

**LEE COUNTY ORDINANCE NO. 17-19**  
Capital Improvements and Water Supply Management  
(CPA2017-00003)

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO THE CAPITAL IMPROVEMENTS AND WATER SUPPLY MANAGEMENT (CPA2017-00003) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF "THE LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") Policy 2.4.1. and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on August 28, 2017; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on September 20, 2017. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Capital Improvements and Water Supply Management (CPA2017-00003) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the September 20, 2017 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on November 22, 2017, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:**

## SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map and text amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "Capital Improvements and Water Supply Management Ordinance (CPA2017-00003)."**

## SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, which amends Lee Plan Goals 2, 4, 53, 54, 55, 56, 57, 58, 60, 61, 62, 64, 66, 67, 76, 79, 82, 83, 84, 95, 115, and 117 known as Capital Improvements and Water Supply Management Ordinance (CPA2017-00003).

The corresponding Staff Reports and Analysis, along with all attachments and application submittals for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached as Exhibit A.

## SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

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

## SECTION FOUR: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

## SECTION FIVE: GEOGRAPHIC APPLICABILITY

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

## SECTION SIX: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the

powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

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

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION EIGHT: EFFECTIVE DATE

The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status.

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

John E. Manning	Absent
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DONE AND ADOPTED this 22<sup>nd</sup> day of November, 2017.

ATTEST:  
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF  
COUNTY COMMISSIONERS

BY: *Linda Doggett*  
Deputy Clerk

BY: *Cecil L. Pendergrass*  
Cecil L Pendergrass, Chair



DATE: 11/22/2017

APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

*[Signature]*  
County Attorney's Office

Exhibit A: Adopted revisions to Lee Plan Goals and Maps 23 and 24  
(Adopted by BOCC November 22, 2017)

## EXHIBIT A

**Note: Text depicted with underscore represents additions to the Lee Plan.  
Strike-through text represents deletions from the Lee Plan.**

II. Future Land Use

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 F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, F.S. Florida Statutes and the county's Concurrency Management Ordinance concurrency requirements in the Land Development Code. (Amended by Ordinance No. 94-30, 00-22)

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OBJECTIVE 2.3: [RESERVED]. PUBLIC PROVISION OF INFRASTRUCTURE. The Capital Improvements Program will give the highest priority to the planning, programming, and construction of urban services and facilities in the existing developed areas where facilities are inadequate. Next priority will be given to service expansions in existing developed areas, followed by further expansion into other portions of the Future Urban Areas. Sufficient land will be identified and protected for utility facilities that will be necessary to support the proposed level of development. Other infrastructure planning priorities are contained in Policy 38.2.4 and Policy 95.1.1. (Amended by Ordinance No. 94-30, 00-22)

POLICY 2.3.1: Specific level of service standards and capital improvement priorities will be detailed in the relevant elements of this plan and carried out through a capital improvements program as described in the Capital Improvements element. (Amended by Ordinance No. 00-22)

POLICY 2.3.2: The cost for the provision and expansion of services and facilities that benefit new development will be borne primarily by those who benefit. Such funding may include (but is not limited to) impact fees, special taxing or benefit districts, community development districts, dedication of land and facilities, in lieu of fees, and capital construction, operation, and maintenance funds. (Amended by Ordinance No. 00-22)

POLICY 2.3.3: All facility provisions from the special funding sources in Policy 2.3.2 must be consistent with this plan.

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STANDARD 4.1.1: WATER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 47-22 62-550, F.A.C.).
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 40D-4 62-555, F.A.C.

5. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), and the utility cannot provide the service or cannot provide the service except at a clearly unreasonable cost to the developer, the developer is encouraged to petition the appropriate regulatory agency to contract the service area so that the development may establish its own community water system or invite another adjacent utility to expand its service area in order to provide the required service.
  6. If a development lies outside any service area as described above, the developer may:
    - request that the service area of Lee County Utilities or an adjacent water utility be extended to incorporate the property;
    - establish a community water system for the development; or
    - develop at an intensity that does not require a community water system.
  7. Lee County Utilities may provide potable water service to properties not located within the Future Water Service Area when such potable water service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.
- (Amended by Ordinance No. 94-30, 00-22, 16-01)

**STANDARD 4.1.2: SEWER.**

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.
  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.
  3. If there is not sufficient capacity nor adequate infrastructure within 1/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.
  4. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and the utility cannot provide the service, or cannot provide the service except at a clearly unreasonable cost to the developer, the developer may establish on a temporary basis a self-provided sanitary sewer facility for the development, to be abated when the utility extends service to the site. The developer may also petition the appropriate regulatory agency to contract the service area of the utility in order that another utility may be invited to provide the service.
  5. If a development lies outside any service area as described above, the developer may:
    - request that the service area of Lee County Utilities or an adjacent sewer utility be expanded to incorporate the property;
    - establish a self-provided sanitary sewer system for the development;
    - develop at an intensity that does not require sanitary sewer service; or
    - if no more than 5000 gallons of effluent per day per parcel is produced, an individual sewage disposal system per Chapter ~~10D-6~~ 64E-6, F.A.C. may be utilized, contingent on approval by all relevant authorities.
  6. Lee County Utilities may provide sanitary sewer service to properties not located within the Future Sewer Service Area when such sanitary sewer service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.
- (Amended by Ordinance No. 94-30, 00-22, 16-01)

**STANDARD 4.1.3: REUSE.**

1. Any development that requires a development order, on a property that is adjacent to public reuse infrastructure with sufficient capacity, must connect to the reuse system for irrigation needs.
2. Any new development that, at build-out, has an anticipated irrigation demand of 50,000 gallons per day, or more, using the Blaney-Criddle method, must connect to a public reuse system for irrigation needs when sufficient capacity and adequate infrastructure is within 1/4 mile from any part of the development.
3. If there is not sufficient capacity or adequate infrastructure within 1/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.
4. If a development has been rejected for reuse service the proposed source of irrigation water must be identified consistent with Policy 61.1.6.

**STANDARD ~~4.1.3~~ 4.1.4: ENVIRONMENTAL REVIEW FACTORS.**

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**IV. Community Facilities and Services**

**GOAL 53: POTABLE WATER INFRASTRUCTURE.** ~~To ensure the public health, welfare, and safety by the provision of~~ Provide high-quality central potable water service throughout the future urban areas of unincorporated Lee County, ~~and to ensure~~ Ensure that the costs of providing facilities for the supply of potable water are is borne by those who benefit from them.

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**POLICY 53.1.1:** ~~The Board of County Commissioners hereby establishes~~ Service areas, illustrated in Map 6, are established for the Lee County Utilities water systems throughout which it will provide standard service as required by demand, and within which it will challenge applications by private water utilities to obtain a Certificate of Operation from the Florida Public Service Commission and reject all applications for a county franchise therein. These service areas are illustrated in Map 6. Lee County, at its discretion, may object to water utilities applying to provide or expand potable water service to areas within unincorporated Lee County that are not included in the area illustrated on Map 6 or within a franchised/certificated potable water service area. Within the Fort Myers urban reserve area, the service areas shown on the map are subject to modifications in accordance with existing and future interlocal agreements. (Amended by Ordinance No. 93-25)

**POLICY 53.1.2:** ~~The minimum acceptable level of service~~ level of service standards (see Policy 95.1.3) for potable water connections to Lee County Utilities will be: are established in Policy 95.1.3.

~~• An available supply and treatment capacity of 250 gallons per day per equivalent residential connection (ERC) for the peak month, except that facilities serving only mobile home residential structures must have a capacity of 187.5 gallons per day and facilities serving only travel trailer residential structures must have a capacity of 150 gallons per day. (Amended by Ordinance No. 92-35, 00-22)~~



~~POLICY 53.1.3: The Board of County Commissioners encourages all private utilities to set a minimum acceptable level of service to be adopted herein for use in the concurrency management system within their respective franchised or certificated areas. After the effective date of this plan or September 1, 1989, whichever is later, if the county has not adopted such standards into this plan, the standards~~ The minimum acceptable levels of service standards adopted for the Lee County Utilities' water systems will apply in those applies to franchised/certificated or franchised areas and will be used in enforcing concurrency regulations (see Policy 95.1.3).

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

(Amended by Ordinance No. 92-35, 00-22)

~~POLICY 53.1.4: The Board of County Commissioners urges all uUtilities are encouraged to construct and install sufficient treatment facilities and distribution systems that will to meet or exceed the minimum acceptable service standards and with the capacity to deliver water at a pressure of 20 40 pounds per square inch (wp PSI static) at the meter anywhere on the individual system (excluding fire flow conditions). In addition, by September 30, 1994, all utilities are urged to deliver water pressure of 40 pounds per square inch (static pressure, excluding fire flow conditions). Each utility is encouraged to~~ All utilities will be required to advise the planning and engineering staffs of the county regarding of system expansions or modifications to ensure coordination with other utilities and with all other issues of public interest and to prevent duplication of facilities and services. (Amended by Ordinance No. 92-35)

~~POLICY 53.1.5: No county development order under the Land Development Code for a residential development more intense than 2.5 dwelling units per gross acre, for a commercial development of more than 30,000 square feet of gross floor area, or for any industrial plant of more than 30,000 square feet of gross floor area, will be issued in any franchised or certificated water service area, or within Lee County Utilities' future service area, unless potable water service, at the minimum acceptable level of service, is available at the property line, or surety is given that it will be installed prior to occupancy. This policy will in no way exempt any development of any size from meeting the levels of service required for concurrency under Policies 53.1.2 and 95.1.3. (Amended by Ordinance No. 00-22, 09-13)~~ Maintain regulations that require development connect to Lee County Utilities or other franchised/certificated potable water service provider.

