, 2025, the BoCC authorized staff to begin work on drafting substantive and non-substantive “clean-up” amendments to the LDC that would increase efficiency, reduce unnecessary regulations, and maintain the protections of public health, safety and welfare while meeting State and Federal mandates. Staff is reviewing existing county requirements in the Lee Plan and Land Development Code to identify potential amendments meant to address the BoCC’s direction and will be bringing amendment packages forward over the next several months.

Currently, staff has conducted a review of certain sections within the Lee County Land Development Code (LDC) and identified opportunities to improve clarity, efficiency, and consistency. The following proposed amendments address three areas: Off-Street Parking and Loading Requirements, Outdoor Lighting Standards, and Turn Lane Extension Exemption.

Staff seeks input and a recommendation on whether the proposed amendments are consistent with the Lee Plan.

The attached amendments to the LDC are consistent with BoCC direction and are summarized as follows:

**A. Off-Street Parking and Loading Requirements**

Issue: Current LDC provisions for parking requirements, including determination of required spaces and parking lot design, are located in Chapter 34. While Chapter 34 appropriately addresses the number of spaces based on proposed uses, design requirements for parking lots are more appropriately applied during the Local Development Order process, which is governed by Chapter 10.

Proposed Solution: Relocate design-related parking requirements from Chapter 34 to Chapter 10, while retaining sections that address the number of spaces for specific uses in Chapter 34.

Intended Outcome: Ensure that design standards for parking are consolidated within Chapter 10 – Development Standards, improving consistency and clarity in the development review process.

## **B. Outdoor Lighting Standards**

Issue: Current site lighting requirements in Chapter 34 are overly burdensome and include provisions with minimal off-site impact. Additionally, lighting design is a fundamental aspect of all development and should be addressed in the chapter governing development standards, rather than zoning.

Proposed Solution: Amend Chapters 10 and 34 to relocate outdoor lighting standards to Chapter 10 and eliminate requirements that apply only internally to a site and do not affect surrounding properties.

Intended Outcome: Streamline outdoor lighting regulations to reduce unnecessary requirements while maintaining protections for public health, safety, and welfare, and ensuring compliance with state and federal mandates.

## **C. Turn Lane Extension Exemption**

Issue: Current regulations lack clarity regarding decision-making authority for Lee County's one-time turn lane extension exemption.

Proposed Solution: Amend Chapter 10 to clarify that, for private roads, the Manager of Development Services (or designee) has authority, while for public roadways, the Director of the Lee County Department of Transportation (DOT) holds decision-making authority.

Intended Outcome: Provide clear guidance on decision-making responsibilities for turn lane extension exemptions, reducing ambiguity and improving administrative efficiency.

## Attachments

Draft LDC Amendments

## AMENDMENT SUMMARY

**Issue:** The Land Development Code (LDC) currently places all parking-related regulations, including both the calculation of required spaces and design standards, within Chapter 34. While Chapter 34 is appropriate for use-based requirements, design standards are typically applied during the Local Development Order process, which is governed by Chapter 10. This structure creates inconsistency and complicates the review process.

**Solution:** Review existing parking regulations to determine which provisions should remain in Chapter 34 for use-based requirements and relocate design-related standards to Chapter 10 to align with development review procedures.

**Outcome:** Design standards for parking will be consolidated under Chapter 10 – Development Standards, improving clarity, consistency, and efficiency in the Local Development Order review process.

---

### CHAPTER 10, ARTICLE I.

#### Sec. 10-1. Definitions and rules of construction.

*No proposed amendments to subsection (a).*

(b) *Definitions.* Except where specific definitions are used within a specific section of this chapter for the purpose of such sections, the following terms, phrases, words and their derivations will have the meaning given in this subsection when not inconsistent with the context:

*No proposed amendments to the definitions from AC to Herbaceous plant.*

High turnover means and applies to parking lots wherein vehicles are parked for relatively short periods of time ranging from a few minutes to several hours. Customer parking for retail establishments, offices, or similar establishments is considered high turnover.

*No proposed amendments to the definitions from Historic District to Lot Width.*

Low turnover means and applies to parking wherein vehicles are parked for relatively long periods of time, such as employee parking during the day, or uses such as marina parking, cruise ship parking, sports arena parking, etc., wherein customers leave cars for four or more hours while attending special events, or overnight parking in residential developments.

*No proposed amendments to the definitions from Mining to Parking Lot Access.*

~~Parking lot aisle means the portions (lanes) of a parking lot which provide direct access to individual parking spaces.~~

Parking aisle means an accessway within a parking lot that provides direct access to individual parking spaces.

Parking lot means an area of land designed, used or intended for parking five or more vehicles.

Parking space means an area of land designed or intended for parking one vehicle. Parking spaces are designated as disabled spaces or standard spaces, depending on the purpose of the space.

*No proposed amendments to the definition for Paved shoulder.*

Pedestrian accommodations for safe and convenient pedestrian movement means and may include striped crosswalks, sidewalks, shared use paths, signage and/or signals, lighting, curb cuts and ramps.

*No proposed amendments to the definitions from Pedestrian way or walkway to Zoning ordinance.*

---

## CHAPTER 10, ARTICLE III, DIVISION 1.

### Sec. 10-260. Off-street parking and loading requirements.

- (a) ~~Developments subject to this chapter must comply with the off-street parking regulations specified in Chapter 34, Article VII, Division 26. The development order drawings must show all project parking areas.~~
- (b) ~~Developments subject to this chapter must comply with the off-street loading requirements specified in Chapter 34, Article VII, Division 25. The development order drawings must show all project off-street loading areas.~~
- (a) New developments. Residential and nonresidential uses must provide off-street parking in accordance with the regulations in this section and Chapter 34, Article VII, Division 26. The development order drawings must show all project parking areas.
- (1) A parking plan is required for all uses, except single-family residence, duplex, two-family attached and single-family mobile home dwelling units, and must be submitted for review and approval. Developments that are not required to be reviewed and approved in accordance with Chapter 10, must submit plans prior to issuance of a building permit.
  - (2) The plan must accurately designate the required parking spaces, parking aisles, parking lot entrance, parking lot interconnections, bicycle parking facilities, pedestrian accommodations, and the relation of the off-street parking facilities to the uses or structures the facilities are designed to serve.
- (b) Existing developments.
- (1) Existing buildings and uses with existing off-street parking spaces may be modernized, altered or repaired without providing additional parking spaces, provided there is no increase in total floor area or capacity. Buildings which have been damaged by fire or other natural forces in excess of 50 percent and are reconstructed at (but not to exceed) the legally documented actual use, density, and intensity existing at the time of destruction must provide, no less than, the number of parking spaces existing prior to the date of destruction (if existing parking spaces are less than the amount of parking required under this Code). Any subsequent changes to the actual use or increases in density and intensity on the property will be required to provide additional parking spaces associated with the change of use or development increases. In calculating the required additional parking, the required additional spaces will be proportionate to the increase in density or intensity above the preexisting development intensities or densities.
  - (2) Existing buildings or uses enlarged in terms of floor area must provide additional parking spaces for the total floor area in accordance with this division.
  - (3) When the use of a building is changed to a use that is required to have more parking than exists, the additional parking must be provided.

- (c) Developments on islands without vehicular access to mainland. Developments on islands where direct vehicular access to the mainland by bridge, causeway or street system is not available are exempt from this division.
- (d) Access. Parking lots must be designed to permit vehicles exiting the parking lot to enter the street right-of-way or easement in a forward motion. The Director may administratively approve parking to back out into rights-of-way in residential developments, subject to the following limitations:
- (1) The street must be a privately owned and maintained, low-volume, local street.
  - (2) All parking spaces must be for amenities to the development such as parks and recreational facilities and not for dwelling units or commercial uses.
  - (3) Parking spaces may be perpendicular or at a 30- or 45-degree angle to the roadway, and must comply with the parking space dimensions set forth in Section 10-260(h)(1). The Director may require surfacing to comply with Section 10-260(i)(1) or (2), depending on the type of amenity served.
- (e) Parking lot entrance(s).
- (1) Each parking lot must have a distinct parking lot entrance. The entrance must meet the requirements of Chapter 10, as well as the following:
    - (a) Minimum width at property line for one-way entrances is 15 feet.
    - (b) Minimum width at property line for two-way entrances is 24 feet.
    - (c) Maximum throat width at property line is 35 feet.
  - (2) Parking lot entrances may not exceed a six percent grade for 20 feet into any lot or parcel, nor may a parking lot entrance enter a street right-of-way or easement at an angle of less than 90 degrees unless a lesser angle is approved by the Director.
  - (3) The Manager may determine that high traffic volumes or other special circumstances warrant other parking lot entrance requirements. Emergency Services facilities, including fire, EMS, and sheriff's stations, are exempt from the maximum width requirements provided that the maximum throat width at the property line does not exceed 80 feet.
- (f) Design. Parking lots must be designed in accordance with the following:
- (1) Buffer, landscaping and drainage requirements required under this Chapter.
  - (2) If the parking lot will be used at night, adequate lighting must be provided for the driveways, ingress and egress points, and parking areas of commercial and industrial uses. Lighting must be designed in accordance Section 10-262.
  - (3) Individual parking spaces must be accessible from a parking aisle intended to provide access to the space. Stacking of vehicles (one behind the other) will be permitted only for single-family, duplex, two-family, and townhouses where each dwelling unit has a garage or driveway appurtenant to it and in valet parking facilities wherein parking is performed by employees of the facility.
  - (4) Parking lot spaces must be provided with sufficient maneuvering room to allow an exiting vehicle to leave the parking lot in a forward motion. Parking lots utilizing 90-degree parking with dead-end aisles must provide a turning bay for those spaces at the end of the aisle.
  - (5) In parking lots where more than one tier of parking spaces will be developed, pedestrian accommodations must be provided.
  - (6) Adjacent commercial uses must provide parking lot interconnections for automobile traffic.

(7) Traffic pattern. There must be adequate ingress and egress to the development. Except for streets in urban land use categories, single-family and two-family developments, and certain multifamily buildings as provided in Section 34-2020(a), Note (3), proposed parking spaces must be located so as to avoid backing of vehicles into streets, the intermingling of automotive and pedestrian traffic or the intermingling of traffic flow in opposite directions.

(g) Parking space dimension, delineation, angle and aisle width. In addition to satisfying the provisions of this section, off-street parking lots must conform to the following requirements:

(1) Parking space dimensions. Minimum individual parking space dimensions are as follows:

- a. Disabled parking (all): 12 feet by 18 feet. Parking access aisles which may be shared between two disabled spaces must be no less than five feet wide and must be part of an accessible route to the building or facility entrance. The individual parking space dimensions do not preclude compliance with the Americans with Disabilities Act (ADA) of 1990, as amended.
- b. High and low turnover parking lots:
  - 1. 90-degree parking: Nine feet by 18 feet.
  - 2. 30-, 45- or 60-degree parking: 8½ feet by 18 feet.
  - 3. Parallel parking: Eight feet by 22 feet.
- c. Golf cart parking: Five feet by eight feet.