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~~POLICY 53.1.10: By 1999, county staff will formulate the study proposal to determine the appropriateness of requiring certain existing residential developments at a density equal to or in excess of 2.5 dwelling units per acre to connect to a potable water or sewer system, if available. The study will address the issue of health related problems and will include the collection and analysis of well samples to determine if there is an immediate health problem as well as a cost benefit analysis. This study proposal will include recommendations regarding which pre-platted~~

communities and subdivisions should be required to connect to a potable water or sewer system, if available. (Added by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

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**OBJECTIVE 53.2: WATER SUPPLY CONCURRENCY.** Lee County will incorporate water supply into the concurrency management system consistent with the requirements of Section 163.3180(2)(a), F.S. (Added by Ordinance No. 09-13)

**POLICY 53.2.1:** ~~County~~ Maintain development regulations ~~will be amended to specify that no to prohibit the issuance of building permits under the Land Development Code will be issued in a franchised/ or-certificated water service area, or within Lee County Utilities' future service area, unless potable water supply will be available to meet current and projected growth demands, or surety is given that it will be available prior to occupancy. This policy does not exempt development of any size from meeting the levels of service required for concurrency under Policyies 53.1.2 and 95.1.3.~~ (Added by Ordinance No. 09-13)

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**OBJECTIVE 54.1:** ~~The county will e~~Continue its programs in education, technical advice, demonstration, rate revisions, and reuse to reduce potable water consumption and the consumption of large volumes of potentially potable water. ~~Water consumption per Equivalent Residential Unit will be decreased by 2.5% annually through the year 2000.~~ (Amended by Ordinance No. 94-30, 00-22)

**POLICY 54.1.1:** ~~Using the personnel and resources of various county agencies, Lee County will e~~Continue to offer a ~~program of public information and education programs. This program should include the use of print media, advertising, and public service announcements on radio and television highlighting and advocating various strategies of water conservation, including, but not limited to:~~

- creating incentives for “gray water” systems or other recycling activities;
- adopting incentives for household and commercial use of appliances and ultralow volume plumbing fixtures with low water consumption rates;
- advising householders to reduce water use;
- creating a demand for low water use appliances by publishing ratings of water use efficiency for appliances analogous to the energy efficiency ratings for electrical appliances;
- advocating the cost-effective use of appliances and water: i.e. run only full loads or use low water settings when appropriate;
- encouraging ~~the building or grounds manager, including the individual householder, to maintain the maintenance of~~ water systems, i.e. timely repair of dripping faucets, leaking water closets, broken or maladjusted sprinkler heads, etc.;
- installing alternatives to spray irrigation devices for lawns and grounds management such as drip or seep systems, or at least attending to the ambient humidity and evapo-transpiration rates in controlling sprinkler systems;
- promoting the installation of a “rain sensor device” or “automatic switch” on all new irrigation systems to override the irrigation cycle of the sprinkler system when adequate rainfall has occurred;
- encouraging the use of drought-tolerant ground covers and shrubbery according to the principles of “Florida friendly landscaping” (see glossary and Objective 117.2) and demonstrating the uses of native vegetation in landscaping; and
- ~~generally~~ encouraging the thoughtful use of water ~~in all necessary activities.~~

(Amended by Ordinance No. 94-30, 00-22, 16-01)

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**POLICY 54.1.5:** ~~The Board of County Commissioners will encourage p~~Privately operated potable water utilities with a franchise granted by the County are encouraged to adopt a “conservation” rate structure for users in their respective service areas and employ water conservation public information and education programs similar to those described in Policy 54.1.1. (Amended by Ordinance No. 00-22)

**POLICY 54.1.6:** ~~Development regulations will continue to require that any~~ Maintain development regulations that require new development will pay the appropriate fees and to connect to a re-use reuse water system if such a system is near or adjacent to the development and has sufficient surplus capacity to supply the development. ~~Development regulations will be amended further as follows:~~

- ~~• Where a significant modification is proposed to a major development subject to Chapter 10 of the Land Development Code, wastewater reuse systems will be required in the same manner as for new developments.~~
- ~~• The county will require by ordinance the connection of specified existing development to a utility wastewater distribution system when one is available near or adjacent to the property.~~

(Amended by Ordinance No. 91-19, 94-30, 00-22)

**POLICY 54.1.7:** Lee County may provide reuse water at a price significantly lower than finished potable water in order to incentivize its use because ~~It is hereby declared that the conservation of potable water supply and facility capacity is important to ensure of such importance to the orderly growth of the community, that in order to further provide incentive for its use, reuse water may be provided at a price significantly lower than finished potable water (the residual costs of operation being charged to the sewer users as part of the cost of effluent disposal).~~

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**POLICY 54.1.9:** ~~Lehigh Acres (as defined by outer boundaries of its Privately Funded Infrastructure overlay on the Future Land Use Map) is hereby declared a critical area for future potable water supply due to fluctuating water levels in the Sandstone aquifer. In response to this designation, the Lee Ceounty will amend current maintain regulations to provide that require all new wells in Lehigh Acres and San Carlos Park Planning Communities (as defined on Map 16), and wells 30 feet deep or more in other areas of unincorporated Lee County to must be constructed to accommodate submersible pumps. (Also see Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.)~~ (Amended by Ordinance No. 94-30, 00-22, 02-02, 14-09)

**POLICY 54.1.10:** ~~The county will continue to implement and enforce regulations to reduce the amount of effluent being discharged into surface waters~~ Maintain regulations that require reuse of effluent water in order to reduce disposal through surface water discharge. (Amended by Ordinance No. 91-19, 94-30, 00-22)

**POLICY 54.1.11:** ~~Continue to e~~Encourage new and existing developments to utilize reuse water distribution systems. ~~the Fort Myers Beach/Iona McGregor sewer system's dual water system.~~ (Amended by Ordinance No. 94-30, Amended and Relocated by Ordinance No. 98-09)

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**OBJECTIVE 55.1:** Ensure an adequate, reliable, and economical supply of potable water and sanitary sewer service to meet the forecasted needs for all residents of Lee County ~~through the year 2030 through regional planning and intergovernmental participation.~~ (Amended by Ordinance No. 94-30)

**POLICY 55.1.1:** ~~Lee County Utilities and Lee County Division of Natural Resources will p~~Plan and coordinate with other government agencies ~~in the development of comprehensive plans as they relate to~~ for well field protection, aquifer recharge, water supply, sanitary sewer service, and related capital facilities. (Added by Ordinance No. 00-22, Amended and Relocated by Ordinance No. 03-04).

**POLICY 55.1.2:** ~~Lee County Division of Natural Resources in conjunction with Lee County Utilities will p~~Perform groundwater modeling and analysis ~~for new development,~~ as needed, to assess the potential impact of land use changes on the water resources of ~~Lee the~~ County. ~~The a~~Analysis will focus on ~~the following issues:~~ adequacy of water supply, including groundwater level draw-down, and avoidance of adverse impacts on natural systems from water supply withdrawals. Modeling and analysis performed by the County does not eliminate any site specific requirements that are part of an application for new or proposed development. (Added by Ordinance No. 00-22, Amended and Relocated by Ordinance No. 03-04)

**POLICY 55.1.3:** ~~Lee County will a~~Actively implement and utilize the Water Supply Facilities Work Plan, as adopted by the Board of County Commissioners, ~~Lee County will utilize the document as the County's a~~ guide to potable water supply facility planning, consistent with Table 6, the Water Supply Development Projects Table, potable water resources, and water conservation, with a planning horizon through the year 2030. ~~A copy of the adopted Water Supply Facilities Work Plan will be maintained and kept on file by Lee County Utilities.~~ (Amended by Ordinance No. 94-30, Amended and Relocated by Ordinance No. 00-22, Relocated by Ordinance No. 03-04, Amended by Ordinance No. 09-13, 16-01)

**POLICY 55.1.4:** ~~Lee County will e~~Continue to collect data on a yearly basis from private suppliers of potable water and sanitary sewer services, including reporting of water flows, storage capacity, pressures, number of customers, ~~and~~ committed future connections, and proposed expansion plans. ~~This data will be updated on a yearly basis.~~ (Amended by Ordinance No. 94-30, Relocated by Ordinance No. 00-22)

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**GOAL 56: SANITARY SEWER INFRASTRUCTURE.** ~~To protect the public health and environmental quality by encouraging and ensuring the provision of~~ In partnership with franchised/certificated utilities providers, provide sanitary sewer service and wastewater treatment and disposal throughout ~~the future urban areas of the unincorporated Lee Ceounty and to Fort Myers Beach.~~ (Amended by Ordinance No. 98-09)

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**POLICY 56.1.1:** ~~The Board of County Commissioners hereby establishes s~~Service areas, illustrated on Map 7, are established for the Fort Myers Beach/Iona sewer system, the South Fort Myers sewer system, the East Lee County sewer system, and the Matlacha Lee County Utilities sewer system throughout which it will provide standard service as required by demand, and within

which it will challenge applications by private sanitary sewer utilities to obtain a Certificate of Operation from the Florida Public Service Commission, and ~~Reject~~ all applications for a county franchise therein. ~~These service areas are illustrated in Map 7. Lee County, at its discretion, may object to sanitary sewer utilities applying to provide or expand sanitary sewer service to areas within unincorporated Lee County that are not included in the area illustrated in Map 7 or within a franchised/certificated sanitary sewer service area. Within the Fort Myers urban reserve area, the service areas shown on the map are subject to modifications in accordance with existing and future interlocal agreements.~~ (Amended by Ordinance No. 93-25)

**POLICY 56.1.2:** The minimum acceptable level of service ~~level of service~~ standard (see Policy 95.1.3) for sanitary sewer connections to Lee County Utilities ~~will be:~~ are established in Policy 95.1.3.

~~available basic facility capacity (see glossary) to treat and dispose of a volume of wastewater equal to 200 gallons per day per equivalent residential connection (ERC) for the peak month, except that facilities serving only mobile home residential structures shall have a capacity of 150 gallons per day and facilities serving only travel trailer residential structures must have a capacity of 120 gallons per day.~~ (Amended by Ordinance No. 92-35, 00-22)

**POLICY 56.1.3:** ~~The Board of County Commissioners encourages all private utilities to set a minimum acceptable level of service to be adopted herein for use in the concurrency management system within their respective franchised or certificated areas. After the effective date of this plan or September 1, 1989, whichever is later, if the county has not adopted such standards into this plan, The minimum acceptable level of service the standards adopted for Lee County Utilities' sanitary sewer systems will apply in those franchised/certificated or franchised areas and will be used in enforcing concurrency regulations (see Policy 95.1.3).~~

~~After the deadline set above any pPrivate utility utilities that cannot meet the Level of Service level of service standards set forth for Lee County Utilities will have the opportunity to may petition for a Pplan A amendment for a revised Level of Service level of service requirement for the specific private utility plant system if it can be proved that such the utility has sufficient plant and system capacity to properly service it's the franchised or /certificated area. The pProof will be in the form of properly documented daily must include flow reports, occupancy rates or related statistical information, and any other necessary information that may be pertinent to the justification of the requested action, to establish a new individual Level Of Service standard. This The data should be for a period covering at least must cover the last two prior years.~~ (Amended by Ordinance No. 92-35, 00-22)

**POLICY 56.1.43:** ~~The Board of County Commissioners urges aAll utilities are encouraged to construct and install sufficient treatment facilities and collection systems that will meet or exceed the minimum acceptable service standards, and with the These facilities will have capacity to service the demand so generated and will meet or exceed the minimum requirements of the Department of Environmental Protection, the Department of Health and Rehabilitative Services, U.S. Environmental Protection Agency, or any local ordinances which that exceeds the foregoing those requirements. Each utility is encouraged to All utilities will advise the planning and utility engineering staffs of the eCounty regarding of system expansions or modification to ensure coordination with other utilities and with all other issues of public interest and to prevent duplication of facilities and services.~~ (Amended by Ordinance No. 92-35, 94-30)

**POLICY 56.1.54:** ~~County development regulations will be amended to specify that no county development order under the Development Standards Ordinance for a residential development~~

~~more intense than 2.5 dwelling units per gross acre, or for any commercial or industrial development that generates more than 5,000 gallons of sewage per day, will be issued in any franchised or certificated sanitary sewer service area, without a connection to such service if capacity is available at the minimum acceptable level of service anywhere within 1/4 mile of the development. This policy will in no way exempt any development of any size from meeting the levels of service required for concurrency under Policies 56.1.2 and 95.1.3. (Amended by Ordinance No. 93-25, 00-22) Maintain regulations that require development connect to Lee County Utilities or other franchised/certificated sanitary sewer service provider, if capacity is available within 1/4 mile of the development.~~

**POLICY 56.1.65:** No permit will be issued allowing any utility to use a public right-of-way or to cut a pavement in a public right-of-way to extend service outside of its certificated or franchised area or to extend service into an area allocated to another utility, unless the other utility concurs in writing. This will be enforced along municipal and state rights-of-way by interlocal agreement and memorandum of agreement as required. (Amended by Ordinance No. 00-22)

**POLICY 56.1.76:** In allocating Industrial Development Revenue Bond capacity, the county will give highest priority to private sanitary sewer utilities proposing to construct basic facilities and/or to provide or upgrade infrastructure serving developed areas and antiquated subdivision undergoing redevelopment. (Amended by Ordinance No. 00-22)

~~**POLICY 56.1.8:** County development regulations will be amended to specify that any change in use or intensity in an approved development order will be subject to compliance with Policy 56.1.5. (Added by Ordinance No. 93-25, Amended by Ordinance No. 00-22)~~

~~**POLICY 56.1.97:** Lee County Utilities will continue to identify those properties within the Fort Myers Beach Fire Control District that are not fully connected to the wastewater collection system and require them to connect. Properties located in franchised/certificated sanitary sewer service areas will connect to sanitary sewer service, when capacity is available at the minimum adopted level of service and is adjacent to the property. (Amended by Ordinance No. 94-30, Amended and Relocated by Ordinance No. 98-09)~~

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~~**POLICY 56.2.1:** It is hereby declared that in the interests of preserving protecting public health and of preserving and enhancing environmental quality, it is in the public interest to Maintain programs and regulations to abate and cease use of septic tanks and wastewater treatment package plants where and when central sewer is available and in areas where assessment districts are established for upgrading sewer availability.~~

~~**POLICY 56.2.2:** With the cooperation of the respective utility firms or agencies, the county will maintain a program for the abatement of septic tanks and package plants in areas in which sewer is presently available and in areas encompassed by assessment districts established for upgrading sewer availability. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 56.2.3:** The county will encourage utilities to maintain or plan sufficient treatment capacity for near term (2 years) availability to provide capacity for unserved development surrounded by existing areas with sewer service. (Amended by Ordinance No. 00-22)~~

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~~**POLICY 57.1.1:** Using the personnel and resources of various county agencies, Lee County will continue to design programs of public information and education to reduce demands on sewer facilities and natural systems. This program should include the use of print media, advertising, and public service announcements on radio and television highlighting and advocating various strategies to reduce demand for wastewater services, including, but not limited to:~~

- ~~• creating incentives for "gray water" systems or other recycling activities;~~
- ~~• adopting incentives for household and commercial use of appliances with low water consumption rates;~~
- ~~• advising householders to reduce water use;~~
- ~~• supporting various aspects of the concurrent water conservation program, particularly reliance on appliances and fixtures that use less water and maximizing the cost effective use of those appliances;~~
- ~~• providing information on proper maintenance of septic tanks and package plants; and~~
- ~~• generally encouraging the thoughtful use of water in all necessary activities that generate wastewater. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 57.1.21:** Consider programs to reduce the time and cost to treat wastewater will be considered, including discouraging excessive use of garbage grinders or toxic discharges which may stop or inhibit the treatment process. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 57.1.32:** The Board of County Commissioners will encourage privately operated sanitary sewer utilities to adopt a "conservation" rate structure for users in their respective service areas. (Amended by Ordinance No. 00-22)~~

~~**POLICY 57.1.43:** Encourage in the design of each new wastewater treatment plant or on-site sewer plant to, the county will dispose of effluent through reuse water systems. (Amended by Ordinance No. 00-22)~~

~~**POLICY 57.1.54:** Development regulations will continue to require that any all development will pay the appropriate fees and connect to a reuse water system if such system is near or adjacent to the development and has sufficient surplus to supply the development. (Amended by Ordinance No. 94-30, 00-22)~~

~~**POLICY 57.1.5:** Continue to encourage the developer driven expansion of infrastructure to provide reuse water service when sufficient supply is available.~~

~~**POLICY 57.1.6:** On site sewer plants serving new golf course communities must be designed to reuse effluent for irrigation purposes. (Amended by Ordinance No. 00-22)~~

~~**POLICY 57.1.7:** In order to ensure its effectiveness as an effluent disposal system, reuse water may be provided at cost.~~

~~**POLICY 57.1.8:** In order to ensure the equitable distribution of the costs of a reuse water system, the costs of operation not covered by the commodity charge should fall to the sewer users as a charge for effluent disposal.~~

~~**POLICY 57.1.9:** Priority in the use of Industrial Development Revenue Bonds or other mechanisms of public finance will be given to regulated private utilities where not prohibited by the Florida constitution or statutes in order to achieve these public ends. (Amended by Ordinance No. 00-22)~~

**GOAL 58: ~~[RESERVED] ORGANIZATION OF SERVICE AND FACILITY DELIVERY.~~** To provide greater local coordination of the activities of public and private utility facilities within the county.

**~~OBJECTIVE 58.1:~~** ~~Oversee sewer service delivery management through a joint effort between Lee County and the various private sector providers. Re-evaluate, as needed the effectiveness of this effort. (Amended by Ordinance No. 94-30, 07-12)~~

**~~POLICY 58.1.1:~~** ~~Lee County will continue to collect data from private sanitary sewer providers, including reporting of sewage flows, holding and treatment capacity, number of customers, committed future connections, and proposed expansion plans. Thereafter, this data will be updated on a yearly basis. (Amended by Ordinance No. 94-30, 00-22, 07-12)~~

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**POLICY 60.1.6:** The county will continue to maintain and update the CIP to provide for the needs of the surface water management program. (Amended by Ordinance No. 94-30)

**POLICY 60.1.7:** The level of service standards identified in Policy 95.1.3 will be updated as necessary based on new basin studies or more accurate information and will guide future investments in surface water management facilities. Procedures will be maintained to: keep levels of service current; maintain capacity of existing facilities; and, identify demand for new facilities.

**POLICY 60.1.8:** Water management projects will be evaluated and ranked according to the priorities adopted into this plan. Major emphasis will be given to improving existing drainage facilities in and around future urban areas as shown on the Future Land Use Map, and to enhancing or restoring environmental quality. (Amended by Ordinance No. 00-22)

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**OBJECTIVE 60.3: ~~[RESERVED] LEVEL OF SERVICE STANDARDS.~~** ~~Level of Service Standards have been established for basins identified in the surface water master plan and are provided in the following policies. The Level of Service Standards will be updated as necessary based on new basin studies or more accurate information. (Amended by Ordinance No. 94-30, 07-12)~~

**~~POLICY 60.3.1:~~** ~~The following surface water management standards are adopted as minimum acceptable levels of service for unincorporated Lee County (see Policy 95.1.3).~~

**~~A. Existing Infrastructure/Interim Standard~~**

~~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 15) from the 25-year, 3-day storm event (rainfall) for more than 24 hours.~~

**~~B. Six Mile Cypress Watershed (see Map 18):~~**

~~The level of service standard for the Six Mile Cypress Watershed will be that public infrastructure remains adequate such that floor slabs for all new private and public structures which are constructed a minimum of one (1) foot above the 100-year, 3-day storm event flood plain level for Six Mile Cypress Watershed will be safe from flooding from a 100-year, 3-day storm event (rainfall). The 100-year level and watershed boundaries are as established in Volume IV of the Six Mile Cypress Watershed Plan.~~



The following additional standards are hereby established as desired future level of service standards, to be achieved by September 30, 1994:

- ~~1. The Six Mile Cypress Slough and its major tributaries as identified in the Six Mile Cypress Watershed Plan (February 1990) must accommodate the associated discharge from the 25 year, 3-day storm event (rainfall). [Ref: Six Mile Cypress Watershed Plan (February 1990) Volume II, Pages 10-5.]~~
- ~~2. Water quality will be improved in accordance with EPA's NPDES and Rule 17-40 F.A.C. criteria for stormwater discharges.~~

~~C. Other Watersheds (see Map 18):~~

~~Gator Slough, Yellow Fever Creek, Yellow Fever Creek East Branch, Powell Creek, Billy Creek, Whiskey Creek, Deep Lagoon, Cow Creek, Hendry Creek, Ten Mile Canal, and Imperial River Watersheds.~~