(2) Delineation of spaces.

- a. Paved parking lots.
  - 1. Parking spaces must be delineated by all-weather painted lines, or thermoplastic striping, not less than four inches in width, centered on the dividing line between spaces.  
Parking spaces for persons with disabilities must be prominently outlined with blue paint and must be repainted when necessary to be clearly distinguishable as a parking space designated for persons who have disabilities. Signs erected after October 1, 1996, must indicate the penalty for illegal use of the space.
  - 2. Parking spaces that abut a pedestrian walkway, required landscaping, or required open space must be provided with a parking block set two feet from the end of the parking space.
- b. Unpaved parking lots.
  - 1. Parking spaces in unpaved parking lots must be delineated by placing a parking block two feet from the end of the parking space and centered between the sides of the space.
  - 2. If the space abuts a structure, the space may be indicated on the structure, in which case parking blocks are not required.
- c. Temporary parking lots (see Section 34-2022.) Individual spaces in temporary parking lots do not need to be delineated provided the end of each space and all aisles are clearly delineated with temporary posts and ropes.

(3) Minimum aisle widths. Minimum aisle widths are as follows:

<u>Angle of Parking</u>	<u>Aisle Width</u> <u>(feet)</u>	
	<u>One-Way</u>	<u>Two-Way</u>
<u>Parallel</u>	<u>12</u>	<u>20</u>
<u>30</u>	<u>12</u>	<u>22</u>

<u>45</u>	<u>12</u>	<u>22</u>
<u>60</u>	<u>18</u>	<u>24</u>
<u>90</u>	<u>22</u>	<u>24</u>

(4) Parking angle. Parking must be developed throughout the site utilizing the same degree of angle. The mixture of one-way and two-way parking aisles, or different degrees of angled parking within any parking area is prohibited except:

- a. A single bay of parking provided along the perimeter of the site may vary in design in order to maximize the number of spaces provided on-site.
- b. Parking design may vary between individual parking areas, provided that the parking areas are physically separated from one another by buildings or a continuous landscape buffer a minimum of five feet in width. The Director may approve a minimum number of vehicle access points to pass through the landscaped buffer.

(h) Parking lot surface.

(1) High turnover parking lots.

- a. Parking aisles. Except as provided in Subsection (d) of this section, all high turnover parking lot aisles must be provided with a paved, dustfree, all-weather surface.
- b. Parking spaces. All parking spaces, except those seaward of the coastal construction control line, must have a paved, dustfree, all-weather surface from the aisle to the parking block or curb. All ADA required parking spaces, including disabled parking spaces seaward of the coastal construction control must be paved with asphalt, ADA approved paving blocks or concrete to provide a smooth surface without gaps or holes that create a danger to the user. For all other parking spaces, the term "paved" will be interpreted to mean and include asphalt, concrete, paving block and other similar types of treatment. Parking spaces, excluding disabled parking spaces, located seaward of the coastal construction control line must be stabilized with treatments approved by the Director.

(2) Low turnover parking lots.

- a. Alternative surfaces may be permitted provided the areas are adequately drained and continuously maintained in a dustfree manner. Alternative surfaces may include gravel, crushed shell or other similar materials. Parking on grass or other unimproved surfaces such as sand or dirt is prohibited.
- b. Disabled parking spaces must be paved with asphalt or concrete to provide a smooth surface without gaps or holes which would create a danger to the user.

(3) Temporary parking lots. Temporary parking lots do not need to be surfaced and may be maintained as a grass area or in a dustfree manner.

(4) Director discretion. The Director is authorized to permit high turnover parking lots (including parking lot aisles), to meet the surfacing standards for low turnover parking lots (Subsection (h)(2) of this section) under the following circumstances:

- a. The property is not located in the intensive development or central urban land use categories;
- b. The proposed parking lot will contain no more than 25 spaces;
- c. The proposed alternative surface will be adequately drained; and

- d. The proposed alternative surface is consistent with the uses, and the parking lot surfaces in the surrounding neighborhood.

This subsection may not be construed inconsistently with the Americans with Disability Act (ADA) of 1990. The Director's decision is discretionary in nature and may not be appealed pursuant to Section 10-104(f) of this chapter.

- (i) Off-street loading area(s). Off-street loading requirements apply to commercial, industrial, and other non-residential uses.

- (1) Street access to off-street loading areas must comply with Section 10-260(d).
- (2) Service roads must be a minimum of 12 feet wide for one-way usage and 24 feet for two-way operations.
- (3) Site lighting, maintenance and drainage required for off-street loading areas must comply with Sections 10-260(g)(2) and 10-262.
- (4) When off-street loading areas are located adjacent to residential uses or zoning districts, and are not entirely visually screened at ground level, a continuous visual screen along the lot line abutting the residential use must be provided in accordance with Division 17 of Chapter 34 or Chapter 10, whichever is the most restrictive.
- (5) A plan for off-street loading areas must be provided as part of the site plan submitted for approval under Chapter 10, or, if the development is exempt from Chapter 10, then a plan must be submitted at time of application for a building permit.
  - a. Commercial, industrial and non-residential uses that receive or ship goods via large semitrailer or full trailer trucks must provide an off-street loading area. Establishments that receive or ship commodities via small panel trucks or vans will not be required to provide off-street loading areas and may utilize the parking area, provided:
    1. Deliveries are received before or after the hours open to the public.
    2. No delivery truck remains in the parking lot for more than four hours.
    3. Deliveries do not interfere with pedestrian or vehicle movements.
  - b. Off-street loading areas must comply with the following:
    1. Loading areas must be located on the lot or parcel it serves.
    2. The surfaced portions of loading areas, excluding driveways, must setback 20 feet from right-of-way lines and ten feet from property under separate ownership or control.
    3. Loading spaces may not obstruct, hinder or endanger the movement of vehicles and pedestrians.
    4. The off-street loading area must have a minimum width of ten feet and depth of 30 feet.
  - c. Establishments that receive or ship goods via large semitrailer or full trailer trucks must provide a minimum of one loading space for the first 10,000 square feet of floor area, plus one space for each additional 20,000 square feet of floor area or major fraction thereof.

---

## CHAPTER 34, ARTICLE VII, DIVISION 9.

### **Sec. 34-1388. Park-and-ride parking lots.**

*No proposed amendments to subsection (a) through subsection (c).*

(d) Access and design. Park-and-ride lots must have access in compliance with Section 34-2013 and be designed in compliance with ~~Sections 34-2015 through 34-2017~~ Section 10-260.

(e) Pedestrian accommodations. Pedestrian accommodations, as defined in Section ~~34-2012~~10-1, must connect the park-and-ride lot to the abutting bus station/depot or bus stop. A parking plan consistent with Section ~~34-2014~~ 10-260 must be provided.

*No proposed amendments to subsection (f).*

---

## CHAPTER 34, ARTICLE VII, DIVISION 25.

### **~~Sec. 34-1981. Applicability.~~**

~~The off-street loading requirements of this division shall apply to commercial, industrial and other nonresidential uses.~~

~~(LDC 1994, § 34-1981; Zoning Ord. 1993, § 202.15(A))~~

### **~~Sec. 34-1982. Access.~~**

~~(a) Street access to off-street loading areas must comply with the provisions set forth for off-street parking in Section 34-2013.~~

~~(b) Except as provided in Section 34-1986, off-street loading areas must be spatially or physically separated from off-street parking areas and pedestrian walkways.~~

~~(c) Service roads must be a minimum of 12 feet wide for one-way usage and 24 feet for two-way operations.~~

~~(LDC 1994, § 34-1982; Zoning Ord. 1993, § 202.15(B); Ord. No. 12-20, § 4, 9-11-2012)~~

### **~~Sec. 34-1983. Lighting, maintenance and drainage.~~**

~~Site lighting, maintenance and drainage required for off-street loading areas must comply with Sections 34-2015 and 34-2017.~~

~~(LDC 1994, § 34-1983; Zoning Ord. 1993, § 202.15(C); Ord. No. 12-20, § 4, 9-11-2012)~~

### **~~Sec. 34-1984. Other use of loading areas.~~**

~~Off-street loading areas for the sale, repair, dismantling or servicing of any vehicles or equipment is prohibited, except on an emergency or temporary basis or as provided in Section 34-2019.~~

~~(LDC 1994, § 34-1984; Zoning Ord. 1993, § 202.15(D); Ord. No. 12-20, § 4, 9-11-2012)~~

---

**Sec. 34-1985. Screening.**

When off-street loading areas are located adjacent to residential uses or zoning districts, and are not entirely visually screened at ground level, a continuous visual screen along the lot line abutting the residential use must be provided in accordance with Division 17 of this article or Chapter 10, whichever is the most restrictive.

(LDC 1994, § 34-1985; Zoning Ord. 1993, § 202.15(E); Ord. No. 12-20, § 4, 9-11-2012)

**Sec. 34-1986. Off-street loading area requirements.**

(a) Commercial, industrial and nonresidential uses that receive or ship goods via large semitrailer or full trailer trucks must provide an off-street loading area. Establishments that receive or ship commodities via small panel trucks or vans will not be required to provide off-street loading areas and may utilize the parking area, provided:

(1) Deliveries are received before or after the hours open to the public.

(2) No delivery truck remains in the parking lot for more than four hours.

(3) Deliveries do not interfere with pedestrian or vehicle movements.

(b) A plan for off-street loading areas must be provided as part of the site plan submitted for approval under Chapter 10, or, if the development is exempt from Chapter 10, then a plan must be submitted at time of application for a building permit and be reviewed by the Zoning and Development Review Division for consistency with this division and this chapter.

(c) Off-street loading areas must comply with the following:

(1) Loading areas must be located on the lot or parcel it serves.

(2) The surfaced portions of loading areas, excluding driveways, must setback 20 feet from right-of-way lines and ten feet from property under separate ownership or control.

(3) Loading spaces may not obstruct, hinder or endanger the movement of vehicles and pedestrians.

(d) The off-street loading area must have a minimum width of ten feet and depth of 30 feet.

(LDC 1994, § 34-1986; Zoning Ord. 1993, § 202.15(F); Ord. No. 12-20, § 4, 9-11-2012)

**Sec. 34-1987. Number of spaces.**

Establishments that receive or ship goods via large semitrailer or full trailer trucks must provide a minimum of one loading space for the first 10,000 square feet of floor area, plus one space for each additional 20,000 square feet of floor area or major fraction thereof.

**Secs. 34-1988-1981—34-2010. Reserved.**

---

**CHAPTER 34, ARTICLE VII, DIVISION 26.**

---

## Sec. 34-2012. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Drive-up* means and is synonymous with the term "drive-through."