~~The level of service standard for the above watersheds will be that all arterial roads at their crossing of the trunk conveyances, as referenced in the Lee County Surface Water Management Master Plan, will be free of flooding from the 25 year, 3-day storm event (rainfall). This standard will not apply to Chiquita Boulevard because it is located within the City of Cape Coral.~~

The following additional standards are hereby established as desired future level of service standards to be achieved by September 30, 1994:

- ~~1. Floor slabs for all new private and public structures which are constructed a minimum of one (1) 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).~~
- ~~2. Water quality will be improved in accordance with EPA's NPDES and Rule 17-40 F.A.C. criteria for stormwater discharges.~~

~~D. Regulation of Private and Public Development~~

~~Surface water management systems in new private and public developments (excluding widening of existing roads) must 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 Chapters 17-3, 17-40, and 17-302, and rule 40E-4, F.A.C. New developments must be designed to avoid increased flooding of surrounding areas. Development must be designed to minimize increases of discharge to public water management infrastructure (or to evapotranspiration) that exceed historic rates, to approximate the natural surface water systems in terms of rate, hydroperiod, basin and quality, and to eliminate the disruption of wetlands and flow ways, whose preservation is deemed in the public interest. (Amended by Ordinance No. 92-35, 94-29, 00-22)~~

~~**POLICY 60.3.2:** The county will continue to maintain and update annually the CIP to provide for the needs of the surface water management program. (Amended by Ordinance No. 94-30)~~

~~**POLICY 60.3.3:** The revised levels of service required to guide future investments in surface water management facilities will be based on the recommendations of the Surface Water Management Master Plan, as updated, and procedures will be established to keep current the levels of service, remaining capacity of existing facilities, and demand for new facilities.~~

~~**POLICY 60.3.4:** Water management projects will be evaluated and ranked according to the priorities adopted into this plan. Major emphasis will be given to improving existing drainage facilities in and around future urban areas as shown on the Future Land Use Map, and to enhancing or restoring environmental quality. (Amended by Ordinance No. 00-22)~~

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~~**POLICY 61.1.6:** When and where available, reuse water should be the first option for meeting irrigation needs of a development. Where reuse water is not available, surface water or low quality groundwater should be utilized for irrigation. All other potential water sources must be eliminated prior to selecting potable water as the sole source for meeting the irrigation needs of a development. New developments will coordinate with County staff regarding the source of irrigation water.~~

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~~**POLICY 62.2.5:** The minimum acceptable level of service level of service standard for availability of solid waste disposal facilities will be 7 pounds per capita per day (see also is provided in Policy 95.1.3).~~

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~~**GOAL 64: LIBRARIES.** To increase the availability of information services throughout Lee County by increasing the size and quality of the Lee County library system and by ensuring that library services are provided in a manner that is responsive to the needs of the community and of specific targeted constituencies. To meet the demand for literacy and reference services throughout Lee County by ensuring that library services are provided in a manner that is responsive to the needs of the community.~~

~~**OBJECTIVE 64.1: STANDARDS.** Raise the non-regulatory standards for building and collection size to meet the following Florida Library Association standards by the year 2010:~~

- ~~• Level C collection size of 2.8 items per capita (permanent residents); and~~
- ~~• Minimum building size level of .6 square feet per capita (permanent residents). (Amended by Ordinance No. 94-30)~~

~~**POLICY 64.1.1:** The following standards are the current acceptable non-regulatory levels of service for the Lee County library system (see Policy 95.1.3):~~

- ~~• Maintain existing per capita inventory of 1.6 library items per capita (permanent residents); and~~
- ~~• Provide .274 square feet of library space per capita (permanent residents). (Amended by Ordinance No. 94-30)~~

~~**POLICY 64.1.2:** The following standards are the desired non-regulatory future levels of service for the Lee County library system by the year 2000 (see Policy 95.1.4):~~

• Increase the inventory to 2.0 items per capita (permanent residents); and

• Maintain .424 square feet of library space per capita (permanent residents). (Amended by Ordinance No. 94-30)

**OBJECTIVE 64.2: MONITORING.** By 2009, establish a system to accurately assess the information needs of the various constituencies in the community. (Amended by Ordinance No. 94-30, 07-12)

**POLICY 64.2.1:** The county library system will periodically survey the service and information needs and preferences of the business community, government, media, general public, and special targeted constituencies, adjusting acquisitions and personnel assignments accordingly. This will be done by periodic surveys of users and non-users. (Amended by Ordinance No. 94-30, 00-22)

**POLICY 64.2.2:** The Fort Myers Lee County Main Library will be the central county resource for reference facilities and services. Such services and facilities are extended to member libraries on demand. (Amended by Ordinance No. 94-30, 00-22)

**POLICY 64.2.3:** The county library system will strive to ensure that programs of cooperation and collaboration between the county library system and the libraries of Edison Community College, USF Fort Myers, and Florida's tenth university are established and carried out. Interlibrary loan programs will be enhanced through program expansion and automation. (Amended by Ordinance No. 94-30)

**OBJECTIVE 64.1:** Maximize access to library services, programs and facilities through an equitable distribution of library facilities, of varied sizes with a corresponding level of services, programs and resources, throughout Lee County consistent with community demographics as well as designations of Urban, Suburban and Non-Urban areas.

**POLICY 64.1.1:** Ensure that appropriate accommodations are provided for patrons with disabilities.

**POLICY 64.1.2:** Provide a balance between physical and virtual services with a focus on virtual services rather than on building new, or expanding current, library facilities.

**POLICY 64.1.3:** Monitor performance at all library locations to ensure that community needs are being met through:

1. On-going customer satisfaction surveys of current library users;
2. On-going tracking and reporting of designated library performance measures; and
3. Periodic surveys of the information needs of both current and potential library users.

**OBJECTIVE 64.2:** Ensure that the library contents, programs and services are authoritative, trustworthy and relevant.

**POLICY 64.2.1:** Develop a collection of resources, in both physical and electronic formats, in response to usage and community needs.

**POLICY 64.2.2:** Collaborate with various County and municipal departments and community members to meet community information needs.

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**OBJECTIVE 66.2: COOPERATION.** The eCounty will develop programs of collaboration between economic development agencies, the School District of Lee County District Board of Education, the Edison Community Florida Southwestern State College District, and the administration of Florida Gulf Coast University, and USF at Fort Myers to ensure participation and achievement of shared economic goals. (Amended by Ordinance No. 94-30, 00-22)

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**OBJECTIVE 67.1: ADEQUATE SCHOOL FACILITIES.** Establish and maintain specific level of service standards for public schools in order to ensure that there is adequate school capacity for all existing and expected High School, Middle School, Elementary School, and Special Purpose students. ~~Incorporate and maintain Lee Plan Map, Map 23, depicting the existing educational and public School District Facilities in Lee County. This Map also generally depicts the anticipated location of educational and ancillary plants over the five-year and long-term planning period.~~ (Added by Ordinance No. 08-17)

**POLICY 67.1.1:** ~~The County adopts the following Level of Service (LOS) standards for public schools, based upon Permanent Florida Inventory School Houses (FISH) capacity are established through an interlocal agreement and are provided in Policy 95.1.3.~~

- ~~a. Elementary Schools: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.~~
- ~~b. Middle Schools: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.~~
- ~~c. High Schools: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.~~
- ~~d. Special Purpose Facilities: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.~~

~~For purposes of this subsection, a “measurable programmatic change” means a change to the operation of a school and measurable capacity impacts including, but not limited to, double sessions, floating teachers, year-round schools and special educational programs.~~

~~Relocatable classrooms may be utilized to maintain the LOS on a temporary basis when construction to increase capacity is planned and in process. The temporary capacity provided by relocatables may not exceed 20% of the Permanent FISH Capacity and may be used for a period not to exceed three years.~~

~~Relocatables may also be used to accommodate special education programs as required by law and to provide temporary classrooms while a portion of an existing school is under renovation.~~ (Added by Ordinance No. 08-17; Amended by Ordinance No. 08-27)

**POLICY 67.1.2:** ~~Any modification of pPublic school Llevel of Sservice (LOS) standards must be accomplished by amending the 2008 School Concurrence Interlocal Agreement and the adoption of amendments to the County's comprehensive plan. No LOS will be amended without a showing that the amended LOS is financially feasible, supported by adequate data and analysis, and can be achieved and maintained within the period covered by the School District's Five Year Capital Facilities Plan.~~ (Added by Ordinance No. 08-17)

**POLICY 67.1.3:** The County adopts the School Board's current School Choice Zone boundaries depicted on Lee Plan Map 2423, as Concurrence Service Areas (CSAs). CSAs exclude multizone

magnet schools and Special Purpose Facilities. Concurrency for new development will be measured against capacity in the 3 Student Assignment Zones (West Zone, East Zone, and South Zone) depicted on Map 2423. Special Purpose Facility capacity will be added to the total CSA capacity as these facilities potentially provide service to students from all CSAs. ~~Following the release of the 2010 census data~~ As needed, Lee County and the School District will evaluate expanding the number of CSAs to utilize the CSA Zone geography as the basis for measuring school concurrency. (Added by Ordinance No. 08-17; Amended by Ordinance No. 08-27)

~~POLICY 67.1.4: The School District staff and County staff will discuss the need to amend the CSAs, as contained in the Lee Plan, prior to the initiation of the annual regular amendment cycle following the release of the 2010 census data. School District staff will informally present any proposed modification to Lee County staff for initial comments and input. The School District will be the lead agency and will make application for an amendment to the Lee Plan to change the CSAs.~~ (Added by Ordinance No. 08-17) Maintain Lee Plan Map 23 depicting the existing Educational and Public School District Facilities in Lee County. Map 23 generally depicts the anticipated location of educational and ancillary facilities over the five-year and long-term planning period.

POLICY 67.1.5: CSA boundary changes will require a Lee Plan amendment initiated by the School District of Lee County. Any proposed boundary changes to the CSAs will require the School District demonstrate a demonstration by the School District that the change complies with the adopted LOS standard and that utilization of school capacity is maximized to the greatest extent possible. (Added by Ordinance No. 08-17)

**OBJECTIVE 67.2: PUBLIC SCHOOL CONCURRENCY MANAGEMENT SYSTEM.** Lee County will utilize a public school concurrency management system consistent with the requirements of Section 163.3180, F.S., ~~and Rule 9J-5.025, F.A.C.~~ (Added by Ordinance No. 08-17)

~~POLICY 67.2.1: By December 2008, the County will adopt~~ Maintain school concurrency provisions ~~into its in the Land Development Code Regulations (LDRs).~~ (Added by Ordinance No. 08-17)

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~~POLICY 67.2.4: By December 2008, the LDC will be amended to establish~~ Maintain mitigation options for proposed developments that cannot meet school concurrency in the Land Development Code. Mitigation options may include, but are not limited to:

~~The donation of land or funding of land acquisition or construction of a public school facility sufficient to offset the demand for public school facilities created by the proposed development; and Establishment of a Charter School with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF) on a site that meets the minimum acreage provided in SREF and subject to guarantees that the facility will be conveyed to the School Board at no cost to the Board if the Charter School ceases to operate.~~

~~Proposed mitigation must be directed towards a permanent school capacity improvement identified in the School Board's financially feasible work program, which satisfies the demands created by the proposed development. If mitigation can be agreed upon, the County and the School District must enter into an enforceable binding developer agreement with the developer. If mitigation cannot be agreed upon, the County must deny the application based upon inadequate school capacity.~~

~~Relocatable classrooms will not be accepted as mitigation.~~  
(Added by Ordinance No. 08-17)

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**POLICY 67.2.6:** For school concurrency purposes, the number of projected students from a proposed residential development will be calculated using the student generation rate for the unit type identified in the current School Impact Fee Update Study prepared by ~~Duncan Associates~~ adopted on ~~September 23, 2008~~. The projected number of students is the product of the number of residential units multiplied by the student generation rate for each unit type. (Added by Ordinance 08-27)

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~~**OBJECTIVE 67.4: ELIMINATION OF SCHOOL DEFICIENCIES.** To prioritize the Elimination of Existing School Facility Deficiencies.~~ (Added by Ordinance No. 08-17)

~~**POLICY 67.4.1:** The School District Capital Improvement Program, which will annually be incorporated into the Lee Plan's Capital Improvement Element, will prioritize projects that eliminate existing school facility deficiencies and projects that are needed to meet future level of service standards.~~ (Added by Ordinance No. 08-17)

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### V. Parks, Recreation and Open Space

~~**OBJECTIVE 76.1:** During each five-year Evaluation and Appraisal Report, or sSubsequent to each decennial census, the county will examine the composition and location of population growth to determine if redistricting of community park impact fee districts is warranted.~~ (Amended by Ordinance No. 94-30, 00-22)

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~~**GOAL 79: BOAT RAMPS.** To provide a share of the boat ramps needed to allow county residents and visitors inexpensive access to public waterways. [Reserved]~~

~~**OBJECTIVE 79.1:** The "non-regulatory" minimum acceptable level of service is one boat ramp lane, with adequate parking, per 12,500 people, based on seasonal population (see Policy 95.1.3). Boat ramp lanes will include federal, state, county, municipal, and non-government boat ramp lanes that are open to the public and have adequate on-site parking.~~ (Amended by Ordinance No. 00-22, 11-22)

~~**POLICY 79.1.1:** Lee County will maintain a classification system for boat ramps which addresses location guidelines, types of boat ramp facilities for different areas, and needs and standards for parking for the different types of facilities.~~ (Amended by Ordinance No. 94-30, 00-22)

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~~**OBJECTIVE 82.1: WATER ACCESS STANDARD ACQUISITION.** The county will mMaintain an its current inventory of water accesses and will acquire additional water accesses if needed and whenever and wherever economically feasible ("non-regulatory" desired future level of service, see Policy 95.1.4).~~ (Amended by Ordinance No. 94-30, 00-22)

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**OBJECTIVE 83.1: COMMUNITY PARK STANDARD.** Lee County will provide for the active recreational needs of unincorporated Lee County in ~~community parks~~ by providing ~~a minimum of 0.8 acres of developed Community Parks open for public use per 1,000 population (minimum acceptable level of service, see Policy 95.1.3).~~ However, the County strives to provide 2 or more acres per 1,000 population (desired future level of service, see Policy 95.1.4), unincorporated county only. The population used for calculating these standards is the unincorporated Lee County permanent population. The acres used in calculating these standards are improved Community Park acres that are open for public use. The Community Park standards are non-regulatory and are not required for concurrency purposes. Provide community parks for the active recreation of unincorporated Lee County residents as established in Policy 95.1.3.(Amended by Ordinance No. 93-25, 94-30, 98-09, 00-22, 14-09)

**POLICY 83.1.1:** Typical facilities at a community park may include ball fields, tennis courts, play areas, picnic areas, multipurpose courts, pools, recreation buildings and sports fields. The specific design for community parks will be tailored to meet the needs of the community to be served while recognizing the particular attributes of the park site. A standard community park may or may not include a community recreation center and/or a community pool. (Amended by Ordinance No. 94-30, 98-09, 00-22)

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**OBJECTIVE 83.2: COMMUNITY RECREATION CENTERS STANDARD.** Lee County will ~~provide four~~ Community Recreation Centers of ~~25,000 square feet or more~~ to provide for the need of unincorporated Lee County residents. (Amended by Ordinance No. 00-22, 11-22)

**POLICY 83.2.1:** Community recreation centers are typically 25,000 square feet or more, and should be designed to accommodate active indoor recreation, physical improvement, and meeting places for the community, including social, educational, and cultural activities. (Amended by Ordinance No. 11-22)

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**OBJECTIVE 83.3: [RESERVED] COMMUNITY POOL STANDARD.** Lee County will maintain and operate community pools. (Amended by Ordinance No. 00-22)

~~**POLICY 83.3.1:** The county will continue to research national or regional standards for pool development and make recommendations, as needed for adoption of a local, non-regulatory standard. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22, 07-12)~~

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**OBJECTIVE 84.1: REGIONAL PARK STANDARD.** Lee County will provide regional parks for public use as established in Policy 95.1.3, ~~a minimum of 6 acres per 1,000 population (minimum acceptable level of service, see Policy 95.1.3).~~ However, the County strives to provide 8 or more acres per 1,000 population (desired future level of service, see Policy 95.1.4). The population used for calculating this standard is the total seasonal population for all of Lee County. The acres used in calculating this standard are improved Regional Park acres that are open for public use. Federal and state facilities in Lee County are to be counted in meeting this standard. The Regional Park standards

are non-regulatory and are not required for concurrency purposes. (Amended by Ordinance No. 94-30, 98-09, 00-22, 14-09)

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## VI. Capital Improvements

**OBJECTIVE 95.1: CAPITAL IMPROVEMENTS.** Ensure the provision of public facilities and other non-regulatory public services at the adopted "Minimum Acceptable Levels of Service" (LOS), ~~by continuing the established capital improvements programming and budgeting system and using those "Minimum Acceptable Levels of Service" as the basic gauge of need and compliance.~~ (Amended by Ordinance No. 94-30)

**POLICY 95.1.1: CAPITAL IMPROVEMENTS PROGRAM (CIP).** ~~The county will annually evaluate and update this Capital Improvements element to incorporate the schedule of capital improvements adopted as part of the annual operating budget on an annual basis. The schedule must show Table 3 includes estimated costs, timing of need, location, and revenue sources for all public facility projects to be undertaken during the ensuing five-year period. The following policies will govern the development of the CIP CIP project priorities for public facilities will be based on:~~

a. ~~Preparation of the CIP:~~

- ~~1. Each county department having responsibility for public facilities for which levels of service have been set under this plan will annually review existing facilities, level of service standards, and current and projected deficiencies using the level of service standards contained in this plan, the established minimum geographic units for each facility, and the latest population projections from the Planning Division. Based on identified current and projected deficiencies, each department will prepare a capital improvements program based on facilities needed to meet these deficiencies.~~
- ~~2. Staff and members of the Board of County Commissioners will communicate with the general public in this process to ascertain the perceived need for each kind of public facility in each commission district and planning district. Ensure that all large CIP projects include broad public education efforts and information exchange as a component for securing public support.~~
- ~~3. A proposed CIP will be presented by the County Administrator in conjunction with the presentation of the proposed annual operating budget. The proposed CIP will be "balanced" (i.e., proposed expenditures will not be greater than the amount of revenues available to fund the expenditures, on a fund-by-fund basis). Attached to the proposed balanced CIP will be a report of the projects designated as needed, but which cannot be funded.~~
- ~~4. The Board of County Commissioners will by resolution adopt a CIP at approximately the same time as the adoption of the annual operating budget. The annual operating budget must be consistent with the first year of the adopted CIP. The schedule of capital improvements adopted as part of the annual operating budget will be incorporated into the Lee Plan annually by ordinance.~~
- ~~5. The adopted CIP may be reviewed by the Board of County Commissioners during periodic public meetings. The Board may amend the CIP at these meetings by resolution after making findings of fact that the amendment is consistent with the priorities in this policy and with the Lee Plan in general.~~



~~6. All estimates of facility or service demand used to develop specific facility plans or any annual update of the capital improvements program will be based on the specific volume and location of demand represented by developments for which local and DRI Development Orders were issued prior to the effective date of this plan, as well as more general estimates of population and land-use intensity.~~

~~b. Priorities for the CIP:~~

~~Where needs based on current and/or projected deficiencies exceed revenues projected to be available, projects will be included according to certain priorities which are listed below. In addition, these priorities will be considered in reviewing proposals to amend the CIP.~~

- ~~1. Projects that remove a direct and immediate threat to the public health or safety~~System preservation/maintenance of assets;
- ~~2. Projects that are directed by a court order or otherwise by law~~Operation at or below the applicable minimum LOS, existing or projected, based on approved development orders;
- ~~3. Projects that are essential for the maintenance of the county's investment in existing infrastructure~~Provision of system continuity;
- ~~4. Projects that remove a service level deficiency that affects developed area~~Removal of a direct and immediate threat to the public health or safety; and
- ~~5. Projects that provide new or additional facility capacity for undeveloped~~Future Urban areas. Donation or matching fund offers;
- ~~6. Return on investment; and~~
- ~~7. Other considerations (e.g. improving facilities in urban areas, consistency with applicable adopted government plans, emergency evacuation, regulatory or non-regulatory LOS, competition with other governmental or private sector facilities, revenue-generating potential, similar projects in planning and commission districts).~~