*Employees* means the regular working staff, paid, volunteer or otherwise, at maximum strength and in full-time equivalent numbers, necessary to operate, maintain or service a given facility or use under normal levels of service.

~~*High turnover* means and applies to parking lots wherein vehicles are parked for relatively short periods of time ranging from a few minutes to several hours. Customer parking for retail establishments, offices, or similar establishments is considered high turnover.~~

*International cruise ships* means ships that usually leave port for 24 hours or more and that provide meals, sleeping accommodations, gambling or other entertainment for customers.

*Light industrial* means industrial uses permitted by right in the IL Light Industrial Conventional Zoning District.

*Local cruise ships* means ships that usually leave port and return in less than 24 hours and that usually provide at least one meal, gambling or other entertainment.

~~*Low turnover* means and applies to parking wherein vehicles are parked for relatively long periods of time, such as employee parking during the day, or uses such as marina parking, cruise ship parking, sports arena parking, etc., wherein customers leave cars for four or more hours while attending special events, or overnight parking in residential developments.~~

*Multiple-use development* means a building or buildings containing two or more different uses. Multiple-use development includes occupants of multiple-occupancy complexes (df) and development on abutting properties not necessarily under unified or singular control. For the purposes of this definition only, the term "abutting property" means properties having a boundary line, or point or portion thereof in common, with no intervening street right-of-way or easement, or other easement over 50 feet in width.

*Park-and-ride space* means a parking space within 500 feet of a bus stop whereby a user leaves their vehicle and travels via bus, carpool, vanpool or bike. No part of a parking lot used to satisfy required parking for any existing use on the same premises may be used for park-and-ride spaces. Park-and-ride spaces may be located in accessory, park-and-ride or commercial parking lots or parking garages but must obtain designation by Lee County Transit (LeeTran) and approval by the Director.

~~*Parking aisle* means an accessway within a parking lot that provides direct access to individual parking spaces.~~

~~*Parking lot* means an area of land designed, used or intended for parking five or more vehicles.~~

~~*Parking lot entrance* means the accessway that provides ingress or egress from a street right-of-way or easement to a parking lot.~~

~~*Parking space* means an area of land designed or intended for parking one vehicle. Parking spaces are designated as disabled spaces or standard spaces, depending on the purpose of the space.~~

~~*Pedestrian accommodations for safe and convenient pedestrian movement* means and may include striped crosswalks, sidewalks, shared use paths, signage and/or signals, lighting, curb cuts and ramps.~~

*Single-use development* means buildings with a single occupant or multiple occupants with the same use. Single-use development includes occupants of multiple-occupancy complexes (df) and development on abutting properties not necessarily under unified or singular control.

---

### **Sec. 34-2013. Access.**

(a) ~~Parking lots must be designed to permit vehicles exiting the parking lot to enter the street right of way or easement in a forward motion. The Director may administratively approve parking to back out into rights of way in residential developments, subject to the following limitations:~~

~~(1) The street must be a privately owned and maintained, low volume, local street.~~

~~(2) All parking spaces must be for amenities to the development such as parks and recreational facilities and not for dwelling units or commercial uses.~~

~~(3) Parking spaces may be perpendicular or at a 30 or 45 degree angle to the roadway, and must comply with the parking space dimensions set forth in Section 34-2016(1). The Director may require surfacing to comply with Section 34-2017(a) or (b), depending on the type of amenity served.~~

(b) ~~Each parking lot must have a distinct parking lot entrance. The entrance must meet the requirements of Chapter 10, as well as the following:~~

~~(1) Minimum width at property line for one-way entrances is 15 feet.~~

~~(2) Minimum width at property line for two-way entrances is 24 feet.~~

~~(3) Maximum throat width at property line is 35 feet.~~

~~The Manager may determine that high traffic volumes or other special circumstances warrant other requirements. Emergency Services facilities, including fire, EMS, and sheriff's stations, are exempt from the maximum width requirements provided that the maximum throat width at the property line does not exceed 80 feet.~~

(c) ~~Parking lot entrances may not exceed a six percent grade for 20 feet into any lot or parcel, nor may a parking lot entrance enter a street right of way or easement at an angle of less than 90 degrees unless a lesser angle is approved by the Director.~~

### **Sec. 34-2014. Parking plan.**

~~A parking plan is required for all uses, except single family residence, duplex, two family attached and single family mobile home dwelling units, and must be submitted for review and approval in accordance with Chapter 10. Developments that are not required to be reviewed and approved in accordance with Chapter 10, must submit plans to the Division of Zoning and Development Services prior to issuance of a building permit. The plan must accurately designate the required parking spaces, parking aisles, parking lot entrance, parking lot interconnections, bicycle parking facilities, pedestrian accommodations, and the relation of the off street parking facilities to the uses or structures the facilities are designed to serve.~~

### **Sec. 34-2015. Location and design generally. 34-2013. Parking space location.**

(1) ~~Location.~~ All required parking spaces must be provided on the same premises and within the same zoning district as the use they serve or within a zoning district that permits the same use, except for off-site parking provided by the following parking facilities:

a. ~~Parking lots zoned CP;~~

b. ~~Parking lots part of a multiple-use development; or~~

c. ~~Commercial parking lots within the C1, C-2, and C-2A zoning districts.~~

d. ~~Parking lots within the Mixed-Use Overlay, when developed consistent with 34-2020(e).~~

(2) ~~Design.~~ Parking lots must be designed in accordance with the following:

- 
- a. Setback, buffer, landscaping and drainage requirements required under Chapter 10.
  - b. If the parking lot will be used at night, adequate lighting must be provided for the driveways, ingress and egress points, and parking areas of commercial and industrial uses. Lighting must be designed in accordance Section 34-625.
  - c. Individual parking spaces must be accessible from a parking aisle intended to provide access to the space. Stacking of vehicles (one behind the other) will be permitted only for single family, duplex, two-family, and townhouses where each dwelling unit has a garage or driveway appurtenant to it and in valet parking facilities wherein parking is performed by employees of the facility.
  - d. Parking lot spaces must be provided with sufficient maneuvering room to allow an exiting vehicle to leave the parking lot in a forward motion. Parking lots utilizing 90-degree parking with dead-end aisles must provide a turning bay for those spaces at the end of the aisle.
  - e. In parking lots where more than one tier of parking spaces will be developed, pedestrian accommodations must be provided.
  - f. Adjacent commercial uses must provide parking lot interconnections for automobile traffic.
  - g. Traffic pattern. There must be adequate ingress and egress to the development. Except for streets in urban land use categories, single family and two-family developments, and certain multifamily buildings as provided in Section 34-2020(a), Note (3), proposed parking spaces must be located so as to avoid backing of vehicles into streets, the intermingling of automotive and pedestrian traffic or the intermingling of traffic flow in opposite directions.

### **Sec. 34-2016. Parking space dimension, delineation, angle and aisle width.**

In addition to satisfying the provisions of this division, off street parking lots must conform to the following requirements:

- (1) *Parking space dimensions.* Minimum individual parking space dimensions are as follows:
  - a. Disabled parking (all): 12 feet by 18 feet. Parking access aisles which may be shared between two disabled spaces must be no less than five feet wide and must be part of an accessible route to the building or facility entrance. The individual parking space dimensions do not preclude compliance with the Americans with Disabilities Act (ADA) of 1990, as amended.
  - b. High and low turnover parking lots:
    - 1. 90-degree parking: Nine feet by 18 feet.
    - 2. 30-, 45- or 60-degree parking: 8½ feet by 18 feet.
    - 3. Parallel parking: Eight feet by 22 feet.
  - c. Golf cart parking: Five feet by eight feet.
- (2) *Delineation of spaces.*
  - a. *Paved parking lots.*
    - 1. Parking spaces must be delineated by all weather painted lines, or thermoplastic striping, not less than four inches in width, centered on the dividing line between spaces.  
  
Parking spaces for persons with disabilities must be prominently outlined with blue paint and must be repainted when necessary to be clearly distinguishable as a parking space designated for persons who have disabilities. Signs erected after October 1, 1996, must indicate the penalty for illegal use of the space.

2. — Parking spaces that abut a pedestrian walkway, required landscaping, or required open space must be provided with a parking block set two feet from the end of the parking space.

b. — *Unpaved parking lots.*

1. — Parking spaces in unpaved parking lots must be delineated by placing a parking block two feet from the end of the parking space and centered between the sides of the space.

2. — If the space abuts a structure, the space may be indicated on the structure, in which case parking blocks are not required.

c. — *Temporary parking lots.* (See Section 34-2022.) Individual spaces in temporary parking lots do not need to be delineated provided the end of each space and all aisles are clearly delineated with temporary posts and ropes.

(3) — *Minimum aisle widths.* Minimum aisle widths are as follows:

<i>Angle of Parking</i>	<i>Aisle Width (feet)</i>	
	<i>One-Way</i>	<i>Two-Way</i>
Parallel	12	20
30	12	22
45	12	22
60	18	24
90	22	24

(4) — *Parking angle.* Parking must be developed throughout the site utilizing the same degree of angle. The mixture of one-way and two-way parking aisles, or different degrees of angled parking within any parking area is prohibited except:

a. — A single bay of parking provided along the perimeter of the site may vary in design in order to maximize the number of spaces provided on-site.

b. — Parking design may vary between individual parking areas, provided that the parking areas are physically separated from one another by buildings or a continuous landscape buffer a minimum of five feet in width. The Director may approve a minimum number of vehicle access points to pass through the landscaped buffer.

**Sec. 34-2017. Parking lot surface.**

(a) — *High turnover parking lots.*

(1) — *Parking aisles.* Except as provided in Subsection (d) of this section, all high turnover parking lot aisles must be provided with a paved, dustfree, all-weather surface.

(2) — *Parking spaces.* All parking spaces, except those seaward of the coastal construction control line, must have a paved, dustfree, all-weather surface from the aisle to the parking block or curb. All disabled parking spaces, including disabled parking spaces seaward of the coastal construction control must be paved with asphalt or concrete to provide a smooth surface without gaps or holes that create a danger to the user. For all other parking spaces, the term "paved" will be interpreted to mean and include asphalt, concrete, paving block and other similar types of treatment. Parking spaces, excluding disabled parking spaces, located seaward of the coastal construction control line must be stabilized with treatments approved by the Director.