~~For the purpose of ranking projects in categories 4–5 that fall into the same category, the following will be considered:~~

- ~~(a) Priorities found elsewhere in this plan, including, but not limited to, Objective 2.3 and Policies 36.1.5, 37.3.3, 38.1.7, 38.2.1, 38.2.4, 38.2.6, 40.2.2, 40.2.6, 76.1.2, and 109.1.3; and~~
- ~~(b) Whether the facility is needed to satisfy a regulatory or a non-regulatory level of service requirement in this element.~~

~~Other factors that may be considered in ranking projects that are otherwise equal in priority include (in no particular order of significance):~~

- ~~(a) Whether the project competes with other facilities that have been or could reasonably be provided by other governmental entities or the private sector;~~
- ~~(b) The revenue-generating potential of the project;~~
- ~~(c) Offers of donations of lands and/or services by the private sector and/or other governmental entities; and~~
- ~~(d) The size and number of similar projects in each of the county's planning and commission districts.~~

~~e. Effect of the CIP:~~

- ~~1. After adoption of the CIP, no public facility project will be constructed by the county, nor will land be acquired for such project, except in conformity with the adopted CIP.~~
- ~~2. It is the intent of this plan to actively pursue the development of any public facility project once it has been included in the CIP. Any CIP amendment which delays or cancels a project should only be made after consideration of:
 
  - ~~(a) Changes in facility needs based on more up-to-date population projections;~~
  - ~~(b) Changes in revenues compared with previous projections; and~~
  - ~~(c) Changes in adjusted level of service standards.~~~~
- ~~3. The county will consider and may accept dedication of facilities contributed to the county. Where contributed facilities are not provided by county funds, they need not be included in the CIP prior to acceptance. The county may, however, establish procedures for including contributed facilities in the CIP where inclusion in the CIP is a requirement of the Concurrency Management System.~~

(Amended by Ordinance No. 94-30, 00-22, 07-16, 16-03)

**POLICY 95.1.2: CAPITAL FACILITY FINANCING POLICIES.**

- ~~a. The use of ad valorem tax revenues for capital facilities should be limited to the General, MSTU, Library, Transportation Improvement, and Capital Improvement Funds, unless required in other funds by bond indenture agreements or by the terms of municipal service taxing/benefit units. Where a project may be funded from ad valorem tax revenues and other sources (except impact fees), other sources should be used before ad valorem tax funds are used.~~
- ~~b. The use of gas tax revenues should be limited to the Transportation Improvement Fund, unless required in other funds by bond indenture agreements.~~
- ~~c. The use of sales tax revenues for capital facilities should be limited to the General and MSTU Funds, unless required in other funds by bond indenture agreements.~~
- ~~d. The use of revenues which have been pledged to bondholders must conform in every respect to bond covenants which commit those revenues.~~
- ~~e. The county should annually prepare revenue estimates to provide information about revenue sources available to support capital facility construction.~~
- ~~f. Staff will prepare estimates of the operating and maintenance costs of each CIP project along with the capital costs of each facility.~~
- ~~g. The county should actively seek grant funds from federal, state, and other sources where available and when appropriate for capital facility construction. Consideration will be given to limitations (including operating restrictions) involved in such grants.~~
- ~~h. The county should investigate the feasibility of charging user fees to offset the cost of each new CIP project for which user fees could reasonably and legally be collected.~~
- ~~i. Capital Improvement Funds will be anticipated at millages which will generate sufficient revenue to make all required payments.~~
- ~~j. The county should allocate county-wide revenues only to facilities which provide services to the entire county. Where benefits are limited to a specific area or function; revenues derived from that geographical area or function should be used to the maximum extent feasible.~~
- ~~k. A reserve for contingency of not less than 3% nor more than 10% of the fund total should be budgeted in each capital fund. These funds should be available for reallocation by the Board as needed during the year to fund unexpected increases in capital costs and/or to fund additional projects which could not be anticipated in the annual CIP.~~
- ~~l. A reserve for cash flow will be budgeted in any fund which requires monies to be carried forward into the following year to support needed expenditures until sufficient current revenues are received, but in no case will exceed the projected cash needs for 90 days or 20% of the fund budget, whichever is greater.~~

- m. ~~The county should prepare an annual analysis of financial condition. This analysis will include consideration of capital facility financing needs and revenues available to finance such needs.~~
- n. ~~Capital Project budgets will only be altered in one of two ways:~~
  - 1. ~~Administrative approval of transfer of funds to reserves for projects funds not required for authorized expenditures; or~~
  - 2. ~~Board approval of transfer of funds from reserves to increase a project budget and concurrently revise the 5-year Capital Improvements Program.~~
- o. ~~At the end of each fiscal year, unexpended fund balance at the project level in each fund will be carried over to the subsequent fiscal year budget in an amount equal to the prior year's unexpended project budget. Any unexpended fund balance in excess of project budget will be redistributed to fund other capital obligations, if necessary. The excess fund balance will be treated as capital reserves to be allocated in subsequent fiscal years.~~
- p. ~~The county will not limit the use of revenue bond funded projects to a specified percentage of total debt. The county will address the use of debt financing in a comprehensive manner which precludes establishing limitations on the use of revenue bonds or other forms of debt financing.~~
- q. ~~The county will not limit the ratio of total debt service to total revenues to any specified amount.~~
- r. ~~The county will not limit the ratio of total capital indebtedness to the property tax base. Currently Lee County has no debt financing that relies on property taxes as its source of revenue. (Amended by Ordinance No. 94-30, 00-22)~~

Within the Coastal High Hazard Area, Lee County will inventory existing public facilities and infrastructure and design new public facilities and infrastructure to address high tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea level rise.

**POLICY 95.1.3: MINIMUM ACCEPTABLE LEVEL OF SERVICE LEVEL OF SERVICE (LOS) STANDARDS.** ~~Level of service (LOS) standards will be the basis for planning the and provision of required public facilities and services within Lee County. Some of these 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 "Minimum Acceptable Level of Service" will be the basis for facility design, for setting impact fees, and (where applicable) for the operation of the Concurrency Management System (CMS).~~

~~Two classes of standards are established. "Regulatory" standards are those which apply to facilities identified in state law or inter-local agreements as being essential to support development. These consist of facilities for the provision of public schools, potable water, sanitary sewer, disposal of solid waste, and stormwater management. (It is the intent of this element that these standards will be the same as those established in the various relevant plan elements. If there are discrepancies between standards contained in the elements and standards as set forth herein, the standards as set forth herein will govern.) The second class, "non-regulatory" standards, are those which apply to other facilities for which the county desires to set standards for its own use. These consist of facilities for the provision of community and regional parks, and transportation. Compliance with non-regulatory standards will not be a requirement for continued development permitting, but will be used for facility planning purposes.~~

### **REGULATORY STANDARDS**

#### **1. Potable Water Facilities:**

**Minimum Acceptable Level of Service:**

~~Within certificated, franchised, or designated service areas only: supply and treatment capacity of 250 gallons per day per Equivalent Residential Connection (ERC) for the peak month, except that facilities serving only multi-family or mobile home residential structures must have a~~

capacity of ~~187.5~~ 200 gallons per day, and facilities serving only recreational vehicle or travel trailer residential structures must have a capacity of ~~150~~ 100 gallons per day. Where a private water utility has provided an alternate standard for application within its certificated or franchised area, and that standard has been adopted into this comprehensive plan, that will be the standard to be used for concurrency management in the respective certificated or franchised area.

2. Sanitary Sewer Facilities:

Minimum Acceptable Level of Service:

Within certificated, franchised, or designated service areas only: average treatment and disposal capacity of 200 gallons per day per Equivalent Residential Connection (ERC) ~~for the peak-month~~, except that facilities serving only multi-family or mobile home residential structures must have a capacity of ~~150-160~~ gallons per day, and facilities serving only recreational vehicles or travel trailer residential structures must have a capacity of ~~120~~ 80 gallons per day. Where a private sewer utility has provided an alternate standard for application within its certificated or franchised area, and that standard has been adopted into this comprehensive plan, that will be the standard to be used for concurrency management in the respective certificated or franchised area.

3. Facilities for Disposal of Solid Waste:

Minimum Acceptable Level of Service:

Disposal facility capacity for 7 pounds of waste (or equivalent volume) per day per capita

4. Stormwater Management Facilities:

Minimum Acceptable Level of Service:

(a) ~~Existing Infrastructure/Interim Standard~~— 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 ~~153J~~) from the 25-year, 3-day storm event (rainfall) for more than 24 hours.

(b) ~~Six Mile Cypress Watershed~~— ~~The level of service level of service standard for the Six Mile Cypress Watershed will be that~~ Maintain adequate public infrastructure remains adequate such so that floor slabs for all new private and public structures which are constructed a minimum of one (1) foot above the 100-year, 3-day storm event flood plain level for Six Mile Cypress Watershed will be safe from flooding from a 100-year, 3-day storm event (rainfall). The 100-year level and watershed boundaries are as established in Volume IV of the Six Mile Cypress Watershed Plan.

(c) Regulation of Private and Public Development - 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 ~~Chapters 17-3, 17-40, and 17-302, and Rule 40E-4, F.A.C state rules including but not limited to requirements listed in Numeric Nutrient Criteria and Total Maximum Daily Load 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.

5. Public School Facilities<sup>1,2</sup>:

The following Level of Service (LOS) standards for public schools are based upon Permanent Florida Inventory School Houses (FISH) capacity.

- (a) Elementary Schools: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- (b) Middle Schools: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- (c) High Schools: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- (d) Special Purpose Facilities: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

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<sup>1</sup>Relocatable classrooms may be utilized to maintain the LOS on a temporary basis when construction to increase capacity is planned and in process. The temporary capacity provided by relocatable classrooms may not exceed 20% of the Permanent FISH Capacity and may be used for a period not to exceed three years.

<sup>2</sup>Relocatable classrooms may also be used to accommodate special education programs as required by law and to provide temporary classrooms while a portion of an existing school is under renovation.

#### NON-REGULATORY STANDARDS

6. Parks and Recreation Facilities:

Minimum Level of Service:

- (a) Regional Parks - 6 acres of developed regional park land open for public use per 1000 total seasonal county population for all of Lee County.
- (b) Community Parks - 0.8 acres of developed ~~standard~~ community parks land open for public use per 1,000 unincorporated Lee County permanent population, ~~unincorporated county only.~~

7. Roadway Facilities:

LOS "E" is the standard LOS for principal and minor arterials, and major collectors on county-maintained transportation facilities. Level of service standards for the State Highway System during peak travel hours are D in urbanized areas and C outside urbanized areas.

Due to scenic, historic, environmental, aesthetic, and right-of-way characteristics and considerations, Lee County has determined that certain roadway segments will not be widened. Therefore, reduced peak hour levels of service will be accepted on those constrained roads within unincorporated Lee County as a trade-off for the preservation of the scenic, historic, environmental, and aesthetic character of the community. These constrained roads are defined in Table 2(a). (Amended by Ordinance No. 16-07)

8. ~~Recreation Facilities:~~

- ~~(a) Community Recreation Centers — four recreation centers of 25,000 square feet or more within unincorporated Lee County.~~
- ~~(b) Boat Ramps — One boat ramp lane with adequate parking per 12,500 people, based on seasonal population.~~
- ~~(c) Water (Beach) Accesses — Retain current inventory, and develop or redevelop accesses throughout Lee County.~~

Evacuation and Shelter:

- (a) Category 5 storm event out of county hurricane evacuation in 18 hours countywide.

(b) In-county and on-site shelter for 10 percent of the population at risk in the Hurricane Vulnerability Zone under a Category 5 storm hazard scenario.

9. Libraries:

Maintain existing per capita inventory; provide 1.6 items and .274 square feet of library space per capita (permanent residents):

10. Emergency Medical Service:

3.18 advanced life support ambulance stations per 100,000 population with a five and one half (5 1/2) minute average response time.

(Amended by Ordinance No. 91-19, 92-35, 94-30, 99-15, 00-08, 00-22, 02-02, 07-09, [Partially] Renumbered by Ordinance No. 08-17, Amended by Ordinance No. 08-27, 10-36, 11-22, 14-09)

~~**POLICY 95.1.4: DESIRED FUTURE LEVEL OF SERVICE STANDARDS.** For certain facilities, a second LOS standard, a "Desired Future Level of Service," is set forth. These standards represent a community goal of higher levels of public service and facility provision than can be achieved with current resources. It is the intent of Lee County to achieve these levels of facility provision by the dates prescribed in this policy. However, failure to achieve these goals will not halt the issuance of development orders under the Concurrence Management System.~~

~~1. Stormwater Management Facilities:~~

~~To be established basin by basin subsequent to the county wide surface water management master plan. Future service standards can only be finalized upon the completion of the basin studies and will be based upon providing a defined level of flood protection, balanced with the protection of natural flow ways and associated wetland systems. The following additional standards are hereby established for the Six Mile Cypress Watershed:~~

- ~~• The Six Mile Cypress Slough and its major tributaries as identified in the Six Mile Cypress Watershed Plan (February 1990) must accommodate the associated discharge from the 25-year, 3 day storm event (rainfall). (Ref: Six Mile Cypress Watershed Plan (February 1990) - Volume II, page 10-5.)~~
- ~~• Water quality must be improved in accordance with EPA's NPDES and Rule 17-40 F.A.C. criteria for stormwater discharges.~~

~~2. Parks and Recreation Facilities:~~

~~a. Regional Parks:~~

~~Lee County will provide 8 acres of improved regional park land open for public use per 1000 total seasonal population for all of Lee County.~~

~~b. Community Parks:~~

~~Lee County will provide 2.0 acres of improved standard community parks open for public use per 1000 unincorporated Lee County permanent population.~~

~~3. Libraries:~~

~~2 items per capita (permanent residents) and .424 square feet of space per capita in 2000.~~

~~(Amended by Ordinance No. 91-19, 93-25, 94-30, 98-09, 00-22, 14-10)~~

~~**POLICY 95.1.5:** In accordance with Florida Statute §163.3177(3), Table 3 contains a schedule of capital improvements, extracted from the most recently adopted CIP and incorporated into the Lee Plan by ordinance. This schedule provides, by operating department and type of improvement, a list of projects identified by project number and descriptive name, with the proposed annual budget and five year total expenditures. Table 3A provides the location of the project by Planning District, the plan criteria by priority numbers established in Policy 95.1.1(b), and specific references to the Lee Plan policies which require or encourage the proposed capital project. (Amended by Ordinance No. 94-30, 16-03)~~

~~**POLICY 95.1.6:** In accordance with Florida Statute §163.3177(3), Table 3 is hereby provided as the required list of projected costs and revenue sources by the type of public facility. Additional~~

~~information may be obtained by consulting the annual update of the Lee County Capital Improvements Program or the Lee County annual fiscal year budget document. (Amended by Ordinance No. 94-30, 16-03)~~

**OBJECTIVE 95.2: CONCURRENCY MANAGEMENT SYSTEM.** Maintain a "Concurrency Management System" (CMS) within the land development code development regulations in accordance with F.S. 163.32023180. The CMS will ensure that public facilities will be in place or prioritized no later than issuance of a certificate of occupancy or functional equivalent no development permits will be issued unless the established regulatory level of service requirements are met or will be met as needed to serve the development. (Amended by Ordinance No. 94-30, 00-22)

**POLICY 95.2.1:**

- ~~a. The purpose of the CMS will be Track development permit approvals and available capacities of public facilities using the CMS to ensure that no development permit is issued unless the facilities necessary to serve the development are in place and have adequate capacity as defined by the adopted level of service level of service standards are achieved and can be reasonably met in the Capital Improvements Program. Only those facilities for which "regulatory" standards are established will be incorporated in the CMS.~~
- ~~b. The CMS will consider:
  - 1. The service actually provided by the type of facility and the factors which contribute to the adequacy of that service;
  - 2. The proximity and/or accessibility of the service in relation to the site of the individual development permit under consideration; and
  - 3. The type of land use proposed and the density or intensity of use.~~
- ~~c. The CMS will include a review and appeal process to ensure adequate due process for any situation where operation of the CMS results in the denial of permission to make reasonable beneficial use of the land in question. Under this process variances may be issued, but will be limited to allow only such development rights as are necessary to avoid the unconstitutional taking of private property without due process of law.~~
- ~~d. In administering the CMS, the estimated (remaining) capacity of any specified facility will be adjusted to take into account the dormant demand represented by land for which local or DRI Development Orders were issued prior to the effective date of this plan, and by any land the development of which is exempt from the requirements of the Land Development Code.~~

(Amended by Ordinance No. 94-30, 00-08, 00-22)

**OBJECTIVE 95.3: OTHER FINANCING POLICIES.** Establish a broad-based system of revenue regulations that ensure that new development pays an appropriate share of the capital costs of the public infrastructure directly attributable to that new development. (Amended by Ordinance No. 94- 30, 14-10)

**POLICY 95.3.3:** Financing of public facilities and services will utilize appropriate revenue sources. The cost for the provision and expansion of services and facilities will be borne primarily by those who benefit, using funding mechanisms such as impact fees, special taxing or benefit districts, community development districts, dedication of land and facilities, in-lieu-of fees, and capital construction, operation, and maintenance funds.

**OBJECTIVE 95.4: FLORIDA'S TENTH UNIVERSITY.** ~~Recognize the unique advantages and obligations which accompany the development and maturation of Florida's Tenth University. (Added by Ordinance No. 92-47)~~ **NON-COUNTY FUNDED PROJECTS.** Recognize that non-county funded projects may contribute towards the achievement or maintenance of adopted level of service standards.

**POLICY 95.4.1:** ~~Upon completion of the Conceptual Master Plan required by Policy 18.1.9 the Capital Improvements Element and Capital Improvement Program will be amended to reflect the unique obligations which will accompany the development and maturation of Florida's Tenth University. (Added by Ordinance No. 92-47, Amended by Ordinance No. 00-22) Identify or include by reference in the Capital Improvement Program, any federal, state, local, or privately funded project which contributes to the achievement or maintenance of adopted LOS standards.~~

**POLICY 95.4.2:** ~~The infrastructure improvements necessitated by Florida's Tenth University which will require the expenditure of public funds will be consolidated, as a package, for public review and comment prior to amending the Capital Improvements Element. (Added by Ordinance No. 92-47, Amended by Ordinance No. 00-22) Infrastructure improvements that result from interlocal agreement obligations (e.g. FDOT, Florida Gulf Coast Universities, Florida Southwestern State College) will be identified in the Capital Improvements Program.~~

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**POLICY 95.5.1:** ~~The County will annually incorporate by ordinance into the Capital Improvements element the School District's annually adopted Five Year Capital Facilities Plan. The School District Capital Improvement Program will annually be incorporated into the Lee Plan's Capital Improvement Element by Ordinance. Table 3(a) includes all projects to be undertaken by the School District during the ensuing five-year period. (Added by Ordinance No. 08-17; Amended by Ordinance No. 08-27, 16-03)~~

\*\*\*\*\*

**GOAL 115: WATER QUALITY AND WASTEWATER.** To ensure that water quality is maintained or improved for the protection of the environment and people of Lee County.

\*\*\*\*\*

**POLICY 117.1.9:** ~~The county will utilize the recommendations made in the Water Supply Facilities Work Plan (see Policy 55.1.3) as a guide to potable water facilities planning, potable water resources, and water conservation as well as expanding potable water facilities consistent with Table 6, the Water Supply Development Projects Table. (Added by Ordinance No. 09-13)~~

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## XII. Glossary

**BASIC FACILITY** – As used in the Potable Water and Sanitary Sewer sub-elements of the Community Facilities and Services element, this term is intended to identify the principal productive capital of a water or sewer system, i.e., a wellfield and water treatment plant, as distinguished from the distribution system (see also “infrastructure”).

**CONCURRENCY** – Land use regulations ensuring that existing or programmed public facilities for potable water, wastewater, solid waste, stormwater discharge and public education meet or exceed adopted levels of service and will be available for new development.

**INFRASTRUCTURE** - As used in the Potable Water and Sanitary Sewer sub- elements of the Community Facilities and Services element, this term is intended to identify the capital facilities that distribute a service,



i.e., the sewer mains, manholes, lift and pump stations, and trunk and interceptor sewers, as distinguished from the wastewater treatment plant and effluent disposal system (~~see also "basic facility"~~).