---

~~(b) — *Low turnover parking lots.*~~

- ~~(1) — Alternative surfaces may be permitted provided the areas are adequately drained and continuously maintained in a dustfree manner. Alternative surfaces may include gravel, crushed shell or other similar materials. Parking on grass or other unimproved surfaces such as sand or dirt is prohibited.~~
- ~~(2) — Disabled parking spaces must be paved with asphalt or concrete to provide a smooth surface without gaps or holes which would create a danger to the user.~~

~~(c) — *Temporary parking lots.* Temporary parking lots do not need to be surfaced and may be maintained as a grass area or in a dustfree manner.~~

~~(d) — *Reservation of spaces for future use.* When a use or activity is required by this chapter to provide more than ten high turnover parking spaces, the Director may approve leaving up to 25 percent of the required spaces as landscaped areas reserved for future use, provided:~~

- ~~(1) — The applicant clearly shows the reserved parking spaces on the site plan;~~
- ~~(2) — The reserved parking areas are not counted towards the minimum open space or landscaping or buffering requirements of this chapter or Chapter 10;~~
- ~~(3) — All drainage facilities must be calculated and built as though the reserved parking areas were impervious surfaces; and~~
- ~~(4) — The reserved parking areas may not be used for any purpose other than landscaped open space or temporary overflow parking during special holiday seasons or sales.~~

If the property owner decides to pave the reserved area for parking, he must submit the original site plan or development order approval to the Director, who is authorized to approve the paving provided paving does not include new entrances onto a public street. If the parking areas does involve new entrances, then a limited review development order is required.

~~(e) — *Director discretion.*~~

- ~~(1) — The Director is authorized to permit high turnover parking lots (including parking lot aisles), to meet the surfacing standards for low turnover parking lots (Subsection (b) of this section) under the following circumstances:
  - ~~a. — The property is not located in the intensive development or central urban land use categories;~~
  - ~~b. — The proposed parking lot will contain no more than 25 spaces;~~
  - ~~c. — The proposed alternative surface will be adequately drained; and~~
  - ~~d. — The proposed alternative surface is consistent with the uses and the parking lot surfaces in the surrounding neighborhood.~~~~
- ~~(2) — This subsection may not be construed inconsistently with the Americans with Disability Act (ADA) of 1990.~~
- ~~(3) — The Director's decision is discretionary in nature and may not be appealed pursuant to Section 34-145(a) of this chapter.~~

**Sec. 34-2014 to 34-2018. Reserved.**

---

**Sec. 34-2020. Required parking spaces.**

All uses are required to provide off-street parking based on the single-use development requirement unless the use is located in a development that qualifies as a multiple-use development, in which case, the minimum required spaces for multiple-use developments may be used. Use of the multiple-use development minimum parking regulations is optional. Parking for uses not specifically mentioned in this section must meet the minimum parking requirement for the use most similar to that being requested.

- (a) *Residential uses.* Residential uses permitted under this chapter are subject to the following minimum requirements:

Table 34-2020(a). Required Parking Spaces for Residential Uses

<i>Use</i>		<i>Special Notes or Regulations</i>	<i>Minimum Required Spaces for Single-Use Development</i>	<i>Minimum Required Spaces for Multiple-Use Development</i>
1.	Single-family, duplex, two-family attached and mobile home units		2 spaces per unit	—
2.	Townhouses	Note (1)	2 spaces per unit	—
3.	Multiple-family and timeshare units	Notes (1) & (3)	2 spaces per unit	—
4.	Assisted living facilities	Note (2), Sections 34-1414(c) et seq. (e) & 34-1494 1493 et seq.	0.54 spaces per unit	0.41 spaces per unit
5.	Continuing care facilities	Note (2), Sections 34-1414(c) et seq. (e) & 34-1494 1493 et seq.	1.12 spaces per unit	1 space per unit
6.	Independent (self-care) living facilities, including group quarters, health care (Groups I & II), social services (Groups III & IV) and other similar uses	Note (2), Sections 34-1414(c) et seq. (e) & 34-1494 1493 et seq.	1 space per unit	0.59 spaces per unit
7.	Clubhouse and ancillary uses within a residential community	Notes (4) & (5)	4 spaces per 1,000 square feet of total floor area	3.5 spaces per 1,000 square feet of total floor area

Notes:

- (1) In addition to the spaces required, additional parking spaces equal to ten percent of the total required must be provided to accommodate guest parking in a common parking lot.

- (2) Where the living units are maintained under single management and the residents are not capable or permitted to own or operate private vehicles on the same premises, the Director may authorize up to a 75 percent reduction in required parking spaces if sufficient parking is provided for employees and visitors.
- (3) If vehicles back directly onto an internal roadway or accessway, the driveway must be designed so that:
1. The driveway connects to a private internal local road or accessway with a design and posted speed limit of 25 miles per hour, or less;
  2. The visual clear zone sight distance (considering vehicles that may be parked nearby) is a minimum of 200 feet and in conformance with the visibility triangle criteria of Section 34-3131;
  3. Traffic calming devices are provided per Lee County AC-11-14; and
  4. The length of the driveway, as measured from the garage structure or the end of the stacked parking space farthest from the street or accessway must be a minimum of 22 feet to the edge of a private street right-of-way or easement line or 27 feet to the edge of pavement of an accessway. However, this section is not to be interpreted to allow buildings or structures closer to a street right-of-way or easement than permitted by Section 34-2192.
- (4) May include administrative offices or other ancillary uses to the clubhouse such as a gym and/or meeting room.
- (5) Where a residential community includes a golf course, parking for a clubhouse with food and beverage service, limited or a restaurant will be six spaces per hole or 12.5 spaces per 1,000 square feet of restaurant whichever is greater.
- (b) *Nonresidential uses.* Nonresidential uses permitted under this chapter are subject to the following minimum requirements:

Table 34-2020(b). Required Parking Spaces for Nonresidential Uses

<i>Use</i>	<i>Special Notes or Regulations</i>	<i>Minimum Required Spaces for Single-Use Development</i>	<i>Minimum Required Spaces for Multiple-Use Development</i>
Airports, landing strips and heliports		Determined by the Director	—
Animal clinics		5 spaces per veterinarian, plus 1 space per employee	—
Animal kennels		5 spaces	—
Automotive drive-in oil change establishments	Section 34-2021(c)	1.5 spaces per service bay	—
Automotive repair and service (excluding drive-in oil change establishments); automotive service stations		4 spaces per service bay, plus 1 space per employee	—

Banks and financial establishments	Section 34-2021(a)	3 spaces per 1,000 square feet of total floor area	2.5 spaces per 1000 square feet of total floor area
Bars and cocktail lounges, nightclubs, micro-breweries, -distilleries, -wineries, tasting rooms	Notes (1) and (17)	21 spaces per 1,000 square feet of total floor area	14 spaces per 1,000 square feet of total floor area
Barbershops, beauty shops, massage parlors, etc. (personal services Group II)		3 spaces per operator (chair) or 1 space per 100 square feet, whichever is greater, with a minimum of 5 spaces	—
Bed and breakfast	Section <del>34-1494</del> 1493 (b)(1)	1.2 spaces per rental unit	—
Bowling alleys	Note (1)	4 spaces for each lane	—
Carnivals, fairs and amusement attractions and devices	Section 34-3042(b)	10 spaces per amusement device	—
Car washes	Section 34-2021(b)	1.5 spaces per car stall	—
Convenience food and beverage stores	Notes (1) & (15)	1 space per 200 square feet of total floor area (one parking space per four fuel pumps will be credited against the required parking), with a minimum of 5 spaces	—
Day care centers	Note (2)	2 spaces per employee	—
Educational institutions:			
a. Public schools		Parking must be provided In compliance with State law	—
b. Private or parochial schools:		—	—
1. Elementary or middle schools		1 space per employee, plus 1 space per 40 students	—
2. High schools		1 space per employee, plus 1 space per 10 students	—
3. Colleges, universities and trade and vocational institutions	Note (3)	1 space per employee, plus student parking as the Director deems necessary	—

Essential service facilities		1 space per employee on the largest shift	—
Flea market, indoor		1 space per 100 square feet of total floor area	—
Flea market, open		5 spaces per rental space or booth	—
Food truck parks	Note (16)	10 spaces per conveyance pad	5 spaces per conveyance pad
Funeral homes	Note (14)	1 space per 4 seats or 4 spaces per 250 square feet of chapel area, whichever is greater	—
Golf courses	Note (4)	6 spaces per hole	—
Health and fitness clubs		7 spaces per 1,000 square feet of total floor area	5 spaces per 1,000 square feet of total floor area
Hospitals (health care facilities, Group IV)		1 space per bed, excluding bassinets and gurneys, plus 1 space per employee on the largest shift	—
Hotels and motels	Note (1), Section 34-1801 et seq.	1.2 spaces per rental unit	—
Marinas and other water-oriented uses	Note (1)	—	—
a. Boat slips		1 space for every 2 slips	—
b. Boat ramps	Note (5)	10 spaces per boat ramp	—
c. Multi-slip docking facility		Determined by Director	—
d. Dry storage		1 space per 5-unit stalls	—
e. Charter or party fishing boat	Note (6)	1 space per 3 people	—
f. Local cruise ships	Note (6)	1 space per 2 people	—
g. International cruise ships	Note (6)	1 space per 3 people	—
h. Live-aboards		2 spaces per 3 live-aboards	—
Manufacturing and light industrial	Note (1)	1.75 spaces per 1,500 square feet of total floor area	1.5 spaces per 1,500 square feet of total floor area

Meeting halls, clubs (fraternal and membership) and other places for group assembly not otherwise listed	Notes (7) & (14)	1 space per 100 square feet of total floor area	—
Miniature golf	Note (1)	1.5 spaces per hole	—
Multiple-occupancy complex with total floor area of 350,000 square feet or more		—	4.5 spaces per 1,000 square feet of total floor area
Museums, art galleries, libraries, studios and other similar uses not covered elsewhere		3 spaces per 1,000 square feet of total floor area	—
Offices, excluding medical (including, but not limited to, business services, Group I, contractors and builders, insurance companies, nonstore retailers, personal services, Group IV, social services, Group I, and other similar offices.)		1 space per 300 square feet of total floor area	1 space per 350 square feet of total floor area
Offices, medical and health care facilities, Group III		4.5 spaces per 1,000 square feet of total floor area	4 spaces per 1000 square feet of total floor area
Places of worship	Note (14); Section 34-20512052 et seq.	1 space per 3 seats	1 space per 5 seats
Recreation facilities, indoor	Note (1)	4 spaces per 1,000 square feet of total floor area	3.5 spaces per 1000 square feet of total floor area
Recreation facilities, outdoor, commercial		Determined by the Director.	—
Religious facility	Notes (1) & (14); Section 34-20512052 et seq.	1 space per 3 seats	—
Restaurants and brewpubs	Notes (8), (9) & (10)	14 spaces per 1,000 square feet of total floor area; outdoor seating area is calculated at same rate	12.5 spaces per 1,000 square feet of total floor area; outdoor seating area is calculated at same rate
Restaurants, fast food	Note (9)	13 spaces per 1,000 square feet of total floor area; outdoor	—

			seating area is calculated at same rate	
Retail or business establishments				
	a. Small products or commodities: Auto and boat parts; clothing stores; department stores; drugstores; food stores; hardware stores; hobby, toy and game shops; package stores; household/office furnishings Group II; personal services Group I (excluding barbershops, beauty shops & massage establishments); specialty retail shops Groups I, II and III; used merchandise stores Group I; variety stores; and other similar type establishments	Section 34-2021 et seq.	1 space per 250 square feet of total floor area, with a minimum of 5 spaces; dead storage is calculated at same rate	1 space per 350 square feet of total floor area; dead storage is calculated at same rate
	b. Large products or commodities: Used merchandise stores Groups II and III; vehicle and equipment dealers Group II; and other similar type establishments	Note (1); Section 34-2021 et seq.	2.5 spaces per 1,000 square feet of total floor area, with a minimum of 5 spaces; dead storage is calculated at 1 space per 1,000 square feet	2.5 spaces per 1,000 square feet of total floor area; no parking is required for areas of the building used only as dead storage and not available to the public
	c. Very large products or commodities: Household/office furnishings Groups I & III; mobile home dealers; specialty retail stores Group IV; used merchandise stores Group IV; vehicle and equipment dealers Groups I, III, IV and V;	Note (1); Section 34-2021 et seq.	1 space per 700 square feet of total floor area, with a minimum of 5 spaces; dead storage is calculated at 1 space per 1,500 square feet	1 space per 700 square feet of total floor area; no parking is required for areas of the building used only as dead storage and not available to the public

	and other similar type establishments			
	Schools, commercial		2 spaces per 100 square feet of total classroom floor area	1 space per 100 square feet of total classroom floor area
	Tennis courts, commercial	Note (14)	3 spaces per court, plus one space per 3 spectator seats	—
	Theaters, auditoriums, stadiums, arenas and other similar places of public assembly	Notes (1) & (14)	1 space per 4 seats	1 space per 4 seats
	Warehouse, high-cube	Note (1)		
	a. Passenger car parking		1 space per 1,000 square feet of total floor area for the first 20,000 square feet, plus 1 space per 2,000 square feet for the second 20,000 square feet to 99,999 square feet, plus 1 space per 5,000 square feet for that portion over 100,000 square feet	—
	b. Truck and trailer parking	Notes (12) & (13)	1 space for every 5,000 square feet of total floor area	—
	Warehouse, mini-warehouse		1 space per 25 storage units, with a minimum of 5 spaces	—
	Wholesale, processing and warehousing establishments	Note (1)	1.25 spaces per 1,500 square feet of total floor area	0.75 spaces per 1,500 square feet of total floor area

Notes:

- (1) Accessory or ancillary uses must be calculated separately and in compliance with this division.
- (2) In addition to the minimum parking requirement for day care centers, adequate and safe provisions for loading and unloading clients must be provided.
- (3) An additional one space for every six seats must be provided when public use of an auditorium or other place of assembly within a school is likely.
- (4) Parking for a clubhouse with a restaurant will be six spaces per hole or 12.5 spaces per 1,000 square feet of restaurant whichever is greater.

- 
- (5) Parking space dimensions for boat ramps must be a minimum of 12 feet wide by 40 feet long to accommodate a vehicle and boat trailer.
  - (6) Minimum parking requirement is based on the boat manufacturer's specifications related to the maximum passenger capacity and crew capacity of the boat or ship using the dock or loading facility.
  - (7) For meeting facilities with fixed seats, refer to recreational facilities, indoor.
  - (8) If over 50 percent of the total floor area of a restaurant is used as a bar or cocktail lounge, then the minimum parking requirement will be 14 spaces per 1,000 square feet for the floor area used as the restaurant and 21 spaces per 1,000 square feet for the floor area used as the bar or cocktail lounge.
  - (9) The minimum required parking requirement for Groups I, II and fast-food restaurants with no drive-up facilities located in a multiple-use development is one space per 350 square feet of total floor area.
  - (10) No additional parking spaces are required when a restaurant is located within the same building as the principal use and is provided primarily for the employees and customers of the principal use.
  - (11) Reserved.
  - (12) Truck dock/loading bay spaces may be used to satisfy the truck and trailer parking requirement. Truck dock/loading spaces do not have to be striped.
  - (13) Parking space dimensions of 15 feet wide by 60 feet long are required to accommodate truck and trailer parking. However, truck and trailer parking spaces located in truck dock/loading bays do not have to meet the parking space dimension requirements.
  - (14) Where occupants utilize benches, pews or other similar seating arrangements, each 24 linear inches of seating facilities will be counted as one seat for the purpose of computing off-street parking requirements.
  - (15) If more than 20 percent of the total floor area or 600 square feet, whichever is less, is used for the preparation and/or sale of food or beverages in a ready-to-consume state, parking will be calculated the same as a fast-food restaurant.
  - (16) For the purposes of determining parking requirements, parking shall be determined based on a standard conveyance pad size of ten feet by 30 feet or 300 square feet of conveyance pad area. Food truck parks located in a future urban area that are connected to central utilities (water and sewer) and located within one quarter mile of at least 100 residential units with pedestrian or bicycle connections, or food truck parks located in the Mixed Use Overlay have a reduced parking requirement of four parking spaces per conveyance pad in lieu of the Mixed Use Overlay parking reduction in Table 34-2020(c).
  - (17) Floor area dedicated to the production and packaging of beers, meads, wines, liquor, or similar beverages and not accessible to the general public may utilize the minimum parking requirement for "Manufacturing and Light Industrial."

*No proposed amendments to subsection (c) through subsection (e).*

---

---

**CHAPTER 34, ARTICLE VII, DIVISION 27.**

**Sec. 34-2052. Parking.**

*No proposed amendments to subsection (a) and subsection (b).*

(c) Parking on grass. Up to 50 percent of the parking spaces required for the sanctuary or main assembly hall of a place of worship may be provided as parking on grass, provided the regulations set forth in the following sections, pertaining to off-street parking requirements, are met:

- (1) Section ~~34-2013~~ 10-260(d), parking lot access.
- (2) Section ~~34-2014~~ 10-260(a), parking plans.
- (3) Section ~~34-2015(1)~~2013, location.
- (4) Section ~~34-2015(2)a, c and d~~, 10-260(f), design.
- (5) Section ~~34-2016(1)b~~ 10-260(g), dimensional requirements.
- ~~(6) Section 34-2016(3), aisle widths.~~

## AMENDMENT SUMMARY

**Issue:** The current Land Development Code (LDC) section addressing site lighting design requirements is overly restrictive and includes provisions that have minimal or no off-site impact. Additionally, these standards are located in Chapter 34, which primarily governs zoning and land use, even though outdoor lighting is a fundamental component of all development types.

**Solution:** Amend the LDC by relocating outdoor lighting standards to Chapter 10, which addresses Development Standards, and streamline requirements by reducing or eliminating provisions that apply only to internal site conditions without external impacts.

**Outcome:** The revised standards will appropriately reside in Chapter 10 of the LDC, ensuring alignment with development regulations. The amendments will enhance efficiency, eliminate unnecessary requirements, and maintain protections for public health, safety, and welfare while complying with state and federal mandates.

---

### CHAPTER 6, ARTICLE II, DIVISION 3.

#### Sec. 6-113. Compliance with outdoor lighting standards.

All non-residential building permits must comply with the requirements of Section ~~34-625~~10-262.

---

### CHAPTER 10, ARTICLE II, DIVISION 2.

#### Sec. 10-154. Additional required submittals.

The following must be submitted with an application for development order approval:

- (1) *Legal description and sketch to accompany legal description.* A metes and bounds legal description along with a sketch of the legal description, prepared by a State-Licensed Surveyor and Mapper, must be submitted, unless the property consists of one or more undivided lots within a subdivision platted in accordance with F.S. Ch. 177. If the subject property is one contiguous parcel, the legal description must specifically describe the entire continuous perimeter boundary of the property subject to the development order application with accurate bearings and distances for every line. If the subject property consists of undivided, platted lots, then a complete legal description (i.e., lot, block, subdivision name, public records recording information) of the platted subject property is required. A sketch of the undivided, platted lots is not required. The Director has the right to reject any legal description that is not sufficiently detailed so as to locate the property on County maps.

*No proposed changes to subsections (2) through (7)*

- (8) *Exterior lighting plan, photometrics and calculations.* An exterior lighting plan and photometric information must be submitted. The plan and photometric information must be provided in full compliance with Section ~~34-625~~10-262 of the Land Development Code and must demonstrate compliance with all standards and criteria specified therein.

*No proposed amendments to subsection (9) through subsection (28).*

---

## CHAPTER 10, ARTICLE III, DIVISION 1.

### **Sec. 10-262. Outdoor lighting standards.**

- (a) *Applicability.* All new luminaires within nonresidential or multifamily developments, regardless of whether a development order is required, must comply with the provisions and standards of this section.
- (b) *General exemptions.* The following are generally exempt from the provisions of this section:
- (1) Emergency lighting required for public safety and hazard warning luminaires required by federal or State regulatory agencies;
  - (2) Low wattage holiday decorative lighting fixtures used for holiday decoration; and
  - (3) Lighting for roads, except as provided in Section 14-77, to safely illuminate roads, including but not limited to their driving lanes, sidewalks, shoulders, and emergency lanes. Lighting on private roads must be shielded with full cutoff luminaires with recessed bulbs and flat lenses to prevent direct illumination on nearby residences.
- (c) *Standards and criteria.* In addition to the standards and criteria for outdoor lighting established in this section, there are standards for sea turtle lighting in Chapter 14, Article II, Division 2.
- (1) In no case may the illumination exceed 0.5 footcandle measured at the property line. The amount of illumination projected from a property onto a residential use or residentially zoned property may not exceed 0.2 footcandle measured at ten feet from the property line onto the residential property.
  - (2) Lamp standards. Mercury vapor lamps are prohibited. The installation, sale, offering for sale, lease or purchase of any mercury vapor light fixture or lamp for use as outdoor lighting in the County is specifically prohibited.
  - (3) Luminaire standards. Fully shielded, full cutoff luminaires with recessed bulbs and flat lenses are the only permitted fixtures for outdoor lighting, with the following exceptions.
    - a. Luminaires that have a maximum output of 260 lumens per fixture may be left unshielded, provided the fixture has an opaque top to keep light from shining directly up.
    - b. Luminaires that have a maximum output of 1,000 lumens per fixture may be partially shielded, provided the bulb is not visible and the fixture has an opaque top to keep light from shining directly up.
    - c. Sensor activated lighting may be unshielded provided it is located in such a manner as to prevent direct glare and lighting into abutting properties under separate ownership or into a public right-of-way, the light is set to only go on when activated and to go off within five minutes after activation has ceased, and the light is not be triggered by activity off the property.

- d. Flood or spot luminaires with a lamp or lamps rated at 900 lumens or less may be used except that no spot or flood luminaire may be aimed, directed, or focused to cause direct light from the luminaire to be directed toward residential buildings on abutting or nearby property, otherwise create glare perceptible to persons operating motor vehicles on public ways, directed skyward, or directed towards shoreline areas.
- e. All externally illuminated billboards and signs must be lit by shielded fixtures mounted at the top of the sign and aimed downward. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Illumination resulting from sign lighting must be considered as contributing to the illumination levels specified herein.
- f. Fixtures used to accent architectural features, materials, colors, style of buildings, landscaping, or art must be located, aimed and shielded so that light is directed only on those features. Such fixtures must be aimed or shielded to minimize light spill onto adjacent properties or into the night sky in conformance with illumination and luminaire standards.
- g. All nonessential exterior commercial lighting must be turned off after business hours.

(4) Luminaire mount standards. The following standards apply to luminaire mountings.

- a. Freestanding luminaires. The maximum height of light poles for parking lots and vehicular use areas may not exceed 25 feet measured from the ground level directly below the luminaire to the bottom of the lamp itself. Light poles located within 50 feet of a residential use or residentially zoned property may not exceed 15 feet. Poles used to illuminate pedestrian walkways may not exceed 15 feet. Lighting for outdoor recreational facilities (public or private) including but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, etc., are exempt from the mounting height standards, provided that all other applicable provisions are met.
  - b. Building mounted luminaires. These luminaires may only be attached to the building walls, and the top of the fixture may not exceed the height of the parapet, or the roof, or 25 feet, whichever is the lowest.
  - c. Canopy lighting. Light fixtures mounted on the underside of a canopy must be recessed or shielded full cutoff type so that the light is restrained to 85 degrees or less from the vertical. As an alternative (or supplement) to the canopy ceiling lights, indirect lighting may be used where the light is beamed upward and then reflected down from the underside of the canopy. When this method is used, light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy. Exposed lights may not be mounted on the top or sides (fascia) of the canopy. The sides (fascia) of the canopy may be illuminated as long as the illumination is consistent with the County restrictions on off-site light spillage which must be analyzed in the photometry plan.
  - d. Trees and landscaping. To avoid conflicts, locations of all light poles and fixtures must be coordinated with the locations of all trees and landscaping whether existing or shown on the landscaping plan. Vegetation screens may not be employed to serve as the means for controlling glare.
  - e. Glare control must be achieved through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.
- (d) Development order and permit criteria. The applicant for any development order or building permit, as applicable under the provisions of this Code involving outdoor lighting fixtures, must submit as

part of the application evidence that the proposed work will comply with the outdoor lighting standards of this Code. Specifically, the submission must include the following:

- (1) Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices.
- (2) A detailed description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description must include manufacturer's catalogue cuts and drawings, including pictures, sections, and proposed wattages for each fixture.
- (3) All applications for development orders or building permits, except for single-family and duplex building permits, must provide photometric data, such as that furnished by the manufacturer of the proposed illuminating devices, showing the angle of cut-off and other characteristics of the light emissions including references to the standards contained herein.
- (4) All applications for development orders or building permits, except for single-family and duplex building permits, must provide photometrics in initial footcandles output for all proposed and existing fixtures on-site shown on a 20-foot by 20-foot grid on an appropriately scaled plan. On-site lighting to be included in the calculations must include, but is not limited to, lighting for parking lot, canopies, and building mounted and recessed lighting along the building facades and overhangs. The photometric plan must include a table showing the average, minimum, and maximum footcandles of illumination on the site and the calculations deriving the averages. The use of a light loss factor (LLF) is not permitted in these photometrics.

(e) Compliance.

- (1) Prior to the final inspection for a Certificate of Compliance pursuant to Section 10-183, site verified footcandle readings must be provided demonstrating that the outdoor lighting, as installed, conforms with the proposed photometrics and the letter of substantial compliance provided by a registered professional engineer must include a certification that the outdoor lighting is in compliance with this Code.
- (2) Outdoor lighting must be maintained in compliance with this Code.

---

## CHAPTER 10, ARTICLE III, DIVISION 2.

### Sec. 10-296. Street design and construction standards.

- (a) *Generally.* All public and private streets must be designed to accommodate all expected users, where applicable, and constructed and improved in accordance with the specifications set out in this section, as well as the other requirements of this division. In addition, the following standards and criteria will be applicable: American Association of State and Highway Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, as modified by the State Department of Transportation (FDOT) Florida Greenbook, FDOT Design Standards, FDOT Drainage Manual and FDOT Standard Specifications, current editions, with supplements, and such other applicable publications, editions and amendments as may be adopted by the State Department of Transportation, and sound engineering judgment. Construction on State facilities must be done in accordance with applicable State statutes and regulations.

*No proposed changes in subsection (b) through d(5).*

- (6) *Signs and pavement markings, street lighting and traffic control devices.*
  - a. *Street name and regulatory signs.* 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.

- b. *Street lighting.* Street lighting may be installed at the developer's option and expense in compliance with Section ~~34-625~~10-262. Where street lighting is to be provided, the streetlight improvements must be maintained and operated through a covenant that runs with the land in the form of deed restrictions, a property owners' or condominium association, or another legal mechanism, acceptable to the County, which assures 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 that provide for the continual maintenance and operation of the lighting may be accepted and recorded only 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 that includes operation and maintenance of the streetlights.
- c. *Street and intersection improvements; traffic control devices.*
  1. All streets and intersections within a development must operate at service level C or higher. The developer must design and construct those traffic control devices and acceleration, deceleration, turning or additional lanes, referred to in this subsection as traffic improvements, deemed necessary to bring the level of service up to service level C or higher.
  2. Traffic control devices and acceleration, deceleration, turning and additional lanes must be specifically indicated on the development order plan. These traffic control devices must be designed and shown on the development order plans as per MUTCD standards.

*No proposed changes in subsection (d)6 through (o).*

---

## CHAPTER 10, ARTICLE IV.

### **Sec. 10-610. Site design standards and guidelines for commercial developments.**

- (a) *Purpose and intent.* The purpose and intent of these provisions is to supplement and enhance existing regulations and to require the design of developments that will provide safe, convenient, and efficient access for vehicles while also providing safe, convenient, and efficient passage for pedestrians from the public right-of-way to the commercial building or development, and between buildings within the commercial development. It is further the purpose and intent of these provisions to require parking, lighting, and lighting fixtures to be designed, installed, and maintained in a consistent and coordinated manner for the entire site (including their out parcels) and integrated and designed so as to enhance the visual appearance and impact on the community. The Development Services Director is hereby authorized to grant deviations from the technical standards in this subsection, subject to the criteria set forth in Section 10-104.
- (b) *Lighting standards.* All outdoor lighting must comply with Section ~~34-625~~10-262.

*No proposed changes in subsection (c) through (f).*

---

## CHAPTER 12, ARTICLE II.

### Sec. 12-111. Mine site plan; site map and engineering plan set.

A series of maps and engineering plans, including drawings prepared and sealed by an appropriate registered professional in the State (e.g., engineer, architect, surveyor) must be provided to obtain MDO approval in accordance with the provisions of this section. This map and plan series, known as the Mine Site Plan, must meet and include the following minimum criteria:

- (1) Be drawn at an appropriate scale, to be determined at the preapplication meeting based upon the size of the property. The scale must be sufficient to allow all information to be clearly and legibly depicted and described. A consistent scale between the maps and plans is preferred and recommended to assist in review of the information provided and to minimize the need to request additional submittals.

*No proposed changes in subsections (2) through (11).*

- (12) Exterior lighting plan, photometrics and calculations. An exterior lighting plan and photometric information must be submitted. The plan and photometric information must be provided in full compliance with Section ~~34-625~~10-262 and demonstrate compliance with all standards and criteria specified therein.
- (13) Calculations and other pertinent materials. The Development Services Director may also require submission of calculations in support of all proposed drawings, plans and specifications. Calculations, data and reports to substantiate engineering designs, soil condition, flood hazards, compensation of floodplain storage (see Section 10-253), wet season water table, etc., may be required.

---

### Sec. 12-121. Existing mine operations.

(a) *Existing mine defined.* An existing mine is a mine operation approved by the Board of County Commissioners or Hearing Examiner prior to September 1, 2008, that meets the following criteria:

- (1) Approved by special exception under Chapter 34; or
- (2) Approved as an Industrial Planned Development (IPD) or Residential Planned Development (RPD) under Chapter 34 and has a valid/current master concept plan in place; and
- (3) The right to pursue mining activity on either the special exception or IPD/RPD zoned property has not expired under the terms and condition of the zoning approval.

*LDC 12-121 (b) through LDC 12-121(f)(13) no change.*

- (14) Exterior lighting plan, photometrics and calculations. An exterior lighting plan and photometric information must be submitted. The plan and photometric information must be provided in full compliance with Section ~~34-625~~10-262 and demonstrate compliance with all standards and criteria specified therein.
- (15) Calculations and other pertinent materials. The Director may also require submission of calculations in support of all proposed drawings, plans and specifications as well as additional information consistent with Subsection (g) of this section to address issues not reflected the by the balance of the requirements set forth in Subsection (f) of this section. Calculations, data and reports to substantiate

engineering designs, soil condition, flood hazards, compensation of floodplain storage (see Section 10-253), wet season water table, etc., may be required.

*No proposed amendments to subsection (g) through subsection (k).*

---

## CHAPTER 33, ARTICLE IV, DIVISION 2.

### Sec. 33-1256. Lighting.

In addition to the requirements of Section ~~34-625~~10-262, development design must include the following:

- (a) Lighting of building entryways at the pedestrian level, such as lighted bollards, doorway lighting, etc.
- (b) Light fixtures must complement the overall building development.
- (c) Lighting throughout all parking areas must utilize decorative light poles/fixtures. Except for pedestrian light fixtures, all other outdoor light fixtures must be fully shielded.
- (d) Lighting plans must be coordinated with landscape plans to identify and eliminate potential conflicts with required landscaping.
- (e) No light poles may be located in parking lot islands that contain required landscaping.
- (f) Buildings, awnings, roofs, windows, doors and other elements may not be outlined with light. Exposed neon and backlit awnings are prohibited. Temporary seasonal lighting during the month of December is excluded from this requirement.

---

## CHAPTER 33, ARTICLE V, DIVISION 2.

### Sec. 33-1413. Lighting.

In addition to the requirements in Section ~~34-625~~10-262:

- (1) Light fixtures must complement the building development with an architectural theme consistent with the overall development.
- (2) Parking lot lighting must utilize decorative light poles/fixtures.
- (3) Outdoor light fixtures must be shielded. Lighting must be directed to avoid intrusion on adjacent properties and away from adjacent thoroughfares.

---

### Sec. 33-1420. Permanent signs in commercial and industrial areas.

*No proposed changes in subsection (1) through (3).*

- (4) Lighting.
  - (a) Ground-mounted identification signs:
    - (1) Illumination must comply with Section ~~34-625~~10-262.
    - (2) Exposed raceways are prohibited.

- (b) Wall-mounted signs:
  - (1) Raceways and electrical junction boxes must be painted to match the building exterior.
- (c) Electrical connections, wiring, etc., must be concealed.

---

## CHAPTER 33, ARTICLE VII, DIVISION 2.

### Sec. 33-1491. Lighting.

In addition to the requirements of Section ~~34-625~~10-262, the following standards must be incorporated into development design:

- (a) Pedestrian level lighting must be provided at building entryways and on pedestrian walkways from parking areas to building entryways.
- (b) Lighting must be given a consistent architectural theme that complements the building's exterior and the overall building development.
- (c) Lighting must be provided throughout all parking areas utilizing decorative light poles/fixtures.
- (d) Light fixtures must be fully shielded except for pedestrian light fixtures. Lighting must be directed to avoid intrusion on adjacent properties and away from adjacent thoroughfares.
- (e) Light fixtures must not conflict with landscaping requirements. Lighting plans must be coordinated with landscape plans to eliminate potential conflicts.
- (f) Buildings, awnings, roofs, windows, doors and other elements may not be designed to be outlined with light. Exposed neon and backlit awnings are prohibited. Temporary seasonal lighting during the month of December is excluded from this requirement.

---

## CHAPTER 33, ARTICLE IX, DIVISION 2.

### Sec. 33-1623. Outdoor lighting.

- (a) *Outdoor lighting standards.* The following standards to prevent light trespass apply to outdoor lighting on Captiva in addition to the sea turtle lighting standards found in Sections 14-71 through 14-79, and the outdoor lighting standards found in Section 34-625. Enforcement shall be pursuant to Section 14-73(b).
  - (1) All new outdoor lighting, including lighting on docks and bulkheads, shall be hooded or shielded so that the direct horizontal surface of the light source is masked, shall not shine directly beyond or above the structure or property to be illuminated, and shall not otherwise constitute light trespass.
  - (2) Spotlights on landscaping and foliage shall be hooded or shielded, shall not shine above the highest foliage to be lit, and shall not spill onto adjacent property.
  - (3) Fixtures affixed to poles, trees, and other structures shall be no more than 15 feet above grade, hooded or shielded, and directed downward.

- (4) Outdoor lighting shall comply with the above standards at the time the existing lighting is replaced. This provision shall not apply to a repair or a partial replacement of a complete and uniform set of light or lighting fixtures.
  - (5) Lights aimed, directed, or focused onto adjacent property, or causing direct light or glare to be projected onto adjacent property, are not permitted at any time. Such existing lights shall be corrected immediately and are not subject to Subsection (a)(4) of this section.
- (b) *Exemptions.* The following sources of light are exempt from this section:
- (1) Temporary emergency lighting needed by firefighters, police officers, or emergency work crews.
  - (2) Lights on approved vehicles.
  - (3) Lights required by government agencies near airstrips or heliports, or on communication towers.
  - (4) Seasonal and special event decorations with individual lights in place up to 60 days per year.
  - (5) Lights or lighting that is required by other sections of the Code.

---

## CHAPTER 33, ARTICLE IX, DIVISION 4.

### Sec. 33-1645. Signs not requiring a permit.

- (a) Residential identification sign. Identification signs not exceeding six square feet. The height of identification signs may not exceed four feet above grade and may be placed in rights-of-way and subject to the following standards and restrictions:
- (1) Identification signs must comply with Sections 14-76 and ~~34-625~~10-262 and may be illuminated only in accordance with the following standards:
    - a. The area occupied by the luminaire and its supports will not be included when calculating the square footage of the sign.
    - b. Sign lighting must be designed and located so as not to cause confusion with traffic control devices.
    - c. Full cutoff fixtures with black nonreflective interior surfaces must be used. Uplighting is prohibited. No sign may have internal illumination.
    - d. If exterior lighting is used to illuminate the sign, the lights must be down lights with shields and louvers to pinpoint the light.
    - e. Illumination must be with white light only, using fluorescent lamps or bulbs, except if visible from the beach, then they must be amber LED bulbs used in properly shielded fixtures. Mercury vapor and metal halide lighting is prohibited. LED bulbs are recommended. Fluorescent fixtures must be of the enclosed type with a gasketed lens and a wet location label.
    - f. A maximum of one fixture is allowed per sign face.
    - g. The maximum wattage may not exceed 36 watts per sign face.
    - h. Approval for electric hookup to illuminate the sign must be obtained from the County Department of Transportation.

*No proposed changes in subsection a(2) through (j).*

---

**Sec. 33-1648. Permanent signs in commercial areas.**

Ground-mounted or wall-mounted signs located in the C-1, CS-1, CT or RM-2 zoning categories must comply with Sections 14-76 and ~~34-625~~10-262.

- (a) Ground-mounted identification signs are subject to the following limitations:
  - (1) No signs may be erected closer than 30 feet to the boundary line dividing the zoning district of the property on which the sign is erected from a zoning district in which they are prohibited.
  - (2) Sign area is limited to 32 square feet.
  - (3) Signs cannot exceed a maximum of ten feet in height or ten feet in width.
  - (4) The sign must display the street number of the property on the face of the sign. Each numeral must measure four to six inches in height. The copy area of the street number will not be counted toward the allowable sign copy area.
- (b) Wall-mounted signs. Wall signs are limited to ten percent of a tenant's wall area, with a maximum size of 32 square feet.
- (c) Illuminated, ground-mounted, and wall signs must comply with lighting requirements set forth in Sections 14-76 and ~~34-625~~10-262.

---

**CHAPTER 33, ARTICLE XI, DIVISION 4.****Sec. 33-1736. Outdoor lighting standards.**

The following standards apply to outdoor lighting on Upper Captiva in addition to the sea turtle lighting standards found in Chapter 14, Article II, and the outdoor lighting standards found in Section ~~34-625~~10-262:

- (1) All outdoor lighting, including lighting on docks and bulkheads, must be designed, installed, located, and maintained to be hooded, shielded, and/or aimed downward.
  - a. Examples of acceptable and unacceptable shielding and hooding are shown in Figures 1 through 3 of this section.
  - b. The hood or shield must mask the direct horizontal surface of the light source, or the light must be aimed to ensure that the illumination is only pointing downward onto the ground surface, with no escaping light permitted to contribute to sky glow by shining upward into the sky.

*No proposed changes in subsection (2) through (6).*

---

**CHAPTER 34, ARTICLE VI, DIVISION 1.****~~Sec. 34-625. Outdoor lighting standards.~~**

- ~~(a) *Purpose.* The purpose of this provision is to curtail and reverse the degradation of the nighttime visual environment by minimizing light pollution, glare, and light trespass through regulation of the form and use of~~

outdoor lighting; and to conserve energy and resources while maintaining nighttime safety, utility, security and productivity.

(b) *Applicability.* All new luminaires, regardless of whether a development order is required, must comply with the provisions and standards of this section.

(c) *General exemptions.* The following are generally exempt from the provisions of this section:

- (1) Emergency lighting required for public safety and hazard warning luminaires required by federal or State regulatory agencies;
- (2) Outdoor light fixtures producing light directly by the combustion of fossil fuels, such as kerosene and gasoline;
- (3) Low wattage holiday decorative lighting fixtures (comprised by incandescent bulbs of less than eight watts each or other lamps of output less than 100 lumens each) used for holiday decoration; and
- (4) Lighting for public roads, except as provided in Section 14-77.

(d) *Standards and criteria.* In addition to the standards and criteria for outdoor lighting established in this section, there are standards for sea turtle lighting in Chapter 14, Article I, Division 2 and further technical standards are specified in a related County Administrative Code. When specific standards are not addressed in these sources, the standards contained in the Illuminating Engineering Society of North America (IESNA) Handbook (latest edition) will apply.

(1) *Illuminance.* Table 1 of this section is provided as a general synopsis of the illumination level requirements. These levels are based upon general use or task categories and are measured in footcandles on the task surface (for example the parking lot or area surface) with a light meter held parallel to the ground or other surface, facing up, unless otherwise specifically stated. Illuminance levels specified in this Code apply to all outdoor lighting.

Table 1. Illumination Level Requirements<sup>(4)</sup>

Use/Task	Initial Actual Footcandles <sup>(2),(4)</sup>	Initial Uniformity Avg. <sup>(3)</sup>
<b>Parking, multifamily</b>		
Low vehicular/pedestrian activity	0.3 min.	4:1
Medium vehicular/pedestrian activity	0.8 min.	4:1
<b>Parking, industrial/commercial/ institutional, municipal</b>		
High activity, e.g., shopping centers, fast food facilities, major athletic/civic, cultural events.	1.2 min.	4:1
Medium activity, e.g., office parks, hospitals, commuter lots, cultural/civic/recreational events	0.8 min.	4:1
Low activity, e.g., neighborhood shopping, industrial employee parking, school, church parking	0.3 min.	4:1
Nonresidential walkways and bikeways	0.3 min.	5:1
Canopy, drive through, fuel pumps, overhang	6.0 min	5:1

Notes:

- (1) These specified illumination level criteria are the initial actual levels to be measured at the time of final inspection for a Certificate of Compliance. The outdoor lighting must be maintained so the average illumination levels do not increase above the specified values. The minimum illumination levels may decrease over time consistent with the Light Loss Factor (LLF) associated with the installed fixtures.
  - (2) In no case may the illumination exceed 0.5 footcandle measured at the property line. The amount of illumination projected onto a residentially zoned property or use from another property, may not exceed 0.2 footcandle measured at ten feet from the property line onto the adjacent residential property.
  - (3) Uniformity ratios dictate that the average illumination values may not exceed initial values by more than the product of the initial value and the specific ratio. For example, in the case of commercial parking and high activity, the initial average illuminance may not be in excess of 4.8 footcandles (1.2 x 4).
  - (4) Where all night safety or security lighting is to be provided, the lighting intensity levels should provide the lowest possible illumination to discourage crime and undesirable activity and to effectively allow surveillance but may not exceed 50 percent of the levels normally permitted for the use as specified in this Code.
- (2) *Lamp standards.* Lamp types and colors must be in harmony with the adjacent community, any special circumstances existing on the site, and with surrounding installations. Lamp types must be consistent with the task and setting and should not create a mix of colors unless otherwise specifically approved by the Director for a cause shown. Specifically, mercury vapor lamps are prohibited. The installation, sale, offering for sale, lease or purchase of any mercury vapor light fixture or lamp for use as outdoor lighting in the County is specifically prohibited.
- Lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, etc., are exempt from the lamp type standards, provided that all other applicable provisions are met.
- (3) *Luminaire standards.* Fully shielded, full cutoff luminaires with recessed bulbs and flat lenses are the only permitted fixtures for outdoor lighting, with the following exceptions:
- a. Luminaires that have a maximum output of 260 lumens per fixture (the approximate output of one 20-watt incandescent bulb), regardless of number of bulbs, may be left unshielded, provided the fixture has an opaque top to keep light from shining directly up.
  - b. Luminaires that have a maximum output of 1,000 lumens per fixture (the approximate output of one 60-watt incandescent bulb), regardless of number of bulbs, may be partially shielded, provided the bulb is not visible, and the fixture has an opaque top to keep light from shining directly up.
  - c. Sensor activated lighting may be unshielded provided it is located in such a manner as to prevent direct glare and lighting into properties of others or into a public right of way, and provided the light is set to only go on when activated and to go off within five minutes after activation has ceased, and the light must not be triggered by activity off the property.
  - d. Flood or spot luminaires with a lamp or lamps rated at 900 lumens or less may be used except that no spot or flood luminaire may be aimed, directed, or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, or directed skyward,

or directed towards the shoreline areas, The luminaire must be redirected or aimed so that illumination is directed to the designated areas and its light output controlled as necessary to eliminate such conditions. Illumination resulting from such lighting must be considered as contributing to the illumination levels specified herein.

- e. All externally illuminated billboards and signs must be lighted by shielded fixtures mounted at the top of the sign and aimed downward. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols is preferred to minimize detrimental effects. Illumination resulting from sign lighting must be considered as contributing to the illumination levels specified herein.
  - f. Fixtures used to accent architectural features, materials, colors, style of buildings, landscaping, or art must be located, aimed and shielded so that light is directed only on those features. Such fixtures must be aimed or shielded to minimize light spill onto adjacent properties or into the night sky in conformance with illumination and luminaire standards.
  - g. All nonessential exterior commercial lighting must be turned off after business hours.
- (4) *Luminaire mount standards.* the following standards apply to luminaire mountings.
- a. *Freestanding luminaires.* Light poles must be placed on the interior of the site. When light poles are proposed to be placed on the perimeter of the site, specific consideration should be addressed to compliance with the illumination standards at the property line and off the property onto adjacent residential property. The maximum height of light poles for parking lots and vehicular use areas may not exceed 25 feet measured from the ground level directly below the luminaire to the bottom of the lamp itself. Light poles located within 50 feet of a residentially zoned property or use may not exceed 15 feet. Poles used to illuminate pedestrian walkways may not exceed 15 feet. Lighting for outdoor recreational facilities (public or private) such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, etc., are exempt from the mounting height standards, provided that all other applicable provisions are met.
  - b. *Building mounted luminaires.* These luminaires may only be attached to the building walls and the top of the fixture may not exceed the height of the parapet, or the roof, or 25 feet, whichever is the lowest.
  - c. *Canopy lighting.* Light fixtures mounted on the underside of a canopy must be recessed or shielded full cutoff type so that the light is restrained to 85 degrees or less from the vertical. As an alternative (or supplement) to the canopy ceiling lights, indirect lighting may be used where the light is beamed upward and then reflected down from the underside of the canopy. When this method is used, light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy. Exposed lights may not be mounted on the top or sides (fascia) of the canopy. The sides (fascia) of the canopy may be illuminated as long as the illumination is consistent with the County restrictions on off-site light spillage which must be analyzed in the photometry plan.
  - d. *Trees and landscaping.* To avoid conflicts, locations of all light poles and fixtures must be coordinated with the locations of all trees and landscaping whether existing or shown on the landscaping plan. Vegetation screens may not be employed to serve as the means for controlling glare. Glare control must be achieved through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.

(e) ~~Development order and permit criteria.~~ The applicant for any development order or building permit, as applicable under the provisions of this Code involving outdoor lighting fixtures, must submit as part of the application evidence that the proposed work will comply with the outdoor lighting standards of this Code. Specifically, the submission must include the following:

1. ~~Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices.~~
2. ~~A detailed description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description must include manufacturer's catalogue cuts and drawings, including pictures, sections, and proposed wattages for each fixture.~~
3. ~~All applications for development orders or building permits, except for single family and duplex building permits, must provide photometric data, such as that furnished by the manufacturer of the proposed illuminating devices, showing the angle of cut-off and other characteristics of the light emissions including references to the standards contained herein.~~
4. ~~All applications for development orders or building permits, except for single family and duplex building permits, must provide photometrics in initial footcandles output for all proposed and existing fixtures on-site shown on a 20-foot by 20-foot grid on an appropriately scaled plan. On-site lighting to be included in the calculations must include, but is not limited to, lighting for parking lot, canopies, and building mounted and recessed lighting along the building facades and overhangs. The photometric plan must include a table showing the average, minimum, and maximum footcandles of illumination on the site and within 50 feet of the site and the calculations deriving the averages. Evidence must be provided demonstrating that the proposed lighting plan will comply with the requirements of this Code. The use of a light loss factor (LLF) is not permitted in these photometrics. This photometric plan must be coordinated with the landscape plan to identify the location of trees and other landscaping features with respect to the lighting devices. Rejection or acceptance of the photometric plan will be based on this Code.~~

(f) ~~Compliance.~~

1. ~~Prior to the final inspection for a Certificate of Compliance pursuant to Section 10-183, site-verified footcandle readings must be provided demonstrating that the outdoor lighting, as installed, conforms with the proposed photometrics and the letter of substantial compliance provided by a registered professional engineer must include a certification that the outdoor lighting is in compliance with this Code.~~
2. ~~If any outdoor light fixture or the type of light source therein, is changed after the permit or development order has been issued, a change request or development order amendment must be submitted for approval together with adequate information to ensure compliance with this Code. This request or amendment must be approved prior to the installation of the proposed change.~~
3. ~~Outdoor lighting must be maintained in compliance with this Code.~~

---

## Chapter 34, ARTICLE VII, DIVISION 8.

### Sec. 34-1352. Display, sale, rental or storage for motor vehicles, boats, recreational vehicles, trailers, mobile homes or equipment.

*Purpose and intent.* The purpose of this section is to ensure that all establishments engaged in the outdoor display, sale, rental or storage of motor vehicles, boats, recreational vehicles, trailers, mobile homes, construction or farm

equipment, or other similar items do not adversely impact adjacent land uses, especially residential land uses. The high levels of traffic, glare, and intensity of use associated with these uses may be incompatible with surrounding uses, especially residential uses. Therefore, in the interest of protecting the health, safety and general welfare of the public, the following regulations will apply to the location, layout, drainage, operation, landscaping, and permitted sales and service activities:

*No proposed amendments to subsection (a) through subsection (e).*

- (f) *Lighting.* Site lighting must be designed in accordance with Section ~~34-62510-262~~.

*No proposed amendments to subsection (g) through subsection (i).*

---

### **Sec. 34-1353. General provisions.**

- (a) *Purpose and intent.* The purpose and intent of this section is to ensure that establishments such as convenience food and beverage stores with or without gas pumps, automobile service stations with or without gas pumps, fast food restaurants, and car washes, accessory or stand alone, do not adversely impact adjacent land uses. The hours of operation, high levels of traffic, noise, glare and intensity associated with these uses may be incompatible with surrounding uses, specifically residential uses. In the interest of protecting the health, safety and welfare of the public, the following regulations apply to the location, design, operation, landscaping and related activities.

*No proposed amendments to subsection (b) through subsection (f).*

- (g) *Canopies.*

- (1) Flat-roof canopies are allowed unless prohibited by conditions in a Planned Development. Canopies must be consistent with the architectural design, predominant color and features of the principal structure.
- (2) Canopy lighting must comply with Section ~~34-62510-262~~(d)(4)c.
- (3) Canopies must be consistent with the predominant color of the principal structure.

*No proposed amendments to subsection (h) through subsection (i).*

## AMENDMENT SUMMARY

**Issue:** Current Land Development Code (LDC) regulations lack clarity regarding decision-making authority for Lee County's one-time turn lane extension exemption. This ambiguity creates uncertainty about which department is responsible for approvals in different roadway scenarios.

**Solution:** Amend Chapter 10 of the LDC to clarify and explicitly define decision-making authority:

- For **private roads**, the Manager of Development Services (or designee) will have approval authority.
- For **County-maintained public roadways**, the Director of the Lee County Department of Transportation (or designee) will have approval authority.

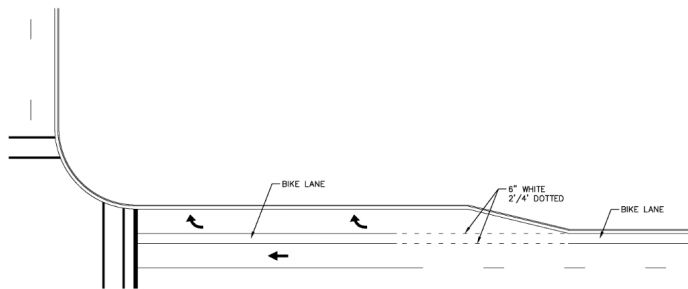
These amendments ensure clear and consistent application of the exemption process.

**Outcome:** Establishes a clear and transparent framework for determining the appropriate decision-maker for Lee County's one-time turn lane extension exemption, reducing ambiguity and improving administrative efficiency.

---

### Sec. 10-288. Turn lanes.

Access to streets will not be permitted unless turn lanes are constructed by the applicant where turning volumes make such improvements necessary to protect the health, safety and welfare of the public or to reduce adverse traffic impacts on the adjacent street system. Turn lanes must be designed in accordance with standards set forth in the County Administrative Code. Turn lane design must accommodate bicycle and traffic in a manner similar to Illustration 10-288 and must include or replace existing widths of paved shoulders or bicycle lanes. An existing development may request a one-time exception wherein only the expansion will be used to calculate the traffic generated by the development for the purpose of determining whether turn lanes are required. Requests on County-maintained roadways are subject to approval by the Director of the Department of Transportation, or their designee. Requests on private roads are subject to approval by the Manager of Development Services, or their designee. The decision of the Director or Manager is discretionary and may not be appealed. After utilization of the one-time exception, the further expansion of a facility will be added to the existing facility for the purpose of calculating traffic generation and the entire development (existing and expansion) will be deemed a new development.



**Illustration 10-288**  
**Driveway or Intersection**  
**Right Turn With Bike Lane**

Wherever turn lanes are installed, the pavement and base material type and thickness of the added lane must match existing lanes. If the addition of a turn lane requires a lateral shift of the centerline or other lanes, the entire pavement area must be re-surfaced to create matching surfaces throughout. New and replacement pavement markings must be provided.

On arterial or collector streets with restrictive medians, existing parcels with insufficient road frontage to meet the minimum connection spacing required in Table 1 may be required to extend and utilize an adjacent existing right-turn lane.