**LEVEL OF SERVICE (LOS)**- An indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of a facility. Levels of service ~~are generally expressed as~~ indicates the capacity per unit of demand for each public facility. (See Policy 95.1.3 ~~for a description of the various levels of service contained in this plan.~~)

**NON-REGULATORY LOS** – Standards which apply to facilities and services for which the county desires to set standards for its own use and that are not required by state law or inter-local agreement, including community and regional parks, transportation, emergency medical services, and evacuation/shelter.

**REGULATORY LOS** – Standards which apply to facilities and services identified in state law or inter-local agreements as being essential to support development, including public schools, potable water, sanitary sewer, disposal of solid waste, and stormwater management.

**WATER SUPPLY FACILITIES WORK PLAN** – Identifies and plans for the water supply sources and facilities needed to serve existing and new development within Lee County, and will refer to the version most recently adopted by the Board of County Commissioners. A copy of the adopted Water Supply Facilities Work Plan will be maintained and kept on file by Lee County Utilities.

**Map Amendments:**






**Map 23: Educational and School District Facilities in Lee County**

Amend Map 23 to identify updated list of educational facilities and combine with Map 24: School Concurrency Service Areas.

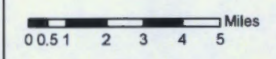
**Map 24: School Concurrency Service Areas**

Delete

**EDUCATIONAL  
AND  
SCHOOL DISTRICT  
FACILITIES  
IN LEE COUNTY**

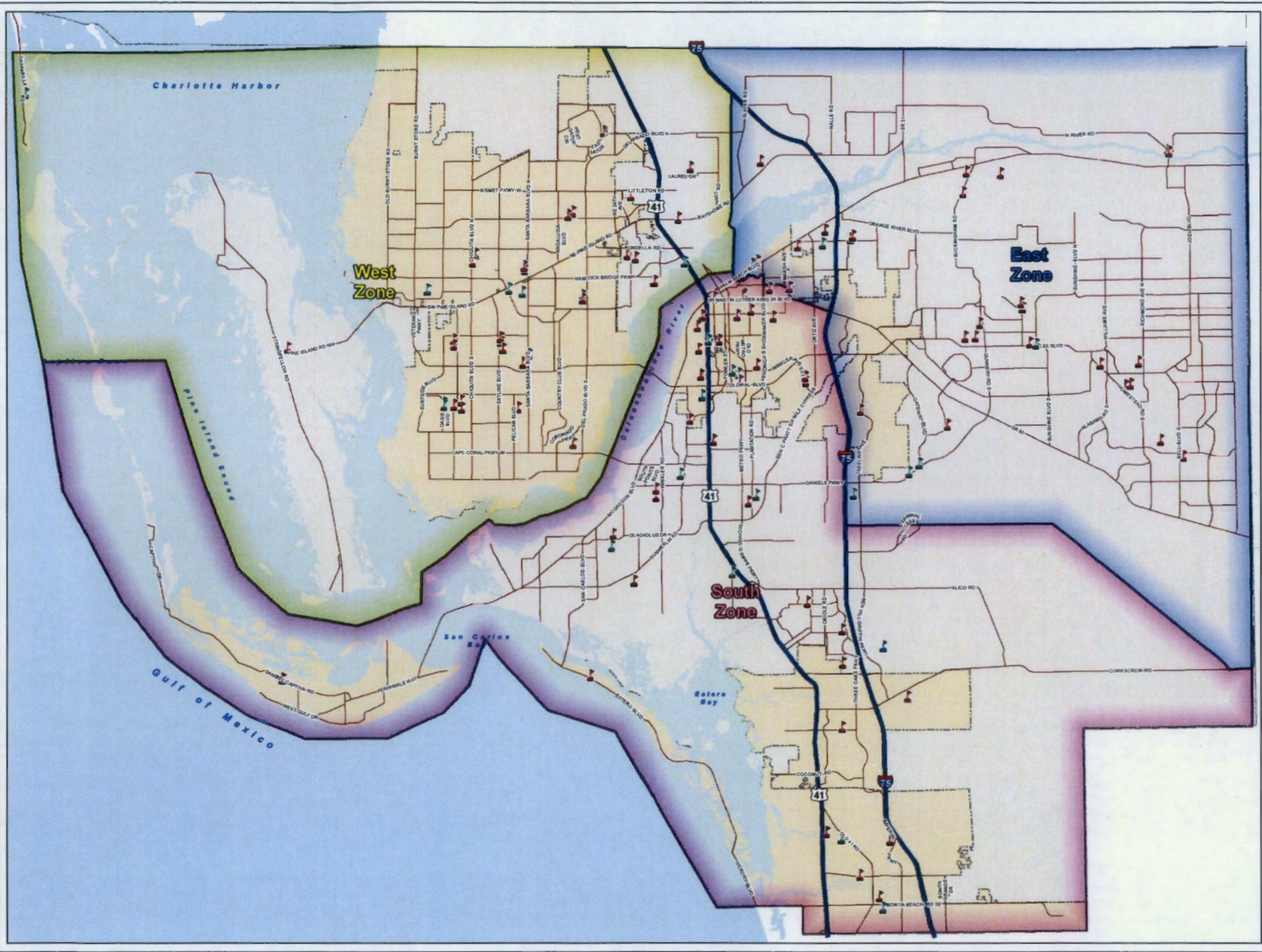
-  Public School
-  Charter School
-  Higher Education
-  Specialized Education Centers
-  City Limits

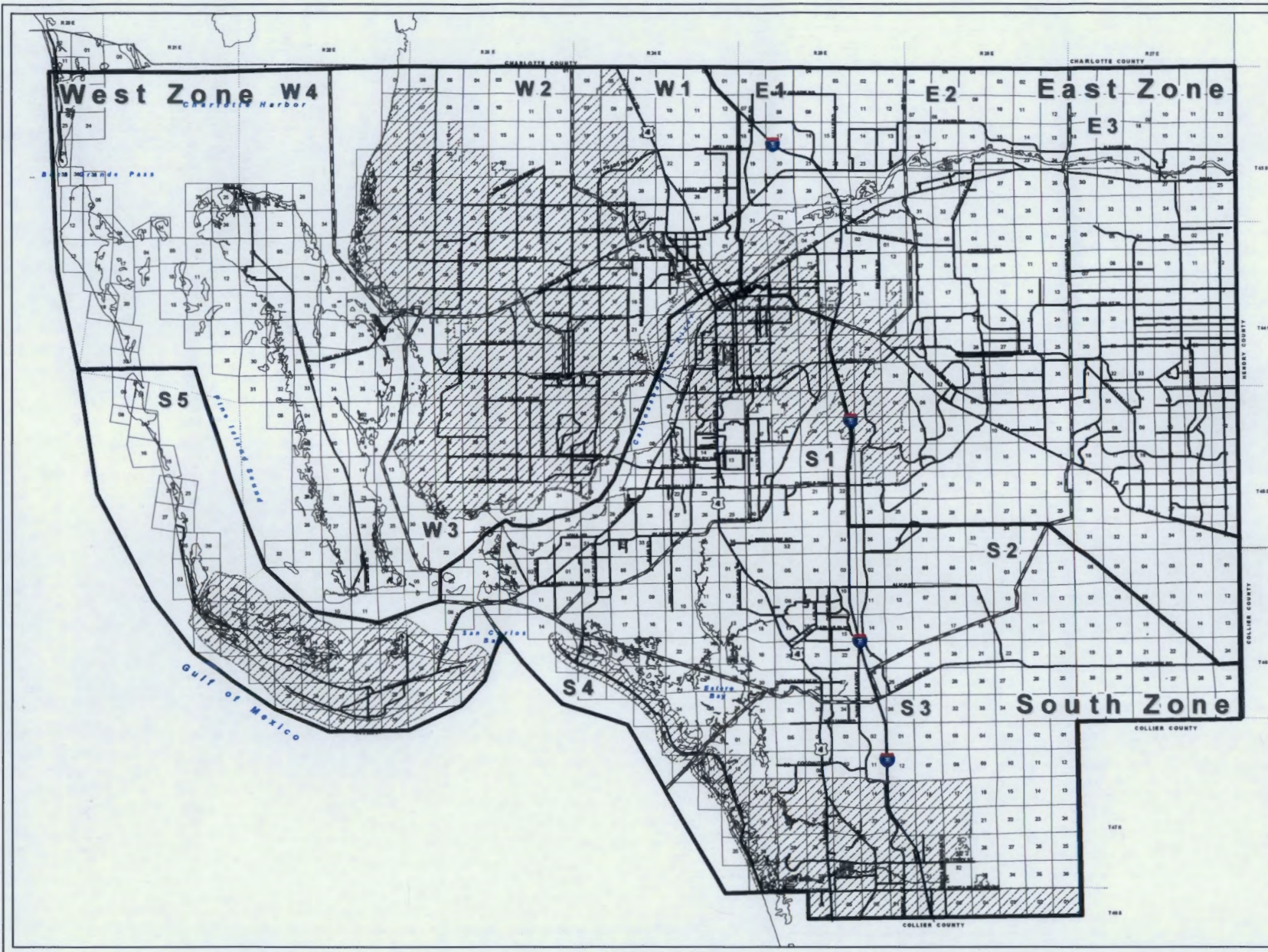
**Proposed**



Map Generated: August 2017  
 City Limits current to date of map generation  
 Adopted August 26, 2008  
 Effective November 7, 2008  
 Adopted by Ordinance No. 08-17

**Lee Plan Map 23**





### School Concurrency Service Areas

- Legend**
- Assignment Zones
  - Sub-Zones
  - City Limits

**DELETE**

**LEE COUNTY**  
SOUTH WEST FLORIDA  
DIVISION OF PLANNING



Map Generated: May 2009  
City Limits current to date of map generation  
Adopted August 26, 2008  
Effective November 7, 2008  
Adopted by Ordinance No. 08-17

**Lee Plan Map 24**



**FLORIDA DEPARTMENT *of* STATE**

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

November 27, 2017

Honorable Linda Doggett  
Clerk of the Circuit Courts  
Lee County  
Post Office Box 2469  
Fort Myers, Florida 33902-2469

Attention: Ms. Theresa King

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Ordinance No. 17-19, which was filed in this office on November 27, 2017.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb