



The Lee Plan

AS AMENDED THROUGH MAY 2024



Lee County
Southwest Florida

The Lee Plan

As amended through May 2024

THE PAGES CONTAINED HEREIN INCLUDE ORDINANCE 89-02 AND ALL AMENDMENTS AS ENACTED BY ORDINANCES:

90-09, 90-43, 90-44, 91-10, 91-19, 92-35, 92-41, 92-47, 92-48, 92-51, 93-05, 93-25, 94-23, 94-29, 94-30, 95-27, 96-19, 97-05, 97-13, 97-17, 97-22, 98-02, 98-09, 98-26, 99-15, 99-16, 99-17, 99-18, 99-19, 00-08, 00-22, 01-24, 02-02 thru 02-06, 02-29, 03-01 thru 03-07, 03-12, 03-15, 03-19, 03-20, 03-21, 03-26, 04-14, 04-15, 04-16, 05-19, 05-20, 05-21, 07-09 thru 07-18, 08-04, 08-05, 08-17, 08-18, 08-27, 09-06 thru 09-17, 09-27, 09-28, 10-03 thru 10-21, 10-27, 10-33, 10-34 thru 10-40, 10-43, 10-46, 11-13 thru 11-24, 11-30, 12-24, 13-12, 13-16, 14-01, 14-02, 14-03, 14-05, 14-09, 14-10, 14-14, 14-16, 14-21, 15-10, 15-13, 15-14, 16-01, 16-02, 16-03, 16-05, 16-07, 16-08, 16-13 thru 16-17, 16-20, 17-06, 17-10, 17-12, 17-13, 17-19, 17-20, 17-21, 17-23, 17-24, 18-04, 18-05, 18-06, 18-14, 18-17, 18-18, 18-23, 18-25, 18-26, 18-28, 19-01, 19-02, 19-10, 19-13, 19-14, 19-16, 19-17, 19-22, 19-24, 19-25, 19-26, 20-04, 20-05, 20-06, 20-08, 20-13, 21-01, 21-03, 21-06, 21-09, 21-12, 22-03, 22-04, 22-05, 22-09, 22-13, 22-21, 22-25, 22-28, 22-29, 23-01, 23-02, 23-03, 23-04, 23-08, 23-11, 23-12, 23-17, 23-24, 23-27, 23-28, 23-32, 23-33, 24-02 & 24-06.

The county has taken every precaution to ensure the accuracy of these revisions, however, if a discrepancy exists, the official adopted amending ordinance shall rule.

CHRONOLOGY OF ADOPTED AMENDMENTS TO THE LEE PLAN

(most recent amendments listed first)

COMPREHENSIVE PLAN OR PLAN AMENDMENT	ADOPTING ORDINANCE(S)	DATE OF ADOPTION	EFFECTIVE DATE	NOTICE/ STATEMENT OF INTENT ISSUED	DETERMINATION
CPA2022-19 Cary Duke CPA	24-06	3/20/2024	4/28/2024	4/26/2024	NO CHALLENGE
2023 CIP Program Update	24-02	2/6/2024	2/6/2024	NA	NA
CPA2023-04 Building Height and Resiliency	23-33	12/6/2023	1/18/2024	1/16/2024	NO CHALLENGE
CPA2023-07 McGregor Mixed Use Overlay	23-32	12/6/2023	1/5/2024	NA	NA
CPA2023-03 SE Advanced Water Reclamation Facility	23-28	10/18/2023	11/18/2023	NA	NA
CPA2023-01 Babcock Road US 41	23-27	10/4/2023	11/4/2023	NA	NA
CPA2021-17&18 Daniels Parkway South	23-24	9/6/2023	10/12/2023	10/9/2023	NO CHALLENGE
CPA2022-16 Barrett Park	23-17	6/21/2023	7/22/2023	NA	NA
CPA2022-06&07 Grand Bay	23-12	6/7/2023	7/13/2023	7/11/2023	NO CHALLENGE
CPA2022-03&08 Daniels Falls Encore	23-11	5/16/2023	6/17/2023	NA	NA
CPA2022-01 Economic Element	23-08	4/19/2023	5/29/2023	5/26/2023	NO CHALLENGE
CPA2021-09 Burnt Store Road MUD	23-04	3/7/2023	4/8/2023	NA	NA
CPA2021-15 Greenwell SR31	23-03	2/8/2023	3/17/2023	3/15/2023	NO CHALLENGE
CPA2021-12 Alico Crossroads	23-02	1/18/2023	2/18/2023	NA	NA
2022 CIP Program Update	23-01	1/17/2023	1/17/2023	NA	NA
CPA2021-05 Bayshore Ranch	22-29	11/2/2022	12/9/2022	11/30/2022	NO CHALLENGE
CPA2022-05 Pine Island Preserve at Matlacha Pass	22-28	11/2/2022	12/9/2022	11/30/2022	NO CHALLENGE
CPA2020-04 & 05 Owl Creek Text and Map	22-25	9/7/2022	11/13/2022	10/11/2022	NO CHALLENGE
CPA2022-04 Cost Feasible Roadway, Map 3-A	22-21	8/17/2022	9/24/2022	9/6/2022	NO CHALLENGE
CPA2021-10 3640 SW Pine Island Road	22-13	5/4/2022	6/18/2022	NA	NA
CPA2021-06 Wellfield Protection Zone Update	22-09	4/20/2022	5/22/2022	5/19/2022	NO CHALLENGE
CPA2021-13 Luckett Landing	22-05	2/16/2022	3/16/2022	NA	NA
CPA2021-02 Alico West Area 9/Centerplace	22-04	2/16/2022	3/25/2022	3/23/2022	NO CHALLENGE
CPA2021-07 Property Rights Element	22-03	2/16/2022	3/25/2022	3/23/2022	NO CHALLENGE
2021 CIP Program Update	21-12	11/16/2021	11/16/2021	NA	NA
CPA2021-01 Lee Plan 2045 Update	21-09	8/18/2021	9/23/2021	9/15/2021	NO CHALLENGE
CPA2019-07 Commerce Lakes Parcel	21-06	6/2/2021	7/5/2021	7/1/2021	NO CHALLENGE
CPA2020-01 & 02 Lee County Homes	21-03	4/7/2021	5/16/2021	5/5/2021	NO CHALLENGE
CPA2020-03 Inspiration at South Pointe	21-01	1/20/2021	3/4/2021	3/2/2021	NO CHALLENGE
2020 CIP Program Update	20-13	11/17/2020	11/17/2020	NA	NA
CPA2019-10 Central Park Mixed Use Overlay	20-08	8/19/2020	9/19/2020	NA	NA
CPA2015-05 Bay Harbour Marina Village	20-07	6/18/2020	11/9/2023	NA	COMPLIANCE ¹
CPA2019-08 EFPCO Text Amendment	20-06	5/6/2020	6/6/2020	5/19/2020	NO CHALLENGE
CPA2018-12&13 Vintage Commerce Center	20-05	5/6/2020	6/6/2020	5/19/2020	NO CHALLENGE
CPA2019-06 Conservation Lands Update	20-04	5/6/2020	6/6/2020	5/19/2020	NO CHALLENGE
CPA2019-01 Wetland Impacts	19-26	12/18/2019	1/30/2020	1/21/2020	NO CHALLENGE
CPA2018-08 Old Corkscrew Commercial	19-25	12/18/2019	2/6/2020	1/17/2020	NO CHALLENGE
CPA2019-05 Cam 40	19-24	11/20/2019	1/2/2020	12/23/2019	NO CHALLENGE
2019 CIP Program Update	19-22	11/19/2019	11/19/2019	NA	NA
CPA2016-10 Troyer Conservation Lands	19-17	8/21/2019	9/29/2019	9/12/2019	NO CHALLENGE
CPA2016-06 Troyer Map 14 Amendment	19-16	8/21/2019	10/10/2020	9/12/2019	COMPLIANCE ¹
CPA2018-04 Portico	19-14	8/7/2019	9/13/2019	8/27/2019	NO CHALLENGE
CPA2018-14 Limerock Mining	19-13	6/19/2019	10/10/2020	7/22/2019	COMPLIANCE ¹
CPA2018-10 Old Corkscrew Golf Club	19-10	5/22/2019	7/5/2019	6/27/2019	NO CHALLENGE
CPA2018-09 Airport Lands Update	19-02	3/30/2019	5/2/2019	4/15/2019	NO CHALLENGE
CPA2018-02 Alico Crossing Small Scale	19-01	2/6/2019	3/9/2019	NA	NA
CPA2017-06 Conservation & Coastal Mgmt.	18-28	12/6/2018	1/14/2019	4/15/2019	NO CHALLENGE
2018 CIP Program Update	18-26	11/20/2018	11/28/2018	NA	NA
CPA2018-07 Public Facilities & Cons. Lands	18-25	11/7/2018	12/21/2018	11/20/2018	NO CHALLENGE
CPA2017-09 TreeLine 115	18-23	10/17/2018	11/25/2018	10/25/2018	NO CHALLENGE
CPA2017-10 Community Planning Update	18-18	6/20/2018	7/29/2018	7/5/2018	NO CHALLENGE
CPA2018-01 Conservation Lands Update	18-17	6/20/2018	7/29/2018	7/5/2018	NO CHALLENGE
CPA2014-08 Overriding Public Necessity	18-14	4/4/2018	5/10/2018	4/13/2018	NO CHALLENGE
CPA2016-13 Babcock	18-06	2/7/2018	4/5/2018	4/5/2018	NO CHALLENGE
CPA2017-08 Chapter 13	18-05	2/7/2018	3/23/2018	2/26/2018	NO CHALLENGE
CPA2015-09 Captiva Community Plan	18-04	2/7/2018	3/23/2018	2/26/2018	NO CHALLENGE
CPA2016-09 Verdana	17-24	12/20/2017	1/29/2018	1/2/2018	NO CHALLENGE
CPA2016-07 Timber Creek	17-23	12/20/2017	1/29/2018	1/2/2018	NO CHALLENGE
2017 CIP Program Update	17-21	12/19/2017	12/20/2017	NA	NA
CPA2017-04 NFM Mixed Use Overlay Exp.	17-20	11/22/2017	1/5/2018	12/11/2017	NO CHALLENGE
CPA2017-03 Capital Improvement Plan	17-19	12/20/2017	1/5/2018	12/11/2017	NO CHALLENGE
CPA2017-01 Growth Management	17-13	9/6/2017	10/20/2017	9/25/2017	NO CHALLENGE
CPA2015-10 Apaloosa Lane	17-12	9/6/2017	10/20/2017	9/25/2017	NO CHALLENGE
CPA2016-11 Centerplace	17-10	8/16/2017	9/28/2017	9/14/2017	NO CHALLENGE
CPA2016-03 Pepperland Ranch	17-06	8/2/2017	9/15/2017	8/15/2017	NO CHALLENGE
2016 CIP Program Update	16-20	12/6/2016	12/8/2016	NA	NA
CPA2015-03 Dusty Metro	16-17	10/5/2016	11/18/2016	11/10/2016	NO CHALLENGE
CPA2016-04 RSW Noise Zone Update	16-16	10/5/2016	11/18/2016	11/10/2016	NO CHALLENGE
CPA2016-01 Airport Dev. Schedules Update	16-15	10/5/2016	11/18/2016	11/10/2016	NO CHALLENGE
CPA2016-08 Deschenes Small Scale	16-14	10/5/2016	11/7/2016	10/7/2016	NO CHALLENGE
CPA2016-02 Lee Plan Map Amendments	16-13	8/17/2016	9/23/2016	9/16/2016	NO CHALLENGE
CPA2015-12 Hill Tide Estates Small Scale	16-08	3/16/2016	4/16/2016	NA	NA
CPA2015-13 Pine Island Community Plan	16-07	3/16/2016	4/28/2016	4/1/2016	NO CHALLENGE
2015 CIP Program Update	16-05	3/1/2016	3/2/2016	NA	NO CHALLENGE
CPA2015-08 Capital Improvement Plan	16-03	1/20/2016	3/4/2016	2/2/2016	NO CHALLENGE
CPA2015-06 TreeLine 200	16-02	1/20/2016	3/4/2016	2/2/2016	NO CHALLENGE
CPA2014-01 Water Supply Facilities	16-01	1/20/2016	3/4/2016	2/2/2016	NO CHALLENGE
CPA2015-01 Corkscrew Farms	15-14	8/19/2015	9/29/2015	8/27/2015	NO CHALLENGE
CPA2014-04 Wildblue	15-13	8/5/2015	9/17/2015	8/17/2015	NO CHALLENGE
CPA2012-01 River Hall	15-10	6/3/2015	11/17/2017	7/13/2015	COMPLIANCE ¹

CPA2013-04 Corkscrew Ranch	14-21	11/5/2014	12/18/2014	11/17/2014	NO CHALLENGE
CPA2014-03 Replace Estero Goal 19	14-16	8/20/2014	10/4/2014	9/26/2014	NO CHALLENGE
CPA2013-08 Small Scale Estero Apts.	14-14	6/18/2014	7/19/2014	NA	NA
CPA2013-07 Wellfield Protection	14-10	4/16/2014	6/1/2014	5/30/2014	NO CHALLENGE
CPA2013-06 Concurrency	14-09	4/16/2014	6/1/2014	5/30/2014	NO CHALLENGE
CPA2013-09 CIP	14-05	2/19/2014	3/22/2014	NA	NO CHALLENGE
CPA2013-05 DRI Requirement	14-03	1/22/2014	3/6/2014	2/21/2014	NO CHALLENGE
CPA2013-03 RSW Map 3F	14-02	1/22/2014	3/6/2014	2/21/2014	NO CHALLENGE
CPA2013-02 AG Rezoning	14-01	1/22/2014	3/6/2014	2/21/2014	NO CHALLENGE
CPA2013-01 Small Scale (Map 6)	13-16	8/19/2013	9/19/2013	NA	NA
CPA2011-22 Port Authority	13-12	6/17/2013	7/26/2013	7/24/2013	NO CHALLENGE
CPA2011-18 Corkscrew Woods	12-24	10/1/2012	11/15/2012	11/5/2012	NO CHALLENGE
CPA2010-06 Pine Tarr, LLC	11-30	12/14/2011	1/22/2012	1/17/2012	NO CHALLENGE
2010/2011 Cycle	11-13 thru 11-24	9/28/2011	11/11/2011	11/9/2011	NO CHALLENGE
CPA2010-09 CIP	10-46	12/14/2010	3/24/2011	3/1/2011	COMPLIANCE
CPA2009-01 Alico West	10-40	10/20/2010	3/14/2011	12/14/2010	COMPLIANCE ¹
CPA2010-02 University Highland DRI	10-33	10/18/2010	1/11/2011	12/20/2010	COMPLIANCE
2009/2010 Cycle	10-34 thru 10-39	10/20/2010	1/5/2011	12/14/2010	COMPLIANCE
CPA2010-03 Small Scale	10-27	6/16/2010	7/19/2010	NA	NA
CPA2008-06 DR/GR	10-19 thru 10-21	3/3/2010	3/30/2012	5/12/2010	COMPLIANCE ²
CPA2009-04 CIP	09-28	12/15/2009	7/8/2010	6/16/2010	COMPLIANCE
2008/2009 Cycle	10-03 thru 10-18	3/3/2010	6/2/2010	5/11/2010	COMPLIANCE
2006/2007/2008 Cycle	09-06 thru 09-17	2/25/2009	5/15/2009	4/22/2009	COMPLIANCE
CPA2006-16	08-17	8/26/2008	11/7/2008	10/16/2008	COMPLIANCE
CPA2006-18	08-18	8/26/2008	11/7/2008	10/16/2008	COMPLIANCE
CPA2006-02 Small Scale	08-04	3/11/2008	4/11/2008	NA	NA
CPA2007-02 Small Scale	08-05	3/11/2008	4/11/2008	NA	NA
CPA2008-11	08-27	12/9/2008	3/12/2008	2/16/2008	COMPLIANCE
2005 EAR & Smart Growth Amendments	07-09 thru 07-18	5/16/2007	8/13/2007	7/23/2007	COMPLIANCE
CPA2005-01 Small Scale	07-07	4/24/2007	5/24/2007	NA	NA
CPA2006-04 Small Scale	07-06	4/24/2007	5/24/2007	NA	NA
CPA2004-13	05-20	10/12/2005	11/15/2006	12/19/2005	NON-COMPLIANCE ¹
2004/2005 Cycle	05-19, 05-21	10/12/2005	1/9/2006	12/19/2005	COMPLIANCE
CPA2001-18	03-03	1/9/2003	12/24/2004	3/11/2003	COMPLIANCE
CPA2003-02	04-16	9/22/2004	12/10/2004	11/19/2004	COMPLIANCE
North Point DRI CPA2003-014	04-14	9/20/2004	12/7/2004	11/16/2004	COMPLIANCE
CPA2003-05 Small Scale	04-15	9/22/2004	10/23/2004	NA	NA
Miromar Lakes DRI CPA2001-03	03-26	12/15/2003	3/6/2004	2/14/2004	COMPLIANCE
2002/2003 Cycle	03-19 thru 03-21	10/23/2003	1/12/2004	12/22/2003	COMPLIANCE
CPA2003-03 Small Scale	03-15	6/24/2003	7/25/2003	NA	NA
CPA2003-01 Small Scale	03-12	5/6/2003	6/6/2003	NA	NA
2001/2002 Cycle	03-01, 03-02, 03-04 thru 03-07	1/9/2003	4/1/2003	3/11/2003	COMPLIANCE
Coconut Point DRI CPA 2000-30	02-29	10/21/2002	1/9/2003	12/18/2002	COMPLIANCE
2000/2001 Cycle	02-02 thru 02-06	1/10/2002	3/27/2002	3/5/2002	COMPLIANCE
CPA2001-08 Small Scale	01-24	12/13/2001	1/13/2002	NA	NA
1999/2000 EAR Addendum Amendments	00-22	11/1/2000	12/26/2000	12/26/2000	COMPLIANCE
PAM 99-26 Small Scale	00-16	8/8/2000	9/8/2000	NA	NA
PAM 99-23	00-08	5/4/2000	6/26/2000	6/26/2000	COMPLIANCE
PAM 98-01 Small Scale	99-02	4/13/1999	2/4/2000	NA	COMPLIANCE
1998/1999 Cycle	99-15	11/22/1999	1/19/2000	1/19/2000	COMPLIANCE
PAT 98-08	99-16	11/22/1999	1/19/2000	1/19/2000	COMPLIANCE
PAT 98-34	99-17	11/22/1999	1/19/2000	1/19/2000	COMPLIANCE
PAM/T 98-07	99-18	11/22/1999	1/19/2000	1/19/2000	COMPLIANCE
PAM 99-25 Small Scale	99-19	11/22/1999	12/23/1999	NA	NA
PAM 98-02 Small Scale	98-26	11/24/1998	12/25/1998	NA	NA
EAR Addendum Amendments	98-09	6/3/1998	7/30/1998	7/30/1998	COMPLIANCE
PAM 97-04 Small Scale	98-02	1/13/1998	2/13/1998	NA	NA
PAM 97-02 Small Scale	97-22	11/25/1997	12/26/1997	NA	NA
Gargiulo Compliance Agreement PAT 97-03	97-17	8/26/1997	9/30/1997	9/30/1997	COMPLIANCE
PAM 97-01 Small Scale	97-13	6/24/1997	7/25/1997	NA	NA
Remedial Amendments 96-02 thru 96-06	97-05	3/5/1997	4/23/1997	4/2/1997	COMPLIANCE
Raymond Lumber 96-01 Small Scale	96-19	10/2/1996	11/2/1996	NA	NA
1993/1994 Cycle and EAR amendments	94-30	11/1/1994	7/25/1996	12/29/1994	NON-COMPLIANCE
Wood Bridge 95-01 Small Scale	95-27	12/20/1995	1/20/1996	NA	COMPLIANCE
FGCU/Sheridan 93-10, 93-11	94-29	10/26/1994	1/9/1995	12/20/1994	COMPLIANCE
Pelican Landing PAM 93-03	94-23	8/29/1994	11/14/1994	10/24/1994	COMPLIANCE
1992/1993 Cycle	93-25	9/20/1993	1/24/1994	11/11/1993	COMPLIANCE
Conn 93-01 Small Scale	93-05	2/22/1993	2/26/1993	5/21/1993	COMPLIANCE
Compliance Agreement For 90/91 Cycle	92-51	12/9/1992	12/21/1992	2/15/1993	COMPLIANCE
Tenth University	92-47	10/27/1992	11/9/1992	12/16/1992	COMPLIANCE
Wildlife Corridor	92-48	10/27/1992	11/9/1992	12/16/1992	COMPLIANCE
Paluck 92-04 Small Scale	92-41	9/15/1992	9/21/1992	12/23/1992	COMPLIANCE
1991/1992 Cycle	92-35	8/7/1992	8/18/1992	9/30/1992	NON-COMPLIANCE
1990/1991 Cycle	91-19	7/9/1991	7/18/1991	8/30/1991	NON-COMPLIANCE
Dennis 90-03 Small Scale	91-10	4/3/1991	4/10/1991	5/29/1991	COMPLIANCE
1990 Settlement Agreement for 1989 Plan	90-43, 90-44	9/6/1990	9/17/1990	10/25/1990	COMPLIANCE
Gateway DRI	90-09	3/7/1990	3/14/1990	4/24/1990	COMPLIANCE
1989 Lee Plan	89-02	1/31/1989	3/1/1989	3/24/1989	NON-COMPLIANCE

¹ Found in Compliance by Governor and Cabinet, Florida Department of Economic Opportunity or First District Court of Appeal
² Challenged - Partial Final Order issued on 6/24/11; Second Partial Final Order issued on 10/19/11; Final Order issued on 3/30/12
³ Challenge Settled

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FUTURE LAND USE MAP SERIES

FUTURE LAND USE MAP & OVERLAYS – MAP 1

- A. Future Land Use Map
- B. Planning Districts
- C. Mixed Use Overlay
- D. Urban Reserve, Privately Funded Infrastructure, Public Acquisition, Airport Mitigation Lands, & Priority Restoration Strategy Overlays
- E. Airport Noise Zones
- F. Private Recreational Facilities Overlay
- G. Agricultural Overlay
- H. Water-Dependent Overlay

COMMUNITY PLANNING AREAS & OVERLAYS – MAP 2

- A. Community Planning Areas
- B. Lehigh Acres Community Plan Overlay
- C. Existing Pine Island Farmland
- D. Southeast Lee County Residential Overlay
- E. Southeast Lee County Historic Surface & Groundwater Levels

TRANSPORTATION MAP SERIES – MAP 3

- A. Cost Feasible Roadway Projects
- B. Future Functional Classification
- C. 2045 Financially Feasible Transit Network
- D. Lee County Walkways & Bikeways
- E. Airports, Seaports, Railways & Waterways
- F. Evacuation Routes
- G. Alico Road Access Plan
- H. Corkscrew Road Access Plan

COMMUNITY FACILITIES & SERVICE AREAS – MAP 4

- A. Future Water Service Areas, Lee County Utilities
- B. Future Sanitary Sewer Service Areas, Lee County Utilities
- C. Wellfield Protection Zones
- D. Educational And School District Facilities
- E. Lee County Greenways Master Plan

COASTAL & CONSERVATION MANAGEMENT – MAP 5

- A. Coastal High Hazard Area
- B. Defined 100-Year Floodplains
- C. General Soils
- D. Lee County Watershed

APPENDIX B | TABLES

TABLE 1

- (a) Summary of Residential Densities
- (b) Year 2045 Allocations
- (c) Mixed Use Overlay/Lehigh Acres Specialized Mixed Use Node Ratios

TABLE 2

- (a) State and County Constrained Roads
- (b) Recommended Operational Improvements on Constrained Roads

TABLE 3

- (a) Capital Improvement Program Detailed Report
- (b) Lee County School District Capital Plan

TABLE 4

- Capital Improvement Program Total Revenue & Project Summary

TABLE 5

- 10 Year Water Supply Development Projects



VISION STATEMENT

Chapter I

I. Vision Statement

The Lee Plan is designed to depict Lee County as it will appear in the year 2045 when the population is projected to be 1,056,600 permanent residents with an additional 18% seasonal residents. In order to balance the County's projected growth with evolving planning priorities, the following trends are expected to continue through the year 2045 planning horizon:

- The County's growth patterns will continue to be dictated by a Future Land Use Map that will not change dramatically. As a result, the distinction between future urban, suburban, and non-urban areas described by this plan will likely be maintained. The County's future urban areas will be essentially built out by 2045 and, to accommodate the population growth, an interest in the redevelopment of these areas will continue.
- The County's public facilities will be maintained at adequate levels of service, partly by the construction of new facilities and partly by the use of new methods to conserve the capacity of existing facilities.
- The County's natural resources will be protected through public land acquisition programs and by maintaining and enforcing cost-effective land use and environmental regulations that supplement, where necessary, federal, state, and regional regulatory programs.
- The County's traditional economic base will continue to be diversified in order to increase the percentage of high-paying jobs, reduce tax burdens on residents, and enhance the stability of the County. Traditional industries, such as agriculture, commercial fishing, tourism, and construction, will continue to play a significant role in the County's economy alongside new industries anticipated in response to technical advancements, the increasing capacity of Southwest Florida International Airport, and the growing number of higher education institutions within the County.

Community plans have been created within the Lee Plan to address specific conditions unique to defined areas of the County. The vision for each community plan area is incorporated as a Goal within the Future Land Use Element and the boundary for each area is shown on the Future Land Use Map (Map 2-A).

(Ord. No. [99-15](#), [03-02](#), [03-21](#), [04-16](#), [05-19](#), [05-21](#), [07-12](#), [09-07](#), [09-08](#), [09-11](#), [09-14](#), [10-16](#), [10-20](#), [11-14](#), [11-21](#), [14-16](#), [19-02](#), [21-09](#))



FUTURE LAND USE ELEMENT

Chapter II

II. Future Land Use Element

a. Growth Management

GOAL 1: FUTURE LAND USE MAP. To maintain and enforce a Future Land Use Map showing the proposed distribution, location, and extent of future land uses by type, density, and intensity in order to protect natural and man-made resources, provide essential services in a cost-effective manner, and discourage urban sprawl. (Ord. No. [94-30](#))

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

POLICY 1.1.1: The Future Land Use Map depicts the pattern for future development and substantial redevelopment within the unincorporated portion of Lee County through the year 2045. (Ord. No. [94-29](#), [98-09](#), [07-12](#), [07-13](#), [21-09](#))

POLICY 1.1.2: The Intensive Development future land use category is located along major arterial roads. By virtue of their location, the County's current development patterns, and the available and potential levels of public services, areas with this designation are suited to accommodate high densities and intensities. Mixed use developments of high-density residential, commercial, limited light industrial, and office uses are encouraged to be developed as described in Objective 11.1, where appropriate. The standard density range is from eight dwelling units per acre (8 du/acre) to fourteen dwelling units per acre (14 du/acre), with a maximum total density of twenty-two dwelling units per acre (22 du/acre). The maximum total density may be increased to thirty dwelling units per acre (30 du/acre) utilizing Greater Pine Island Transfer of Development Units. (Ord. No. [94-30](#), [09-06](#), [10-10](#), [16-07](#), [21-09](#))

POLICY 1.1.3: The Central Urban future land use category can best be characterized as the “urban core” of the County. These areas are already the most heavily settled and have, or will have, the greatest range and highest levels of public services. Residential, commercial, public and quasi-public, and limited light industrial land uses will continue to predominate in the Central Urban future land use category. Future development in this category is encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre), with a maximum total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units. (Ord. No. [94-30](#), [02-02](#), [09-06](#), [16-07](#), [21-09](#))

POLICY 1.1.4: The Urban Community future land use category are areas characterized by a mixture of relatively intense commercial and residential uses. The residential development in these areas will be at slightly lower densities than other future urban categories described in this plan. As vacant properties within this category are developed, the existing base of public services will need to be maintained which may include expanding and strengthening them accordingly. As in the Central Urban future land use category, predominant land uses in this category will be residential, commercial, public and quasi-public, and limited light industrial with future development encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6

du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre). The maximum total density may be increased to fifteen dwelling units per acre (15 du/acre) utilizing Greater Pine Island Transfer of Development Units. (Ord. No. [94-30](#), [02-02](#), [09-06](#), [10-10](#), [10-33](#), [16-07](#), [21-09](#))

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

POLICY 1.1.6: The Outlying Suburban future land use category is characterized by its peripheral location in relation to established urban areas. In general, this category is rural in nature or contains existing low-density development. Some of the requisite infrastructure needed for higher density development is planned or in place. Industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. (Ord. No. [91-19](#), [03-20](#), [03-02](#), [17-13](#))

POLICY 1.1.7: The Industrial Development future land use category are areas characterized by the special locational requirements needed to support industrial uses such as: access to transportation (e.g., air, rail, highway) for freight movement and efficiency; industrial levels of water, sewer, fire protection, and other public services; and employees. This category is reserved mainly for industrial uses which includes uses such as manufacturing, processing and warehousing, data and logistics centers, research and development activities, laboratories, and, if specifically related to adjoining industrial uses, training facilities and office uses. Residential uses, other than bona fide caretaker residences, are not permitted in this future land use category. Retail, recreational, and service uses are allowed as follows:

1. Retailing and/or wholesaling of products manufactured or directly related to that manufactured on the premises; or,
2. Recreational, service and retail uses may not exceed 20% of the total acreage within the Industrial Development future land use category of each Planning District.

It is the County's policy to prevent encroachment of incompatible uses, such as residential, into areas designated Industrial Development. In order to provide adequate area in locations suitable for industrial uses and to meet the County's corresponding needs for job creation and economic development, the County will not support land use changes from Industrial Development to accommodate residential development. (Ord. No. [94-30](#), [98-09](#), [99-15](#), [02-02](#), [09-06](#), [09-12](#), [10-14](#), [10-16](#), [10-20](#), [17-13](#), [21-09](#), [23-08](#))

POLICY 1.1.8: The Public Facilities areas include the publicly owned lands within the County such as public schools, parks, airports, public transportation, and other governmental facilities. The allowable uses within these areas are determined by the entity owning each such parcel and the local government having zoning and permitting jurisdiction. (Ord. No. [10-10](#))

POLICY 1.1.9: The University Community future land use category provides for Florida Gulf Coast University (FGCU) and associated support development. The location and timing of

development within this category must be coordinated with the development of FGCU and the provision of necessary infrastructure. In addition to all other applicable regulations, development within the University Community future land use category must be designed to enhance and support FGCU and will be subject to cooperative master planning with, and approval by, the FGCU President or their designee. Overall residential development within the University Village future land use category will not exceed 6,510 dwelling units. None of the 6,510 dwelling units may be used on or transferred to lands located outside of the University Community future land use category boundaries as they exist on October 20, 2010. Specific policies related to the University Community future land use category are provided in Goal 15. (Ord. No. [92-47](#), [94-30](#), [98-09,00-22](#), [10-40](#), [17-10](#), [18-18](#), [21-09](#))

POLICY 1.1.10: The Commercial future land use category is located in areas where residential uses are not expected or compatible due to the nature of surrounding land uses, location along major travel corridors, or where residential development would increase densities in Coastal High Hazard Areas or in Lehigh Acres, where residential uses are abundant and existing commercial areas serving the residential needs are limited. In these locations, the requisite infrastructure needed for commercial development is generally planned or in place. Commercial retail developments, hotels and motels, banks, all types of office development, research and development, public, and other similar development will be predominant in the Commercial future land use category. Limited light industrial uses are also permitted, excluding outdoor storage type uses. Residential uses, other than bona fide caretaker residences, are not permitted in this future land use category. Any redesignation of land to the Commercial future land use category should occur along major travel corridors and at road intersections. The planned development rezoning process must be used to prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans of each site. New developments in this category must connect to a potable water and sanitary sewer system. (Ord. No. [03-02](#), [10-34](#), [17-13](#), [18-05](#), [23-08](#))

POLICY 1.1.11: The Sub-Outlying Suburban future land use category is characterized by low density residential areas. Generally, the infrastructure needed for higher density development is not planned or in place. This future land use category will be placed in areas where higher densities would be incompatible or where there is a desire to retain a low-density community character. Industrial land uses are not permitted. The standard density range¹ is from one dwelling unit per acre (1 du/acre) to two dwelling units per acre (2 du/acre). Bonus densities are not allowed. (Ord. No. [03-20](#), [03-02](#), [17-13](#), [21-09](#))

POLICY 1.1.12: The Airport Lands future land use category accommodates the Port Authority's airports and its projected growth needed, as economic engines, to meet the region's demands for air travel and for the non-aviation related uses necessary to continue viable airport operations. Allowable land uses and intensities within the Airport Lands future land use category are according to the plans for the airport properties outlined in the *Southwest Florida International Airport Master Plan Update* dated March 2004 by DMJM Aviation, Inc. on behalf of Lee County Port Authority

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

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

and the *Page Field General Aviation Airport Master Plan Update* dated May 2002 by Birk Hillman Consultants, Inc. on behalf of Lee County Port Authority.

Development will include aviation related facilities such as hangars, terminals, and runways and non-residential, non-aviation related uses as approved through the Airport Operations Planned Development (AOPD) zoning process. Compatible non-aviation related uses support the continued development of airports by providing a supplementary revenue source and economic growth for the community.

In cooperation with local, state, and federal regulatory agencies, the Port Authority will work to minimize and correct any wildlife hazards arising from existing wetlands or water bodies located on properties designated Airport Lands in accordance with FAA directives. Site improvements on properties designated Airport Lands will be designed to minimize attractiveness to wildlife of natural areas and man-made features such as detention/retention ponds, landscaping, and wetlands, which can provide wildlife with ideal locations for feeding, loafing, reproduction, and escape. Specific to Southwest Florida International Airport, any future expansion or development of aviation-related facilities and non-aviation uses will offset environmental impacts through the Airport Mitigation Lands Overlay, depicted on Map 1-D, or other appropriate mitigation. The physical design of the airport expansion will minimize any degradation of the recharge capability of land being developed. All non-aviation land use development will meet the indigenous vegetation requirements set forth in the Land Development Code (LDC).

If the airport master planning process precipitates a change to the airport boundaries, or a substantive change to development intensities, the Port Authority will initiate the appropriate amendment to reflect such changes. (Ord. No. [94-30](#), [00-22](#), [04-16](#), [07-12](#), [09-14](#), [11-16](#), [13-12](#), [16-15](#), [19-02](#))

POLICY 1.1.13: The Tradeport future land use category includes areas of commercial and industrial lands adjacent to the airport. These areas will include developments consisting of light manufacturing or assembly, data centers, warehousing, and distribution facilities; research and development activities; laboratories; ground transportation and airport-related terminals or transfer facilities; hotels/motels, meeting facilities; education and training facilities; and, office uses.

Stand-alone retail commercial uses intended to support and complement the surrounding business and industrial land uses are permitted if they are approved as part of a Development of Regional Impact (DRI) or Planned Development rezoning. Stand-alone retail commercial uses are limited to 1 acre out of every 10 Tradeport and preserved wetland acres within the project. To provide an incentive to preserve upland habitat, DRIs or Planned Developments may also receive additional stand-alone retail acres at the rate of 1 additional acre out of every 10 acres of preserved and enhanced uplands within the project that protect wetlands, flow-ways or occupied listed species habitat. Ancillary retail commercial uses, related directly to the sale of products manufactured or services provided in Tradeport, are allowed if they are part of a planned development. Residential uses, other than bona fide caretaker residences, are not permitted in this future land use category. (Ord. No. [94-30](#), [02-02](#), [03-04](#), [04-16](#), [03-02](#), [09-06](#), [10-14](#), [10-20](#), [10-37](#), [18-05](#), [19-02](#), [19-13](#), [21-09](#), [23-08](#))

POLICY 1.1.14: The Burnt Store Marina Village future land use category provides for redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and commercial marina uses. The following uses are permitted within the Burnt Store Marina Village future land use category: a maximum of 55,000 square feet of retail uses; a maximum of 1,325 wet and dry spaces;

a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and, a maximum of 160 residential units. Specific policies related to the Burnt Store Marina Village future land use category are provided in Goal 14. (Ord. No. [09-16](#), [14-10](#), [21-09](#))

POLICY 1.1.15: The New Community future land use category are areas of land that can be planned and developed as a cohesive unit in order to better achieve conservation of important environmental resources and to initiate area wide surface water management. New Community land must be located such that the area is capable of being developed with a balance of residential and non-residential uses and that major impacts of the development are internalized and/or alleviated by infrastructure that is existing or will be funded privately. New Community areas will be developed as freestanding economic units and will not impose negative fiscal impacts on the County (other than those associated with the delay in placing property improvements on the tax rolls). The residential density is one unit per 2.5 gross acres (1 du/2.5 acres) except within the Gateway/Airport Planning District, where a residential density of up to six dwelling units per gross acre (6 du/acre) may be permitted.

Development within the New Community future land use category must have at least the following characteristics:

1. The land will be developed under a well-conceived overall Planned Development;
2. The land can be served with all necessary facilities and services at no expense to the County. Uniform Community Development Districts and special taxing districts may be utilized toward achieving this objective;
3. Population, recreation, open space, educational, office, and research facilities are distributed in an orderly and attractive manner;
4. The land must be developed in such a manner as to protect environmentally sensitive areas;
5. The land must be developed as a free-standing community offering a complete range of land uses (e.g. a full mix of housing types for a range of household incomes, industrial and office employment centers, and community facilities such as fire departments, schools, law enforcement offices, public recreational areas, health care facilities, and community commercial areas). The mix of land uses will be evaluated through buildout of the New Community to ensure developments include both residential and non-residential uses;²
6. Off-site impacts must be mitigated;
7. On-site levels of service must meet the County-wide standards contained in this plan;
8. The land area must exceed a minimum of 2,000 acres to ensure an appropriate balance of land uses; and
9. The land must be developed consistent with Goal 29 if located within the North Olga Community Plan area identified on Lee Plan Map 2-A.
(Ord. No. [00-22](#), [18-06](#), [18-18](#), [21-09](#))

OBJECTIVE 1.2: RESERVED (Ord. No. [19-02](#))

² Planned Developments in the New Community future land use category in the North Olga Community Plan area must have a minimum of 50,000 square feet of non-residential floor area under construction prior to construction of the 1,000th residential dwelling unit.

OBJECTIVE 1.3: INTERSTATE HIGHWAY INTERCHANGE AREAS. Special areas adjacent to the interchanges of Interstate 75 that maximize critical access points will be designated on the Future Land Use Map. Development in these areas must minimize adverse traffic impacts and provide appropriate buffers, visual amenities, and safety measures. Each interchange area is designated for a specific primary role: General, General Commercial, Industrial Commercial, Industrial, and University Village. Residential uses are only permitted in these categories in accordance with Policy 1.3.2. (Ord. No. [94-30](#), [99-18](#), [00-22](#), [16-02](#), [17-13](#), [18-05](#))

POLICY 1.3.1: The Industrial Interchange areas allow combinations of light industry, research, and office uses. In addition, certain visitor-serving commercial uses such as restaurants and hotels are appropriate. (Ord. No. [98-09](#))

POLICY 1.3.2: The General Interchange areas are intended primarily for land uses that serve the traveling public: service stations, hotel, motel, restaurants, and gift shops. But because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial, light industrial³/commercial, and multi-family dwelling units. The standard density range is from eight dwelling units per acre (8 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre). (Ord. No. [94-30](#), [99-18](#), [16-02](#), [17-12](#))

POLICY 1.3.3: The General Commercial Interchange areas are intended primarily for general community commercial land uses: retail, planned commercial districts, shopping, office, financial, and business.

POLICY 1.3.4: The Industrial Commercial Interchange areas are designated to permit a mixture of light industrial and/or commercial uses. This category does not permit heavy industrial uses. Within areas expanded beyond the existing Industrial Commercial Interchange boundaries (on January 1, 2007), retail commercial uses will be limited to 20% of the total floor area and light industrial uses will be a minimum of 50% of the total floor area. (Ord. No. [07-10](#))

POLICY 1.3.5: The University Village Interchange land use category is designed to accommodate both interchange land uses and non-residential land uses related to the University. Development within this interchange area may or may not be related to, or justified by the land use needs of the University. Land uses allowed within this area include those allowed in the Industrial Commercial Interchange category and the associated support development allowed in the University Village. The overall average intensity of non-residential development will be limited to 10,000 square feet of building area per non-residential acre allowed pursuant to Map 1-B and Table 1(b). See the definition of Associated Support Development in the Glossary. Cooperative master planning and approval by the Florida Gulf Coast University Board of Trustees will be required prior to development within this land use category. Additionally, any development which meets or exceeds the DRI thresholds, either alone or through aggregation, must conform to the requirements of Ch. 380, Fla. Stat. (Ord. No. [92-47](#), [94-30](#), [00-22](#), [10-40](#))

OBJECTIVE 1.4: NON-URBAN AREAS. Designate on the Future Land Use Map categories for those areas not anticipated for urban development at this time.

POLICY 1.4.1: The Rural future land use category are areas that are to remain predominantly rural – that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Natural resource extraction may be permitted in accordance

³ Light industrial uses are not permitted on property located more than 2,400 feet west from the centerline intersection of I-75 and Daniels Parkway as of September 6, 2017.

with Policy 10.1.4. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural future land use category is one dwelling unit per acre (1 du/acre). See Policy 123.2.17 for a potential density incentive resulting from preservation and/or restoration of Rare and Unique Upland Habitat. (Ord. No. [97-17](#), [98-09](#), [00-22](#), [07-12](#), [10-20](#), [22-25](#), [22-29](#))

POLICY 1.4.2: The Outer Islands are sparsely settled, have minimal existing or planned infrastructure, and are very distant from major shopping and employment centers. Except for those services as provided in compliance with other sections of this plan, they are not expected to be programmed to receive urban-type capital improvements in the time frame of this plan, and as such can anticipate a continued level of public services below that of other land use categories. The continuation of the Outer Islands essentially in their present character is intended to provide for a rural character and lifestyle, and conserve open space and important natural upland resources. Maximum density is one dwelling unit per acre (1 du/acre). (Ord. No. [98-09](#), [09-09](#))

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

POLICY 1.4.4: Open Lands are upland areas that are located north of Rural and/or sparsely developed areas in Township 43 South. These areas are extremely remote from public services and are characterized by agricultural and low-density residential uses. Commercial and industrial uses are permitted in this category in accordance with the standards in the Rural category. The maximum density in this category is one dwelling unit per ten acres (1 du/10 acres); except that a maximum density of one dwelling unit per five acres (1 du/5 acres) is permitted if the Planned Development process is used to prevent adverse impacts on environmentally sensitive lands. (Ord. No. [94-30](#), [18-28](#))

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

1. New land uses in these areas that require rezoning or a development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream, as well as adjacent to the site. Offsite mitigation may be utilized, and may be required, to demonstrate this compatibility. Evidence as to historic levels must be submitted as part of the rezoning application and updated, if necessary, as part of the mining development order application.
2. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum

standard density of one dwelling unit per ten acres (1 du/10 acres). See Objectives 33.2 and 33.3 for potential density adjustments resulting from concentration or transfer of development rights.

3. Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in Goal 13. No Private Recreational Facilities may occur within the DR/GR land use category without a rezoning to an appropriate Planned Development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 13.

(Ord. No. [91-19](#), [94-30](#), [99-16](#), [02-02,10-20](#), [12-24](#), [15-13](#), [18-18](#), [19-13](#), [20-06](#))

POLICY 1.4.6: Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. Upland and wetland conservation lands will be shown as separate categories on the Future Land Use Map. Upland conservation lands will be subject to the provisions of this policy. Wetland conservation lands will be subject to the provisions of both the Wetlands category described in Objective 1.5 and the Conservation Lands category described in this policy. The most stringent provisions of either category will apply to wetland conservation lands. Conservation Lands will include all public lands required to be used for conservation purposes by some type of legal mechanism such as statutory requirements, funding and/or grant conditions, and mitigation preserve areas required for land development approvals. Conservation Lands may include such uses as wildlife preserves; wetland and upland mitigation areas and banks; natural resource based parks; ancillary uses for environmental research and education, historic and cultural preservation, and natural resource based parks (such as signage, parking facilities, caretaker quarters, interpretive kiosks, research centers, and quarters and other associated support services); and water conservation lands such as aquifer recharge areas, flow-ways, flood prone areas, and well fields. Conservation 20/20 lands designated as conservation are also subject to more stringent use provisions of the 20/20 Program or 20/20 ordinances. (Ord. No. [98-09](#), [02-02](#))

POLICY 1.4.7: The Coastal Rural future land use category is established for the Greater Pine Island Planning District to address the area’s predominantly rural character, coastal environment, existing agricultural uses, limited public infrastructure, and its location within and proximity to the Coastal High Hazard Area and Hurricane Vulnerability Zone.

The standard maximum density is one dwelling unit per 2.7 acres (1 du/2.7 acres). Maximum densities will be increased to an “Adjusted Maximum Density” of one dwelling unit per acre (1 du/acre) where 70% of the overall development parcel(s) is: maintained as native habitat; or restored as native habitat; or maintained in agricultural use on those parcels identified as existing farmland on Lee Plan Map 2-C.

Residential developments containing ten or more dwelling units must be approved through the Planned Development rezoning process and, as part of the Planned Development process, must: a) demonstrate the implementation of adopted design standards and development approaches that support and maintain the rural character; b) provide notification to property owners of permitted adjacent agricultural uses and their right to continue operations; and c) provide mitigation for impacts to hurricane evacuation clearance times and shelter needs.

Permitted land uses include agriculture, fill-dirt extraction, conservation uses, minimal non-residential land uses, limited to marinas, fish houses, and minor commercial uses, that serve the island residents and visitors as set forth in Policy 24.4.4, and low density residential uses. Bonus densities are not allowed in this land use category. (Ord. No. [03-03](#), [05-21](#), [10-17](#), [16-07](#), [18-18](#))

OBJECTIVE 1.5: WETLANDS. Designate on the Future Land Use Map those lands that are identified as Wetlands in accordance with § 373.019(27), Fla. Stat. through the use of the unified state delineation methodology described in Fla. Admin. Code R. 62-340, as ratified and amended in § 373.4211, Fla. Stat. (Ord. No. [94-30](#), [21-09](#))

POLICY 1.5.1: Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 124. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII. (Ord. No. [94-30](#), [18-28](#))

POLICY 1.5.2: When the exact location of Wetlands boundaries is in question, Chapter XIII provides an administrative process to precisely define the boundary. (Ord. No. [94-30](#), [21-09](#))

POLICY 1.5.3: Wetlands that are conservation lands will be subject to the provisions of Policy 1.4.6 as well as the provisions of Objective 1.5. The most stringent provisions of either category will apply. Conservation wetlands will be identified on the Future Land Use Map to distinguish them from non-conservation wetlands. (Ord. No. [98-09](#))

OBJECTIVE 1.6: SPECIAL TREATMENT AREAS. Designate on the Future Land Use Map, as overlays, special treatment areas that contain special restrictions or allowances in addition to all of the requirements of their underlying categories. (Ord. No. [18-06](#))

POLICY 1.6.1: The Airport Noise Zones (Map 1-E) cover areas subject to varying levels of airport-related noise. In conformance with Airport Noise Compatibility Planning outlined in Title 14 of the Code of Federal Regulations (CFR) Part 150, the Port Authority will update the aviation forecasts and associated noise contours for the Southwest Florida International Airport when warranted by operational changes and will initiate an amendment to the Airport Noise Zone Overlay to reflect the updates as applicable. In addition to meeting the requirements of the underlying Future Land Use Map categories, properties within the Airport Noise Zone Overlay must meet the following:

Zone A/Airport Property is limited to uses that are compatible with airports and air commerce, including but not limited to those necessary to provide services and convenience goods to airline passengers, those generally associated with airport operation, and related development. Upon disposition of any Port Authority property, the land is then subject to the Noise Zone as applicable based on the most recent Composite Day-Night Average Noise Level (DNL) Noise Contours map for Southwest Florida International Airport approved by the Federal Aviation Administration (FAA).

Zone B does not permit any residential units, places of worship, libraries, schools, hospitals, correctional institutions or nursing homes. However, residential units, including mobile or manufactured homes, that were lawfully existing as of June 27, 2000 will be treated as legally permitted uses and may be replaced with a new mobile or manufactured home or conventional single family construction as long as such replacement would be otherwise allowed by the LDC. However, an existing conventional home may not be replaced with a new mobile or manufactured home. One conventional single family home is permitted on each lot in a plat properly recorded before June 27, 2000 if such use would have been permitted on the lot prior to June 27, 2000. In the Industrial Development, Tradeport, and Commercial future land use categories, caretaker residences are permitted. Zone B requires formal notification as provided for in the LDC.

Zone C and D allow existing and new construction and land uses as would otherwise be permitted by the LDC. These zones require formal notification as provided for in the LDC. (Ord. No. [00-22](#), [02-02](#), [03-02](#), [16-16](#), [23-08](#))

POLICY 1.6.2: The Urban Reserve Overlay indicates areas that are suitable for annexation into the adjoining municipality. Urban Reserve areas are initially established by interlocal agreement pursuant to § 163.3171(1), Fla. Stat. (Ord. No. [94-30](#))

POLICY 1.6.3: Certain lands are designated as future urban areas because of special needs for the provision of Privately Funded Infrastructure. Development in these areas may occur in accordance with the provisions of Goal 3 and its subsequent objective and policies. (Ord. No. [93-25](#))

POLICY 1.6.4: The Water-Dependent Overlay zone designates shoreline areas where priority will be granted to water-dependent land uses. Specific requirements are detailed for such zones on San Carlos Island under Goal 32, in the Greater Pine Island area under Goal 24, and for other areas in Lee County in the Conservation and Coastal Management Element. (Ord. No. [94-30](#), [00-22](#), [18-18](#))

POLICY 1.6.5: The Planning Districts Map and Acreage Allocation Table (Map 1-B and Table 1(b)) depict the proposed distribution, extent, and location of generalized land uses through the Plan's horizon. Acreage totals are provided for land in each Planning District in unincorporated Lee County. No development orders or extensions to development orders will be issued or approved by Lee County that would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded. This policy will be implemented as follows:

1. For each Planning District the County will maintain a parcel based database of existing land use.
2. Project reviews for development orders must include a review of the capacity, in acres, that will be consumed by buildout of the development order. No development order, or extension of a development order, will be issued or approved if the acreage for a land use, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Table 1(b) regardless of other project approvals in that Planning District.
3. When updating the Lee Plan's planning horizon, a comprehensive evaluation of the Planning Districts Map and Acreage Allocation Table will be conducted.

(Ord. No. [94-29](#), [98-09](#), [00-22](#), [07-13](#), [10-20](#), [19-13](#), [21-09](#))

POLICY 1.6.6: The Public Acquisition Overlay zone designates areas that have been targeted for public acquisition by federal, state, regional, and/or local agencies. This Overlay does not restrict the use of the land in and of itself. It will be utilized for informational purposes since this map will represent a composite of public acquisition activities in the County. (Ord. No. [91-19](#), [00-22](#))

POLICY 1.6.7: The Agricultural Overlay (Map 1-G) shows existing active and passive agricultural operations in excess of 100 acres located outside of the future urban areas. Since these areas play a vital role in Lee County's economy, they should be protected from the impacts of new developments, and the County should not attempt to alter or curtail agricultural operations on them merely to satisfy the lifestyle expectations of non-urban residents. (Ord. No. [94-30](#))

POLICY 1.6.8: The Historic Surface and Groundwater Levels Overlay (Map 2-E) depicts the best available analysis of historic wet-season water depths and hydroperiods for Southeast Lee County as of March 2010. This depiction is based on detailed ecological analyses of 1953 aerial photography as described in the 2008 report, *Ecological Memorandum of the Density*

Reduction/Groundwater Resource Area, by Kevin L. Erwin, Consulting Ecologist, Inc. For purposes of determining compliance with Policy 1.4.5, additional evidence as to historic water levels and hydroperiods may be submitted during the rezoning or development review processes as a basis for site-specific hydrological analysis for project design. (Ord. No. [10-20](#), [14-10](#), [18-18](#))

POLICY 1.6.9: The Airport Mitigation Lands Overlay (Map 1-D) identifies lands owned by Lee County that were acquired for the purpose of mitigating environmental impacts attributable to development of Port Authority properties. Activities performed in these areas must be in accordance with state and federal permitting agency requirements. This Overlay is intended solely as an informational tool designed to identify the location of the lands and the purpose for which the land was acquired. The Overlay does not restrict the use of the land in and of itself. Use of these lands will be determined by permit requirements. In all cases, the use of this land will be consistent with the underlying future land use category. (Ord. No. [04-16](#), [14-10](#), [19-02](#))

POLICY 1.6.10: The Southeast Lee County Residential Overlay (Map 2-D) is described in Objective 33.2. This Overlay affects only Southeast Lee County and identifies five types of land:

1. “Existing Acreage Subdivisions:” Existing rural residential subdivisions that should be protected from adverse external impacts such as natural resource extraction.
2. “Rural Golf Course Communities:” Potential locations for the concentration of development rights on property zoned Private Recreational Facilities Planned Development and located in the Southeast DR/GR area.
3. “Mixed-Use Communities:” Locations where this concentration of development rights from large contiguous tracts within the DR/GR area that can be supplemented by transfer of development rights from non-contiguous tracts in the Southeast DR/GR area. See Objective 33.3 and following policies.
4. “Improved Residential Communities:” Property with existing residential approvals that are inconsistent with the Southeast DR/GR area that could be improved environmentally.
5. “Environmental Enhancement and Preservation Communities:” Properties adjacent to Corkscrew and Alico Roads that have the potential to improve and restore important regional hydrological and wildlife connections.

(Ord. No. [10-19](#), [12-24](#), [14-10](#), [15-13](#), [19-13](#))

GOAL 2: GROWTH MANAGEMENT. To provide for an economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.

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

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

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

POLICY 2.1.3: All land use categories and Planning Districts permit the consideration of churches and schools (except in Wetlands and Airport Noise Zones A and B), public uses and buildings, public utilities and resource recovery facilities, public recreational uses (including franchised quasi-commercial uses in conjunction with a public use), and sites for compatible public facilities when consistent with the goals, objectives, policies, and standards in this plan and applicable zoning and development regulations. (Ord. No. [94-30](#), [98-09](#), [21-09](#))

POLICY 2.1.4: Any facility licensed under Fla. Admin. Code R. 58A-5 (e.g. an adult congregate living facility) will be deemed a residential use and limited to locations and densities appropriate for residences. (Ord. No. [94-30](#), [00-22](#), [21-09](#))

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

OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in §163.3164, Fla. Stat.) will be granted only when consistent with the provisions of §163.3202(2)(g) and § 163.3180, Fla. Stat. and the concurrency requirements in the LDC. (Ord. No. [94-30](#), [00-22](#), [17-19](#))

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

POLICY 2.2.2: The Future Land Use Map indicates the uses and density ranges that will ultimately be permitted on a given parcel. However, it is not a guarantee that such densities or uses are immediately appropriate, as the map provides for the County's growth beyond the 2045 planning horizon. During the rezoning process the Board of County Commissioners will balance the overall standards and policies of this plan with three additional factors:

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

In all cases where rezoning is approved, such approval does not constitute a determination that the minimum acceptable levels of service (see Policy 95.1.3) will be available concurrent with the impacts of the proposed development. Such a determination must be made prior to the issuance of

additional development permits, based on conditions which exist at that time, as required by Lee County's concurrency management system. (Ord. No. [94-30](#), [98-09](#), [10-20](#), [21-09](#))

POLICY 2.2.3: When an area within the County is approaching the capacity of the necessary facilities as described above, requested rezonings to increase densities and intensities may be deferred or denied to give preference to existing vacant lots and other valid development approvals, provided that a constitutionally mandated reasonable use of land would still be permitted.

OBJECTIVE 2.3: FUTURE LAND USE MAP AMENDMENTS. To require formal findings for certain Future Land Use Map amendments. (Ord. No. [18-05](#))

POLICY 2.3.1: All proposed changes to the Future Land Use Map in critical areas for future potable water supply (Lehigh Acres as described in Policy 54.1.9 and all land in the DR/GR land use category) will be subject to a special review by the staff of Lee County. This review will analyze the proposed land uses to determine the short-term and long-term availability of irrigation and domestic water sources, and will assess whether the proposed land uses would cause any significant impact on present or future water resources. If the Board of County Commissioners wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change. (Ord. No. [92-47](#), [94-30](#), [00-22](#), [02-02](#), [14-10](#), [18-05](#))

POLICY 2.3.2: Future Land Use Map amendments to the existing DR/GR areas south of SR 82 east of I-75, excluding areas designated by the Port Authority as needed for airport expansion, which increase the current allowable density or intensity of land use will be discouraged by the County. It is Lee County's policy not to approve further urban designations there for the same reasons that supported its 1990 decision to establish this category. In addition to satisfying the requirements in Ch. 163, Part II, Fla. Stat., the Strategic Regional Policy Plan, the State Comprehensive Plan, and all of the criteria in the Lee Plan, applicants seeking such an amendment must:

1. analyze the proposed allowable land uses to determine the availability of irrigation and domestic water sources; and,
2. identify potential irrigation and domestic water sources, consistent with the Regional Water Supply Plan. Since regional water suppliers cannot obtain permits consistent with the planning time frame of the Lee Plan, water sources do not have to be currently permitted and available, but they must be reasonably capable of being permitted; and,
3. present data and analysis that the proposed land uses will not cause any significant harm to present and future public water resources; and,
4. supply data and analysis specifically addressing urban sprawl.

During the transmittal and adoption process, the Board of County Commissioners must review the application for all these analytical requirements and make a finding that the amendment complies with all of them. (Ord. No. [97-05](#), [16-01](#), [18-05](#))

POLICY 2.3.3: Lee Plan amendment applications to expand the Lee Plan's employment centers, which include light industrial, commercial retail and office land uses, will be evaluated by the Board of County Commissioners in light of the locations and cumulative totals already designated for such uses, including the 1994 addition of 1,400 acres to the Tradeport category just south of the Southwest Florida International Airport. (Ord. No. [97-05](#), [00-22](#), [04-16](#), [18-05](#))

OBJECTIVE 2.4: ANNEXATION POLICY. The County will strive to negotiate interlocal agreements with the incorporated municipalities to resolve planning issues relating to areas outside the cities' limits which they would like to target for annexation. Urban Reserve boundaries adopted in such agreements will be designated on the Future Land Use Map (see Policies 1.6.2 and 152.1.4). (Ord. No. [00-22](#))

OBJECTIVE 2.5: HISTORIC RESOURCES. Historic resources will be identified and protected pursuant to the Historic Preservation Element and the County's Historic Preservation Ordinance. (Ord. No. [94-30](#), [00-22](#))

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

OBJECTIVE 2.7: SCENIC CORRIDORS. Consider establishing special design standards along specified arterial and collector roads. (Ord. No. [94-30](#), [21-09](#))

POLICY 2.7.1: The County will identify key road segments which, with specialized design and landscaping standards, could become scenic landmarks. These segments may be relatively undeveloped arterial or collector roads or may be older roads along which revitalization or historic preservation efforts would be appropriate. (Ord. No. [00-22](#))

POLICY 2.7.2: A study will be conducted in cooperation with interested parties to identify and evaluate alternative design themes and land use patterns. The study will recommend specific incentives, development regulations, and funding sources to implement a scenic corridor program. (Ord. No. [00-22](#))

OBJECTIVE 2.8: SCHOOL LOCATION. In order to ensure that public school locations are proximate to urban residential areas and are consistent with County growth policies proposals for new schools are subject to the objectives and policies contained under Goal 67. (Ord. No. [99-15](#), [18-28](#))

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

POLICY 2.9.1: Utilizing carrying capacity information, determine the constraints to continual development as a quality of life characteristic. (Ord. No. [07-16](#))

POLICY 2.9.2: Evaluate a general assessment (barometer of variables) that links the goal of (and) capacity of development (built environment) to environment (natural or green space). (Ord. No. [07-16](#))

POLICY 2.9.3: Evaluate science based goals to assess what is necessary to maintain desired environmental factors (i.e. panthers extant, Estero Bay health, etc.). (Ord. No. [07-16](#))

POLICY 2.9.4: Maintain a Master Mitigation Plan that will identify and map and update, through a science based process, those lands with the environmental science based opportunities for mitigation, remediation, or preservation. Promote such areas for such uses through County programs. (Ord. No. [07-16](#))

GOAL 3: PRIVATELY FUNDED INFRASTRUCTURE. To assist in the provision of a full range of privately funded urban infrastructure in specified future urban areas which have existing or projected deficits in one or more essential services. (Ord. No. [94-30](#))

OBJECTIVE 3.1: FUNDING MECHANISMS. The Future Land Use Map will include overlays designating specific geographic areas which are permitted urban-level densities and intensities because most necessary infrastructure will be provided through the creation of multifunction taxing and/or benefit districts, community development districts, direct developer provision, or an effective combination of similar financing mechanisms. (Ord. No. [00-22](#))

POLICY 3.1.1: The County will establish taxing/benefit districts where appropriate for the designated areas in accordance with the provisions of general law. Such a district may be limited to specific types of infrastructure upon a formal finding by the Board of County Commissioners that more appropriate mechanisms have been identified to provide the remaining facilities and services; a district may also be limited to a geographic area smaller than the overlay zone upon a formal finding by the board that this reduction will not substantially increase infrastructure costs which must be paid by general County revenues. (Ord. No. [00-22](#))

POLICY 3.1.2: With initial funds from each designated area or other source, an examination will be made (under direction of the County) of the infrastructure needs for that area. A detailed plan for the provision of needed facilities will then be prepared.

POLICY 3.1.3: The infrastructure to be provided through this program in each designated area may include any or all of the following facilities and services as appropriate: collector and arterial roads, surface water management (see Policy 60.2.2), water and sewer mains and treatment, fire and EMS service, parks, etc.

POLICY 3.1.4: A committee of landowners in each designated area may be established to provide input into this process.

POLICY 3.1.5: Where proposed development projects had been approved contingent upon the private provision of infrastructure that now will be provided through a different mechanism, the developer may apply through the zoning process to have such conditions modified or deleted.

POLICY 3.1.6: Rezoning to permit increased densities that are granted after the effective date of this policy (March 1, 1989) but before the district (or equivalent funding mechanism) has been established and an infrastructure plan has been prepared will be subject to a special requirement that further development orders will be granted only upon a clear showing that the development will not cause the mandatory levels of service in Policy 95.1.3 to be exceeded. The granting of a development order will not release the property owner from any obligations under the privately funded infrastructure overlay. This requirement will not apply if it would preclude the constitutionally mandated reasonable use of a parcel of land. (Ord. No. [93-25](#), [00-22](#))

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

OBJECTIVE 4.1: WATER, SEWER, AND ENVIRONMENTAL STANDARDS. Consider water, sewer, and environmental standards during the rezoning process. Ensure the standards are met prior to issuing a local development order. (Ord. No. [17-13](#))

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 Fla. Admin. Code R. 62-550).
 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 4-A), 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 Fla. Admin. Code R. 62-555.
 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 4-A), 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.
- (Ord. No. [94-30](#), [00-22](#), [16-01](#), [17-13](#), [17-19](#))

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 4-B), 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 4-B), 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 Fla. Admin. Code R. 64E-6 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.
(Ord. No. [94-30](#), [00-22](#), [16-01](#), [17-13](#), [17-19](#))

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 ¼ mile from any part of the development.
3. If there is not sufficient capacity or adequate infrastructure within ¼ 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.
(Ord. No. [17-19](#))

STANDARD 4.1.4: ENVIRONMENTAL FACTORS.

1. In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District (SFWMD), or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses existing or anticipated environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources.
2. Ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site.
3. Ensure development minimizes the need for expansion and construction of street and utility improvements.
(Ord. No. [94-30](#), [91-19](#), [00-22](#), [17-13](#), [17-19](#))

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

OBJECTIVE 5.1: All development approvals for residential, commercial, and industrial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan. (Ord. No. [94-30](#), [00-22](#))

POLICY 5.1.1: Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as Planned Developments except if located within the Mixed Use Overlay. (Ord. No. [00-22](#), [21-09](#))

POLICY 5.1.2: Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.

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

POLICY 5.1.4: Residential development, except for caretaker residences, is prohibited in the Industrial Development, Commercial, and Tradeport future land use categories and in Airport Noise Zone B. (Ord. No. [94-30](#), [03-02](#), [18-05](#), [23-08](#))

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

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

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

POLICY 5.1.8: Provide for adequate locations of low- and moderate-income housing through the rezoning process, the provision of public facilities and services, and the elimination of unnecessary administrative and legal barriers.

POLICY 5.1.9: A single-family home may be constructed on a bona fide previously subdivided lot regardless of the maximum densities specified in Table 1(a) if such lot complies with the specific rules in Chapter XIII. (Ord. No. [07-12](#))

POLICY 5.1.10: In those instances where contiguous land is within two or more land use categories, the allowable number of dwelling units will be the sum of the allowable dwelling units for each land use category. The dwelling units may be distributed across the property provided that the resultant development affords further protection to environmentally sensitive lands, if they exist on the property, and the number of dwelling units within any Future Non-Urban Area land use category does not exceed the density allowed in that future land use category. (Ord. No. [92-35](#), [00-22](#), [07-12](#), [23-12](#))

OBJECTIVE 5.2: REDEVELOPMENT OF EXISTING MULTI-FAMILY RESIDENTIAL DEVELOPMENT. To incentivize and promote cost effective and timely redevelopment of multi-family developments that were approved and developed prior to the adoption of the 1984 Lee Plan, in excess of the standard density range for their current Future Land Use Category. (Ord. No. [10-08](#))

POLICY 5.2.1: Over-density multi-family residential developments that lawfully achieved their density prior to the effective date of the Lee Plan (December 21, 1984), may be permitted to redevelop at their existing density. Over-density multi-family redevelopments will be considered on a case by case basis to determine the approval process to be followed to achieve redevelopment. (Ord. No. [10-08](#))

POLICY 5.2.2: When rezoning is required, the Planned Development zoning process must be utilized to prevent and mitigate adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans. (Ord. No. [10-08](#))

POLICY 5.2.3: In order to establish the: existing structures; number of dwelling units; floor area; existing water management systems and outfalls; and, impervious area on the subject property, all proposals for over-density multi-family redevelopment must provide the County with full documentation verifying this information and establishing development was lawful when initially constructed. The documentation must include two site plans. One depicting existing development and another depicting the proposed plan of redevelopment. This information must be provided at a pre-application meeting with County staff. (Ord. No. [10-08](#))

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

POLICY 5.2.5: All wet retention and dry retention areas must be planted with appropriate native trees and herbaceous plant species. (Ord. No. [10-08](#))

POLICY 5.2.6: For sites located within the Coastal High Hazard Area, proposed redevelopment must:

1. Have sufficient elevation to address a storm surge from a land falling category 5 hurricane;
2. Be constructed to withstand winds of 200 mph in accordance with the Florida Building Code;
3. Utilize impact protection for all exterior openings in accordance with the Florida Building Code;

4. Be equipped with emergency power and potable water supplies to last up to five days;
5. Be protected with adequate ventilation, sanitary facilities, and first aid medical equipment; and,
6. Be designed to minimize light pollution, sky glow and light trespass beyond the property lines by using appropriate light fixtures and other light management techniques to reduce the impact on wildlife such as sea turtles and migrating birds. Techniques may include: utilizing fully shielded, full cut off luminaries; down style canisters with interior baffles on the balconies; pole lights less than 15 feet in height; bollard type fixtures with louvers; and other techniques acceptable to the Department of Community Development.
7. Up-lighting is prohibited. Mercury vapor and metal halide lamps are also prohibited.
8. Glass windows and doors must be treated to achieve an industry-approved, inside-to-outside light transmittance value of 45% or less.
(Ord. No. [10-08](#), [21-09](#))

GOAL 6: COMMERCIAL LAND USES. To permit orderly and well-planned commercial development at appropriate locations within the County. (Ord. No. [94-30](#))

OBJECTIVE 6.1: Development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan. (Ord. No. [94-30](#), [11-18](#))

POLICY 6.1.1: All applications for commercial development will be reviewed and evaluated as to:

1. Traffic and access impacts (rezoning and development orders);
2. Landscaping and detailed site planning (development orders);
3. Screening and buffering (Planned Development rezoning and development orders);
4. Availability and adequacy of services and facilities (rezoning and development orders);
5. Impact on adjacent land uses and surrounding neighborhoods (rezoning);
6. Proximity to other similar centers (rezoning); and
7. Environmental considerations (rezoning and development orders).
(Ord. No. [00-22](#))

POLICY 6.1.2: Commercial development in non-urban future land use categories is limited to Minor Commercial except that:

- Neighborhood Commercial uses serving the Lee County Civic Center are permitted within one quarter mile of SR31 between North River Road and the Caloosahatchee River in the North Olga Community Planning Area and may be expanded to Community Commercial when approved as part of a Planned Development that is located at the intersection of two arterial roadways and has direct access to, or the ability to extend, existing water and sanitary sewer utilities.

- Neighborhood Commercial uses are permitted in the Southeast Lee County Planning District as provided for in Objectives 13.3 and 33.2.5.

Minor Commercial development may include limited commercial uses serving rural areas and agricultural needs, and commercial marinas. Minor Commercial development must be located so that the retail use, including buildings and outdoor sales area, is located at the intersection (within 330 feet of the adjoining rights-of-way of the intersecting roads) of arterial and collector roads or two collector roads with direct access to both intersecting roads. Direct access may be achieved with an internal access road to either intersecting road. On islands, without an intersecting network of collector and arterial roads, commercial development may be located at the intersection of local and collector, or local and arterial, or collector and collector roads. (Ord. No. [93-25](#), [94-30](#), [98-09](#), [99-15](#), [99-18](#), [00-22](#), [02-02](#), [03-02](#), [10-05](#), [10-16](#), [10-19](#), [10-40](#), [11-18](#), [16-07](#), [17-13](#), [19-25](#), [20-06](#))

POLICY 6.1.3: Commercial developments requiring rezoning and meeting DCI thresholds, must be rezoned to a Planned Development except if located within the Mixed Use Overlay. The Planned Development must be designed to arrange uses in an integrated and cohesive unit in order to: provide visual harmony and screening; reduce dependence on the automobile; promote pedestrian movement within the development; utilize joint parking, access and loading facilities; avoid negative impacts on surrounding land uses and traffic circulation; protect natural resources; and, provide necessary services and facilities where they are inadequate to serve the proposed use. (Ord. No. [94-30](#), [00-22](#), [21-09](#), [23-08](#))

POLICY 6.1.4: Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities. (Ord. No. [94-30](#), [00-22](#))

POLICY 6.1.5: Maintain land development regulations that require commercial development be designed to protect the traffic-carrying capacity of roads and streets. Methods to achieve this include, but are not limited to: frontage roads; clustering of activities; limiting access; sharing access; setbacks from existing rights-of-way; acceleration, deceleration and right-turn-only lanes; and, signalization and intersection improvements. (Ord. No. [94-30](#), [00-22](#), [23-08](#))

POLICY 6.1.6: Maintain land development regulations that require commercial development provide adequate and appropriate landscaping, open space, buffering, and architectural standards. (Ord. No. [23-08](#))

POLICY 6.1.7: Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.

POLICY 6.1.8: Prohibit commercial development from locating near existing or planned school areas in such a way as to jeopardize the safety of students. (Ord. No. [00-22](#), [17-13](#))

POLICY 6.1.9: The approval or existence of commercial development on one corner of an intersection will not dictate the development of all corners for commercial development, nor does the existence of commercial development on an arterial or collector road dictate that all frontage must be similarly used. (Ord. No. [00-22](#), [17-13](#))

POLICY 6.1.10: Maintain appropriate requirements and incentives for the conversion of strip commercial development into series of discrete, concentrated commercial areas. (Ord. No. [94-30](#), [07-12](#), [17-13](#), [23-08](#))

POLICY 6.1.11: Encourage the upgrading or revitalization of deteriorating commercial areas, but prohibit the expansion or replacement of commercial uses which are inappropriately located or that have an adverse impact on surrounding residential and non-residential uses. Such revitalization includes, but is not limited to: store-front renewal, sign control, and the provision of common parking areas and consolidated access. (Ord. No. [94-30](#), [17-13](#), [21-09](#))

GOAL 7: INDUSTRIAL LAND USES. To promote opportunities for well-planned industrial development at suitable locations within the County.

OBJECTIVE 7.1: All development approvals for industrial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan. (Ord. No. [94-30](#))

POLICY 7.1.1: In addition to the standards required herein, the following factors apply to industrial rezoning and development order applications:

1. The development must comply with local, state, and federal air, water, and noise pollution standards.
2. When located next to residential areas, industry must not generate noise levels incompatible with the residential development.
3. Bulk storage or production of toxic, explosive, or hazardous materials will not be permitted near residential areas.
4. Contamination of ground or surface water will not be permitted.
5. Applications for industrial development will be reviewed and evaluated as to:
 - a. air emissions (rezoning and development orders);
 - b. impacts and effects on environmental and natural resources (rezoning and development orders);
 - c. effect on neighbors and surrounding land use (rezoning);
 - d. impacts on water quality and water needs (rezoning and development orders);
 - e. drainage system (development orders);
 - f. employment characteristics (rezoning);
 - g. fire and safety (rezoning and development orders);
 - h. noise and odor (rezoning and development orders);
 - i. buffering and screening⁴ (planned development rezoning and development orders);

⁴ Except for properties within the Industrial Development future land use category that are adjacent to lands redesignated to the Urban Community future land use category by Ordinance 16-17 will retain their development potential and land development regulations (including buffers and setbacks) consistent with the requirements previous to the redesignation, as though the redesignated lands are non-residential in use.

- j. impacts on transportation facilities and access points (rezoning and development orders);
 - k. access to rail, major thoroughfares, air, and, if applicable, water (rezoning and development orders);
 - l. utility needs (rezoning and development orders); and
 - m. sewage collection and treatment (rezoning and development orders).
- (Ord. No. [00-22](#), [16-17](#), [23-08](#))

POLICY 7.1.2: Industrial development is encouraged in the Industrial Development, Tradeport, and Industrial Interchange future land use categories. Industrial development in these future land use categories requiring rezoning and meeting DCI thresholds must be rezoned to a Planned Development. All rezonings to allow industrial uses outside of the Industrial Development, Tradeport, or Industrial Interchange future land use categories must be rezoned to a Planned Development, except if located within the Mixed Use Overlay. The Planned Development must be designed to arrange uses as an integrated and cohesive unit in order to: promote compatibility and screening; reduce dependence on the automobile; promote pedestrian movement within the development; utilize joint parking, access and loading facilities; avoid negative impacts on surrounding land uses and traffic circulation; protect natural resources; and, provide necessary facilities and services where they are inadequate to serve the proposed use. (Ord. No. [94-30](#), [98-09](#), [00-22](#), [21-09](#), [23-08](#))

POLICY 7.1.3: Industrial land uses must be located in areas appropriate to their special needs and constraints, including, but not limited to, considerations of: topography; choice and flexibility in site selection; access by truck, air, deep water, and rail; commuter access from home-to-work trips; and utilities; greenbelt and other amenities; air and water quality considerations; proximity to supportive and related land uses; and compatibility with neighboring uses. (Ord. No. [93-25](#), [94-30](#), [00-22](#))

POLICY 7.1.4: The timing and location of industrial development will be permitted only with the availability and adequacy of existing or planned services and facilities. (Ord. No. [00-22](#), [21-09](#))

POLICY 7.1.5: Permit agriculturally-related industrial uses that directly serve the agriculture industry in the Rural and Open Lands future land use categories provided there is adequate fire protection, transportation, wastewater treatment, water supply, and no adverse effect on surrounding land uses and natural resources. These determinations will be made during the rezoning process. (Ord. No. [94-30](#), [00-22](#), [23-08](#))

POLICY 7.1.6: Maintain land development regulations that require industrial uses be adequately buffered and screened from adjacent existing or proposed residential areas so as to prevent visual blight and noise pollution. (Ord. No. [00-22](#), [23-08](#))

POLICY 7.1.7: Industrial development will not be permitted if it allows industrial traffic to travel through predominantly residential areas. (Ord. No. [00-22](#))

POLICY 7.1.8: Lee County will discourage conversion of lands within the Tradeport and Industrial Development future land use categories to other future land use categories to ensure adequate land is available for industrial uses and other employment opportunities. (Ord. No. [94-30](#), [00-22](#); [23-08](#))

GOAL 8: MARINE-ORIENTED LAND USES. To designate prime locations for marine-oriented land uses and protect them from incompatible or preemptive land uses.

OBJECTIVE 8.1: Existing marinas, fish houses, and port facilities indicated on the Future Land Use Map as having Water-Dependent Overlay zones will be reclassified by the County to commercial and industrial marine zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing (See Map 1-H). (Ord. No. [94-30](#), [00-22](#))

OBJECTIVE 8.2: All development approvals for marine-oriented land uses must also comply with requirements in the Ports, Aviation and Related Facilities sub-element and Objectives 128.4 and 128.5. (Ord. No. [94-30](#), [00-22](#), [07-09](#))

GOAL 9: AGRICULTURAL LAND USES. To protect existing and potential agricultural lands from the encroachment of incompatible land uses and to discourage the introduction or expansion of agricultural uses in the future urban areas. (Ord. No. [00-22](#))

OBJECTIVE 9.1: Place existing active and passive agricultural uses, that are zoned AG, have an agricultural exemption from the property appraiser's office, and are located outside of areas anticipated for urban use during the life of the plan on an Agricultural Overlay. Non-contiguous parcels less than 100 acres in size will not be included on this Overlay. (Ord. No. [94-30](#), [03-04](#))

POLICY 9.1.1: Encourage the utilization of energy, water, and soil conservation management practices in agricultural activities. (Ord. No. [10-19](#))

POLICY 9.1.2: Continue to encourage agricultural operations to meet adopted water quality and surface water management standards by providing advisory water management plans through the Lee County Soil and Water Conservation District. (Ord. No. [94-30](#))

POLICY 9.1.3: Protect bonafide agricultural activities in Future Non-Urban Areas (see Map 1-G) from the impacts of new natural resource extraction operations, recreational uses, and residential developments. (Ord. No. [94-30](#), [02-02](#), [10-20](#), [19-13](#).)

POLICY 9.1.4: Continue to update and analyze agricultural land use data. (Ord. No. [94-30](#), [07-12](#))

OBJECTIVE 9.2: To prevent the location of agricultural uses proximate to incompatible urban uses and to promote the efficient use of existing and programmed urban infrastructure, new agricultural uses should be directed away from future urban areas. (Ord. No. [00-22](#))

POLICY 9.2.1: Rezoning to agricultural districts is prohibited in future urban and suburban areas except for parcels five acres or larger designated Sub-Outlying Suburban or, if located within the Pine Island or Caloosahatchee Shores Community Plan area, designated Outlying Suburban or Suburban. Requests to rezone properties to an agricultural district within the Sub-Outlying Suburban, Outlying Suburban, or Suburban future land use categories will be reviewed on a case-by-case basis with consideration of the following: current and future availability of public services; compatibility with surrounding land uses; acreage of the request; cumulative effect on County tax base; and, protection or mitigation of environmental features, including but not limited to flow-ways, protected species, and habitat. (Ord. No. [00-22](#), [14-01](#), [21-09](#))

GOAL 10: NATURAL RESOURCE EXTRACTION. To protect areas containing commercially valuable natural resources from incompatible urban development while ensuring natural resource extraction

operations minimize or eliminate adverse effects on surrounding land uses and on other natural resources. (Ord. No. [02-02](#), [10-20](#), [19-13](#))

OBJECTIVE 10.1: Minimize or eliminate adverse effects of natural resource extraction operations through efficient use of land, natural resources, and reclamation. (Ord. No. [10-20](#), [19-13](#))

POLICY 10.1.1: Limit the depth of mining excavations in order to prevent any breach of an aquaclude or confining layer. (Ord. No. [10-20](#), [19-13](#))

POLICY 10.1.2: Encourage the sale of overburden from approved limerock mines. (Ord. No. [10-20](#), [19-13](#))

POLICY 10.1.3: Supplement limerock supply by encouraging public and private entities to recycle asphalt and concrete materials. (Ord. No. [19-13](#))

POLICY 10.1.4: Fill dirt operations and ancillary uses may be permitted in areas indicated on the Future Land Use Map as Rural, Coastal Rural, Open Lands, and DR/GR provided there is adequate fire protection, transportation facilities, wastewater treatment and water supply, and compatibility with surrounding land uses and natural resources. (Ord. No. [94-30](#), [00-22](#), [02-02](#), [10-20](#), [19-13](#))

POLICY 10.1.5: Encourage a collaborative effort between public and private entities to maximize the potential of reclaimed mining pits for enhancing wildlife habitat values, minimizing or repairing long-term impacts to adjoining natural systems, providing for human recreation, education, and other appropriate uses, and/or strengthening community environmental benefits. (Ord. No. [99-15](#), [02-02](#), [10-20](#), [19-13](#))

POLICY 10.1.6: Maintain land development regulations to minimize or eliminate adverse effects of natural resource extraction operations. (Ord. No. [19-13](#))

POLICY 10.1.7: Wetland impacts that were approved through a rezoning, as a result of being identified on the Future Limerock Mining Overlay, prior to the adoption of Ord. 19-13 or approved through a MEPD rezoning application that was found sufficient prior to adoption of Ord. 19-13, will be deemed consistent with current Lee Plan wetland provisions. (Ord. No. [19-13](#))

OBJECTIVE 10.2: Ensure new and expanded natural resource extraction operations are compatible with the environment and surrounding land uses through requirements for monitoring, reclamation, water supply planning, surface and groundwater management, wetland protection, and wildlife conservation. Consider the cumulative and watershed-wide impacts of natural resource extraction operations, not just the direct impacts of each individual mine in isolation. (Ord. No. [10-20](#), [19-13](#))

POLICY 10.2.1: Natural resource extraction operations must provide a monitoring system to measure surface and groundwater levels and quality to assess any degradation of surface and groundwater resources. Particular attention will be given to potential travel time to wellfields and residential wells. Mining applications are strongly encouraged to include a minimum of three years baseline monitoring and assessments of the likely change in flow, timing of travel, and direction of surface and groundwater systems on-site and in the impacted area. (Ord. No. [02-02](#), [10-20](#))

POLICY 10.2.2: Applications for natural resource extraction permits for new or expanding areas must include an environmental assessment. The assessment will include (but not be limited to) consideration of air emissions, impact on environmental and natural resources, effect on nearby land uses, degradation of water quality, water budget, drainage, fire and safety, noise, odor, visual

impacts, transportation including access roads, sewage disposal, and solid waste disposal. Assessments will also include:

1. Potential impacts on the aquatic ecology and water quality of mining pits that will result from mining pit design.
2. Likely post-mining impacts such as runoff or surface and groundwater flow on land uses surrounding the site.
3. Consideration of the primary and secondary impacts at the local and watershed levels. (Ord. No. [00-22](#), [02-02](#), [10-20](#), [19-13](#))

POLICY 10.2.3: All proposed uses of any new or existing natural resource extraction operation must be evaluated at the time the property is rezoned. Site plans should be designed to incorporate proposed uses, including open space, and to ensure the protection of surface and ground water resources, wildlife, and native plant communities. Uses may be added to an approved zoning through the appropriate Planned Development zoning review process. (Ord. No. [10-20](#), [19-13](#))

POLICY 10.2.4: Other limitations on mining pit size, setbacks, and depths will be determined on a case-by-case basis depending on existing neighboring uses, specific hydrogeologic conditions, wetlands and watershed protection, wildlife conservation, and transportation routes including anticipated traffic to and from the mine. (Ord. No. [10-20](#))

POLICY 10.2.5: Areas that are designated as preserve areas (e.g., buffers, indigenous preservation, and reclaimed littoral shelves) during the mining rezoning process must be protected by the execution of perpetual conservation easements so that these areas will be maintained during mine operation and in perpetuity regardless of future land uses. A timetable for all environmental remediation including the construction of buffers and reclamation of littoral shelves must be included as part of the mine rezoning application. Lee County must be named in the easement as a grantee with the power and authority, but not obligation, to enforce the terms of the easement. An entity, other than Lee County, should be identified and obligated to maintain the easement in perpetuity. However, Lee County may agree to be primarily responsible for maintenance. (Ord. No. [10-20](#))

POLICY 10.2.6: The LDC will establish the contents and frequency of monitoring reports from authorized mines. These reports may include surface and groundwater monitoring of water quality and quantity, the areas under active mining, the depths being mined, the quantity and type of mined materials, estimated reserves left for mining, and the annual volume, direction, and destination of the material being transported. Reporting will include the active mining and processing area; the areas where reclamation has been completed; and the areas where invasive exotic removal is underway or completed. (Ord. No. [10-20](#))

POLICY 10.2.7: Zoning or development order approvals may require that significant adverse impacts identified during mining or post-mining will be subject to adaptive resource management acceptable to Natural Resources whereby corrective measures can be guaranteed through conditions on the next phase's approval. (Ord. No. [10-20](#))

POLICY 10.2.8: Natural resource extraction permits for new or expanding sites, or for future use of such sites are required to submit a reclamation plan that provides assurance of implementation. Reclamation plans in or near important surface and groundwater resource areas must be designed to minimize the possibility of contamination of the surface and groundwater during mining and after completion of the reclamation. (Ord. No. [00-22](#), [02-02](#), [10-20](#), [19-13](#))

POLICY 10.2.9: As part of the MEPD rezoning application, a public informational meeting which meets the requirements of Policy 17.3.4 must be held prior to the submittal of the rezoning application and within three miles of the boundary of the affected Community Plan Area. (Ord. No. [19-13](#))

GOAL 11: MIXED USE. Encourage mixed use developments that integrate multiple land uses, public amenities and utilities at various scales and intensities in order to provide: diversified land development; a variety of housing types; greater connectivity between housing, workplaces, retail businesses, and other destinations; reduced trip lengths; more transportation options; and pedestrian and bicycle-friendly environments. (Ord. No. [17-13](#))

OBJECTIVE 11.1: MIXED USE DEVELOPMENT. Allow and encourage mixed use development within certain future land use categories and at appropriate locations where sufficient infrastructure exists to support development. (Ord. No. [17-13](#))

POLICY 11.1.1: Developments located within the Intensive Development, Central Urban, or Urban Community future land use categories that have existing connectivity or can demonstrate that connectivity may be created to adjacent neighborhoods are strongly encouraged to be developed with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use). (Ord. No. [17-13](#))

POLICY 11.1.2: Residential densities may be calculated from the entire project area when the development is consistent with the following:

- At least three uses are proposed and must include residential, commercial (including office) and light industrial (including research and development use).
- The development is located in the Intensive Development, Central Urban, or Urban Community future land use categories.

(Ord. No. [09-06](#), [17-13](#))

OBJECTIVE 11.2: MIXED USE OVERLAY. The County will maintain an Overlay in the future land use map series identifying locations appropriate for mixed use located in proximity to: public transit routes; education facilities; recreation opportunities; and, existing residential, shopping and employment centers. Mixed Use, Traditional Neighborhood, and Transit Oriented development patterns are encouraged and preferred within the Mixed Use Overlay. (Ord. No. [07-15](#), [17-13](#))

POLICY 11.2.1: The Mixed Use Overlay identifies locations where mixed use development will have a positive impact on transportation facilities through increased transit service, internal trip capture, and reduced travel distance. Requests to expand the Mixed Use Overlay will be evaluated based on all of the following criteria:

1. Located within the extended pedestrian shed of established transit routes; and,
2. Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways; and,
3. Located within the Intensive Development, Central Urban, or Urban Community future land use categories; and,
4. Availability of adequate public facilities and infrastructure; and

5. Will not intrude into predominately single-family residential neighborhoods. (Ord. No. [07-15](#), [17-13](#))

POLICY 11.2.2: Development in the Mixed Use Overlay should accommodate connections to adjacent uses. (Ord. No. [07-15](#), [17-13](#))

POLICY 11.2.3: At the discretion of the Board of County Commissioners, the Mixed Use Overlay boundary may be extended up to one-quarter mile to accommodate developments located partially within a Mixed Use Overlay or immediately adjacent to a Mixed Use Overlay. (Ord. No. [07-15](#), [17-13](#))

POLICY 11.2.4: Use of conventional zoning districts will be encouraged within the Mixed Use Overlay in order to promote continued redevelopment. (Ord. No. [17-13](#))

POLICY 11.2.5: Lee County will maintain land development regulations for properties within the Mixed Use Overlay that allow for urban forms of development and a variety of uses. (Ord. No. [17-13](#))

POLICY 11.2.6: Properties in a Mixed Use Overlay are encouraged to utilize bonus density. Projects utilizing Greater Pine Island TDUs are eligible for increased maximum densities and additional development incentives as set forth in this plan to encourage a compact and functional development pattern. (Ord. No. [07-15](#), [16-07](#), [17-13](#))

POLICY 11.2.7: Development, redevelopment, and infill development located within the Mixed Use Overlay may use the area of non-residential uses in their density calculations. (Ord. No. [07-15](#), [17-13](#))

GOAL 12: DESTINATION RESORT MIXED USE WATER DEPENDENT (DRMUWD). To establish a land use category that considers the uniqueness of water dependent land, with existing antiquated zoning, and outdated uses that will provide a mechanism to create an attractive, functioning mixed use destination resort through well planned redevelopment. (Ord. No. [09-15](#), [18-18](#))

OBJECTIVE 12.1: To ensure that DRMUWD categories are located in the most appropriate areas. (Ord. No. [09-15](#), [18-18](#))

POLICY 12.1.1: These areas can best be characterized by their proximity to the water and need for redevelopment due to changes in the market and outdated development patterns. By virtue of their proximity to navigable water and availability of public services, these locations are suited to accommodate a mixture of uses that range between residential, resort, commercial and industrial type activities that benefit from access to the water front. As Lee County moves toward being a larger metropolitan area and a world class destination, these types of developments can offer a diverse living, working and vacationing experience that benefit the entire area while being environmentally friendly and economically viable. The density ranges from 6 dwelling units per acre to 9.36 dwelling units per acre. Residential densities in developments that include commercial and residential uses in the same project or same building may be developed as provided for under the Glossary terms: “Mixed Use,” “Mixed Use Building,” and “Density.” (Ord. No. [09-15](#), [18-18](#))

POLICY 12.1.2: DRMUWD location criteria:

1. Areas characterized by predominantly outdated RV type living facilities meant for temporary habitation without individual type land ownership and depressed/underutilized water dependent waterfronts.
2. Located in Areas characterized as predominantly impacted by a declining water dependent industry like commercial fishing or other and with a minimum of 8 acres of contiguous lands under unified control.
3. Areas within coastal wind zones depicted as 100 Year Flood Plains, as illustrated on Map 5-B.
4. Areas with direct access to existing roadways and navigable bodies of water.
5. Areas with multiple zoning districts that may not be compatible with each other.
(Ord. No. [09-15](#), [18-18](#))

POLICY 12.1.3: DRMUWD land use category will only be allowed, subject to the other requirements of these Goals, and in the areas as defined by the location criteria. (Ord. No. [09-15](#), [18-18](#))

OBJECTIVE 12.2: GROWTH MANAGEMENT. DRMUWD land use category must be consistent with the growth management principles and practices provided in the following policies. (Ord. No. [09-15](#), [18-18](#))

POLICY 12.2.1: All new development in this land use category must be reviewed and rezoned as a Planned Development. (Ord. No. [09-15](#), [18-18](#))

POLICY 12.2.2: DRMUWD land use location must have adequate fire protection, transportation facilities, wastewater treatment and water supply, and have no adverse effects such as noise, lighting, or odor on surrounding land uses and natural resources. (Ord. No. [09-15](#), [18-18](#))

POLICY 12.2.3: Adjacent contiguous properties on San Carlos Island may be added to the category with an amendment to the Future Land Use Map and text. All existing and new developments must be under unified control for common areas. (Ord. No. [09-15](#), [18-18](#))

POLICY 12.2.4: Applications for DRMUWD development will be reviewed and evaluated as to their impacts on, and may not negatively affect, adjacent, existing residential, commercial or conservation activities. (Ord. No. [09-15](#), [18-18](#))

POLICY 12.2.5: The LDC must be amended to include specific property development regulations for this category. The LDC provisions will encourage joint use of parking, access easements, and stormwater retention facilities where appropriate. (Ord. No. [09-15](#), [18-18](#))

POLICY 12.2.6: The maximum height for buildings is 180 feet. Buildings that utilize multiple stories of enclosed parking under the residential or hotel use may add up to an additional 50 feet of building height, up to a maximum of 230 feet. (Ord. No. [09-15](#), [09-27](#), [18-18](#))

OBJECTIVE 12.3: COMMERCIAL LAND USES. Ensure that new development areas create a unified and pleasing aesthetic/visual quality through landscaping, architecture, lighting and signage, while providing additional employment opportunities, and eliminating uses that are not compatible with

the adjacent uses. Existing and future County regulations, land use interpretations, policies, zoning approvals, and administrative actions should be undertaken in an effort to promote the goal of redevelopment for the areas with increased mixed use opportunities to service the needs of the community and surrounding areas. Commercial land uses must be designed to be compatible Old Florida or other Florida Vernacular styles of architecture and the historic identity of the area. (Ord. No. [09-15](#), [18-18](#))

POLICY 12.3.1: The property owners of lands designated DRMUWD will utilize innovative open space design, mixed use concept that integrate well designed pedestrian/bicycle connections to commercial and, locations on or a walk-able distance to mass transit service. (Ord. No. [09-15](#), [18-18](#))

POLICY 12.3.2: The cost for the provision and expansion of facilities for potable water and sanitary sewer that benefits development in the DRMUWD area will be borne by those who benefit. Funding may include (but is not limited to), impact fees, special taxing or benefit districts, or Uniform Community Development Districts. (Ord. No. [09-15](#), [18-18](#))

POLICY 12.3.3: The DRMUWD is an area which provides the associated support development and synergism to create a viable mixed use destination type development with water dependent uses as part of the mix. This land use category allows a mixture of land uses related to and justified by the development of a destination resort. Predominant land uses within this area are expected to be residential, commercial, transitory lodging, office, public, recreation, and development all with a water related uses. The following is a list of water dependent uses that will be allowed in this category: aids to navigation; bait and tackle shops; boat launch and or moorage facilities, marina, and boat charter services; communication facilities essential to service water dependent uses; facilities for refueling and providing other services for boats, ships and related marine equipment; laboratory research on marine/estuarine products and resources and physical and biological characteristics of the estuary; marine related specialty shop; office in conjunction with a permitted or conditionally permitted use; public waterfront access; research and education observation; storage of marine equipment; stores for sale and rental of marine supplies and equipment; utilities; wholesale and retail markets for marine estuarine products; grocery store/ships store; restaurants; processing of seafood in conjunction with retail sales operation; boat repair and building; boat terminal facilities; and, uses not listed as permitted but shown to be water dependent or water related by the applicant and approve by the Director of Community Development. (Ord. No. [09-15](#), [18-18](#))

POLICY 12.3.4: The following uses are prohibited within the DRMUWD:

- Drive thru facilities
- Big box retailers and single free standing retail facilities greater than 20,000 square feet.

(Ord. No. [09-15](#), [18-18](#))

POLICY 12.3.5: Commercial developments must provide interconnection opportunities with adjacent uses to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including but not limited to, bike paths and pedestrian access ways. (Ord. No. [09-15](#), [18-18](#))

POLICY 12.3.6: The category must be developed with a mix of uses not to exceed: Residential (maximum of 271 dwelling units); Lodging (maximum of 450 hotel rooms); Office (maximum of 10,000 square feet); Retail (maximum of 98,000 square feet); Marina (maximum of 850 wet or dry boat slips); and Civic (maximum of 10,000 square feet). (Ord. No. [09-15](#), [18-18](#))

POLICY 12.3.7: To reduce the impact on wildlife such as sea turtles and migrating birds, projects must be designed to minimize light pollution, sky glow and light trespass beyond the property lines by using appropriate light fixtures and other light management techniques. Techniques may include:

1. Utilizing fully shielded, full cut off luminaries; down style canisters with interior baffles on the balconies; pole lights less than 15 feet in height; bollard type fixtures with louvers; and other techniques acceptable to the Department of Community Development.
2. Up-lighting is prohibited. Mercury vapor or metal halide lamps are also prohibited.
3. Glass windows and doors must be treated to achieve an industry-approved, inside-to-outside light transmittance value of 45% or less.

(Ord. No. [09-15](#), [18-18](#))

OBJECTIVE 12.4: RESIDENTIAL USES. This land use category will enhance the character of the area by evaluating adjacent uses, natural resources, access and recreational or open space, and requiring compliance with enhanced buffering requirements. (Ord. No. [09-15](#), [18-18](#))

POLICY 12.4.1: This land use category will provide opportunities for public access to the water and will include provisions for bicyclists/pedestrians. At a minimum, one public access easement must be provided to the waterfront per development. (Ord. No. [09-15](#), [18-18](#))

POLICY 12.4.2: Road capacity improvements necessary to serve demands generated outside the community will be designed to minimize the impacts on the community. (Ord. No. [09-15](#), [18-18](#))

OBJECTIVE 12.5: COMMUNITY CHARACTER. LDC provisions will incorporate regulations, policies and actions affecting the character and aesthetic appearance of the development to help create a visually attractive community. (Ord. No. [09-15](#), [18-18](#))

POLICY 12.5.1: In order to maintain a marine identity for the community, commercial developments must use vernacular Florida architectural styles for all buildings. The use of Mediterranean styles of architecture is discouraged. (Ord. No. [09-15](#), [18-18](#))

POLICY 12.5.2: In order to preserve/enhance/restore the heritage and natural beauty of the area, this land use category will provide an educational component with the objective of educating the public on its unique quality and rich history and how to protect the area. This will be done with descriptive display, multimedia presentations and other proven means to educate and inform. (Ord. No. [09-15](#), [18-18](#))

OBJECTIVE 12.6: COORDINATION OF MASS TRANSIT. The developer(s) will coordinate with Lee County to ensure consistency with the Transit Development Plan. (Ord. No. [09-15](#), [18-18](#))

POLICY 12.6.1: Mixed use developments, as defined in the LDC, containing both commercial and residential uses within the same development will provide for an interconnection of commercial with residential uses with pedestrian linkages. Mixed use developments will be limited to an overall density of 9.36 dwelling units per acre at these locations. Mixed use developments that include commercial and residential uses within the same development will be allowed to use the entire site for density calculation. (Ord. No. [09-15](#), [18-18](#))

POLICY 12.6.2: Bicycle and pedestrian facilities will be provided throughout the development. Connections between all uses are required to facilitate alternative modes of transportation. When possible, connections to adjacent developments must be provided. (Ord. No. [09-15](#), [18-18](#))

POLICY 12.6.3: Vehicular connections between residential and non-residential uses will be provided to facilitate the internal capture of trips. When possible, vehicular connections to adjacent developments will be made to provide alternative access to the non-residential and mixed use components of the development. (Ord. No. [09-15](#), [18-18](#))

POLICY 12.6.4: Water access – Each development must provide at a minimum one designated public access easement point to the water. (Ord. No. [09-15](#), [18-18](#))

OBJECTIVE 12.7: INCORPORATION AND UTILIZATION OF MULTIMODAL AND ALTERNATIVE MODES OF TRANSIT. The development will establish a comprehensive approach to multimodal and alternative modes of transportation for its residents and guests. These will include, but will not be limited to, mass transit stops (minimum of one), or shuttle service to a stop, bicycle rental, integrated network of sidewalks and board walks, airport shuttle services and water-taxi transportation facilities. (Ord. No. [09-15](#), [18-18](#))

POLICY 12.7.1: Each development will establish a water taxi/shuttle service to and from the property. The shuttle will be open to guests, residents and outsiders wanting an alternative access to the water. Hours of operation will be determined based on market conditions, but will at a minimum provide three round trips daily. (Ord. No. [09-15](#), [18-18](#))

POLICY 12.7.2: Each development will establish or participate in an airport shuttle service to and from the Southwest Florida International Airport and the development. The shuttle services hours of operation will be determined based on market conditions and can be a fixed route shuttle or a point of demand service type or combination of both. (Ord. No. [09-15](#), [18-18](#))

POLICY 12.7.3: Where projects are intersected by public roadways, a grade separation may be provided for safe pedestrian and bicycle access between the properties. The purpose of this policy is to safely move pedestrian and bicycles across the road. Examples of grade separation would involve taking the bicycle/pedestrian facilities up and over the road or involve in taking the road over the pedestrian/bicycles paths. (Ord. No. [09-15](#), [18-18](#))

POLICY 12.7.4: As part of any rezoning action, the existing roadways that are adjacent to or run through the project, particularly Main Street, will be evaluated with a cross-sectional analysis to identify needed upgrades of driver and bicycle/pedestrian safety and bus access to and from the property. At a minimum, one bus stop will be provided along Main Street meeting Lee Tran standards or better. Improvements to bring Main Street up to Class A road standards, subject to deviations where appropriate, will be provided by the developer. Where bicycle/pedestrian upgrades or additions are determined by Lee County to be desirable along Main Street or other area streets, those improvements will be eligible for road impact fee credits in accordance with the LDC. (Ord. No. [09-15](#), [10-38](#), [18-18](#))

OBJECTIVE 12.8: SERVICE AREA AND EQUIPMENT. Ensure that service and function areas are planned and designed to have the least amount of impact on the general public and adjacent neighbors. This can be accomplished by providing adequate space and incorporating these elements into the project at an early stage. (Ord. No. [09-15](#), [18-18](#))

POLICY 12.8.1: Materials, supplies, or equipment must be stored inside a closed building or behind a suitable barrier so as not to be visible to the general public or to an adjoining site. Loading

doors and service areas must be screened, or buffered by landscaping, so as not to be visible from any street or from any adjoining residential site. Adequate area must be provided on site for loading and maneuvering of trucks and other vehicles so that operations will not be carried out in the street. (Ord. No. [09-15](#), [18-18](#))

POLICY 12.8.2: Screening devices must be of a height at least equal to that of the material or equipment screened. The design, material, textures, and colors of screening devices must be architecturally compatible with those of the building and with the landscaping. The design of these elements will appear seamless with the building and/or landscaping. Frequently, planting material can provide an effective screen offering the same opaqueness of a wall. Plantings should be considered to soften the “hardness” of man-made screens. (Ord. No. [09-15](#), [18-18](#))

OBJECTIVE 12.9: INTERGOVERNMENTAL COORDINATION WITH THE TOWN OF FORT MYERS BEACH. Due to the unique location and proximity to the town of Fort Myers Beach, the development will commit to working with the town to propose and resolve concerns. (Ord. No. [09-15](#), [18-18](#))

POLICY 12.9.1: The developer will establish a dialogue with the town to review parking and access issue during the development order process. (Ord. No. [09-15](#), [18-18](#))

POLICY 12.9.2: The developer will provide a liaison and resources to any harbor planning committee to coordinate activities in and around the Harbor. (Ord. No. [09-15](#), [18-18](#))

OBJECTIVE 12.10: Development and Redevelopment in the DRMUWD category in the Coastal High Hazard Areas must mitigate hurricane sheltering and evacuation impacts consistent with the following policy. (Ord. No. [09-15](#), [18-18](#))

POLICY 12.10.1: An agreement must be executed between the County and the property owner to mitigate the project’s hurricane sheltering and evacuation impacts. The agreement will include provisions to construct on site shelter to withstand Category 5 hurricane force winds and storm surge to accommodate residents in compliance with the following requirements:

1. On-site shelters and all required equipment and supplies for these facilities must comply with the following standards:
 - a. Elevation to the anticipated storm surge from a land falling Category 5 storm.
 - b. Construction to withstand winds of 200 mph in accordance with the Florida Building Code.
 - c. Construction with minimum exterior glass with all glazed openings provided with impact protection in accordance with the Florida Building Code.
 - d. Equipped with emergency power and potable water supplies to last up to five days.
 - e. Protected with adequate ventilation, sanitary facilities, and first aid medical equipment.
2. Developer/operator must conduct annual training of the on-site shelter managers. The training is to be conducted by the Red Cross and approved by Lee County Emergency Management.
3. Developer/operator must submit a post storm recovery plan including post storm evacuation plan for review and approval by Lee County Emergency Management.

(Ord. No. [09-15](#), [18-18](#))

GOAL 13: PRIVATE RECREATIONAL FACILITIES IN THE DR/GR. To ensure that the development of Private Recreational Facilities in the DR/GR is compatible with the intent of this future land use category, including recharge to aquifers, development of future wellfields and the reduction of density. (Ord. No. [99-16](#), [18-18](#))

OBJECTIVE 13.1: To ensure that Private Recreation Facilities are located in the most appropriate areas within the DR/GR future land use category. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.1.1: The Private Recreation Facilities Overlay, Map 1-F, shows those locations that are appropriate for the development of Private Recreation Facilities in the DR/GR future land use category. The areas depicted on Map 1-F are consistent with the application of the following locational criteria:

1. Located outside of those areas designated for public acquisition through Florida Forever, the Corkscrew Regional Ecosystem Water Trust (CREW), the SFWMD's Save Our Rivers Program, and the County's 20/20 Conservation Program;
2. Located in areas characterized as predominantly impacted with agricultural, mining or other permitted uses;
3. Located outside of areas depicted as 100 Year Flood Plains, as illustrated on Map 5-B as amended through June of 1990;
4. Located to minimize impact on "Hot Spots of Biological Resources and Rare Species Occurrence Records," from the Florida Game and Freshwater Fish Commission's, "Closing the Gaps in Florida Wildlife Habitat Conservation System" published in 1994;
5. Located in areas characterized by large lot single or limited ownership patterns; and,
6. Located in areas with direct access to existing roadways.
(Ord. No. [99-16](#), [18-18](#), [21-09](#))

POLICY 13.1.2: Private Recreational Facilities within the DR/GR land use category will only be allowed, subject to the other requirements of this Goal, in the areas depicted on the Private Recreational Facilities Overlay, Map 1-F. (Ord. No. [99-16](#), [18-18](#))

OBJECTIVE 13.2: GROWTH MANAGEMENT. Development of Private Recreation Facilities in the DR/GR must be consistent with the growth management principles and practices as provided in the following policies. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.2.1: PRIVATE RECREATION FACILITY PLANNED DEVELOPMENT (PRFPD). All Private Recreational Facilities proposed within the DR/GR future land use category must be reviewed as a PRFPD. (Ord. No. [99-16](#), [18-18](#), [21-09](#))

POLICY 13.2.2: Approved PRFPDs will automatically expire, reverting to the original zoning category, if a Lee County development order is not obtained within five years of zoning approval. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.2.3: RESIDENTIAL USES PRECLUDED. Residential uses, other than a single bonafide caretaker's residence or a resident manager's unit, or those uses as listed in Policy 13.2.6 are not permitted in conjunction with a PRFPD. Residential density associated with land zoned as PRFPD will be extinguished and cannot be transferred, clustered or otherwise assigned to any property. (Ord. No. [99-16](#), [10-21](#), [18-18](#))

POLICY 13.2.4: Further, the approval of Private Recreational Facilities on any property within the DR/GR will not be considered as justification for approving an amendment to the Future Land

Use Map series which would increase residential density in the DR/GR areas. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.2.5: The boundaries of the PRFPD may not be designed to allow out parcels or enclaves of residential units to be integrated into the golf course perimeter, except as allowed in Policy 13.2.6. (Ord. No. [99-16](#), [10-21](#), [18-18](#))

POLICY 13.2.6: Time share, fractional ownership units, and Bed and Breakfast establishments may be permitted if the property is designated as a Rural Golf Course Community (see Map 2-D). These uses must be ancillary to or in conjunction with uses within the Private Recreational Facility, including a Golf Training Center or similar facility, and must be located adjacent to, or within 1,000 feet of, the principal use that is being supported. Through the PRFPD process, the applicant must demonstrate that external vehicular trips will be reduced from typical single-family residential units due to the ancillary nature of the use. (Ord. No. [10-43](#), [18-18](#), [21-09](#))

POLICY 13.2.7: Time share, fractional ownership units, or bed and breakfast establishments may only be constructed through transferring density in accordance with the Southeast Lee County TDR Program. Each TDR credit that is eligible to be transferred to a Mixed-Use Community (see Map 2-D) can be redeemed for one timeshare unit, one fractional ownership unit, or two bed and breakfast bedrooms. (Ord. No. [10-43](#), [17-13](#), [18-18](#), [21-09](#))

POLICY 13.2.8: Private Recreational Facilities must have adequate fire protection, transportation facilities, wastewater treatment and water supply, and provided further that they have no adverse effects such as dust, noise, lighting, or odor on surrounding land uses and natural resources. (Ord. No. [99-16](#), [10-43](#), [18-18](#))

POLICY 13.2.9: COMMERCIAL USES. Commercial uses may be permitted within PRFPDs as provided in Policy 13.3.9 when ancillary or in conjunction with Private Recreation Facilities. (Ord. No. [99-16](#), [10-43](#), [18-18](#), [19-25](#))

POLICY 13.2.10: Applications for Private Recreational Facility development will be reviewed and evaluated as to their impacts on, and will not negatively affect, any adjacent, existing agricultural, mining or conservation activities. (Ord. No. [99-16](#), [10-43](#), [18-18](#))

POLICY 13.2.11: Applications for Private Recreational Facility development will be reviewed and evaluated as to their impacts on, and must be compatible with any adjacent publicly owned lands. (Ord. No. [99-16](#), [10-43](#), [18-18](#))

OBJECTIVE 13.3: GENERAL DEVELOPMENT REGULATIONS. The protection of water quality, quantity, natural resources, and compatibility will be addressed by additional development controls that regulate the permitted uses, parcel size, density, intensity and design of Private Recreational Facilities. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.3.1: Private Recreational Facilities will submit a Master Concept Plan at the time of planned development submittal that identifies the general location of proposed uses and structures, play fields and golf course routings. Minor adjustments to this Master Concept Plan may be made administratively at the discretion of the Director. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.3.2: Applications for Private Recreational Facilities must include an environmental assessment during the zoning approval process. The assessment must include, at a minimum, an analysis of the environment, historical and natural resources and a protected species survey as required by LDC, Chapter 10. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.3.3: In addition to an environmental assessment, the applicant must demonstrate compatibility with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.3.4: The development will incorporate an Integrated Pest Management program for any managed recreational areas. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.3.5: Where buildings or impervious development is located within twenty-five feet of the property boundary, a buffer 15 feet wide, with 5 trees per 100 linear feet, and a solid double row hedge must be provided, unless a more restrictive buffer is required during the planned development review. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.3.6: No illumination may be used which creates glare on adjacent properties. All exterior lighting will be designed with downward deflectors to eliminate skyward glare. Parking areas, walkways and paths and maintenance areas may be illuminated for security purposes, provided that light poles do not exceed twelve feet in height. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.3.7: Native and xeriscape vegetation will be encouraged, such that:

1. 100% of all required trees and 75% of all additional trees must be native.
 2. 80% of all required shrubs and 50% of all additional shrubs must be native.
 3. A minimum of 70% of all trees and shrubs must be xeriscape varieties.
 4. The native and xeriscape requirements do not apply to turf areas.
 5. No plant species included in the Florida Exotic Pest Plant Council, 1999 List of Florida's Most Invasive Species, will be planted.
- (Ord. No. [99-16](#), [18-18](#))

POLICY 13.3.8: The following site requirements, regulating lot size, setbacks and open space must be equaled or exceeded:

1. Principal uses, other than golf courses, and the ancillary uses listed in Policy 13.2.6, permitted under this subdivision must have a minimum lot size of ten acres.
2. Building Setbacks.
 - a. 50 feet from an existing right-of-way line or easement.
 - b. 75 feet from any private property line under separate ownership and used for residential dwellings.
 - c. 50 feet from any adjacent agricultural or mining operation.
 - d. Greater setbacks may be required during the public hearing process to address unique site conditions.
3. Setbacks for accessory buildings or structures. All setbacks for accessory buildings or structures must be shown on the Master Concept Plan required as part of the planned development application. No maintenance area or outdoor storage area, irrigation pump or delivery area may be located less than 500 feet from any existing or future residential use, as measured from the edge of the above-listed area to the property line of the residential use. For purposes of this policy, any property that is 10 acres or less in size and is zoned to permit

dwelling units will be considered a future residential property. Properties larger than 10 acres may be considered future residential based on the property's size, the ownership pattern of properties in the surrounding area, and the use, zoning and size of surrounding properties. To allow flexibility, the general area of any accessory buildings, structures and maintenance areas must be shown on the site plan with the appropriate setbacks as noted in this subsection listed as criteria for the final placement of these buildings, structures or facilities.

In addition to the other standards outlined in this policy, any maintenance area or outdoor storage area, irrigation pump or delivery area must meet one of the following standards:

- a. be located 500 feet or more from any property line abutting an existing or planned public right-of-way; or
 - b. provide visual screening around such facilities, that provides complete opacity, so that the facilities are not visible from any public right-of-way; or
 - c. be located within a structure that meets or exceeds the current Lee County architectural standards for commercial structures.
4. Open Space. A minimum of 85% open space must be provided. However, natural and man-made bodies of water may contribute 100% to achieving the minimum requirements. To the extent possible, pervious paving and parking areas, and buildings elevated above ground level will exceed the 85% open space requirement.
5. Security. All entrances to Private Recreational Facilities must be restricted from public access during non-use hours.

(Ord. No. [99-16](#), [02-04](#), [10-21](#), [18-18](#))

POLICY 13.3.9: DENSITY/INTENSITY LIMITATIONS. Uses in a PRFPD are subject to the following limitations:

Clubhouse/ Administrative Area	20,000 SF/18 hole golf course
Golf Course Restrooms	Not to exceed two structures per 18 hole golf course, limited to 150 SF per structure
Maintenance Area	Not to exceed 25,000 SF of enclosed or semi-enclosed building area, on a maximum of 5 acres of land per 18 hole golf course
Fractional Ownership/ Time-share Units	<ul style="list-style-type: none"> • The maximum allowable units will be calculated based on 1 du/10 acres for the entire area of the PRFPD • All timeshare/fractional ownership units must be transferred in accordance with Goal 33
Bed and Breakfast Establishments	<ul style="list-style-type: none"> • The maximum number of Bed and Breakfast establishments will be limited to 1 per every 18 holes of golf • Bedrooms within a Bed and Breakfast establishment will be limited to a maximum of 7 per unit, with a maximum of two adult occupants per bedroom
Horse Stable	40,000 SF of stable building/10 acres
Camping Restrooms	<ul style="list-style-type: none"> • 1 toilet per four camp units, clustered in structures not to exceed 500 SF per structure • 1 shower per 4 toilets
Camping Area Office	1,000 SF per campground
Commercial Uses	<ul style="list-style-type: none"> • Limited to neighborhood commercial development with uses that are in compliance with the Wellfield Protection Ordinance without any exemptions⁶ • Total commercial gross floor area for the entire area of the PRFPD may not exceed 100,000 SF, not including clubhouse square footage

(Ord. No. [99-16](#), [02-02](#), [10-21](#), [18-18](#), [19-25](#))

⁶ No uses that would require the storage of any toxic, hazardous substances as identified in the Wellfield Protection Ordinance or sanitary hazards may be permitted.

OBJECTIVE 13.4: WATER QUALITY, QUANTITY, AND SURFACE WATER RESOURCES.

Private Recreational Facilities must be located, designed and operated in such a way that they will not degrade the ambient surface or groundwater quality. These facilities must be located, designed and operated in such a way that they will not adversely impact the County's existing and future water supply. The location, design and operation of Private Recreational Facilities must maintain or improve the storage and distribution of surface water resources. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.4.1: All applications and documentation for the PRFPD rezoning process must be submitted to the Lee County Department of Natural Resources for their formal review and comment. The Department of Natural Resources Director must make a formal finding that the proposed uses will not have negative impacts on present and future water quality and quantity, and will review and approve modeling submitted to support the PRFPD. Applicant modeling efforts must be evaluated and approved by the Lee County Department of Natural Resources and the Lee County Utilities Department. Issues of well locations, easements and wastewater reuse must be evaluated and approved by the Lee County Department of Natural Resources and the Lee County Utilities Department during the PRFPD process. Formal agreements addressing these issues will be entered into prior to the issuance of a development order. Co-location of recreational and public facilities is encouraged. (Ord. No. [99-16](#), [03-04](#), [18-18](#))

POLICY 13.4.2: Applications for Private Recreational Facilities in or near existing and proposed wellfields must be designed to minimize the possibility of contamination of the groundwater during construction and operation. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.4.3: Private Recreational Facilities must provide a monitoring program to measure impacts to surface and groundwater quality and quantity (see Objective 13.7). (Ord. No. [99-16](#), [18-18](#))

POLICY 13.4.4: As part of a rezoning request for a Private Recreational Facility in the DR/GR area, a pre-development groundwater and surface water analysis must be conducted and submitted to the County. This analysis is intended to establish baseline data for groundwater and surface water monitoring for the project area. The analysis must be designed to identify those nutrients and chemicals which are anticipated to be associated with the project. Prior to the applicant commencing this baseline study, the methodology of the study must be submitted for review, comment, and approval by the County. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.4.5: Any Private Recreational Facility located in any wellfield protection zone must meet the requirements/criteria for protection zone 1, unless updated modeling is provided by the applicant and is approved by Lee County Department of Natural Resources and the Lee County Utilities Department. (Ord. No. [99-16](#), [03-04](#), [18-18](#))

POLICY 13.4.6: The surface water management system design must incorporate natural flow-way corridors, cypress heads, natural lakes, and restore impacted natural flow-way corridors.

1. Stormwater run-off must be pre-treated through an acceptable recreated natural system or dry retention and water retention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems. Included within these systems must be an average 50 foot wide vegetative setback measured from the edge of managed turf to the wetland jurisdictional wetland line or top of bank of natural water bodies.
2. The development must maintain the function and integrity of local and regional flow-ways. Flow-ways are precluded from being primary surface water treatment areas. Applications for

Private Recreational Facilities must demonstrate adequate hydraulic capacity without increasing flood levels. Private Recreational Facilities must participate in the implementation of the Lee County Surface Water Management Plan as well as the SFWMD's South Lee County Watershed Plan.

3. The Historic Flow-way Aerial Map depicts the general flow-way paths that exist in the DR/GR area. The lines shown on this map are not regulatory but show the general boundaries of the main conveyances. During the rezoning process, conceptual surface water management plans must be submitted and approved. Prior to the issuance of a development order, proposed Private Recreation Facilities will provide detailed hydrologic and hydraulic analysis demonstrating the limits of flow for various storm events and the developed sites ability to convey these flows. Where an existing flow-way is not well defined or discontinuous, flexibility will be given to allow different alignments within a site.

(Ord. No. [99-16](#), [18-18](#))

POLICY 13.4.7: Any Private Recreational Facility proposed within the DR/GR future land use category must cooperate with Lee County and the SFWMD in implementing an overall surface water management plan as outlined in Objective 60.2 and 126.1. Compliance with these policies must be demonstrated during development order approval. (Ord. No. [99-16](#), [18-18](#), [21-09](#))

POLICY 13.4.8: If a proposed Private Recreation Facilities falls within an area identified as an anticipated drawdown zone for existing or future public well development, the project must utilize an alternative water supply such as reuse or withdrawal from a different non-competing aquifer or show that adequate supply is available in excess of that being used for planned public water supply development. (Ord. No. [99-16](#), [18-18](#))

OBJECTIVE 13.5: WILDLIFE. The location, design and operation of Private Recreational Facilities will incorporate preservation and/or management activities that restrict the unnecessary loss of wildlife habitat or impact on protected species, species of special concern, threatened or endangered species. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.5.1: The development will not have an adverse impact on any existing, viable on-site occupied wildlife habitat for protected species, species of special concern, threatened or endangered species. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.5.2: All proposed fencing must be designed to permit wide-ranging animals to traverse the site. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.5.3: Through the development review process, Private Recreation Facilities will be designed and operated to conserve critical habitat of protected species. This will be accomplished through regulation, incentives and public acquisition. (Ord. No. [99-16](#), [18-18](#))

OBJECTIVE 13.6: NATURAL RESOURCES. Private Recreational Facilities must be located, designed and operated to minimize environmental impacts, and where appropriate, protect, enhance and manage natural resources such as flow-ways, waterways, wetlands, natural water bodies, and indigenous uplands. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.6.1: All retained onsite natural areas, must be perpetually managed by the owner(s), or their assignees, with accepted Best Management Practices. The type of management techniques will be determined by the specific plant community. A natural area land management plan must be submitted to the Lee County Department of Community Development prior to the approval of a final local development order. Management techniques addressed in the plan must include, but not

be limited to the following: exotic pest plant control; removal of any trash and debris; restoration of appropriate hydrology; prescribed fire; native plant restoration, where appropriate; discussion of flora and fauna; enhancement of wildlife habitat; and, retention of dead trees and snags. (Ord. No. [99-16, 18-18](#))

POLICY 13.6.2: The development will minimize adverse effects on wetlands and riparian areas, and will result in no net reduction in functional wetland acreage as identified by the SFWMD Wetland Rapid Assessment Procedure (WRAP). (Ord. No. [99-16, 18-18](#))

POLICY 13.6.3: Private Recreational Facilities must be designed to preserve a minimum of 50% of on-site, indigenous native upland habitat. (Ord. No. [99-16, 18-18](#))

POLICY 13.6.4: The development will incorporate energy and resource conservation devices, such as low flow water fixtures, and natural skylights. (Ord. No. [99-16, 18-18](#))

OBJECTIVE 13.7: MONITORING AND ENFORCEMENT. In order to ensure that Private Recreational Facilities do not degrade the ambient condition of water quality, water quantity, vegetation and wildlife, an ongoing monitoring program must be established by the developer. (Ord. No. [99-16, 18-18](#))

POLICY 13.7.1: Annual surface water and groundwater monitoring must continue in perpetuity. The monitoring requirements will be established utilizing those nutrients and chemicals that are anticipated to be associated with the proposed project that were identified by the pre-development groundwater and surface water analysis required by Policy 13.4.4. This surface and groundwater monitoring is to be conducted, at a minimum, on a quarterly basis by a qualified third party. This monitoring data must be submitted to the County as soon as it is available. A summary report of this monitoring effort must be provided annually to Lee County Department of Natural Resources for their review. (Ord. No. [99-16, 18-18](#))

POLICY 13.7.2: If surface and/or groundwater monitoring shows degradation of water quality the County will notify the property owner that a plan, to correct the identified problem(s), must be submitted. The property owner must submit a plan of action within 30 days after receipt of written notice from the County. The plan must identify actions that will correct the problem(s) within the shortest possible time frame. This plan will be reviewed and must be found to be acceptable by the County. If the plan is not submitted as required, or is found to be unacceptable by the County, the County will require that all activities on the property cease until a plan is submitted and approved. The approved plan must be implemented by the property owner. If the County determines that the approved plan is not being implemented properly, the County can require that all activities on the property cease until the property owner comes back into compliance. (Ord. No. [99-16, 18-18](#))

POLICY 13.7.3: The approved Private Recreational Facility must submit an annual monitoring report for a period of five years, addressing the interaction between the use and environment. This report must provide a discussion and documentation on the following activities:

1. Construction Monitoring - the applicant will submit annual reports detailing construction activities, permitting, compliance with Audubon International Signature Standards and percent complete.
2. Land Management Activities - including those used on the golf course, as well as natural and preserve areas.

3. Wildlife Monitoring - the applicant will provide a discussion of wildlife, wildlife activity, and wildlife management activities.
4. Irrigation Monitoring - the applicant will provide a summary of the monthly irrigation withdrawal and irrigation sources.
5. Mitigation/Vegetation Monitoring - the applicant will provide status reports on the viability of any mitigation and/or landscaping conducted on site.
6. Integrated Pest Management Monitoring - the applicant will provide a discussion on the pest management techniques, and any pest problems that have occurred on the project.

Should adverse impacts in any of the above areas be identified, enforcement and mitigation will be provided through the appropriate regulatory agency and enforcement procedures. These procedures will be spelled out during the development order process. If, after five years, no significant adverse impacts are determined, the reporting on these subjects may be terminated. (Ord. No. [99-16](#), [18-18](#))

OBJECTIVE 13.8: GOLF COURSE PERFORMANCE STANDARDS. The location, design and operation of golf courses located within the Private Recreational Facilities Overlay will minimize their impacts on natural resources, and incorporate Best Management Practices. A maximum of five 18-hole golf courses, for a total of 90 golf holes, will be permitted. (Ord. No. [99-16](#), [10-21](#), [18-18](#), [21-09](#))

POLICY 13.8.1: Natural waterways located on the site of a proposed golf course must be left in a natural, unaltered condition. Channelization will not be performed. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.8.2: An applicant must demonstrate, prior to the issuance of a local development order, that a golf course is designed to minimize adverse effects to waters and riparian areas through the use of such practices as integrated pest management, adequate stormwater management facilities, vegetated buffers, reduced fertilizer use, etc. The facility must have an adequate water quality management plan, such as a stormwater management facility constructed in uplands to ensure that the recreational facility results in no substantial adverse effect to water quality. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.8.3: If a waterway crossing is necessary, then it must be designed to minimize the removal of trees and other shading vegetation. Any crossings of existing natural flow-ways and water bodies must be bridged. Created or restored flow-ways and water bodies may be crossed by bridges or culverts or a combination as approved by Lee County and SFWMD. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.8.4: Waterway crossings by cart paths will be constructed of permeable material, no wider than 8-feet, and placed on pilings from edge of floodplain to edge of floodplain. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.8.5: A new lake or pond should not be located within an existing natural waterway. Upland ponds must not expose stream channels to an increase in either the rate or duration of floodwater, unless required by SFWMD for regional water management objectives. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.8.6: For golf course developments, all fairways, greens, and tees must be elevated above the 25 year flood level, and all greens must utilize underdrains. The effluent from these

underdrains must be pre-treated prior to discharge into the balance of the project's water management system. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.8.7: Where a golf course is proposed, it must comply with the Best Management Practices for Golf Course Maintenance Departments, prepared by the Florida Department of Environmental Protection, May 1995. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.8.8: The owners will employ management strategies in and around any golf course to address the potential for pesticide/chemical pollution of the groundwater and surface water receiving areas. The owners will comply with the goals of the Audubon International Signature Program for Golf Courses. The management practices include:

1. The use of slow release fertilizers and/or carefully managed fertilizer applications.
2. The practice of integrated pest management when seeking to control various pests, such as weeds, insects, and nematodes. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad-spectrum pesticides is not acceptable. The management program will minimize, to the extent possible, the use of pesticides, and will include the use of the USDA-SCS Soil Pesticide Interaction Guide to select pesticides for uses that have a minimum potential for leaching or loss due to runoff depending on site specific soil conditions. Application of pesticides within 100 feet of any CREW, or other adjacent public preserve lands, is prohibited.
3. The coordination of the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.
4. The utilization of a golf course manager who is licensed by the State to use restricted pesticides and who will perform the required management functions.

(Ord. No. [99-16](#), [18-18](#))

POLICY 13.8.9: Irrigation systems must utilize computerized irrigation based on weather station information, moisture sensing systems to determine existing soil moisture, evapotranspiration rates, and zone control, to ensure water conservation. For Private Recreation Facilities located outside of the depicted Wellfield Protection zones, reuse water, where available, will be utilized for irrigation. Reuse water within Wellfield Protection zones must be in compliance with the Wellfield Protection Ordinance. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.8.10: Golf courses must be designed, constructed, managed and certified in accordance with the Audubon International Signature Program. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.8.11: It is the landowner(s) responsibility to notify the County within 10 working days if the status of certification from Audubon changes from being in full compliance. Failure to do so could result in penalties up to and including revocation of golf course use if it is deemed that the violation(s) are a possible threat to the environment. If the golf course loses its certification from Audubon, then the property owner must submit a plan of action acceptable to the County that will achieve re-certification in the shortest possible time. The plan must be submitted within 30 days after receipt of written notice from the County. If the plan is not submitted as required, then all activity on the property must cease until a plan is submitted and approved. An approved plan must be implemented in good faith by the property owner. If the County determines that the plan is not

being implemented properly, then all activity on the property must cease until the property owner comes back into full compliance. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.8.12: GOLF SITE REQUIREMENTS.

1. The minimum number of golf holes is 18. The minimum size for an 18 hole golf course is 150 acres. In no instance may the golf course impacts exceed 150 acres per 18 holes. Allowable uses within the impact area are greens, tees, fairways, clubhouses, maintenance facilities, cart and pedestrian pathways, parking areas, i.e. all associated support uses.
2. 200 acres of indigenous vegetation preserve is required for every 18 holes. The indigenous vegetation preserve requirement may be provided on-site or off-site. On-site preserves must be a minimum of 1-acre in size; minimum 75-foot wide with an average 100-foot width. Indigenous vegetation preserved on site may utilize a two to one (2:1) credit on a sliding scale based on minimum acreage and width criteria to be included in the LDC. However, the indigenous vegetation preserve requirement must be met with a minimum of 100 actual indigenous acres onsite. Indigenous vegetation preservation requirements must be met outside of the 150 acre golf course impact area.
3. All off-site indigenous vegetation preserves must be located within the DR/GR areas. Unless located within or adjacent to existing or designated public acquisition areas, the minimum parcel size is 50 indigenous acres.
4. The off-site indigenous vegetation preserves must include a management plan that is approved as part of the planned development rezoning. This management plan must include invasive exotic vegetation removal with perpetual management. This does not preclude the transfer of the property to a public entity as long as perpetual maintenance is guaranteed.
5. Additional golf development must be in increments of 9 golf holes. For every additional 9 golf holes, the site area must be increased by 75 acres. Additional golf course impacts are limited to 75 acres per nine holes. The on-site or off-site indigenous preserve area must be increased by 100 acres for each nine holes and is subject to the restrictions above.

(Ord. No. [99-16](#), [02-02](#), [18-18](#))

GOAL 14: BURNT STORE MARINA VILLAGE. To promote redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and commercial marina uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center. (Ord. No. [09-16](#), [18-18](#))

OBJECTIVE 14.1: The Burnt Store Marina Village is intended to encourage and facilitate redevelopment of the existing marina and commercial area located internal to the Burnt Store Marina project with an attractive mix of residential, marine, retail, hotel and office uses designed to enhance and protect the public use of, and access to, the waterfront and marina. Development of commercial retail, hotels, general office and marina related uses will predominate in the Burnt Store Marina Village. Limited residential and commercial marina uses are also permitted to facilitate the proper development mix to allow integration of the Burnt Store Marina Village into the overall Burnt Store Marina project. (Ord. No. [09-16](#), [18-18](#))

POLICY 14.1.1: The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 525 wet slips; a maximum of 800 dry storage spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel

units; and a maximum of 160 residential units. A maximum height of 220 feet is permitted if multiple layers of parking are incorporated into the structures. (Ord. No. [09-16](#), [18-18](#))

POLICY 14.1.2: Development and redevelopment within the Burnt Store Marina Village must be accomplished through the planned development rezoning process. New development in this category must connect to a potable water and sanitary sewer system. (Ord. No. [09-16](#), [17-13](#), [18-18](#))

POLICY 14.1.3: Lee County will cooperate with private developer efforts to create an identity for the Burnt Store Marina Village through unified architectural quality and creative site design that enhances the waterfront community and consists of scenic views, buildings with varying roof lines, open space, a pedestrian and neighborhood oriented activity center and enhanced buffering requirements. (Ord. No. [09-16](#), [18-18](#))

POLICY 14.1.4: Lee County will work in conjunction with private developers to reserve existing marina facilities with on or off-site public parking spaces for vehicles and trailers and access for the benefit of the public. (Ord. No. [09-16](#), [18-18](#))

POLICY 14.1.5: The residential and hotel development portions of this redevelopment project must be located outside of the designated Coastal High Hazard Area in accordance with Map 5-A. (Ord. No. [09-16](#), [18-18](#))

GOAL 15: UNIVERSITY COMMUNITY. In order to ensure that development within the University Community land use category protects and enhances the ability of Florida's 10th University to provide secondary education as described in the Mission Statement of that institution and to assure that land uses or development activities do not interfere with, disrupt, or impede the efficient operation of that institution the following Objectives and Policies will apply to all development within the University Community land use category. The Application (Volume 1 of 2) (1992) and the Support Document (Volume 2 of 2) (1992) to the Amendment to the Lee County Comprehensive Plan for the University Community is incorporated by reference herein as a resource and information document. (Ord. No. [92-47](#), [94-30](#), [00-22](#), [17-10](#), [18-18](#))

OBJECTIVE 15.1: FUTURE LAND USE. In order to ensure that the location and timing of development within the University Community is coordinated with the development of the University and the provision of necessary infrastructure; and, that all associated support development within the University Community is designed to enhance the University; all development within the University Community will be subject to cooperative master planning which must conform to the following policies. (Ord. No. [00-22](#), [18-18](#))

POLICY 15.1.1: Lee County will, through public and private economic and business development initiatives, promote the University Community as a catalyst for economic diversification and the promotion of employment throughout Lee County and the Region. Within the University Community land use category the focus of this endeavor (the emphasis) will be on university related scientific research and high technology development activities. (Ord. No. [00-22](#), [18-18](#))

POLICY 15.1.2: The University Community will provide a mix of housing types with densities sufficient to meet the needs of and designed to accommodate the varying lifestyles of students, faculty, administration, other university personnel and employees of the associated support development. (Ord. No. [00-22](#), [18-18](#))

POLICY 15.1.3: Lee County will maintain and as necessary adopt appropriate regulations providing for university housing, including student dormitories and boarding houses. (Ord. No. [00-22](#), [07-12](#), [18-18](#))

POLICY 15.1.4: Lee County will maintain and as necessary adopt regulations further defining how densities for individual parcels within the University Community will be determined. The regulations will address how the total number of units will be tallied to ensure that the overall total number of residential units within the University Village do not exceed 6,510 dwelling units. The regulations will provide a mechanism for clustering densities within the University Community. (Ord. No. [00-22](#), [07-12](#), [10-40](#), [18-18](#))

POLICY 15.1.5: In order to create a cohesive community, site design within the University Community must utilize alternative modes of transportation such as pedestrian networks, mass transit opportunities, sidewalks, bike paths and similar facilities. Site design must link related land uses through the use of alternative modes of transportation thus reducing automobile traffic within the University Community. The County will work cooperatively with the University on these matters as the University proceeds through the Campus Master Plan Process.

As part of the local development order approval for primary infrastructure installation on property within Area 9 of the University Community, the developer must demonstrate that the proposed plan of development supports pedestrian, bicycle and transit opportunities. A multi-modal interconnection between the property and the FGCU campus must be provided at no cost to Lee County consistent with Lee Plan Policy 15.1.16.5. (Ord. No. [94-30](#), [00-22](#), [10-40](#), [14-03](#), [17-10](#), [18-18](#))

POLICY 15.1.6: Lee County will facilitate mass transit opportunities connecting the University Community to other parts of the County, in accordance with the goals, objectives, and policies of the Transportation Element. (Ord. No. [94-30](#), [00-22](#), [18-18](#))

POLICY 15.1.7: A diverse mixture of land uses will be encouraged within the University Community. (Ord. No. [94-30](#), [00-22](#), [17-13](#), [18-18](#))

POLICY 15.1.8: Agricultural activity including but not limited to tree farms, nurseries, or agricultural research facilities will be permitted within the University Community. (Ord. No. [00-22](#), [17-10](#), [18-18](#))

POLICY 15.1.9: Prior to the commencement of development within the University Community land use category, an area-wide Conceptual Water Management Master Plan must be submitted to and approved by Lee County and SFWMD staff. This water management plan will be integrated with the Conceptual Master Plan and be prepared through a cooperative effort between the property owner, Lee County, and SFWMD. This master plan will ensure that the water management design of any development within the University Community will maintain or improve the currently existing quality and quantity of groundwater recharge. This plan must be consistent with the drainage basin studies that were prepared by Johnson Engineering, and approved by SFWMD. Lee County will amend the County land development regulations to require all new development to be consistent with the appropriate basin study. Prior to zoning or development order approval on any portion of Area 9, the developer must demonstrate through modeling, accepted by Lee County staff, that the proposed development will not create significant impacts on present or future water resources. (Ord. No. [94-30](#), [00-22](#), [10-40](#), [17-10](#), [18-18](#))

POLICY 15.1.10: Development within the University Community land use category will be consistent with the Generalized Land Use Map and the eight area descriptions contained on or between pages 6 through 10 of the University Community Conceptual Master Plan, dated April 1994. The University Community Conceptual Master Plan is hereby amended to include a new

Area 9 which is east and north of areas 5 and 8 and bounded on the east side by the Florida Power and Light easement and the north by Alico Road. (Ord. No. [94-30](#), [10-40](#), [18-18](#))

POLICY 15.1.11: If not otherwise addressed by the Conceptual Master Plan, the landowner(s) within the University Village will coordinate infrastructure connections and interconnections, including but not limited to roadways, utilities and water management, with the University Campus through the established Board of Regents' master planning, review and approval process. (Ord. No. [00-22](#), [07-12](#), [18-18](#))

POLICY 15.1.12: To encourage a variety of wildlife habitats and university study sites, special consideration will be given in the Conceptual Master Plan to the preservation of portions of the most pristine and diverse wildlife habitat areas (such as, pine flatwoods, palmetto prairies, and major cypress slough systems) as an incentive to reduce, on a one-for-one basis, open space requirements in other developments within the University Community. The implementation of this policy will occur at the time of zoning and development review. (Ord. No. [94-30](#), [00-22](#), [07-12](#), [10-40](#), [17-10](#), [18-18](#))

POLICY 15.1.13: The use of septic tanks will be prohibited except for temporary septic tanks for model homes, construction trailers, and temporary sales offices. Permanent septic tanks will be limited to rest room facilities in golf courses, existing agricultural operations, or any agricultural operation of twenty five acres or more. (Ord. No. [00-22](#), [07-12](#), [18-18](#))

POLICY 15.1.14: The cost for the provision and expansion of facilities for potable water and sanitary sewer that benefits development in the University Community will be borne by those who benefit. Such funding may include (but is not limited to) outright construction by the developer, special taxing or benefit districts, or Uniform Community Development Districts (Ch. 190, Fla. Stat.). The cost for these types of improvements will not be borne by the County. (Ord. No. [94-30](#), [00-22](#), [07-12](#), [18-18](#))

POLICY 15.1.15: The cost for the provision and expansion of facilities necessary to comply with the recommendations of the Estero Basin that benefits development in the University Community will be borne by those who benefit. Such funding may include (but is not limited to) outright construction by the developer, special taxing or benefit districts, or Uniform Community Development Districts (Ch. 190, Fla. Stat.). The cost for these types of improvements will not be borne by the County. (Ord. No. [94-30](#), [00-22](#), [07-12](#), [18-18](#))

POLICY 15.1.16: For those lands in Area 9, all development must be designed to enhance and support the University. All rezonings in this area must include a specific finding that the proposed uses qualify as Associated Support Development, as that term is defined in the glossary. The final design and components will be determined as part of the rezoning process and must be consistent with the following development standards:

1. **Mixed Use:** Development must incorporate a mix of uses (multiple types of residential development along with non-residential development) and be consistent with the intent of Goals 11 and 15 and Policy 1.1.9. Development on Alico West, Area 9, must be rezoned to a planned development as specified by the LDC. The following maximum development parameters per use are approved for Area 9, subject to transportation mitigation requirements:
 - Residential: A maximum of 1,950 units
 - Retail: A maximum 200,000 square feet
 - Office/Research/Development: A maximum of 140,000 square feet
 - Hotel: 250 rooms

2. **Density:** To ensure the creation of a development that has sufficient residential mass to support the proposed non-residential intensity, while providing a mixture of housing types to meet the needs and accommodate the varying lifestyles of persons related directly and indirectly to the University as required by Policy 15.1.2, the total project must not exceed a total of 1,950 dwelling units.
3. **Non-Residential Uses:** Specific location of non-residential uses, design details, and intensities of non-residential uses will be reviewed during the rezoning process to determine compliance with the requirements of applicable Lee Plan provisions, including but not limited to compatibility, mix of uses, civic spaces, recreation and open space, interconnectivity, and multi-modal design elements.
4. **Office, Research and Development Facilities:** Research and development facilities and office buildings are encouraged which will attract the targeted industries as established by the State of Florida and by Lee County to create economic diversity and to create synergy between FGCU and private facilities. As required by Policy 15.1.1, the emphasis will be on University related scientific research and high technology development activities but may also include and allow a diversity of activities that support the University and private development within Area 9 in keeping with the predominant land uses as established by Policy 15.2.2.
5. **Connectivity to FGCU:** To further implement Policy 15.1.5 relative to alternative modes of transportation, Area 9 will be designed with a connection to FGCU. This connection will be a pedestrian-friendly multi-modal facility, with traffic calming, multi-use paths, and other pedestrian oriented safety features. The connection to FGCU must be constructed consistent with the FGCU Campus Master Plan and Development Agreement.
6. **Pedestrian Friendly Design:** The development will be designed as a pedestrian-friendly community. Areas targeted and marketed as student housing, as well as retail, office, and research and development areas, will include pedestrian oriented design features, including traffic calming, sidewalks on both sides of the road system, safety call boxes, and facilities to accommodate the FGCU Eagle Express, Lee Tran, and other alternative modes of transportation.
7. **Parking:** Parking in Area 9 should be screened and minimized to the furthest extent possible in order to create a walkable community that considers the needs of pedestrians and recognizes the possibility for internal trip capture. Parking may be minimized by using on-street parking, shared parking, or structured parking.
8. **Town Square:** Area 9 may contain public and private entertainment venues, including but not limited to facilities such as theaters, bars and cocktail lounges, restaurants, bowling alleys, batting cages, arcades, as well as passive recreation facilities.
9. **Landscaping:** All plantings used in buffers and landscaping must be at least 75% native. Irrigation must be provided through a central irrigation system that complies with the Lee County Water Conservation Ordinance. Irrigation control boxes and wells are prohibited on individual residential lots.
10. **Florida Gulf Coast University Participation:** The owner or agent for DRI or planned development rezoning requests must conduct two meetings with the President of FGCU or designees and will provide detailed information to such representatives at those meetings relating to the Site Plan and Master Concept Plan for any proposed development within Area 9. The developer must invite Lee County zoning and planning staff to participate in such

meetings. These meetings must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meetings, list of attendees; a summary of the concerns or issues that were raised at the meetings; and a proposal of how the applicant will respond to any issues that were raised.

11. Stormwater Retention for Adjacent Transportation Facilities: Area 9 will accommodate stormwater detention/retention requirements for the Alico Road widening and County Road 951 extension adjacent to the property, if constructed. (Ord. No. [10-40](#), [14-03](#), [17-10](#), [18-18](#), [22-04](#))

OBJECTIVE 15.2: UNIVERSITY COMMUNITY SUB-CATEGORIES. The University Community meets an educational infrastructure need for the Southwest Florida five County area by providing the necessary and appropriate land uses to carry out the mission of Florida's 10th University as stated by the Board of Regents. Within the University Community land use category there are two distinct sub-categories: University Campus and the University Village. The University Window Overlay is also a part of the University Community land use category. (Ord. No. [94-30](#), [18-18](#))

POLICY 15.2.1: The University Campus area provides for the land uses of the University and its related functions. Development within the University Campus will be in accordance with provisions of any development agreement(s) between the Department of Economic Opportunity and the Board of Regents under the provisions of Ch. 380, Fla. Stat. and any other applicable state law. (Ord. No. [00-22](#), [18-18](#))

POLICY 15.2.2: The University Village is an area which provides the associated support development and synergism to create a viable University Community. This sub-category allows a mix of land uses related to and justified by the University and its development. Predominant land uses within this area are expected to be residential, commercial, office, public and quasi-public, recreation, and research and development parks. (Ord. No. [00-22](#), [14-03](#), [18-18](#))

POLICY 15.2.3: The University Window Overlay includes the area within 100 feet on both sides of the right-of-way of the following roadway segments:

Ben Hill Griffin Parkway	From Alico Road to Corkscrew Road
Alico Road	From I-75 to Ben Hill Griffin Parkway
Corkscrew Road	From I-75 to Ben Hill Griffin Parkway
Estero Parkway	From I-75 to Ben Hill Griffin Parkway

With input from affected property owners, Lee County and the Florida Gulf Coast University Board of Trustees will develop mutually agreed upon standards for the University Window addressing landscaping, signage and architectural features visible from the designated roadway segments. (Ord. No. [00-22](#), [07-12](#), [10-40](#), [17-10](#), [18-18](#))

GOAL 16: RESERVED (Ord. No. [18-18](#))

b. Community Planning

GOAL 17: COMMUNITY PLANNING. Ensure a unified approach to community planning that complements and remains consistent with the County’s overall goals, objectives, and policies. (Ord. No. [07-09](#), [18-18](#))

Goal Number	Community Name
18	Bayshore
19	Boca Grande
20	Buckingham
21	Caloosahatchee Shores
22	Olga
23	Captiva
24	Greater Pine island
25	Lehigh Acres
26	North Captiva
27	Northeast Lee County
28	Alva
29	North Olga
30	North Fort Myers
31	Page Park
32	San Carlos Island
33	Southeast Lee County
34	Tice

OBJECTIVE 17.1: COMMUNITY PLANS. To create community plans that address specific conditions unique to a defined area of the County. A community plan is a Goal in the Lee Plan specific to a defined area of the County with long term community objectives and policies. (Ord. No. [07-09](#), [18-18](#))

POLICY 17.1.1: Coordinate community plans with County-wide and regional plans with respect to population accommodation, transportation, employment, economic development, and infrastructure needs in an effort to avoid inconsistencies. (Ord. No. [07-09](#), [18-18](#))

POLICY 17.1.2: Community plans must address specific conditions unique to a defined area of the County. Conditions may be physical, architectural, historical, environmental or economic in nature. (Ord. No. [18-18](#))

POLICY 17.1.3: Community plans should consist of long term objectives and policies that are not regulatory in nature. If needed, land development regulations may be adopted to implement the community plan. (Ord. No. [18-18](#))

OBJECTIVE 17.2: COMMUNITY PLAN AREAS. To depict the boundaries of community plan areas on the Future Land Use Map (Map 2-A). (Ord. No. [18-18](#))

POLICY 17.2.1: Each community plan area boundary must be rationally related to the condition(s) identified in the individual community plan. (Ord. No. [18-18](#))

POLICY 17.2.2: Expansion of an existing community plan area boundary must be supported by data and analysis demonstrating all of the following:

- a specific condition addressed in the community plan also exists outside and immediately contiguous to the existing community plan area;
- expansion of the community plan area boundary would not be duplicative or contrary to the provisions of the Lee Plan;
- expansion of the community plan area boundary requires authorization by the property owner whose property will be added to the community plan area;
- expansion of the community plan area boundary will advance the objectives of the community plan; and
- expansion of the community plan area boundary must be contiguous to the existing community plan area and must not create an enclave.

(Ord. No. [18-18](#))

OBJECTIVE 17.3: PUBLIC INPUT. To provide opportunities for public input as part of the comprehensive plan and land development code amendment process. (Ord. No. [18-18](#))

POLICY 17.3.1: Educate the public regarding comprehensive planning and sound planning principles by requiring public information meetings. (Ord. No. [07-09](#), [18-18](#))

POLICY 17.3.2: One public information meeting is required for privately-initiated applications that propose a text change within a community plan or revises a map designation within a community plan area boundary. The meeting must be conducted before the application can be found complete. (Ord. No. [18-18](#))

POLICY 17.3.3: Public information meetings required pursuant to the provisions of this sub-element must be held within the established community plan area boundary that is affected by the amendment.⁷ (Ord. No. [18-18](#))

POLICY 17.3.4: For required public information meetings, the applicant must provide the following:

- Adequate meeting space to accommodate projected attendance and security measures (as needed).
- Advance notice of the meeting in a publication of local distribution provided at least ten calendar days prior to the meeting, unless otherwise specified herein.⁸
- At the meeting, a general overview of the text or map amendment and effect thereof.
- After the meeting, a meeting summary document submitted to the County that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and the applicant's response to any issues that were raised.

(Ord. No. [18-18](#))

⁷For applications within the Northeast Lee County community plan area boundary, a public information meeting must be held within both the Alva and North Olga community plan area boundaries.

⁸See Policy 23.4.1 for specific public information meeting requirements for applications within the Captiva community plan area boundary.

POLICY 17.3.5: Additional public information meetings may be required as provided in the LDC. (Ord. No. [18-18](#))

GOAL 18: BAYSHORE COMMUNITY PLAN. Protect the existing rural residential, agricultural and equestrian-oriented character of the community by maintaining low residential densities and minimal commercial activities, and exclude incompatible uses that are destructive to the character of this rural residential environment. (Ord. No. [03-02](#), [18-18](#))

OBJECTIVE 18.1: LAND USE. The County will continue to enforce land development regulations that ensure separation of urban and rural land uses through the implementation of open space, buffers, and setback requirements that protect high quality environmental areas, such as creeks, oak hammocks, floodplains and wetlands from potential impacts of development. Planned developments, through appropriate conditions of approval, will be required to locate low residential densities along the perimeters of the development. Amendments to the Future Land Use Map that increase density or intensity must demonstrate compatibility through a concurrent planned development rezoning. (Ord. No. [03-02](#), [18-14](#), [18-18](#))

POLICY 18.1.1: Retail commercial uses will be limited to the Interstate Interchange designation at Bayshore and I-75, plus minor commercial uses at the intersections of Nalle Road and Bayshore, SR 31 and Bayshore, and SR 31 and Old Bayshore. Non-retail commercial uses are permitted elsewhere consistent with the Lee Plan and the LDC. (Ord. No. [03-02](#), [18-18](#))

POLICY 18.1.2: The following properties are deemed consistent with Policy 18.1.1: the existing 7.1 acre +/- retail commercial center at 10440 Bayshore Road, the 0.66 acre +/- retail commercial property at 19451 SR 31, the 0.83 +/- acre retail commercial property at 17270 Durrance Road, and the 0.36 +/- acre retail commercial property described in resolution Z-72-93, which is part of the property at 6600 Nalle Grade Road. (Ord. No. [03-02](#), [17-13](#), [18-18](#))

POLICY 18.1.3: No new industrial uses or industrial rezonings are permitted after February 3, 2003. (Ord. No. [03-02](#), [18-18](#))

POLICY 18.1.4: No new mining uses or commercial excavations are permitted after February 3, 2003. (Ord. No. [03-02](#), [18-18](#))

OBJECTIVE 18.2: TRANSPORTATION. All road improvements within the Bayshore Community considered by the County will address the community's goal to maintain its rural character and give preference to alternatives that allow existing roads to function at their current capacity. (Ord. No. [03-02](#), [18-18](#))

POLICY 18.2.1: Any expansion of the state arterial roadways should include physically separated provisions for bicyclists/pedestrians. (Ord. No. [03-02](#), [18-18](#))

POLICY 18.2.2: Road capacity improvements needed within the Bayshore Community to serve demands generated outside the community will be designed to minimize the impacts on the community and its rural character. (Ord. No. [03-02](#), [18-18](#))

POLICY 18.2.3: If a need to extend Del Prado Boulevard east of I-75 through the Bayshore Community Plan area is demonstrated, the corridor evaluation must include alternatives to using the existing Nalle Grade Road alignment. The evaluation will address (but not be limited to) access, safety and community character issues. Alternatives will be presented at an evening public information meeting in accordance with Policies 17.3.3 and 17.3.4. (Ord. No. [03-02](#), [18-18](#))

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

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

OBJECTIVE 18.4: PARKS AND RECREATION. The County will explore, with the support of the residents of Bayshore, the feasibility of establishing an equestrian park as the primary recreation facility for this community. (Ord. No. [03-02](#), [18-18](#))

POLICY 18.4.1: The support of the Bayshore residents may include assistance with development and maintenance of such a recreation facility. (Ord. No. [03-02](#), [18-18](#))

GOAL 19: BOCA GRANDE COMMUNITY PLAN. Preserve and conserve the environment, recreation and open space areas, and historic resources within the Boca Grande Community Plan area boundary of the community plan area while implementing the Gasparilla Island Conservation District Act (GICDA) and upholding the Boca Grande Historic District.⁹ (Ord. No. [05-19](#), [18-18](#))

OBJECTIVE 19.1: FUTURE LAND USE. To preserve the traditional character, and scale of the Historic District and residential areas of the Boca Grande Community Plan area by continuing to limit the densities and intensities of use and development to sustainable levels that will not adversely impact the natural environment, overburden the existing infrastructure, or require additions to the present infrastructure.

To enforce the regulations found in the GICDA and to further develop growth management policies and regulations to limit densities and intensities of development in the Boca Grande Community Plan area, in order to maintain the historic scale and development patterns of the community. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.1.1: Lee County will work with the Boca Grande community to establish boating and marine facility site location standards which will help to identify appropriate locations and development regulations that are consistent with a scope and intensity that will protect the community from the potential negative impacts. Future public boat ramps and other watercraft launching facilities on Gasparilla Island will only be developed with adequate on-site parking, and should minimize impacts to traffic and pedestrian safety, the environment, neighborhoods, and consider marine safety issues. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.1.2: In order to preserve the existing community character of Boca Grande, the Boca Grande community will work to develop standards to regulate all commercial uses on Gasparilla Island. Development standards will identify commercial design guidelines, parking and signage standards, appropriate intensity of uses and establish location standards to ensure consistency with the existing community character. (Ord. No. [05-19](#), [18-18](#))

⁹ The Boca Grande Historic District is that area described in Resolution Designating Historic Resource HD 90-05-01 District recorded in the Lee County Clerk of Courts Official Records Book 2164 Pages 1166-1203.

POLICY 19.1.3: The owner or agent for any rezoning or special exception request must conduct one public information meeting in accordance with Policies 17.3.3 and 17.3.4 prior to the application being found sufficient. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.1.4: In order to promote water conservation and better manage this important resource, the Boca Grande community will develop standards for permit requests of new buildings to conduct a cistern feasibility study as part of the permitting process. For redevelopment projects, Lee County will seek to encourage the establishment of cisterns as a non-potable water source, wherever practicable. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.1.5: In order to maintain the traditional scale and historic patterns of development on Gasparilla Island, including areas outside the Boca Grande Historic District, the Boca Grande community will develop regulations to preserve light, space and air around new residential dwelling construction and to discourage “mega houses” or “mansionization” of Boca Grande. New development or redevelopment will recognize that traditional setbacks, particularly front and side yard setbacks, as well as strict adherence to the Coastal Construction Control Line, within existing and proposed neighborhoods on Gasparilla Island, should be maintained. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.1.6: Lawfully existing businesses and commercial buildings in the Boca Grande commercial areas will be deemed to be vested as related to parking, setbacks, height, and land use. Any expansion or change of use to one of higher intensity will require a review of parking impacts, setbacks, height, and uses as necessary. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.1.7: Lee County will support the Boca Grande community in their efforts to further investigate the need for modified development regulations applicable to Boca Grande, based upon the unique nature of the community, the location of Boca Grande on a barrier island at the mouth of Charlotte Harbor, the limited opportunities for supporting infrastructure, the seasonal nature of the demand upon public facilities, and the need for cross-County administration of growth management legislation. The Boca Grande community may propose development regulations that address the following:

- a. The creation of the Gasparilla Island Zoning Overlay district to address inconsistencies with current zoning districts and the comprehensive plan and GICDA, implement policies adopted in this plan, and adopt modified development regulations such as, but not limited to, parking requirements, minimum setbacks, and commercial and residential design standards.
- b. The creation of a marine park zoning district to facilitate consistent local enforcement of existing Federal, State and County regulations in waterfront areas and new regulations to better manage coastal issues such as use and rental of personal watercrafts, abandoned vessels, live aboards, sanitation, water quality, and noise.

(Ord. No. [05-19](#), [18-18](#))

OBJECTIVE 19.2: TRANSPORTATION, PARKING AND TRAFFIC CIRCULATION. To ensure residential and commercial land use in Boca Grande that recognizes the connection between the existing transportation infrastructure and the community's desire to preserve Boca Grande's community character as a tranquil residential community, with an historic village center, and abundant open space and preservation areas. No policy in this community plan will be construed or interpreted to imply that Lee County will implement and/or enforce new traffic regulations, traffic control, or parking regulations which are determined to be significantly substandard or may cause a defined safety or operational problem.

Lee County will recognize the inherent need to limit additional impacts to the existing transportation infrastructure of Boca Grande, the varied types and limited access to the community, the need for alternate forms of transportation within the community, the need for specialized standards for parking and commercial service areas, and the seasonal nature of infrastructure demand that exists throughout the community. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.2.1: Enforce the provisions of the GICDA which limit growth, limit building height and restrict advertising throughout the Boca Grande Community Plan area. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.2.2: Lee County will support the provision of convenient, safe bridges providing access to Gasparilla and Cole Islands and supports the highest standard of safety for vehicles, golf carts, bicycles, and pedestrians including strict enforcement of traffic laws. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.2.3: In order to preserve the historic characteristics of the community, Lee County will support the use of all way stop intersections or other traffic control methods, rather than traffic signals, whenever possible in the Boca Grande community. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.2.4: Lee County will support efforts of the Boca Grande community to beautify road right-of-ways and enhance the public realm of Boca Grande by including provisions for streetscaping in the Historic Downtown Village in the LeeScape Master Plan. In order to maintain low traffic volumes, operating speeds, and noise levels, improvements will emphasize traffic calming techniques, and the need to preserve the aesthetic values of the community. Particular emphasis will be placed in the Historic District. Enhancements may include village streetscaping such as additional street trees, trash receptacles, benches and burying utilities underground. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.2.5: Lee County will continue to ensure viable hurricane evacuation options for the residents and stakeholders of Boca Grande. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.2.6: Lee County will support improvement of pedestrian safety by establishing and marking crosswalks throughout the community, and by improving pedestrian circulation within the Historic District. (Ord. No. [05-19](#), [18-18](#))

OBJECTIVE 19.3: PARKING. To create safe and efficient parking for employees, patrons and visitors by implementing appropriate parking standards in the LDC which address the capacity and design needs of the commercial businesses in the Boca Grande Community Plan area. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.3.1: As a result of regional growth and local redevelopment, Lee County will provide assistance to develop a long-range strategy to address increased parking demand. This may result in regulations, infrastructure improvements or adoption of management practices which incorporate any number of the following: revised traffic count thresholds; maximum development intensities; revised minimum parking requirements; traffic congestion mitigation practices; vehicle and pedestrian safety programs; shared parking agreements; or, public/private partnerships to fund new or expanded parking facilities. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.3.2: Lee County will seek to maximize the efficiency and the functionality of existing parking facilities by improving trailblazing signage, re-designing existing parking facilities, and creating specific facilities for golf cart and bicycle parking. Designated parking for employees, the

appropriate number of parking spaces for new and expanded uses, and enforcement of existing parking restrictions and permit requirements will also be examined. (Ord. No. [05-19, 18-18](#))

POLICY 19.3.3: Parking along the beach access streets and other public rights-of-way will be regulated to allow convenient ingress and egress to residences and permit adequate emergency vehicle access at all times. Lee County will support efforts of the Boca Grande community to analyze the appropriateness of overnight and long term parking in the public rights-of-way, the Gilchrist median, and along beach access streets. (Ord. No. [05-19, 18-18](#))

POLICY 19.3.4: Lee County will seek to direct service vehicles and delivery vehicles to designated unloading zones. Due to the traffic congestion in the Historic District, Lee County will assist in establishing time restrictions on service and delivery trucks during peak traffic periods, such as those occurring in March and April. (Ord. No. [05-19, 18-18](#))

POLICY 19.3.5: For all new development and redevelopment, Lee County will continue to support and improve design and permitting efforts through the site plan review process that adequately address truck deliveries, emergency vehicle access, and solid waste disposal. (Ord. No. [05-19, 18-18](#))

POLICY 19.3.6: Lee County will assist in a study of traffic patterns and flow in and around the Post Office, Park Avenue, East Railroad Avenue and West Railroad Avenue, seeking to develop a plan of action that will improve the functionality of the infrastructure while preserving the aesthetics of the community. (Ord. No. [05-19, 18-18](#))

OBJECTIVE 19.4: CONSERVATION AND COASTAL MANAGEMENT. To preserve, protect, and, where possible, enhance the physical integrity, village character, ecological values, and natural beauty of the Boca Grande Community plan area, focusing upon the diverse and healthy native vegetation, the clear offshore waters, and the varied and abundant native marine and wildlife resources in a manner compatible with the GICDA, the promotion and preservation of the Boca Grande Historic District as a thriving community, and preservation of the Boca Grande Community Plan area's historic heritage. (Ord. No. [05-19, 18-18](#))

POLICY 19.4.1: Lee County will support and encourage beach renourishment and other efforts to maintain the beaches and protect Gasparilla Island from tidal events. (Ord. No. [05-19, 18-18](#))

POLICY 19.4.2: Support the State's efforts to protect and preserve mangroves both on private properties as well as within public lands and easements. (Ord. No. [05-19, 18-18](#))

POLICY 19.4.3: Preserve the beach dune system, beach dune vegetation, and beach dune wildlife, by discouraging any construction seaward of the 1978 Coastal Construction Control Line. This policy will not apply to the placement of raised walkways intended to cross over the dune system from adjoining properties, nor will it apply to bona fide beach renourishment and shoreline protection efforts. Lee County will support the State's efforts to protect the beach dune system, beach dune vegetation, and beach dune wildlife communities on Gasparilla Island. (Ord. No. [05-19, 18-18](#))

POLICY 19.4.4: Beach renourishment efforts will include the re-establishment of a beach dune system, beach dune vegetation, and beach dune wildlife communities, including nesting birds and turtles, to the greatest extent practicable. Any rock or hard revetment will be covered with sand and planted with salt resistant native plants. (Ord. No. [05-19, 18-18](#))

POLICY 19.4.5: Except for emergency events and public purposes, vehicular traffic is banned from all beaches in the Boca Grande Community Plan area. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.4.6: Lee County will use regulatory powers to preserve, protect, and enhance the marine habitat surrounding Gasparilla Island, including sea grass beds, manatee habitat, estuarine habitat, and near shore waters of Gasparilla Island. Nothing in this policy requires Lee County to support unreasonable policies of any other regulatory agency. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.4.7: Permits for new dock construction will be reviewed to assure the protection of sea grass beds, manatee habitat, tarpon fishing grounds, and other environmental values intrinsic to Charlotte Harbor. Nothing in this policy requires Lee County to support unreasonable policies of any other regulatory agency. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.4.8: Assist in the enforcement of best management practices for anchorages of Gasparilla Island. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.4.9: Maintain policies and guidelines for beach clean-up during red tide and similar extraordinary tidal events. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.4.10: Maintain a program to restore the plant diversity on County owned lands within the Boca Grande Community plan area through the removal of exotic vegetation and its replacement with native species. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.4.11: Lee County will support programs that provide periodic clean-up activities in aquatic preserves, on the beaches of Gasparilla Island, and at beach access points on Gasparilla Island. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.4.12: Work in conjunction with Charlotte County to implement a plan to stop the proliferation of iguanas and other exotic fauna within the Boca Grande Community Plan area. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.4.13: Support research into the causes and control of red tide and other similar extraordinary tidal events. (Ord. No. [05-19](#), [18-18](#))

OBJECTIVE 19.5: NATURAL RESOURCE PROTECTION. To preserve, protect, and enhance the natural environments within the Boca Grande Community plan area through measures that control the risk of harm attributable to human impact. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.5.1: Lee County will support efforts to preserve, protect, and, where possible, enhance the tarpon and game fish population of Charlotte Harbor and the near shore waters of the Gulf of Mexico. (Ord. No. [05-19](#), [18-18](#))

OBJECTIVE 19.6: COMMUNITY FACILITIES AND SERVICES. To ensure the continued delivery of high quality, accessible community facilities and services that meet the educational, recreational, informational, and public safety, health and welfare needs of the residents, visitors and stakeholders of the Boca Grande Community plan area.

Through the administration of County services, the Land Development and Administrative Codes, and the cooperative efforts of interagency and intergovernmental agreements, continue to provide utilities and infrastructure; emergency, law enforcement and fire protection services; education, information resource and recreation services; and mosquito and animal control services, in a safe and efficient manner. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.6.1: Lee County will seek to maintain and enhance the public/private partnership for the operation and enhancement of the Boca Grande Community Center and other County operated facilities open to the public in the community of Boca Grande. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.6.2: Lee County will cooperate with the Gasparilla Island Water Association (GIWA) to ensure the continued provision of potable water and sanitary sewer service to the community of Boca Grande. Lee County will continue to support the Wellhead Protection regulations adopted by the GIWA and Charlotte County to protect and preserve the sources upon which the community of Boca Grande relies for its potable water. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.6.3: Lee County will facilitate and provide for the disposal of solid waste, including refuse, recyclables, and horticultural waste. Lee County will enter into an intergovernmental agreement with Charlotte County, if necessary, to ensure that the community of Boca Grande will have access to Charlotte County's solid waste disposal area located on Environmental Way in Charlotte County. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.6.4: Lee County will facilitate and cooperate with the applicable mosquito control district to control the health risk that mosquitoes represent. Lee County will continue to support the utilization of safe, effective, and environmentally responsible measures for mosquito control, recognizing the need to preserve local flora and fauna, including marine life. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.6.5: Lee County will work with the applicable mosquito control district to facilitate the dissemination of aerial spraying schedules, as well as any threat to the public health, to the community of Boca Grande, the Boca Grande Health Clinic, and the newspapers that serve the community of Boca Grande. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.6.6: Lee County will support the operation and enhancement of a reference library facility, including the provision and improvement of adequate electronic based equipment, internet access, and software, in cooperation with local community organizations. Professionally trained library personnel will manage and operate the facility. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.6.7: So long as local interest exists in the community of Boca Grande to maintain an Island School to serve the population of the community of Boca Grande, Lee County will support the Lee County School Board, if necessary, with an interlocal agreement, in maintaining a viable school site and educational programs. Such support may include, but is not limited to, facilitation of land use regulations, joint use of community resources, funding assistance, joint utilization of staffing, or other applicable coordination efforts. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.6.8: Lee County will cooperate with the Boca Grande Fire Control District (BGFCD) in the provision of fire protection services to the community of Boca Grande. Such cooperation will include, but will not be limited to, recognition that the Fire Chief of the BGFCD has the authority for interpretation and enforcement of fire codes in the community of Boca Grande. All homes will be required to have the address clearly posted on the property. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.6.9: Lee County will provide the necessary communications infrastructure as required to manage and dispatch all 911 calls affecting the community of Boca Grande, entering into agreements as necessary with the BGFCD and Charlotte County. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.6.10: Lee County will cooperate in the establishment of interlocal agreements between and among all necessary parties to provide for: 1) the appropriate handling of hazardous materials incidents; 2) mutual aid agreements with the Englewood Area Fire Control District and

Charlotte County Fire and EMS; 3) advanced life support emergency medical services; and 4) back-up EMS response as may be required by the community of Boca Grande. (Ord. No. [05-19, 18-18](#))

POLICY 19.6.11: Lee County will cooperate as necessary in the provision of communications, information distribution, public service meetings, educational efforts, and a local liaison for emergency situations affecting the community of Boca Grande. Lee County will maintain an up-to-date list of first-in team contacts, cooperate as necessary with applicable jurisdictions and service providers for communication of evacuation status, shelter locations, and re-entry information in the event of an emergency situation. The issuance of evacuation notices will be coordinated with Charlotte County. Lee County will work with other local, State, and Federal authorities as necessary to assist in the provision of adequate means by which the community of Boca Grande can be evacuated through the Cape Haze Peninsula in the event of an emergency situation. It is acknowledged that the appropriate Emergency Operations Center is determined by the Boca Grande Fire Control District. (Ord. No. [05-19, 18-8](#))

POLICY 19.6.12: Lee County Emergency Medical Services will provide land or air transportation to the most appropriate facility and will maintain a liaison with the Boca Grande Health Clinic to keep the clinic fully informed of all Emergency Medical protocols and procedures for operations and any changes that may be implemented whether temporary or permanent. The Boca Grande Health Clinic will be informed relating to any public health issues or public County health problems. (Ord. No. [05-19, 18-18](#))

POLICY 19.6.13: Lee County will promote and assist as necessary in the provision of a full-time police and law enforcement presence for the community of Boca Grande. Cooperative arrangements in the form of interlocal agreements, or other mechanisms as may be applicable, between Lee and Charlotte County will be supported if necessary. (Ord. No. [05-19, 18-18](#))

POLICY 19.6.14: Provide the necessary maintenance and improvements on all public rights-of-way to ensure the continued safety and efficiency of roadways, paths, and surface water management systems. (Ord. No. [05-19, 18-18](#))

OBJECTIVE 19.7: OPEN SPACE, RECREATION AND BEAUTIFICATION. To promote, protect and enhance existing and potential open space, recreational facilities, and the quality of life for the residents and stakeholders of the Boca Grande Community Plan area. These efforts will enhance the aesthetic qualities of the Boca Grande Community Plan area and benefit its residents while preserving the characteristics of its fragile barrier island system.

The Boca Grande Community Plan area represents a unique cross-jurisdictional, barrier island community with distinct physical attributes that govern the preservation of open space and recreational opportunities. Opportunities will be sought to enhance and protect the quality of life for residents, visitors and stakeholders through the preservation of functional open space and recreational areas while seeking to limit demands upon a restricted infrastructure and enhancing the aesthetic qualities of the Boca Grande Community Plan area. (Ord. No. [05-19, 18-18](#))

POLICY 19.7.1: Support efforts to protect and enhance the functionality of the eight-mile long pedestrian/bike/electric golf cart path in the Boca Grande Community Plan area (Ord. No. [05-19, 18-18](#))

POLICY 19.7.2: Coordinate public works projects, such as street resurfacing, repairs, maintenance, drainage swales and other surface water management systems so that they include landscaping and aesthetic options that are in keeping with the concept of promoting, preserving and

enhancing the ecological and aesthetic qualities of the Boca Grande Community Plan area. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.7.3: Investigate the feasibility of converting Banyan Street to a one-way facility and reducing the pavement width in order to better preserve and protect the banyan trees. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.7.4: Automobile parking on 5th Street from Park to Gilchrist, known as Mahogany and Veterans Park, is prohibited. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.7.5: Lee County will continue to support the designation of Gasparilla Island as a bird and wildlife sanctuary, as adopted in Lee County Ordinance 83-16. Lee County will support the efforts of Charlotte County for the designation of Cole Island, Live Oak Key, Peekins Ranch Cove and Key, the fishing pier at the old 400 foot railroad bridge, the peninsula located north of the Lee County line (as identified in the Open Space Inventory), all remaining land zoned Environmentally Sensitive, as well as the Charlotte County portion of Gasparilla Island, as a bird and wildlife sanctuary. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.7.6: Support and promote the preservation of environmentally sensitive lands and support, promote and investigate additional preservation programs. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.7.7: Lee County will maintain the existing recreational facilities on Gasparilla Island, including two tennis courts, a basketball court, a volleyball court, the baseball field on Wheeler Street, the various beach access locations, a community playground, the picnic areas, and fishing sites, including one on the Bayou. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.7.8: Lee County will support efforts in the Historic District to install and maintain additional native landscaping, especially along Park Avenue and Fourth Street, to provide greater community aesthetics, safer pedestrian movement, landscaped parking areas for automobiles and golf carts and more efficient traffic flow. (Ord. No. [05-19](#), [18-18](#))

OBJECTIVE 19.8: HISTORIC PRESERVATION. To protect, preserve, and enhance the historic resources and heritage of the Boca Grande Community Plan area. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.8.1: Maintain a Boca Grande Historic Preservation Board. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.8.2: Lee County will work with the community of Boca Grande in updating its inventory of contributing and non-contributing structures as part of its efforts to preserve the historic resources of Gasparilla Island. Lee County will assist in efforts to create a record of the historic features of the Island in order to sustain a legacy for future generations. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.8.3: Lee County will work with the Boca Grande Historic Preservation Board and the community of Boca Grande in reviewing the design parameters applicable to the Historic District of Boca Grande to ascertain whether additions, modifications, or deletions need to be considered. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.8.4: Lee County will investigate additional fiscal and tax incentives to preserve the economic viability of the Historic District of Boca Grande. (Ord. No. [05-19](#))

POLICY 19.8.5: Lee County will preserve the historic village character of the commercial sector of Boca Grande by adhering to the criteria of the Design Guidelines Manual for the Boca Grande Historic District. Lee County will support efforts of the Boca Grande community to modify site

and design regulation within the Boca Grande Historic District to include commercial signage and other design components or uses that are not in keeping with the historic elements of the existing community character on Gasparilla Island. (Ord. No. [05-19](#))

POLICY 19.8.6: Lee County will work with the Boca Grande Historic Preservation Board and the community to review the build-back regulations to ascertain whether modifications need to be undertaken in order to restore historic features in the event of catastrophe. If necessary, regulations to allow designated historic resources to be reconstructed will be adopted. (Ord. No. Ordinance No. [05-19](#))

OBJECTIVE 19.9: ECONOMICS. To preserve and promote the economic health of the Boca Grande Community Plan area while not expanding the amount of commercial property on the Island in accordance with the GICDA. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.9.1: Lee County will support efforts by the Gasparilla Island Bridge Authority (GIBA) to secure funding for the repair and maintenance of the bridges connecting Gasparilla Island to the mainland. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.9.2: Lee County will support efforts to preserve, maintain, and enhance the beaches of Gasparilla Island. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.9.3: To ensure Boca Grande's economic health, Lee County will support the preservation of historic businesses and commercial structures. Support may include historic preservation grants and development regulations which will encourage mixed use buildings. The Gasparilla Inn is an example. (Ord. No. [05-19](#), [18-18](#))

GOAL 20: BUCKINGHAM COMMUNITY PLAN. Manage the future growth in the Buckingham Community Plan area; to preserve the existing rural and agricultural land use pattern; to diversify the choice of housing for Lee County by maintaining and enhancing the historic and rural character; and to protect the unique historical and environmental resources in the Buckingham Community Plan area. (Ord. No. [91-19](#), [93-25](#), [94-30](#), [10-15](#), [18-18](#))

OBJECTIVE 20.1: LAND USE. Land uses in the Buckingham Community Plan area will be developed in a manner that is consistent with the rural and agricultural land use pattern. (Ord. No. [00-22](#), [10-15](#), [18-14](#), [18-18](#))

POLICY 20.1.1: No property within the Buckingham Community Plan area will be rezoned to RVPD. (Ord. No. [00-22](#), [10-15](#), [18-18](#))

POLICY 20.1.2: The southeast and northeast quadrants of the intersection of Orange River Boulevard and Buckingham Road is designated as the commercial node for the Buckingham Community Plan area. With the exception of the uses and the property identified in this policy, no new commercial development will be located outside of this commercial node. All new commercial developments in the node are required to provide a minimum of 30% open space. This commercial node is described as those lands 300 feet eastward from the easterly right-of-way of Buckingham Road and lying between Cemetery Road and a point 300 feet north of the intersection of Buckingham Road and Orange River Boulevard. Commercial uses permitted in agricultural zoning districts, such as Feed and Tack stores, are allowed outside of the commercial node if appropriate zoning approval is granted. Commercial boarding stables throughout the Rural Community Preserve will be allowed to give lessons and clinics if lawfully existing or appropriate zoning approval is granted. Commercial uses are permitted on the property zoned C-1 located at 9140 Buckingham Road. (Ord. No. [94-30](#), [98-09](#), [00-22](#), [10-15](#), [18-18](#))

POLICY 20.1.3: Except for those clustered areas approved in accordance with Policy 20.1.5, all lots created in the Rural Community Preserve future land use category must have a minimum area of 43,560 square feet, unless a Minimum Use Determination has been issued. Calculation of lot size must exclude any road right-of-way or easement areas, water management areas, and natural water bodies. (Ord. No. [00-22](#), [10-15](#), [18-18](#))

POLICY 20.1.4: Bonus density is prohibited in the Rural Community Preserve. (Ord. No. [10-15](#), [18-18](#))

POLICY 20.1.5: Clustering of residential development in the Rural Community Preserve requires residential planned development (RPD) zoning. Density in clustered developments will be based on upland acreage. Dwelling units must be located away from the property boundaries. Clustering of residential development is limited in the following fashion:

- Buildings must be set back a minimum of 100 feet from the RPD boundary.
- The RPD must have a minimum of 10 acres in order to cluster homesites.

(Ord. No. [10-15](#), [18-18](#))

POLICY 20.1.6: When possible, residential development adjacent to the Rural Community Preserve future land use category should make appropriate transitions to the Community Plan area with a graduated increase in density as development moves away from the Rural Community Preserve future land use category boundary. Appropriate buffers will be established for projects adjacent to the Rural Community Preserve future land use category boundary during the rezoning process. (Ord. No. [10-15](#), [18-18](#))

POLICY 20.1.7: To preserve the shoreline, a 50 foot setback is required from the Orange River. The setback will be measured from the mean high water line or from the top of bank of the Orange River, whichever is further landward. Docks are exempt from this setback requirement. (Ord. No. [10-15](#), [18-18](#))

POLICY 20.1.8: The owner or agent of any rezoning or special exception request on property within the Community Plan area boundary or on property with existing or proposed direct access to Buckingham Road, must hold one public information meeting in accordance with Policies 17.3.3 and 17.3.4 prior to the application being found sufficient. (Ord. No. [18-18](#))

OBJECTIVE 20.2: TRANSPORTATION. To use context sensitive design, appropriate to Future Non-Urban Areas, for roadway improvements. For purposes of this objective, improvements related to bicycle, pedestrian and equestrian facilities or safety improvements, including but not limited to intersection and turn lane additions or improvements, will not be deemed an expansion of the roadway. (Ord. No. [94-30](#), [99-15](#), [00-22](#), [10-15](#), [18-18](#))

POLICY 20.2.1: Future multi-lane expansions within the Buckingham Community Plan area will be limited to the four-laning of Buckingham Road (except for the portion of Buckingham Road that is encompassed by the Lockett Road Extension). All other existing roadways within the boundaries of the Buckingham Community Plan area will remain in their two-lane configuration. This policy does not include bicycle, pedestrian and equestrian facilities or safety improvements. Prior to adding any multi-lane expansions of Buckingham Road to the schedule of capital improvements, one public meeting after 5:00 p.m. regarding the proposed road expansion must be held in accordance with Policies 17.3.3 and 17.3.4. (Ord. No. [10-15](#), [18-18](#))

POLICY 20.2.2: Future extensions of roadways into or through the Community Plan area will be limited to the Lockett Road Extension on the alignment and in the configuration as adopted by the Board of County Commissioners on June 3, 2008. Any proposal to further change the adopted

alignment of the Lockett Road Extension will require analysis and public input with at least one public meeting in accordance with Policies 17.3.3 and 17.3.4. The analysis must consider the feasibility of locating the alignment as far south as possible, starting east of Pangola, in order to skirt the Buckingham Community Plan area. In addition, specific roadway extensions are prohibited as follows:

1. The extension of State Road 31 south of the Orange River is prohibited.
 2. The extension of Ellis Road is prohibited.
 3. The extension of Staley Road to State Road 82 is prohibited.
 4. The extension and connection of Long Road to Ellis Road is prohibited.
 5. No new east/west collector roadways will be planned or built within the Rural Community Preserve.
- (Ord. No. [10-15](#), [18-18](#))

POLICY 20.2.3: Identify issues, propose options, and develop a plan directed at improving safety on roads, limiting the negative effects of traffic, and improving the overall functionality of roads within the Buckingham Community Plan area to the extent practicable and consistent with the balance of applicable policies. (Ord. No. [10-15](#), [18-18](#))

OBJECTIVE 20.3: PUBLIC FACILITIES AND UTILITIES. To maintain the rural character of the Buckingham Community Plan area with the provision of public facilities and utilities appropriate for Future Non-Urban Areas. (Ord. No. [00-22](#), [03-19](#), [10-15](#), [18-18](#))

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

POLICY 20.3.2: Central water lines may be extended along roads of the Buckingham Community Plan area upon request of property owners, with extension and connection fees paid by the person(s) receiving the water service. The County may also extend central water lines through the Buckingham Community Plan area, if necessary. Connection to this expanded water service network will be on a voluntary basis. Under no circumstances will the availability of central water be accepted as justification for a density or intensity increase, or reduction of lot size requirements (except as provided in Policy 20.1.5), within the Buckingham Community Plan area. (Ord. No. [10-15](#), [18-18](#))

POLICY 20.3.3: All new large developments (as defined in LDC, Chapter 10) must install utilities underground. Utilities include, but are not limited to, electricity, telephone, and cable lines. (Ord. No. [10-15](#), [18-18](#))

POLICY 20.3.4: Lehigh Acres Municipal Services Improvement District (LAMSID) is encouraged to continue to develop and maintain its infrastructure to minimize flooding, manage flows down the Orange River, and improve water quality. In addition, LAMSID is encouraged to

work with the Lee County Emergency Operations Center to develop a system to warn residents in advance of large releases of water. (Ord. No. [10-15](#), [18-18](#))

POLICY 20.3.5: Any development or redevelopment of property must be done in a manner that does not adversely impact the rural community. Any use must provide appropriate separation, buffering, traffic mitigation and control, and environmental protection. (Ord. No. [10-15](#), [18-18](#))

POLICY 20.3.6: Detention and correctional facilities are prohibited within the Buckingham Community Plan area. (Ord. No. [10-15](#), [18-18](#))

POLICY 20.3.7: No new landfills or resource recovery facilities are permitted in the Buckingham Community Plan area. Expansion of the Resource Recovery facilities located on the County property is permitted, including the introduction of new operations and facilities to address solid waste needs. (Ord. No. [10-15](#), [18-18](#))

OBJECTIVE 20.4: LANDSCAPING, BUFFERING, COMMUNITY AESTHETICS, AND QUALITY OF LIFE. To provide adequate and appropriate landscaping, open space, and buffering as a means of protecting and enhancing the historic rural character and natural environment of the Buckingham Community Plan area from potential negative impacts of developments, utilities, public services, roads, and land use changes or other improvements. (Ord. No. [10-15](#), [18-18](#))

POLICY 20.4.1: Essential service and community facilities must provide an appropriate native vegetative buffer to address compatibility. (Ord. No. [10-15](#), [18-18](#))

POLICY 20.4.2: Lee County will continue, through Lee County Solid Waste Collection Agreements, to require all current and future solid waste collection contractors to perform weekly litter collection along approximately one and one half miles of Buckingham Road, in the vicinity of the Resource Recovery Facility. (Ord. No. [10-15](#), [18-18](#))

POLICY 20.4.3: Residential project walls are prohibited. Berms are allowed in accordance with the LDC, but must be designed to be undulating. (Ord. No. [10-15](#), [18-18](#))

POLICY 20.4.4: Outdoor lighting must be designed to reduce light pollution and light trespass. (Ord. No. [10-15](#), [18-18](#))

POLICY 20.4.5: Any deviation from landscaping, buffering, or signage requirements may not be granted, unless the request meets the approval criteria for variances set forth in LDC, Chapter 34. (Ord. No. [10-15](#), [18-18](#))

OBJECTIVE 20.5: ENVIRONMENT, OPEN SPACE AND PARKS. To protect the environment, open space and parks within the Buckingham Community Plan area. (Ord. No. [10-15](#), [18-18](#))

POLICY 20.5.1: Lee County will work with the Buckingham Community to develop a plan for an interconnected system of parks, hiking, and horse riding trails within the Buckingham Community Plan area. (Ord. No. [10-15](#), [18-18](#))

POLICY 20.5.2: Any access to the Orange River, except for single family docks, will be reviewed through the planned development zoning process to insure consistency with surrounding areas. Docks, except for single family docks, approved prior to March 3, 2010 may remain but may not be expanded unless the expansion complies with this policy. (Ord. No. [10-15](#), [18-18](#))

POLICY 20.5.3: The removal of invasive exotic plants, as defined by the state or County, is required for all new development within the Rural Community Preserve. (Ord. No. [10-15](#), [18-18](#))

OBJECTIVE 20.6: To protect and support agricultural uses. These uses include a variety of agricultural applications such as tree farms, citrus farms, stables, cattle, cows, goats, and other livestock and crops of varying sizes. (Ord. No. [10-15](#), [18-18](#))

POLICY 20.6.1: Growing of crops for alternative energy sources on an experimental basis, such as *Jatropha curcas*, will be considered an agricultural use. (Ord. No. [10-15](#), [18-18](#))

GOAL 21: CALOOSAHATCHEE SHORES COMMUNITY PLAN. Protect the existing character, natural resources and quality of life in the Caloosahatchee Shores Community Plan area, while promoting new development, redevelopment and maintaining a more rural identity for the neighborhoods east of I-75 by establishing minimum aesthetic requirements, planning the location and intensity of future commercial and residential uses, and providing incentives for redevelopment, mixed use development and pedestrian safe environments. (Ord. No. [03-21](#), [18-18](#))

OBJECTIVE 21.1: COMMUNITY CHARACTER. To create a visually attractive community. (Ord. No. [03-21](#), [18-18](#))

POLICY 21.1.1: Maintain LDC regulations that provide for enhanced landscaping, signage and architectural standards consistent with the goal of maintaining an old Florida rural identity. The preferred architectural style for all buildings in commercial developments is Florida vernacular. (Ord. No. [03-21](#), [07-12](#), [18-18](#))

POLICY 21.1.2: Any deviation from landscaping, buffering, signage or architectural requirements may not be granted unless the request meets the approval criteria for variances set forth in the LDC, Chapter 34. (Ord. No. [03-21](#), [18-18](#))

POLICY 21.1.3: Protect Caloosahatchee Shores' rural character from the encroachment of inconsistent and incompatible urban development by requiring that amendments to the future land use map that increase density or intensity be accompanied with a concurrent planned development rezoning that demonstrates compatibility with the rural character. (Ord. No. 09-06, [18-14](#), [18-18](#))

OBJECTIVE 21.2: COMMERCIAL LAND USES. New commercial uses will be limited to properties already zoned for commercial uses as well as properties located at the intersection of I-75 and S.R. 80, the intersection of S.R. 31 and S.R. 80, the State Route 80 Corridor Overlay, the Verandah Boulevard commercial node, and the Commercial, Central Urban and Suburban future land use categories adjacent to S.R. 80. New commercial zoning must be approved through the planned development rezoning process. Commercial redevelopment and increased commercial opportunities on properties adjacent to SR 80 to service the needs of the Caloosahatchee Shores Community Plan area and surrounding areas are encouraged. (Ord. No. [03-21](#), [11-24](#), [17-13](#), [18-18](#))

POLICY 21.2.1: To service the retail needs of Caloosahatchee Shores and the surrounding rural communities, the intersection of SR 80 and SR 31, north of SR 80 and east and west of SR 31 are designated as commercial nodes to allow for greater commercial intensity. Commercial nodes are intended for development or redevelopment at Community Commercial levels as defined in the Glossary.

The Verandah Boulevard commercial node is intended for Minor Commercial levels as defined in the Glossary. Office and residential uses consistent with the Suburban designation are also allowed in this Minor Commercial node. (Ord. No. [03-21](#), [11-24](#), [17-13](#))

POLICY 21.2.2: New retail uses along Buckingham Road will be limited to the intersection of S.R. 80 and Buckingham Road. (Ord. No. [03-21](#), [11-24](#), [17-13](#))

POLICY 21.2.3: The Olga Mall property, 2319 S. Olga Drive, may continue to provide minor commercial retail services for the Olga community. (Ord. No. [03-21](#), [11-24](#))

OBJECTIVE 21.3: RESIDENTIAL USES. To protect and enhance the existing residential neighborhoods in the Caloosahatchee Shores Community Plan area by providing appropriate buffers between residential and non-residential uses. (Ord. No. [03-21](#), [18-18](#))

POLICY 21.3.1: Maintain LDC regulations that provide for greater buffering between adjacent commercial and residential uses except for in mixed use developments. (Ord. No. [03-21](#), [07-12](#), [18-18](#))

OBJECTIVE 21.4: MIXED USE DEVELOPMENT. To encourage mixed use developments in specific areas of the Caloosahatchee Shores Community Plan area through a variety of incentives. (Ord. No. [03-21](#), [18-18](#))

POLICY 21.4.1: With the exception of mixed use projects, residential uses fronting SR 80 and Buckingham Road are limited to no more than four dwelling units per acre. (Ord. No. [03-21](#))

POLICY 21.4.2: Mixed use developments and mixed use buildings, as defined in the Glossary, are the preferred development and building type for properties within the Mixed Use Overlay (Map 1-C). With the exception of development at the intersection of SR 80 and SR 31, which will be allowed densities consistent with the Urban Community future land use designation, mixed use developments in the Mixed Use Overlay will be limited to six dwelling units per acre. (Ord. No. [03-21](#), [18-18](#))

POLICY 21.4.3: Maintain LDC regulations that encourage mixed use developments. (Ord. No. [03-21](#), [07-12](#), [18-18](#))

OBJECTIVE 21.5: COMMUNITY FACILITIES/PARKS. To provide and facilitate the provision of a broad mix of community facilities. (Ord. No. [03-21](#), [18-18](#))

POLICY 21.5.1: Seek appropriate recreational opportunities, parks, nature, pedestrian and equestrian trails through public/private partnerships. (Ord. No. [03-21](#), [18-18](#))

POLICY 21.5.2: Identify opportunities to maintain and enhance public access to the Caloosahatchee River. All new commercial development on properties along the Caloosahatchee River are strongly encouraged to provide for public access to the riverfront. (Ord. No. [03-21](#), [18-18](#))

POLICY 21.5.3: Ensure that the development of new parks or enhancement of existing parks address the recreational needs of the community and are integrated into the surrounding developments and open space areas. The concept would be for a park to act as a hub, connected to other open space/recreational opportunities through pedestrian bicycle or equestrian linkages, either along public rights-of-way or through adjacent developments. (Ord. No. [03-21](#), [18-18](#))

GOAL 22: OLGA COMMUNITY PLAN. Maintain Olga's heritage and rural character. (Ord. No. [09-10](#), [18-18](#))

OBJECTIVE 22.1: To maintain the Future Land Use Map in a manner that reflects the Olga Community Plan. (Ord. No. [09-10](#), [18-18](#))

POLICY 22.1.1: All new development requiring a development order on Old Olga Road from the western intersection of SR 80 and Old Olga Road east to the eastern intersection of Old Olga Road and SR 80 will be required to install eight-foot wide bicycle and pedestrian facilities along one side of the length of the property line. The bicycle and pedestrian facility will be required on the east and south side of Old Olga Road from the western intersection of Old Olga Road and SR 80 to the intersection of Old Olga Road and South Olga Road; and, on the north side of Old Olga Road from the intersection of Old Olga Road and South Olga Road to the eastern intersection of Old Olga Road and SR 80. The community will work with the Lee County Bike and Pedestrian Committee to get a retrofit project prioritized. (Ord. No. [09-10](#), [18-18](#))

POLICY 22.1.2: Development density and intensity will gradient from the center to the edge suitable to integrate surrounding land uses. (Ord. No. [09-10](#), [18-18](#))

POLICY 22.1.3: Floor Area Ratio (FAR) maximums in the Commercial Future Land Use Category described in Lee Plan Policy 1.1.10, located north of SR 80 and east of South Olga Road will be a maximum of 0.25. (Ord. No. [09-10](#), [10-34](#), [18-18](#))

POLICY 22.1.4: Building and project designs must ensure that internal street systems are designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. (Ord. No. [09-10](#), [18-18](#))

POLICY 22.1.5: Heritage trees will be preserved or, when possible, may be relocated on-site. If a heritage tree must be removed from the site then a replacement tree with a minimum 20-foot height must be planted within an appropriate open space. (Ord. No. [09-10](#), [18-18](#), [21-09](#))

POLICY 22.1.6: A collector road connection from South Olga Drive west to the intersection of Old Olga Road and Caribbean Drive is supported. If constructed, the roadway connection will be at the developer's expense as properties along the proposed roadway are built. (Ord. No. [09-10](#), [18-18](#))

POLICY 22.1.7: Maintain LDC regulations that require natural habitats, such as tree canopies, be incorporated into project site designs. (Ord. No. [09-10](#), [18-18](#))

POLICY 22.1.8: When undertaking streetscape improvements, new private construction and building rehabilitation, utility lines must be placed underground where it is economically feasible and where practical to improve visual qualities. (Ord. No. [09-10](#), [18-18](#))

GOAL 23: CAPTIVA COMMUNITY PLAN. The goal of the Captiva Community Plan is to protect the coastal barrier island community's natural resources such as beaches, waterways, wildlife, vegetation, water quality, dark skies and history. This goal will be achieved through environmental protections and land use regulations that preserve shoreline and natural habitats, enhance water quality, encourage the use of native vegetation, maintain the mangrove fringe, limit noise, light, water, and air pollution, create mixed use development of traditionally commercial properties, and enforce development standards that maintain the historic low-density residential development pattern of Captiva. (Ord. No. [03-01](#), [18-04](#), [18-18](#), [23-33](#))

OBJECTIVE 23.1: PROTECTION OF NATURAL RESOURCES. To continue the long-term protection and enhancement of wetland habitats, water quality, native upland habitats (including rare and unique habitats), and beaches on Captiva. (Ord. No. [03-01](#), [18-04](#), [18-18](#))

POLICY 23.1.1: Mangrove Fringe. Consider development regulations that will provide additional protection to the shoreline, including mangrove fringe, to the greatest extent possible. (Ord. [18-04](#), [18-18](#))

POLICY 23.1.2: Blind Pass. Cooperate at the federal, state, regional and local levels, efforts to maintain Blind Pass as an open pass. Lee County recognizes the positive benefits of maintaining an open Blind Pass to the near-shore environment, marine ecology, back-bay water quality, and boater access. (Ord. No. [03-01](#), [11-19](#), [18-04](#), [18-18](#))

POLICY 23.1.3: Estuarine and Wetland Resources. Continue to support the protection of estuarine and wetland resources and wildlife habitat on Captiva. (Ord. No. [03-01](#), [18-04](#), [18-18](#))

POLICY 23.1.4: Beach and Shore Preservation. Continue to support the effort of the Captiva Erosion Prevention District, a beach and shore preservation authority under provisions of Chapter 161, Florida Statutes, to preserve, protect and maintain Captiva's beaches using environmentally responsible methods. (Ord. No. [03-01](#), [18-04](#), [18-18](#))

POLICY 23.1.5: Quality of Adjacent Waters. Continue to support efforts to investigate measures that may improve water quality in Pine Island Sound and the Gulf of Mexico. This may include a feasibility analysis of alternative wastewater collection and treatment systems to serve the Captiva community for a planning period of 30 years, including a central sewer system based upon current land use regulations. Should the feasibility analysis show that Captiva requires or is best served by an alternative wastewater collection and treatment system, Lee County will encourage efforts to size the system consistent with development permitted by the Lee Plan and the LDC. (Ord. No. [03-01](#), [18-04](#), [18-18](#))

POLICY 23.1.6: Natural Upland Habitats. Continue to support the preservation of native upland vegetation and wildlife habitat on Captiva. (Ord. No. [18-04](#), [18-18](#))

OBJECTIVE 23.2: PROTECTION OF COMMUNITY RESOURCES. To continue the long-term protection and enhancement of community facilities, existing land use patterns, unique neighborhood-style commercial activities, infrastructure capacity, and historically significant features on Captiva. (Ord. No. [03-02](#), [18-04](#), [18-18](#))

POLICY 23.2.1: Mixed Use Development. Mixed use developments as defined in the Glossary, and mixed use developments containing both commercial and residential uses within the same structure, are appropriate on Captiva properties that were zoned C-1 or CT as of Jan. 1, 2006. Such properties may be allowed residential units in addition to commercial uses at a density consistent with the Lee Plan. Such developments will only be permitted if approved as a Commercial or Mixed Use Planned Development. (Ord. No. [03-02](#), [18-04](#), [18-18](#))

POLICY 23.2.2: Subdivision of Existing RSC-2 Parcels. Maintain existing development regulations that restrict the subdivision of parcels that are zoned RSC-2 (Captiva Estate) as of January 1, 2002 unless the resulting lots comply with the minimum lot size and dimensional requirements set forth in the LDC for RSC-2 zoned lots in Captiva. (Ord. No. [03-01](#), [18-04](#), [18-18](#))

POLICY 23.2.3: Building Heights. Maintain building height regulations that account for barrier island conditions, such as mandatory flood elevation and mean-high sea level, for measuring height of buildings and structures. (Ord. No. [18-04](#), [18-18](#), [23-33](#))

POLICY 23.2.4: Historic Development Pattern. Limit development to that which is in keeping with the historic development pattern on Captiva including the designation of historic resources

and the rehabilitation or reconstruction of historic structures. The historic development pattern on Captiva is comprised of low-density residential dwelling units, as defined in LDC, Chapter 10, minor commercial development and South Seas Island Resort. (Ord. No. [18-04](#), [18-18](#))

POLICY 23.2.5: Lot Size per Unit. Development orders or development permits that would result in a reduction of the minimum lot size per unit permitted on a parcel under the parcel's current zoning category or under any other zoning category that would result in a reduction of the minimum lot size per unit on that parcel (as of March 23, 2018) are prohibited. (Ord. No. [18-04](#), [18-18](#))

POLICY 23.2.6: Variances and Deviations. Variances and/or deviations from the current development standards will not be permitted unless they meet all of the specific requirements for variances and deviations set forth in the LDC. (Ord. No. [18-04](#), [18-18](#))

POLICY 23.2.7: Alternative Transportation. Support integration of pedestrian and bicycle facilities into the transportation network to make Captiva safer for pedestrians, golf carts and bicyclists and to reduce automobile dependence and the need for increased parking facilities. (Ord. No. [18-04](#), [18-18](#))

POLICY 23.2.8: Underground Utilities. Support efforts to investigate the relocation of utilities underground. (Ord. No. [18-04](#), [18-18](#))

POLICY 23.2.9: Dark Skies. Limit light pollution and light trespass on Captiva in order to protect wildlife from any detrimental effects and for the benefit of Captiva residents and visitors. (Ord. No. [18-04](#), [18-18](#))

OBJECTIVE 23.3: NATIVE VEGETATION AND TREE CANOPY. To enforce and strengthen existing vegetation ordinances intended to preserve, promote, and enhance the existing native vegetation and tree canopy on Captiva. (Ord. No. [18-04](#), [18-18](#))

POLICY 23.3.1: Trees along Captiva Drive. Support efforts to restore the historic tree canopy and vegetative buffers along Captiva Drive between Blind Pass and the north end of Captiva Drive by promoting planting of indigenous, native or non-invasive trees, preferably those that require minimal irrigation once established. (Ord. No. [18-04](#), [18-18](#))

POLICY 23.3.2: Invasive Vegetation and Nuisance Pests. Consider implementation of methods or programs, including education of individual property owners, to reduce the proliferation of invasive exotic vegetation and nuisance pests. (Ord. No. [18-04](#), [18-18](#))

OBJECTIVE 23.4: PUBLIC PARTICIPATION. Opportunities for public input will be provided during the comprehensive plan amendment and rezoning processes. (Ord. No. [18-04](#), [18-18](#))

POLICY 23.4.1: Public Informational Meeting. The owner or agent applying for an amendment to Captiva community-specific provisions in the Lee Plan or LDC must conduct one public informational meeting. The applicant is fully responsible for providing the meeting space, providing advance notice of the meeting, and providing security measures as needed. The meeting must be held within the community plan boundary. Advance notice of the meeting must be disseminated in a community-based media outlet, physically posted at the post office and provided in writing to citizen groups and civic associations within the community that are registered with Lee County for notification of pending Lee Plan or LDC amendments. The notice must be available and posted at least one week prior the scheduled meeting date.

At the meeting, the agent will provide a general overview of the amendment for any interested citizens. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and the applicant's response to any issues that were raised. This information must be submitted to the County before an application for a project can be found sufficient.

Zoning Public Informational Meetings: Zoning related public information meetings will be required as provided in the LDC. (Ord. No. [18-04](#), [18-18](#))

POLICY 23.4.2: Online Database. Maintain an online database available to the public for their review containing comprehensive plan amendment and zoning case information specific to each community plan area. (Ord. No. [18-04](#), [18-18](#))

GOAL 24: GREATER PINE ISLAND COMMUNITY PLAN. Manage future growth on and around Greater Pine Island so as to: maintain the island's unique natural resources, rural character, and coastal environment; support the viable and productive agricultural community and other local businesses; and to protect the public health, safety and welfare of island residents and visitors when a hurricane strike is imminent. (Ord. No. [94-30](#), [05-21](#), [16-07](#), [18-18](#))

OBJECTIVE 24.1: NATURAL RESOURCES. County regulations, policies, and discretionary actions affecting Greater Pine Island will permit no further degradation of estuarine and wetland resources, and will serve the long-term preservation of native upland vegetation and wildlife habitat. (Ord. No. [94-30](#), [00-22](#), [16-07](#), [18-18](#))

POLICY 24.1.1: The County will not approve or support any new canals on Greater Pine Island or any new artificial channels in natural waters within one mile of Pine Island. (Ord. No. [94-30](#), [00-22](#), [18-18](#))

POLICY 24.1.2: Lee County will maintain a map of the seagrass beds around Greater Pine Island, and will regulate boating activities around Greater Pine Island and marina siting on Greater Pine Island in such a way as to prevent the net loss of seagrasses due to "prop dredging." (Ord. No. [94-30](#), [00-22](#), [18-18](#))

POLICY 24.1.3: Lee County will explore the possibility of estimating the aerial extent and maturity of mangroves in Greater Pine Island for the purpose of providing baseline data necessary to ensure that the cumulative impact of mangrove alteration does not decrease the combination of aerial extent and maturity of mangroves relative to the baseline data. (Ord. No. [94-30](#), [00-22](#), [16-07](#), [18-18](#))

POLICY 24.1.4: Maintenance dredging of old channels and canals may be permitted in those cases where the original channel (or canal) depth and width can be accurately determined. (Ord. No. [18-18](#))

POLICY 24.1.5: New development, including "planned development" rezoning approvals, new subdivisions, and agriculture, that adjoin state-designated aquatic preserves and associated wetlands and natural tributaries must preserve or create a 50-foot-wide native vegetated buffer area between the development and the waterbody or associated wetlands. This requirement will not apply to existing subdivided lots.

For agriculture, this requirement:

- will be implemented through the notice-of-clearing process in the LDC, Chapter 14;

- will include a requirement to use this area as a riparian forest buffer with an adjoining filter strip wherever farmland abuts wetlands; and
- if native vegetation does not currently exist, native tree cover will be established within three years of issuance of the notice of clearing.

The placement and width of the 50 foot vegetated buffer can be modified to accommodate development; however, the development must meet all of the following criteria:

- impact less than 1.5 acres of the associated wetlands; and,
- the impacted area must consist primarily of exotic vegetation; and,
- avoid all impacts to mangrove swamps and tidal flats (FLUCCS Code 612 and 651); and,
- be in the Urban Community Future Land Use Category; and,
- be a planned development.

In addition to the listed criteria, the development must create an onsite wetland area. The created wetland area must meet the following:

- must be a minimum of 1.5 square feet for each square foot of impacted associated wetlands; and,
- consist of 100% native wetland species; and,
- consist of 6' wetland trees to be planted 15' on center and 3 gallon wetland shrubs planted 3' on center; and,
- maintain a hydrologic connection with the remaining preserved associated wetlands; and,
- the wetland creation area may be comprised of planted dry detention, filter marsh or other similar green infrastructure techniques; and,
- the created wetlands are not intended to replace any state or federal required offsite mitigation for permitted impacts to wetlands.

(Ord. No. [00-22](#), [03-03](#), [11-30](#), [18-18](#))

POLICY 24.1.6: The County will continue to encourage the preservation of environmentally sensitive areas, rare and unique uplands, eagle nesting areas, and archaeological and historic sites on Greater Pine Island in accordance with the priorities set out in this Plan. (Ord. No. [94-30](#), [00-22](#), [18-18](#))

POLICY 24.1.7: Lee County will assess the condition of septic tank drainfields along saltwater canals in St. James City, Bokeelia, and Flamingo Bay if grant funding can be obtained and if property owners are willing to cooperate with the study. This program would analyze whether current soil conditions or the density, age, or condition of drainfields are likely to be degrading tidal water in the canals. If serious degradation is taking place, Lee County will assess the feasibility of various corrective measures. (Ord. No. [94-30](#), [00-22](#), [03-03](#), [18-18](#))

POLICY 24.1.8: Lee County will support practices that reduce pesticides, fertilizers, animal waste, and other pollutants entering Greater Pine Island's estuarine and wetland resources. (Ord. No. [16-07](#), [18-18](#))

POLICY 24.1.9: Lee County will support the use of central sanitary sewer service to reduce potential contamination to groundwater or the surrounding estuarine systems from on-site septic systems. (Ord. No. [16-07](#), [18-18](#))

OBJECTIVE 24.2: ROAD IMPROVEMENTS. The County will continually monitor traffic levels within Greater Pine Island to maintain hurricane evacuation clearance times in accordance with Objective 24.7. (Ord. No. [00-22](#), [16-07](#), [18-18](#), [18-28](#))

POLICY 24.2.1: Lee County will monitor impacts to the existing transportation infrastructure of Greater Pine Island recognizing the limited access to the community and the seasonal nature of infrastructure demand. (Ord. No. [16-07](#), [18-18](#))

POLICY 24.2.2: Lee County will continue to work toward attaining a level of service for out of County hurricane evacuation in a Category 5 storm event that does not exceed 18 hours. (Ord. No. [16-07](#), [18-18](#))

POLICY 24.2.3: Lee County will work with the Florida Department of Transportation (FDOT) to identify hurricane evacuation roadway capacity improvements in order to maintain evacuation clearance time standards for Greater Pine Island. (Ord. No. [16-07](#), [18-18](#))

POLICY 24.2.4: The County will make every effort to continue extending the bicycle path to run the entire length of Stringfellow Road. This path should be designed similar to the bicycle path north of Pineland that was completed in 2001. (Ord. No. [03-03](#), [16-07](#), [18-18](#))

POLICY 24.2.5: Lee County will continue to evaluate pedestrian safety and circulation, and will seek to minimize pedestrian-vehicular conflicts within the Matlacha Historic District. (Ord. No. [16-07](#), [18-18](#))

POLICY 24.2.6: Lee County will assess the benefits of expanding mass transit services to Greater Pine Island to minimize the number of vehicular trips through Matlacha, and will encourage projects to accommodate bus stops, multi-modal opportunities, ride share lots, water taxis, and/or pedestrian connectivity. (Ord. No. [16-07](#), [18-18](#))

OBJECTIVE 24.3: RESIDENTIAL LAND USES. County regulations, policies, and discretionary actions will recognize certain unique characteristics of Greater Pine Island which justify different treatment of existing and future residential areas than in mainland Lee County, as described in the following policies. (Ord. No. [94-30](#), [00-22](#), [18-18](#))

POLICY 24.3.1: Due to the constraints on future development posed by the limited road connections to mainland Lee County, only Greater Pine Island TDUs are permitted in Greater Pine Island consistent with Table 1(a), Note 4. Only the portion of Greater Pine Island defined as Pine Island Center is eligible to receive Greater Pine Island TDUs. (Ord. No. [16-07](#), [18-18](#))

POLICY 24.3.2: When warranted by actual construction and occupancy of homes, existing substandard subdivisions may become subject to Municipal Service Taxing or Benefit Districts to provide roads, drainage, and other public facilities. (Ord. No. [18-18](#))

POLICY 24.3.3: Adjusted Maximum Density is not permitted to be located within Coastal Rural designated lands within the Coastal High Hazard Area. (Ord. No. [16-07](#), [18-18](#))

POLICY 24.3.4: Dwelling units may be transferred from parcels that have a future land use designation of Coastal Rural to parcels with urban future land use categories on Greater Pine Island, subject to the following:

1. The receiving and transferring lands are under the same ownership at the time this policy was adopted, and remain under the same ownership at the time units are transferred;
2. The maximum allowable density that may be transferred from Coastal Rural parcels is limited to one dwelling unit per 2.7 acres (1 du/2.7 acres);

3. The property receiving the additional dwelling units is rezoned to a planned development;
4. Density can be allocated across the planned development-zoned property, including those lands within the planned development that are designated Coastal Rural, provided that the density developed within Coastal Rural designated property does not exceed 1 dwelling unit per 2.7 acres (1 du/2.7 acres);
5. Development rights for each unit transferred from the transferring parcel are extinguished through a recorded instrument acceptable to the County Attorney's Office and provided to the Department of Community Development with the planned development rezoning application for the receiving parcel;
6. The allowable density on the receiving parcels will be the sum of the allowable densities for the receiving and transferring parcel, subject to the Coastal Rural density limitations set forth in subsection 4 above; and
7. Bona fide agricultural uses on the transferring parcel may continue in accordance with Policy 24.6.1.
(Ord. [16-07](#), [18-18](#), [21-09](#))

OBJECTIVE 24.4: COMMERCIAL LAND USES. County regulations, policies, and discretionary actions will recognize certain unique characteristics of Greater Pine Island which justify different treatment of existing and future commercial areas than in mainland Lee County, as described in the following policies. (Ord. No. [94-30](#), [00-22](#), [18-18](#))

POLICY 24.4.1: The future urban areas in Pine Island Center are targeted for most future commercial and industrial uses, as permitted by other portions of this plan. Non-residential developments within Pine Island Center are encouraged to provide employment opportunities; serve the day to day needs of residents and visitors; demonstrate a positive impact on traffic patterns within Greater Pine Island; and reduce the number of vehicular trips through Matlacha. (Ord. No. [16-07](#), [18-18](#))

POLICY 24.4.2: Commercial development at locations outside Pine Island Center, but within future urban land use categories, must be designed to minimize impacts to residential and adjacent agricultural uses. Permitted uses should be restricted to the following: marinas; fish houses; and minor commercial uses to serve the day to day needs of local residents and island visitors. (Ord. No. [94-30](#), [00-22](#), [10-17](#), [16-07](#), [18-18](#))

POLICY 24.4.3: The County will provide specific architectural and site design standards for Greater Pine Island in the LDC. These standards must: promote but not mandate rehabilitation over demolition; address the size and scale of building mass in relation to the built and natural environment; establish community-specific architectural standards in support of Greater Pine Island's coastal rural character; preserve mature trees wherever possible; encourage the location of off-street parking to the side and rear of buildings to preserve viewsheds along public roadways; require large windows and forbid most blank walls; and encourage metal roofs and other features of traditional "Old Florida" styles. The new commercial design standards will reflect the different characteristics of Bokeelia, Pineland, Matlacha, and St. James City. Deviations from these standards may not be granted unless the request meets the County approval criteria for variances set forth in the LDC, Chapter 34. (Ord. No. [03-03](#), [16-07](#), [18-18](#))

POLICY 24.4.4: In the Coastal Rural future land use category, commercial development is restricted to minor commercial development as set forth in Policy 6.1.2. All zoning requests for

commercial projects must utilize the planned development rezoning process and be consistent with the following:

- Total building floor area is limited to 5,000 square feet, unless the development can demonstrate compatibility with adjacent uses, and a positive impact on traffic patterns within Greater Pine Island.
- Development must not exceed two acres of impervious area.
- Uses are limited to those that reflect the Coastal Rural character and unique culture of Greater Pine Island, such as animal clinics, bait and tackle shops, ecotourism, farm and feed supply stores, food stores, lawn and garden supply stores, restaurants (excluding fast food), roadside/produce stands, specialty retail, and plant nurseries.
- Buildings exceeding 5,000 square feet that are lawfully existing or approved as of October 1, 2009 will be deemed vested for the approved and existing square footage for the life of the structure despite a change in use.

(Ord. No. [10-17](#), [16-07](#), [18-18](#), [22-28](#))

OBJECTIVE 24.5: HISTORIC RESOURCES. Lee County will continue to formally designate historic resources and archaeological sites on and around Greater Pine Island. (Ord. No. [94-30](#), [00-22](#), [18-18](#))

POLICY 24.5.1: The County will continue to recognize Matlacha as an historic district, with an emphasis upon preserving the historic commercial fishing uses that give the community its unique character. (Ord. No. [94-30](#), [00-22](#), [18-18](#))

POLICY 24.5.2: Public acquisition of historic structures and archaeological sites will be considered in conjunction with other public purposes such as parks or preservation of environmentally sensitive lands. (Ord. No. [00-22](#), [18-18](#))

POLICY 24.5.3: The County will evaluate the effects of County regulations (such as zoning, road setbacks, and other development regulations) on designated historic districts and other districts of local concern, and will modify such regulations where necessary to protect both the interests of owners of historic structures and the health, safety, and welfare of the general public. (Ord. No. [94-30](#), [00-22](#), [18-18](#))

POLICY 24.5.4: The County will update its historic sites survey of Greater Pine Island if an update is determined to be needed. The County will consider formal local designation of additional historic buildings, especially in St. James City, Pineland, and Bokeelia, and will identify potential buildings or districts for the National Register of Historic Places. (Ord. No. [03-03](#), [18-18](#))

OBJECTIVE 24.6: GREATER PINE ISLAND TRANSFER OF DEVELOPMENT RIGHTS (Greater Pine Island TDR) PROGRAM. To promote and preserve the rural character of Pine Island, Lee County will pursue the incorporation of Greater Pine Island's purchase and transfer of development rights programs into the LDC. (Ord. No. [05-21](#), [16-07](#), [18-18](#))

POLICY 24.6.1: Lee County will amend its LDC to implement transfer of development rights and purchase of development rights programs for Greater Pine Island. The new programs will create incentives for property owners within Greater Pine Island to transfer development rights associated with their parcels to: receiving lands outside of the planning community; future urban areas within the planning community that are targeted for development in accordance with these provisions; or,

Lee County. The programs will allow for continued agricultural uses on sending lands, in addition to limited non-residential uses that directly support the agricultural operations. (Ord. No. [16-07](#), [18-18](#))

POLICY 24.6.2: The Greater Pine Island TDR program will have the following characteristics:

- a. Creation of Greater Pine Island Transferable Development Units (Greater Pine Island TDUs).
 1. Up to one Greater Pine Island TDU may be created per five acres of wetlands.
 2. Up to one Greater Pine Island TDU may be created per one acre of uplands located in non-urban future land use categories.
 3. Up to three Greater Pine Island TDUs may be created per one acre of uplands located in the Outlying Suburban future land use categories.
 4. Up to two Greater Pine Island TDUs may be created from a single-family lot or parcel designated as wetlands that holds an affirmative Minimum Use Determination pursuant to Chapter XIII.
- b. Receiving area density and intensity equivalents of Greater Pine Island TDUs.
 1. One Greater Pine Island TDU will be equal up to two dwelling units when transferred to eligible receiving lands outside of the Greater Pine Island Community Plan area.
 2. One Greater Pine Island TDU will be equal up to one dwelling unit when transferred to receiving lands in Pine Island Center.
 3. Lee County may establish non-residential incentives for the use of Greater Pine Island TDUs within Future Urban Areas of the unincorporated Lee County.
- c. The LDC may include regulations that permit the County to evaluate the effectiveness of the Greater Pine Island TDR program and make changes that may further condition or restrict the use of Greater Pine Island TDUs.
(Ord. No. [16-07](#), [18-18](#))

POLICY 24.6.3: The County will administer the TDR program and will develop a clear and concise forum to disseminate program information and records, including but not limited to a: TDR program website that will provide general program information, rules and guidelines; TDU administrative determination application; County-approved form of conservation easement; certified TDU database with ownership information; and, for-sale TDU clearinghouse information for those individuals that request to be included within the TDU clearinghouse program. (Ord. No. [16-07](#), [18-18](#))

OBJECTIVE 24.7: HURRICANE PREPAREDNESS, EVACUATION AND MITIGATION. Lee County will provide for the protection of Greater Pine Island residents, visitors and property from the physical and economic effects of hurricanes and tropical storms. The following policies will supplement Goal 73 as it relates to the hurricane preparedness, evacuation, mitigation and sheltering for residents of Greater Pine Island. (Ord. No. [16-07](#), [18-18](#), [18-28](#))

POLICY 24.7.1: Lee County will work to maintain hurricane evacuation clearance times for Greater Pine Island, and continue to incorporate those times into the County-wide evacuation decision-making planning. (Ord. No. [16-07](#), [18-18](#))

POLICY 24.7.2: Lee County will continue to include Greater Pine Island specific issues in its Comprehensive Emergency Management Plan and related evacuation planning documents. (Ord. No. [16-07](#), [18-18](#))

POLICY 24.7.3: Comprehensive Plan amendments within Greater Pine Island must be found consistent with Policy 101.1.4. (Ord. No. [16-07](#), [18-18](#), [18-28](#))

POLICY 24.7.4: Lee County will continue to include Greater Pine Island in its year-round public information program focused on disaster preparedness. The program will include information on hurricane risk, the need for timely evacuation, the availability and location of hurricane shelters and the actions necessary to minimize property damage to protect human life. (Ord. No. [16-07](#), [18-18](#))

POLICY 24.7.5: New residential development and redevelopment within, or partially within, the Hurricane Vulnerability Zone must mitigate hurricane sheltering and evacuation impacts in accordance with the LDC, Chapter 2, Article XI. (Ord. No. [16-07](#), [18-18](#))

POLICY 24.7.6: Shelters will not be built on barrier or coastal islands within Greater Pine Island. Where financially feasible, geographically appropriate, and in the interest of public health, safety and welfare, Lee County will make every effort to construct new public buildings to hurricane shelter standards. (Ord. No. [16-07](#), [18-18](#))

POLICY 24.7.7: Where feasible, Lee County will evaluate the purchase of lands within Greater Pine Island identified as Coastal High Hazard Areas in order to reduce the expansion of new development within vulnerable areas. (Ord. No. [16-07](#), [18-18](#))

POLICY 24.7.8: The County will evaluate alternative mechanisms to improve evacuation clearance times within the community plan area, including but not limited to: access control; mandatory evacuation notices; one-way evacuation routes; and the preparation and implementation of community-specific mitigation measures. (Ord. No. [16-07](#), [18-18](#))

POLICY 24.7.9: Deviations relating to setbacks, lot coverage, and density within the Coastal High Hazard Area may not be granted, unless the request meets the County approval criteria for variances set forth in the LDC, Chapter 34. (Ord. No. [16-07](#), [18-18](#))

GOAL 25: LEHIGH ACRES COMMUNITY PLAN. Ensure that continued development and redevelopment converts this largely single use, antiquated pre-platted area into a vibrant residential and commercial community consisting of: safe and secure single family and multi-family neighborhoods; vibrant commercial and employment centers; pedestrian friendly mixed use activity centers and neighborhood nodes; and, adequate green space and recreational opportunities. (Ord. No. [10-16](#), [18-18](#))

OBJECTIVE 25.1: SPECIALIZED MIXED USE NODES. To create mixed use nodes that contribute the uses needed to support the Lehigh Acres Community Plan area shown on Map 2-B. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.1.1: Specialized mixed use nodes are classified in three sub-categories: Downtown Lehigh Acres; Community Mixed Use Activity Centers; and, Neighborhood Mixed Use Activity Centers. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.1.2: New development and redevelopment are encouraged to integrate a mixture of at least two or more varied uses, such as retail, office, residential, or public. All developments within the Specialized Mixed Use Nodes must be consistent with Table 1(c). (Ord. No. [10-16](#), [18-18](#))

POLICY 25.1.3: In order to promote a sustainable urban form, these areas are expected to develop at the higher end of the density and intensity ranges, including bonus density. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.1.4: Developments in these areas are encouraged to share required features such as parking, stormwater detention and management areas, open space and other civic areas. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.1.5: Within these nodes, promote pedestrian friendly mixed use development:

- a. Buffer walls between commercial and residential uses are not required.
- b. Bicycle and pedestrian facilities will be provided throughout these developments.
- c. Connections between all uses are required to facilitate alternative modes of transportation.
- d. Connections to adjacent developments will be provided.
- e. Vehicular connections between different uses will be provided to facilitate the internal capture of trips.

(Ord. No. [10-16](#), [18-18](#))

POLICY 25.1.6: Additional Specialized Mixed Use Nodes may be appropriate at the following intersections following the construction of the Lockett Road Extension: W 12th Street and Sunshine Boulevard; W 12th Street and Williams Avenue; W 12th Street and Richmond Avenue; and, W 12th Street and Joel Boulevard. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.1.7: Development within Specialized Mixed Use Nodes may use the development standards allowed within the Mixed Use Overlay. (Ord. No. [17-13](#), [18-18](#))

POLICY 25.1.8: Establish comprehensive stormwater management areas within the Specialized Mixed Use Nodes to achieve an efficient use of property. (Ord. No. [10-16](#), [18-18](#))

OBJECTIVE 25.2: DOWNTOWN LEHIGH ACRES. To redevelop as a vibrant, intensely developed mixed use gathering place to serve area residents. Downtown Lehigh Acres will provide opportunities for multi-family residential, public and private education, live-work, retail, office, medical, entertainment, arts, commercial/public parking, parks, other civic uses, and public amenities. The potential mixture of jobs, living, cultural and recreation opportunities allows the greatest efficiency in the use of infrastructure and other public expenditures of any development style envisioned by this Plan. Downtown Lehigh Acres is an appropriate receiving area for transferred development rights. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.2.1: The Downtown Lehigh Acres area offers a mix of opportunities to live and work in a vibrant, well designed urban environment. Land use is focused on providing residential or office uses on upper floors, with retail uses at the street level to energize the urban experience. Parking should be in structures, not in surface lots. Street trees, well designed public gathering areas, and lighting should be employed to create a safe, inviting experience at the street level both day and night. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.2.2: Provide housing for a wide variety of income levels, in an environment that allows less reliance on the automobile. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.2.3: Create and revitalize the Downtown as the premier urban center of Lehigh Acres, providing jobs, residential opportunities, and cultural and economic activities. Residents should find not only access to employment, transportation, and basic amenities, but a concentration of restaurants, galleries, and unique shopping experiences. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.2.4: Downtown Lehigh Acres will be viewed as a receiving area for any transfer of development rights program that is established in Lee County. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.2.5: Bonus density greater than 15 units per acre in the Intensive Development Future Land Use Category must be achieved through the transfer of development rights program. (Ord. No. [10-16](#), [18-18](#))

OBJECTIVE 25.3: COMMUNITY MIXED USE ACTIVITY CENTERS. To provide the uses needed to support all of the Lehigh Acres Community Plan area including: residential; public and private education; live-work; retail; office; medical; entertainment; light industrial; commercial/public parking; parks; and, other civic uses. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.3.1: Identify those areas within Lehigh Acres that have sufficient vacant or undeveloped land to accommodate the community-scale development that will balance the land uses and provide opportunities to diversify the economic base of the community. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.3.2: Future developments that provide employment opportunities mixed with facilities offering goods and services that support the wider community are encouraged. (Ord. No. [10-16](#), [18-18](#))

OBJECTIVE 25.4: NEIGHBORHOOD MIXED USE ACTIVITY CENTER. To provide the uses needed to support large portions of the Lehigh Acres Community Plan area including: residential; public and private education; live-work; retail; office; medical; entertainment; light industrial; commercial/public parking; parks; and, other civic uses. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.4.1: Future developments that provide mixed use facilities offering goods and services that support the surrounding neighborhoods as well as local employment opportunities and alternate housing types are encouraged. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.4.2: In addition to adhering to the policies under Objective 25.1, Specialized Mixed Use Nodes, these areas are intended to provide a strong link to the existing single family areas. Interconnections utilizing all modes of transportation are highly encouraged. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.4.3: In areas that are already platted, the utilization of the existing street network and block design is strongly encouraged. (Ord. No. [10-16](#), [18-18](#))

OBJECTIVE 25.5: LOCAL MIXED USE ACTIVITY CENTERS. To support the local daily commercial needs of the neighborhood. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.5.1: To assure neighborhoods have local access to commercial services that support the daily needs of the neighborhood, Local Mixed Use Activity Centers will not be assumed to be an encroachment into the neighborhood. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.5.2: These areas are intended to provide a strong link to the existing single family neighborhood. Interconnections utilizing all modes of transportation are highly encouraged. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.5.3: Buffer walls between commercial and residential uses are not required. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.5.4: Connections between the commercial use and the immediate neighborhood are required. These connections should include pedestrian and bicycle facilities. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.5.5: To receive the Local Mixed Use Activity Center designation, the center should be located approximately ½ mile or more from the edge of any area identified in Objective 25.1, Specialized Mixed Use Nodes, and must meet the following locational and access criteria:

- a. Must initially have frontage on two publicly maintained streets.
 - b. Local Mixed Use Activity Center will be designated through the zoning process.
 - c. May be expanded to an area that is adjacent to a previously designated Local Mixed Use Activity Center.
- (Ord. No. [10-16](#), [18-18](#))

OBJECTIVE 25.6: COMMERCIAL OVERLAY ZONES. To designate on the Future Land Use Map a Commercial Overlay for properties in the Lehigh Acres Community Plan area. (Ord. No. [98-09](#); [10-16](#), [18-18](#))

POLICY 25.6.1: Commercial uses are permitted on lands in the Lehigh Commercial Overlay once commercial zoning has been approved. Land in the Lehigh Commercial Overlay may also be used for schools, parks, and other public facilities; churches and synagogues; and residential uses that provide housing alternatives to the typical 1/4 to 1/2 acre subdivision lots. Creation of new single-family lots smaller than one acre is not permitted due to the oversupply of standard subdivision lots. If cumulative new residential development takes place on more than 1% of this land per year, Lee County will take steps to provide additional commercial land in Lehigh Acres to offset the loss. Lee County will take steps to reduce any emerging surplus of commercial land in Lehigh Acres if cumulative new commercial development exceeds an average floor area ratio of 1.0 (the ratio of interior floor space to total lot area). (Ord. No. [98-09](#), [00-22](#), [10-16](#), [18-18](#))

POLICY 25.6.2: Because of the shortage of suitable undivided tracts, commercial uses may also be appropriate on certain other lands that might otherwise be used for residential lots.

1. Many such lands are designated as part of the Lot Assembly Overlay. These lands are platted for single-family lots and are under multiple ownerships. Commercial uses on individual lots or small assemblies of lots would generally be intrusive to existing or emerging neighborhoods. However, the assembly of entire blocks would provide suitable commercial parcels. Major lot assemblies could qualify for commercial zoning whether assembled by government action, private sector purchases, cooperative arrangements between individual lot-owners, or similar arrangements.
2. Other tracts or combinations of platted lots in Lehigh Acres may also be considered for commercial rezoning (even if they are outside any of the three overlays) through the planned development zoning processes or by requesting the CN-3 conventional commercial zoning

district that was created to address Lehigh Acres conditions. Lands suitable for such rezoning would include:

- a. Tracts that are assembled from vacant lots at the intersection of future collector or arterial roads in sparsely developed areas where there are very limited or no suitable commercial locations in any of the Commercial Overlays; or
- b. Tracts that separate existing commercial and residential land uses where some commercial uses may be appropriate if they provide a substantial buffer and reasonably protect the privacy of existing dwellings. Landowners seeking commercial zoning under this subsection should expect a minimal level of commercial uses and/or to provide extra levels of buffering.

(Ord. No. [98-09](#), [00-22](#); [10-16](#), [18-18](#))

OBJECTIVE 25.7: PARKS, RECREATION, OPEN SPACE AND PUBLIC FACILITIES. To create a coherent network of parks, greenways, water amenities, open space, and other public facilities. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.7.1: Lee County Parks and Recreation will work with LAMSID to identify rights-of-way or easements that can be incorporated into the Greenways Master Plan. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.7.2: Lee County, LAMSID, the Lee County School District, and other agencies will work together to identify areas that can be acquired for possible co-location of parks, water retention and other water amenities, school sites, and other public facilities. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.7.3: Lee County will work with the Lee County School District and other agencies that operate within the Community Plan area to identify adequate land to develop additional public facilities needed to accommodate the expected growth of Lehigh Acres. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.7.4: Lee County will explore cost effective land acquisition opportunities that may present themselves through the escheatment process. Where these opportunities exist and can be capitalized on, Lee County will plan for the aggregation of land for needed community facilities or to incentivize private development of commercial or employment uses. (Ord. No. [10-16](#), [18-18](#))

OBJECTIVE 25.8: TRANSPORTATION, PARKING, AND TRAFFIC CIRCULATION. To improve transportation, parking, and circulation within the Lehigh Acres Community Plan area. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.8.1: Whenever possible, all new commercial development adjacent to Lee Boulevard right-of-way must provide access to either 5th Street West, 4th Street West, or other local, collector or arterial roadway. Direct access to Lee Boulevard is discouraged. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.8.2: All connections to SR 82 must be consistent with the FDOT Corridor Access Management Plan for SR 82. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.8.3: All connections to Gunnery Road must be consistent with the Gunnery Road Access Management Plan. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.8.4: All new commercial development must provide parking lot interconnections to adjacent properties and must not prevent pedestrian or vehicular access from adjacent residential areas. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.8.5: Lee County will identify possible locations of new bridges to improve the continuity of the street network and connect neighborhoods. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.8.6: Lee Tran will continue to identify opportunities to improve service, frequency, routes, and bus stop amenities in the Lehigh Acres Community Plan area. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.8.7: New single-family model homes are prohibited within 300 feet of arterial and collector roads. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.8.8: Lee County will not permit mine truck traffic from mines established in Hendry County to utilize Lee County maintained roads within the Lehigh Acres Community Plan area as a primary access. Mines within Hendry County may establish secondary access points to Lee County maintained roads for emergency access purposes only. (Ord. No. [10-16](#), [18-18](#))

OBJECTIVE 25.9: SEWER AND WATER. Expedite the staged extension of water and sewer systems, connect lots previously served by on-site septic and wells, and discourage additional development that is reliant upon on-site well and septic systems. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.9.1: The availability of sewer and water to serve uses within the Specialized Mixed Use Nodes and the Commercial Overlay Zones is not a requirement for zoning approval. However, sewer and water must be available to the property in accordance with Standard 4.1.1 and 4.1.2 before a development order will be issued. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.9.2: Direct new development and redevelopment in Lehigh Acres to areas that can be reasonably expected to receive public services and infrastructure during the planning horizon. (Ord. No. [10-16](#), [18-18](#), [21-09](#))

POLICY 25.9.3: Lee County will work with Florida Governmental Utilities Authority (FGUA) to prioritize areas for the expansion of utilities. (Ord. No. [10-16](#), [18-18](#))

OBJECTIVE 25.10: NATURAL RESOURCES. To preserve, protect, and, where possible, enhance the physical integrity, ecological values, and natural beauty of Lehigh Acres Community Plan area, by maintaining the diverse and healthy native vegetation, and wildlife resources. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.10.1: Lee County will encourage on-site preservation of indigenous plant communities and listed species habitat. Any required mitigation will be of similar habitat, and provided, whenever possible, within the Lehigh Acres Community Plan area. Development must also be consistent with Goal 77 and Objective 77.3. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.10.2: Lee County will work with various agencies to identify existing wetlands that are worth saving or restoring within the Lehigh Acres Community Plan area. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.10.3: Lee County will provide incentives (for example increased density, transfer of development rights, etc.) for the protection of wetlands, historic flow-ways, native habitat or other significant natural resources. (Ord. No. [10-16](#), [18-18](#))

POLICY 25.10.4: Where not inconsistent with SFWMD design criteria, natural habitat restoration is preferred to open water systems for treating stormwater. (Ord. No. [10-16](#), [18-18](#))

GOAL 26: NORTH CAPTIVA COMMUNITY PLAN. Preserve the character, scale, fragile environment, and way of life in the North Captiva Community Plan area by guiding future land use; transportation and roads; conservation and coastal management; Safety Harbor; shore and water quality, water and waste management; open space, recreation, and quality of life; and citizen participation and community education. (Ord. No. [09-09](#), [18-18](#))

OBJECTIVE 26.1: FUTURE LAND USE. Preserve the traditional character, scale, and tranquility of the North Captiva community by continuing to limit the densities and intensities of use and development to sustainable levels that will not adversely impact the natural environment or overburden the existing infrastructure. (Ord. No. [09-09](#), [18-18](#))

POLICY 26.1.1: Variances should be limited to unique, specifically authorized circumstances and be allowed only in situations where unnecessary hardship would otherwise occur; i.e., where all of the following criteria are met:

1. the hardship cannot be corrected by other means allowed in the land development regulations;
2. strict compliance with the applicable regulations allows the property owner no reasonable use of the property;
3. the variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties located on the same street and within the same Future Land Use category, unless denial of the variance would allow no reasonable use of the property;
4. the applicant did not cause the need for the variance, and;
5. the variance is not contrary to the spirit of the LDC.

(Ord. No. [09-09](#), [18-18](#))

OBJECTIVE 26.2: TRANSPORTATION AND PATHWAYS. Ensure that the character of North Captiva is retained while providing adequate facilities for ingress, egress, and intra-island transportation consistent with property rights. (Ord. No. [09-09](#), [18-18](#))

POLICY 26.2.1: Lee County will cooperate with the North Captiva community in the location and provision of public boat ramps, access facilities, and parking for the purpose of providing access to North Captiva. (Ord. No. [09-09](#), [18-18](#))

POLICY 26.2.2: Seek technical advice from Lee County from time to time on procedures necessary to accomplish pathway maintenance and safety. (Ord. No. [09-09](#), [18-18](#))

POLICY 26.2.3: Except for emergency events, public purposes, approved community needs, and permitted heavy construction equipment, internal combustion powered vehicles are banned from all pathways on North Captiva. (Ord. No. [09-09](#), [18-18](#))

OBJECTIVE 26.3: CONSERVATION AND COASTAL MANAGEMENT. To preserve, protect and enhance the natural resources, wildlife habitat, and natural beauty of North Captiva, by maintaining diverse and healthy native vegetation, clear offshore waters, diverse and abundant native marine life, wildlife resources, and by minimizing harm resulting from human activity. (Ord. No. [09-09](#), [18-18](#))

POLICY 26.3.1: Protect and preserve the distinct environmental resources on North Captiva to the greatest extent possible. These resources include but are not limited to: mangroves; the beach dune system, beach dune vegetation, and beach dune wildlife; coastal dunes, beaches, and coastal scrub vegetation; beach dune wildlife, including shorebird nesting habitat and sea turtle habitat; the marine habitat, including sea grass beds and fisheries; and, rare and unique upland habitats. (Ord. No. [09-09, 18-18](#))

POLICY 26.3.2: Support the efforts of the Federal, State and County authorities to preserve, protect, and enhance the distinct environmental resources on North Captiva. (Ord. No. [09-09, 18-18](#))

POLICY 26.3.3: Maintain land development regulations intended to stop the proliferation of invasive exotic vegetation and nuisance pests. (Ord. No. [09-09, 18-18](#))

OBJECTIVE 26.4: WATER AND WASTE MANAGEMENT. Ensure a high quality of living by managing natural resources and waste products in a way that is sustainable, cost effective, and agreeable to island residents and island taxpayers. (Ord. No. [09-09, 18-18](#))

POLICY 26.4.1: The North Captiva community may conduct a feasibility study of cisterns and other water conservation systems, the long-term development of an island-wide potable water system, and the development of an island-wide wastewater treatment system. The feasibility study will include, but not be limited to, costs estimates, new or innovative technologies, grant funding assistance and other funding opportunities. (Ord. No. [09-09, 18-18](#))

POLICY 26.4.2: The North Captiva community may conduct a potable water hydrology study to support potable water planning. (Ord. No. [09-09, 18-18](#))

OBJECTIVE 26.5: OPEN SPACE, RECREATION, AND QUALITY OF LIFE. To promote, protect, and enhance open space, recreational facilities, including beach access, and the quality of life for residents and visitors of North Captiva. (Ord. No. [09-09, 18-18](#))

POLICY 26.5.1: The North Captiva community and Lee County will cooperate to preserve, protect, and enhance open space, passive recreation areas, and beach access points, regardless of size on North Captiva. This may be accomplished by Lee County acquiring property or conservation easements on private lands or vacant lots. (Ord. No. [09-09, 18-18](#))

POLICY 26.5.2: The North Captiva community and Lee County will cooperate in the community's efforts to obtain an accessible community facility and library for the purposes of meeting, recreation, and community education. (Ord. No. [09-09, 18-18](#))

POLICY 26.5.3: The North Captiva community will work with Lee County, the State of Florida, and the National Parks Service and other agencies to provide appropriate new or enhanced greenways, ecological corridors, or recreational trail systems. These opportunities may include passive parks or nature and pedestrian trails, and may be developed through public/private partnerships. (Ord. No. [09-09, 18-18](#))

OBJECTIVE 26.6: CITIZEN PARTICIPATION AND COMMUNITY EDUCATION. To enhance the community character, sustain natural resources, and involve the public in decisions that affect them, by providing educational and participation opportunities. (Ord. No. [09-09, 18-18](#))

POLICY 26.6.1: Lee County will involve residents from the North Captiva Community Plan area in planning processes that relate specifically to North Captiva and generally to barrier islands,

island ingress and egress, and other changes that may affect the island and its environment. (Ord. No. [09-09](#), [18-18](#))

POLICY 26.6.2: Upon request, Lee County will provide educational programs or materials on energy conservation, solid waste management, hazardous waste, surface water runoff, septic maintenance, water conservation, Florida Friendly Landscaping, green building, harbor management, cultural resources, and history. The site for these programs will be located on North Captiva. (Ord. No. [09-09](#), [18-18](#))

OBJECTIVE 26.7: PUBLIC SAFETY. Preserve the character of North Captiva by providing for a law enforcement presence on North Captiva Island. (Ord. No. [09-09](#), [18-18](#))

POLICY 26.7.1: The North Captiva community will encourage the Lee County Sheriff's Office to be present during special events and during periods of high occupancy on North Captiva. The North Captiva community will work to identify housing and other resources as necessary in support of enforcement activities. (Ord. No. [09-09](#), [18-18](#))

POLICY 26.7.2: Lee County will continue to ensure viable hurricane evacuation for hurricanes and other emergencies as well as emergency communication options for the residents and other affected persons. (Ord. No. [09-09](#), [18-18](#))

GOAL 27: NORTHEAST LEE COUNTY COMMUNITY PLAN. Maintain, enhance, and support the heritage and rural character, natural resources, and agricultural lands. Alva and North Olga will work cooperatively toward this goal through the objectives and policies that follow, and through their individual community plans. (Ord. No. [11-14](#), [18-18](#))

OBJECTIVE 27.1: AGRICULTURAL AND RURAL CHARACTER. Maintain and enhance the viability of the existing and evolving commercial agricultural operations, preserve open space, and retain the rural character of Northeast Lee County. For the purposes of this objective, rural character is defined as those characteristics that convey a sense of rural lifestyle such as large lots or clustered development, ample views of wooded areas, open spaces, and river fronts, working farms and productive agricultural uses, and the protection of environmentally sensitive lands. (Ord. No. [11-14](#), [18-18](#))

POLICY 27.1.1: Support the agricultural and rural character within Northeast Lee County by encouraging continued commercial agricultural operations and encourage new development to be clustered to conserve large areas of open lands. (Ord. No. [11-14](#), [18-18](#))

POLICY 27.1.2: Work with residents and property owners of Alva and North Olga to develop standards and guidelines for clustering future development and conserving large areas of open lands to promote compatibility with adjacent residential and agricultural areas. These standards and guidelines are intended to give clear and meaningful direction for future amendments to the LDC. (Ord. No. [11-14](#), [18-18](#))

POLICY 27.1.3: Work with residents and property owners of Alva and North Olga to amend the LDC to provide opportunities for rural mixed uses that are connected to and compatible with adjacent areas. (Ord. No. [11-14](#), [18-18](#))

POLICY 27.1.4: Work with the residents and property owners of Alva and North Olga to establish amendments to the LDC that will foster agricultural operations and support rural uses. (Ord. No. [11-14](#), [18-18](#))

POLICY 27.1.5: In all discretionary actions, consider the effect on Northeast Lee County’s commercial agricultural operations and rural character. (Ord. No. [11-14](#), [18-18](#))

POLICY 27.1.6: Coordinate planning activities in the Alva and North Olga Community Plan area boundaries to maintain and enhance the rural character, natural resources, agriculture, and connectivity of Northeast Lee County. (Ord. No. [18-18](#))

POLICY 27.1.7: Facilitate appropriate access and use of Conservation 20/20 lands to support kayaking/canoeing, bird watching, hiking and other passive recreational uses related to nature-based tourism. Recreational opportunities will be balanced with the protection of natural resources and will comply with the Land Stewardship Plan prepared by the Conservation 20/20 Land Program. (Ord. No. [18-18](#))

POLICY 27.1.8: The owner or agent of a rezoning or special exception request within the Northeast Lee County Community Plan area must conduct two public information meetings, in accordance with Policies 17.3.3 and 17.3.4, prior to the application being found sufficient. One meeting must be held within the Alva Community Plan area boundary and the other in the North Olga Community Plan area boundary. (Ord. No. [18-18](#))

OBJECTIVE 27.2: RURAL PLANNING TOOLBOX. To develop and further the use of a rural toolbox of incentives, programs, and regulations that enhance and maintain Northeast Lee County’s sense of place and provide for the long-term preservation of large tracts of contiguous natural resource and open space areas, while providing the regulatory flexibility needed to support commercial agricultural operations. (Ord. No. [11-14](#), [18-18](#))

POLICY 27.2.1: Work with Alva and North Olga to develop and refine rural planning tools including but not limited to: transfer of development rights and purchase of development rights programs, conservation and agricultural easements, farmland trusts, and LDC regulations. (Ord. No. [11-14](#), [18-18](#))

POLICY 27.2.2: The Northeast Lee County Planning Community may be a sending area for County-wide TDRs, but may only receive TDRs from within the Northeast Lee County Planning Community. (Ord. No. [11-14](#), [18-18](#))

OBJECTIVE 27.3: NATURAL RESOURCES. To enhance, preserve and protect the physical integrity, ecological standards, and rural character of Northeast Lee County by focusing on: water basins; native vegetation; wildlife habitat and resources; and areas designated for long-term conservation. (Ord. No. [11-14](#), [18-18](#))

POLICY 27.3.1: Identify opportunities for appropriate limited public access to and passive recreational use of the Bob Janes Preserve. (Ord. No. [11-14](#), [18-18](#))

POLICY 27.3.2: Identify, maintain, and enhance appropriate public access to Northeast Lee County’s public lands and surface waters, balanced with new and ongoing efforts to protect and enhance the community’s water quality and natural resources. (Ord. No. [11-14](#), [18-18](#))

POLICY 27.3.3: Lee County will work to identify areas suitable for public water-dependent/water-related recreation, such as canoe/kayak launches, boardwalks, jogging paths, fishing platforms, and waterside parks within Northeast Lee County. (Ord. No. [18-18](#))

OBJECTIVE 27.4: CONNECTIVITY. Enhance and maintain high levels of connectivity across the Northeast Lee County Planning Community. (Ord. No. [11-14](#), [18-18](#))

POLICY 27.4.1: Work to preserve the rural character and scenic qualities of North River Road, and support multiple modes of travel for residents, businesses, visitors, and commercial agriculture within Northeast Lee County. Implementation of this policy will not impact the function or operation of agricultural lands within the Planning Community for the purposes of scenic preservation. (Ord. No. [11-14](#), [18-18](#))

POLICY 27.4.2: Plan and implement alternatives to roadways (e.g., greenways, blueways, equestrian trails, and other pedestrian pathways) within Northeast Lee County connecting people to public lands, recreation areas, public facilities, and the rural mixed use villages. (Ord. No. [11-14](#), [18-18](#))

POLICY 27.4.3: Proactively plan for wildlife connections within Northeast Lee County that support habitat needs of native animals on public lands and waters. (Ord. No. [11-14](#), [18-18](#))

POLICY 27.4.4: Evaluate funding opportunities and feasibility of creating a multipurpose path to run the entire length of North River Road. (Ord. No. [11-14](#), [18-18](#))

GOAL 28: ALVA COMMUNITY PLAN. Support and enhance the unique rural, historic, agricultural character and natural environment and resources of the Alva Community Plan area, including the rural village and surrounding area. (Ord. No. [11-21](#), [18-18](#))

OBJECTIVE 28.1: RURAL CHARACTER. Maintain and enhance the rural character and environment of Alva through planning practices that:

1. Manage growth and protect Alva's rural nature.
2. Maintain agricultural lands and rural land use patterns.
3. Provide needed community facilities, transportation systems, and infrastructure capacity.
4. Protect and enhance native species, ecosystems, habitats, natural resources, and water systems.
5. Preserve Alva's historic places and archaeological sites.

(Ord. No. [11-21](#), [18-18](#))

POLICY 28.1.1: Evaluate and identify appropriate commercial areas with a focus on the rural village area. (Ord. No. [11-21](#), [18-18](#))

POLICY 28.1.2: Alva will work with Lee County to develop sustainable land use practices through which transportation and infrastructure systems, public services, and parks are provided consistent with Alva's rural character. (Ord. No. [11-21](#), [18-18](#))

POLICY 28.1.3: Alva will work with Lee County to identify appropriate locations for and promote the establishment of community gardens. (Ord. No. [11-21](#), [18-18](#))

POLICY 28.1.4: New industrial activities or changes of land use that allow future industrial activities, not directly associated with Alva's commercial agriculture, are prohibited in Alva. (Ord. No. [11-21](#), [18-18](#), [21-09](#))

POLICY 28.1.5: New natural resource extraction mining activities are prohibited in Alva. (Ord. No. [11-21](#), [18-18](#), [21-09](#))

POLICY 28.1.6: Outdoor display in excess of one acre and commercial uses that require outdoor display to such an extent are prohibited. (Ord. No. [11-21](#), [18-18](#))

POLICY 28.1.7: Coordinate the Alva and North Olga Community Plans to achieve the Northeast Lee County Community Plan goal, objectives, and policies. (Ord. No. [11-21](#), [18-18](#))

POLICY 28.1.8: Alva will work in coordination and partnership with the other planning communities in the East Lee County area in order to ensure effective collaboration and coordinated planning efforts. (Ord. No. [11-21](#), [18-18](#))

POLICY 28.1.9: Alva will work with Lee County to coordinate planning efforts with the adjacent counties, and other local, regional, state, and federal agencies to maintain the rural character of Alva. (Ord. No. [11-21](#), [18-18](#))

OBJECTIVE 28.2: RURAL LANDS FRAMEWORK. Provide for the varied residential, commercial, and natural resource needs of Alva’s rural lands by establishing a planning framework that serves the area’s different users. (Ord. No. [11-21](#), [18-18](#))

POLICY 28.2.1: Alva will work with Lee County to ensure that future development projects maintain or enhance Alva’s rural character by establishing planning policies and LDC standards that are compatible with Alva’s vision and guiding principles. (Ord. No. [11-21](#), [18-18](#))

POLICY 28.2.2: Future land use amendments that would increase the allowable total density of Alva are discouraged and must demonstrate consistency with the objectives and policies of this goal through concurrent planned development rezoning. Future Land Use Map amendments that would decrease the allowable total density of Alva and that are otherwise consistent with the objectives and policies of this goal are encouraged. (Ord. No. [11-21](#), [18-14](#), [18-18](#))

POLICY 28.2.3: Promote sustainable residential development patterns and rural character by utilizing rural planning practices such as:

1. Cluster development in compact, interconnected neighborhoods situated in appropriate locations.
2. Designate appropriate allowed uses.
3. Establish compatible parcel sizes, density, and intensity standards.
4. Conserve natural resources.
5. Provide standards for adequate open space.
6. Maintain commercial agricultural uses.
7. Incorporate green building standards.
8. Identify locations suitable for public services.

(Ord. No. [11-21](#), [18-18](#))

POLICY 28.2.4: Establish architectural standards that support and enhance the historic resources within the Alva Community Plan area:

1. Featuring architectural and design themes consistent with Alva’s historic architectural styles.
2. Including street graphic standards that address size, location, style, and lighting.

(Ord. No. [11-21](#), [18-18](#))

POLICY 28.2.5: Promote economic opportunities, including ecotourism, commercial agriculture, and associated businesses that contribute to the rural character of the Alva Community Plan area.

(Ord. No. [11-21](#), [18-18](#))

POLICY 28.2.6: Establish design standards in the LDC that:

1. Foster a unique landscape theme for the rights-of-way for North River Road and other County-maintained roads.
2. Address connectivity and separation among differing uses.

3. Preserve native plant communities, including subtropical and tropical hardwood hammock, scrub, and wetlands, to enhance the existing native vegetation and tree canopy.
4. Encourage the removal of exotic species.
(Ord. No. [11-21](#), [18-18](#))

POLICY 28.2.7: Promote commercial agriculture by addressing:

1. Farm to market demands on roadway infrastructure.
2. Storage of commercial agricultural equipment at a private residence of an individual employed or engaged in an agricultural operation as a permitted use in residential zoning districts.
3. Incentives for continued commercial agricultural use.
4. Location of associated packaging, processing, warehousing, and other value-added activities.
(Ord. No. [11-21](#), [18-18](#))

POLICY 28.2.8: Promote the historic character of the Alva Community Plan area by utilizing the LDC to:

1. Consider formal local designation of additional historic buildings and districts.
2. Identify potential national or state registered history buildings and districts.
3. Evaluate the effects of County regulations on designated historic districts and modify as necessary.
(Ord. No. [11-21](#), [18-18](#))

POLICY 28.2.9: Develop and promote innovative rural planning tools, such as purchase and transfer of development rights, to:

1. Maintain commercial agriculture.
2. Conserve and restore agricultural lands, open lands, native vegetated uplands and wetlands.
3. Sustain the rural character of the Alva Community Plan area.
(Ord. No. [11-21](#), [18-18](#))

OBJECTIVE 28.3: RURAL VILLAGE FRAMEWORK. To establish the appropriate regulatory and incentive framework to implement a mixed use rural village center in the area depicted on Map 1-C. (Ord. No. [11-21](#), [18-18](#))

POLICY 28.3.1: Establish standards for a mixed use rural village center that provides for walkable residential areas, appropriately located commercial and professional services, and public resources. (Ord. No. [11-21](#), [18-18](#))

POLICY 28.3.2: Alva will work with Lee County to consider designating the rural village and areas therein as historic districts. (Ord. No. [11-21](#), [18-18](#))

POLICY 28.3.3: Consider a maximum height standard in the LDC for the historic core, as depicted on Map 1-C that supports the Alva Methodist Church and the Alva School buildings position as dominant features and landmarks of the rural village. (Ord. No. [11-21](#), [18-18](#))

POLICY 28.3.4: Explore the feasibility and potential funding for developing and implementing a site improvement plan for the existing boat launch area and facilities on Pearl Street and the Alva Heritage Park on Palm Beach Boulevard and the right-of-way for High Street. (Ord. No. [11-21](#), [18-18](#))

POLICY 28.3.5: To prevent strip development along Palm Beach Boulevard, the majority of acreage available for commercial development will be located within the rural village, particularly the village center (sub areas 2 and 3). (Ord. No. [11-21](#), [18-18](#))

POLICY 28.3.6: Any new development on parcels within the rural village area currently zoned commercial will be evaluated for consistency with the design and use standards of the rural village through the development review process in order to contribute to the overall design concept and be compatible with the village character and adjacent neighborhoods. (Ord. No. [11-21](#), [18-18](#))

OBJECTIVE 28.4: CONNECTIVITY. To provide appropriate and reasonable access and linkages throughout the Alva Community Plan area that support rural character. (Ord. No. [11-21](#), [18-18](#))

POLICY 28.4.1: Establish a walkable mixed use rural village center that provides for the needs of pedestrians, cyclists, equestrian riders, and drivers. (Ord. No. [11-21](#), [18-18](#))

POLICY 28.4.2: Provide for multiple connections to the existing transportation network by establishing land development practices and regulations through which new streets and roads, particularly those in residential areas or rural centers, will be required to interconnect with adjacent land uses. Additionally, the regulations will prohibit entry gates and perimeter walls around residential development. (Ord. No. [11-21](#), [18-18](#))

POLICY 28.4.3: Address roadway transportation needs in a context sensitive manner reflective of Future Non-Urban Areas.

1. Evaluate the capacity and level of service standards for rural roads.
2. Monitor traffic levels in coordination with Hendry County.
3. Evaluate the designation of North River Road as a constrained roadway for scenic purposes.
4. Maintain farm-to-market functions of rural roadways including North River Road and Palm Beach Boulevard.

(Ord. No. [11-21](#), [18-18](#))

POLICY 28.4.4: Evaluate funding opportunities and feasibility of creating a multipurpose path to run the entire length of North River Road. (Ord. No. [11-21](#), [18-18](#))

OBJECTIVE 28.5: NATURAL RESOURCES AND ENVIRONMENTAL SYSTEMS. To enhance, preserve, protect, and restore the physical integrity, ecological standards, and natural beauty of the Alva Community Plan area. (Ord. No. [11-21](#), [18-18](#))

POLICY 28.5.1: Consider development standards that:

1. Protect the integrity, stability, and beauty of the natural environment.
2. Maintain wildlife habitat and habitat travel corridors.
3. Require new development and redevelopment to be designed and operated to conserve critical habitats of protected, endangered, and threatened species, and species of special concern.
4. Increase development setbacks from natural areas and surface waters.
5. Establish requirements for natural buffers from parcel lines to development areas.
6. Prohibit developments that would harm protected, endangered, and threatened species, or species of special concern.
7. Enhance connectivity to maintain uninterrupted wildlife corridors among, between, and within parcels.
8. Develop surface water management system design standards that incorporate natural flow-way corridors, cypress heads, natural lakes, and restore impacted natural surface waters.
9. Evaluate the feasibility and opportunities for an overall surface water management plan.

(Ord. No. [11-21](#), [18-18](#))

POLICY 28.5.2: Identify and evaluate land conservation funding opportunities and acquisition priorities to protect vital natural resources, ecosystems, and habitats from the impacts of clear cutting for residential or agricultural purposes. (Ord. No. [11-21](#), [18-18](#))

POLICY 28.5.3: All new development and redevelopment must maintain compliance with State of Florida mandated Total Maximum Daily Load (TMDL) requirement for designated water bodies. (Ord. No. [11-21](#), [18-18](#))

POLICY 28.5.4: New development and redevelopment in or near existing and potential wellfields must:

1. Be designed to minimize the possibility of contaminating groundwater during construction and operation.
2. Comply with the Lee County Wellfield Protection Ordinance.

(Ord. No. [11-21](#), [18-18](#))

POLICY 28.5.5: Provide educational programs or materials on energy conservation, energy efficiency, greenhouse gas emission reductions, solid waste management, hazardous waste, surface water runoff, septic maintenance, water conservation, Florida Friendly Landscaping, green building, cultural resources, history, etc. The site for these programs will be located in Alva. (Ord. No. [11-21](#), [18-18](#))

OBJECTIVE 28.6: PUBLIC RESOURCE ACCESS. Increase the opportunity for public access to and enjoyment of the scenic, historic, recreational, and natural resources in Alva. (Ord. No. [11-21](#), [18-18](#))

POLICY 28.6.1: Alva will work with Lee County to identify opportunities to link public lands, facilities, and recreation areas that minimize disturbance of natural systems and wildlife habitat and incorporate these links into the Greenways Master Plan. (Ord. No. [11-21](#), [18-18](#))

POLICY 28.6.2: Identify potential public uses for significant historic structures and archaeological sites. (Ord. No. [11-21](#), [18-18](#))

POLICY 28.6.3: Alva will work with Lee County to identify areas suitable for passive water-dependent/water-related recreational uses and activities, such as canoe and kayak launch areas, boardwalks, jogging paths, fishing platforms, and waterside parks. (Ord. No. [11-21](#), [18-18](#))

POLICY 28.6.4: Alva will continue to work with Lee County to evaluate appropriate access and use of Conservation 20/20 lands to support kayaking and canoeing, bird watching, hiking, and other passive recreation related to eco-tourism. Recreational opportunities will be balanced with the protection of natural resources and will comply with the Land Stewardship Plan prepared by the Conservation 20/20 land program. (Ord. No. [11-21](#), [18-18](#))

GOAL 29: NORTH OLGA COMMUNITY PLAN. Promote and support the unique rural character, heritage, economy, quality of life, and natural resources in the North Olga Community Plan area. (Ord. No. [11-14](#), [18-06](#), [18-18](#))

OBJECTIVE 29.1: COMMUNITY CHARACTER. To establish comprehensive plan policies, land development regulations, and other planning and development tools to manage future community development in a manner that protects and enhances the rural character and aesthetic appearance of the North Olga Community Plan area, while supporting the continued viability of commercial agricultural businesses. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.1.1: Protect the community's rural aesthetic qualities, preserve the natural and historic resources, and support a diverse rural economy by promoting compact or clustered development areas that maintain large, contiguous tracts of open space, while supporting commercial agricultural businesses. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.1.2: The North Olga Community will work in conjunction with Lee County, public agencies, land owners, and community service providers to examine the need for a rural mixed use village center that provides for public meeting space, institutional uses, recreational opportunities and local goods and services. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.1.3: Maintain enhanced design, landscaping, signage, and architectural standards to promote the rural character of the North Olga Community Plan area. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.1.4: Deviations or variances relating to landscaping, signage guidelines, or compliance with applicable architectural standards within the North Olga Community Plan area may not be granted, unless the request meets the approval criteria for variances set forth in the LDC, Chapter 34. (Ord. No. [11-14](#), [18-18](#))

OBJECTIVE 29.2: RESIDENTIAL LAND USES. Protect and enhance the rural character of the North Olga Community by evaluating residential development proposals for consistency with the community's rural character and sense of community. Rural character is defined as those characteristics that convey the rural lifestyle such as: large lots or clustered development, ample view of wooded areas, open spaces, and river fronts, working farms, productive agricultural uses, and the protection of environmentally sensitive lands. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.2.1: Proposed planned developments will be encouraged to provide a mix of unit types and flexible lot sizes to allow for clustering, affordability, preservation of open space, natural assets, and diversity of choice within the community. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.2.2: Proposed residential development adjacent to an existing large lot residential area or commercial agriculture business will provide appropriate separation, such as a minimum lot size of one unit per acre for lots abutting the perimeter of property line(s). For the purposes of this policy, large lot residential uses are defined as those residential uses with lot sizes equal to or greater than one acre. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.2.3: Encourage proposed planned developments to provide community gardens to allow for social, recreational and education activities for the residents of the planned development. (Ord. No. [11-14](#), [18-18](#))

OBJECTIVE 29.3: COMMERCIAL LAND USES. Existing and future County regulations, land use interpretations, policies, zoning approvals, and administrative actions should promote the rural character of the North Olga Community Plan area and allow for non-residential land uses that serve and support the rural community, including uses permitted by Objective 29.9. Regulations will support a unified and attractive rural-oriented design theme in terms of landscaping architecture, lighting and signage. (Ord. No. [11-14](#), [18-06](#), [18-18](#))

POLICY 29.3.1: Continue to support the long-term viability of commercial agriculture industry through the development and implementation of incentives and tools including, but not limited to: TDR programs; farmland trusts; agricultural easements; and development practices that promote compact development patterns and the preservation of productive agricultural lands. For the purposes of this policy, commercial agriculture is defined as the production of crops and livestock for sale, specifically for widespread distribution to wholesalers and /or retail outlets. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.3.2: Support ancillary commercial throughout the Rural designated areas that promote the rural and agricultural character of the community, if appropriate zoning approval is granted.

For the purposes of this policy, ancillary commercial uses are defined as non-residential uses that support the local, rural-based economy. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.3.3: In order to maintain the rural and aesthetic value of the community, proposed new commercial development will utilize a consistent landscaping and architectural style for all buildings within proposed commercial developments, and will comply with the applicable design standards within the LDC, Chapter 33, as part of the development review process. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.3.4: Opportunities for non-residential and mixed use development that are compatible with the rural and agricultural character of the community may be permitted through the planned development rezoning process within the New Community future land use category in accordance with Objective 29.9. (Ord. No. [18-06](#), [18-18](#))

OBJECTIVE 29.4: TRANSPORTATION. Road improvements within the North Olga community considered by the County will promote the community's goal to maintain its rural character and provide for safe access, and appropriate transportation resources including roadways and pedestrian, bike, and equestrian trails and pathways. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.4.1: Future improvements to North River Road or other public roadways within the North Olga community should be pursued only after careful analysis of safety, need, community and environmental impact. Public roadway improvements should incorporate rural design treatments. Public participation in planning and design processes for these road improvements should provide opportunities for involvement of the North Olga community. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.4.2: Work with the North Olga community to allow for the use of roadways in a manner that supports local commercial agriculture businesses and their continued viability. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.4.3: Work with the North Olga community to evaluate funding opportunities and feasibility of creating a multipurpose path to run the entire length of North River Road through the community. (Ord. No. [11-14](#), [18-18](#))

OBJECTIVE 29.5: AGRICULTURE. Support small and large-scale farming operations and alternative, agriculturally-based enterprises to sustain economically-viable commercial agriculture in order to foster a diverse local economy while maintaining the agricultural heritage of the North Olga Community Plan area. For the purposes of this objective, alternative, agriculturally-based enterprises including but are not limited to the production of biofuel crops, niche farming activities, agri-tourism, and carbon offset farming. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.5.1: Support the use of public and private lands for community gardens. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.5.2: Evaluate future development proposals, not including lot splits, for compatibility with adjacent, existing small- and large-scale farming operations, including buffers, setbacks, and site design standards to ensure that those activities do not unduly impact the viability of the community's agricultural businesses. (Ord. No. [11-14](#), [18-18](#))

OBJECTIVE 29.6: OPEN SPACE, RECREATION AND COMMUNITY FACILITIES. Facilitate public access to and the enjoyment of scenic, historic, recreational, and natural resources in the North Olga community. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.6.1: Incorporate key linkages within the North Olga community into the Greenways Master Plan, such as connection between the North River Road Greenway and the Franklin Locks. These linkages will serve the purpose of providing a meaningful trail network, which will include connections to public recreational areas and minimize disturbances to wildlife habitats and natural systems. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.6.2: Work with private landowners to identify opportunities to maintain and enhance public access to the Caloosahatchee River. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.6.3: Proposed planned developments adjacent to the Caloosahatchee River will be encouraged to provide public access to the river. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.6.4: Identify and expand water-based recreational opportunities, including but not limited to canoe/kayak launch areas, boardwalks, fishing platforms and waterside parks. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.6.5: Evaluate the need for community facilities within North Olga to provide public meeting space. This evaluation will include the identification of funding sources and the facility's appropriate location and scale. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.6.6: Support the development of nature and agriculturally-based tourism where appropriate throughout the community. Opportunities for nature and agriculturally-based tourism include but are not limited to bird watching, equestrian facilities, kayaking/canoeing, and bed and breakfast establishments. (Ord. No. [11-14](#), [18-18](#))

OBJECTIVE 29.7: CONSERVATION. Preserve, protect, and, where possible, enhance the physical integrity, rural character, ecological values, and natural beauty of the North Olga Community Plan area, focusing upon the Caloosahatchee River, native vegetation, wildlife resources, and areas designated for long-term conservation. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.7.1: Balance public access to the Caloosahatchee River with protection and rehabilitation efforts, in order to preserve the river's natural features and function. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.7.2: Encourage future development to maintain on-site native vegetation communities. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.7.3: Proposed planned developments will consider the incorporation of "Firewise" principles in site design, including building orientation, access management, landscaping type and placement. For the purposes of this policy, Firewise principles are those guidelines developed by the National Fire Protection Association to mitigate the risk of wildland fire to homes in the wildland/urban interface. (Ord. No. [11-14](#), [18-18](#))

OBJECTIVE 29.8: WATER DEPENDENT OVERLAY. Protect marine-oriented land uses within the North Olga Community Plan area from incompatible or pre-emptive land uses. The Water Dependent Overlay within the community applies to the Owl Creek Boat Works as depicted on Lee Plan Map 1-H. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.8.1: Prior to the redevelopment of the Owl Creek Boat Works facility, the owner will be required to conduct a cultural resource assessment of the property to determine the existence of historical structures, archaeological resources and other cultural resources. (Ord. No. [11-14](#), [18-18](#))

OBJECTIVE 29.9: NEW COMMUNITY. Land designated as New Community on the Future Land Use Map within the North Olga Community Plan area will be developed as a unified planned development in order to achieve conservation and enhancement of important environmental resources; initiate area wide surface water management; prevent sprawling land use patterns; create critical hydrological and wildlife corridors and connections; and protect rural character of the surrounding community. (Ord. No. [18-06](#), [18-18](#))

POLICY 29.9.1: Residential densities for land within the New Community future land use category may be permitted up to a maximum of 1 du/2.5 acres. In no case shall the unit count in the New Community future land use category in North Olga exceed 1,630 dwelling units. (Ord. No. [18-06](#), [18-18](#))

POLICY 29.9.2: Non-residential intensities for lands within the New Community future land use category will be limited to a maximum permitted Floor Area Ratio (FAR) of 0.15. The FAR will be based upon the gross acreage dedicated to non-residential uses within the overall planned development boundary, including all uplands, wetlands, open space, rights-of-way, recreation areas, and/or lake. In no case shall the total commercial square footage in the New Community future land use category in North Olga exceed 1,170,000 square feet, in addition to 600 hotel rooms. (Ord. No. [18-06](#), [18-18](#))

POLICY 29.9.3: Prior to development, a planned development rezoning must be approved, and include conditions and requirements that demonstrate the following:

- a. Environmental Enhancements.
 1. A minimum of 60% open space, inclusive of onsite preserve, to accommodate the following:
 - i. Water quality enhancement areas, including but not limited to natural systems-based stormwater management facilities, filter marshes, and wetland buffers to reduce the rate of run-off and associated nutrient loads;
 - ii. Existing regional flow-ways;
 - iii. Preservation of 90% of the onsite wetlands;
 - iv. Critical wildlife connection(s) to adjacent conservation areas through on-site preserve areas;
 - v. Roadway setbacks and perimeter buffers; and
 - vi. Passive recreational and civic areas that comply with the definition of open space, as set forth in the LDC.
 2. Open space areas must be platted in separate tracts, outside of privately owned lots, and dedicated to an appropriate maintenance entity. A Community Development District (CDD), Independent Special District (ISD), or a master property owners association must be created to accept responsibility for perpetually maintaining the open space areas identified in the planned development.
 3. Record a conservation easement for a minimum of 50% of the planned development benefiting a public agency acceptable to Lee County, or Lee County itself, and dedicated to an appropriate maintenance entity. Land subject to conservation easement(s) can be used for on-site mitigation and will be recorded as development orders are issued. The timing of conservation easement(s) and restoration may be phased so long as the area dedicated to conservation easement is equal to or greater than the area of land approved for development on a cumulative basis.

4. Provide a protected species management plan to address human wildlife coexistence, including educational programs and development standards.
 5. Provide wildlife crossings on-site and to adjacent wildlife habitat areas.
 6. Provide recreational connections to adjacent public and private conservation and preserve land, subject to approval by the appropriate agencies, through the provision of publicly accessible trailheads and similar facilities within the development.
 7. Incorporate Florida Friendly Landscaping with the low irrigation requirements in common areas.
 8. A binding commitment as part of the planned development to implement an environmental education program for homeowners, businesses and visitors to describe the local ecology, including but not limited to wildlife, plant communities, and native habitats, in addition to the design standards, restoration projects, and management programs/plans, incorporated into the development to address environmental protection.
 9. Incorporate energy efficiency and other Low Impact Development (LID) performance standards within the development.
 10. Minimize impacts to natural areas and native habitat by concentrating development primarily in areas previously impacted by agricultural uses and other development activities.
- b. Water Quality & Hydrological Enhancements.
1. The stormwater management system must demonstrate through design or other means that water leaving the development meets current state and federal water quality standards. Outfall monitoring will be required on a quarterly basis for a minimum of 5 years from the date of acceptance of construction of the water management system by the SFWMD. Monitoring may be eliminated after 5 years if the water quality standards are met.
 2. Demonstrate an additional 50% water quality treatment beyond the treatment required by the SFWMD for the on-site stormwater management basins.
 3. Protect existing groundwater levels and improve existing wetland hydroperiods in onsite preserve areas, as applicable by SFWMD permits.
 4. Provide a lake management plan that requires best management practices for the following:
 - i. fertilizers and pesticides;
 - ii. erosion control and bank stabilization; and
 - iii. lake maintenance requirements and deep lake management for lakes exceeding 12 feet below lake surface (BLS).
 5. Provide a site-specific ecological and hydrological plan, which includes at a minimum the following: preliminary excavation and grading plans, exotic removal and maintenance plan, supplemental planting plan, and success criteria for meeting established goals.
 6. Provide a site-specific mitigation and enhancements to reduce discharge rates.
 7. Utilize reuse and surface water generated by the development to meet the irrigation demands of the recreation and development areas, to the extent such reuse is available.

8. Demonstrate that the proposed planned development will not result in significant detrimental impacts on present or future water resources.
- c. Infrastructure Enhancements.
1. All development within the planned development must connect to centralized water and sewer services, with the exception of interim facilities used on a temporary basis during construction, and for unmanned essential services on a temporary basis until water and sewer service is extended to the development.
 2. Written verification as to adequate public services for the planned development from the sheriff, EMS, fire district, and Lee County School District, or via interlocal agreements with adjacent jurisdictions and/or special districts.
 3. Civic space, recreational areas, and a variety of amenities distributed throughout the development for use by the general public, to be maintained by the property owners' association or similar entity.
 4. Sufficient right-of-way to accommodate an 8-foot wide multi-purpose pathway along the roadway frontages, where the planned development abuts SR 31 and CR 78.
- d. Community Character.
1. Transition to lower densities and intensities where adjacent to off-site conservation lands.
 2. Enhanced buffers and setbacks along external roadways to preserve rural vistas and viewsheds that are at least 50% wider than the LDC requirements.
 3. Locate access points onto adjacent arterial roadways to minimize impact to the surrounding rural community.
- (Ord. No. [18-06](#), [18-18](#))

GOAL 30: NORTH FORT MYERS COMMUNITY PLAN. Improve the livability and economic vitality in the North Fort Myers Community Plan area by: promoting compact, mixed use development in the form of town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors; stabilizing and enhancing, existing neighborhoods; and preserving natural resources. (Ord. No. [09-11](#), [18-18](#))

OBJECTIVE 30.1: NEIGHBORHOODS AND HOUSING. To support the creation and preservation of affordable housing options in safe and attractive neighborhoods. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.1.1: Continue to implement Neighborhood District Revitalization Plans utilizing Community Development Block Grant (CDBG) funds, as available. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.1.2: Explore opportunities to expand programs designed to help maintain, repair, and improve existing owner-occupied housing. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.1.3: Encourage a diversity of housing types in the North Fort Myers Community Plan area by supporting mixed use projects, with residential above or adjacent to retail and service uses, within the Mixed Use Overlay. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.1.4: Encourage development of affordable housing options on property with the following characteristics: located within the Intensive Development, Central Urban, and Urban Community on the Future Land Use Map; located where central water/sewer service is available; and located within walking distance of mass transit, commercial and personal services, and parks and recreation facilities. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.1.5: The North Fort Myers Community supports incorporating into the Mixed Use Overlay the addition of single person apartment types of 500 square feet or less and the evaluation of flexibility for all types of fees associated with the development of those units. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.1.6: Accessory apartments, such as mother-in-law or student housing units, will be considered affordable units, allowing those units to be considered bonus density when calculating allowable density. (Ord. No. [09-11](#), [18-18](#))

OBJECTIVE 30.2: LAND USE: CENTERS AND CORRIDORS. To encourage revitalization of designated Town Center Overlay districts, Road Corridor Overlay districts and redevelopment areas. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.2.1: Town Centers, located at the intersections listed below, are appropriate for moderate to high intensity, pedestrian-oriented, mixed use development and redevelopment.

- North Cleveland Avenue and Hancock Bridge Parkway
- North Tamiami Trail – Pondella Road to the Caloosahatchee River
- Bayshore and I-75

(Ord. No. [09-11](#), [18-18](#))

POLICY 30.2.2: Development of the Town Centers as a whole (not individual projects) are envisioned to encompass the following general principles:

- A mix of uses are encouraged to promote walking; allow for shared parking; support transit; and minimize disturbance of natural areas, wildlife corridors, and drainage ways;
- Buildings should be designed to frame the public realm, enliven streetscapes, and provide for the informal surveillance of public spaces, primary entries, windows, storefronts, porches, and stoops should open onto streets, sidewalks, and public spaces;
- Parks, squares, plazas, and promenades should be designed to promote community life and provide a variety of outdoor public space;
- To dispense traffic, promote walking, and provide convenient routes for vehicles and pedestrians, streets should be designed in interconnected networks with generous sidewalks, shade trees, well-marked crossings, and amenities; and
- Parking areas (except for on-street spaces), loading docks, and service entries should be screened from public view and accessed from alleys, service courts, and side streets.

Individual projects within the Town Centers should further these general principles.

(Ord. No. [09-11](#), [18-18](#))

POLICY 30.2.3: Maintain provisions allowing for greater minimum, maximum base, and maximum total densities and building heights in the Mixed Use Overlay. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.2.4: The following areas are designated as Neighborhood Centers appropriate for moderate intensity, pedestrian-oriented, mixed use development: Littleton and North Cleveland Avenue; North Tamiami Trail and Del Prado Boulevard; North Tamiami Trail and Nalle Grade Road; Hancock Bridge Parkway and Orange Grove Boulevard; North Tamiami Trail and Pine Island/Bayshore Roads; Bayshore Road and Slater Road; and Bayshore Road and Hart Road. For these areas, neighborhood-serving, mixed use development; pedestrian-friendly street, site, and

building designs; the incorporation of live/work, multi-family, and attached housing; and sidewalk and path connections to nearby neighborhoods, parks, and public uses are preferred. (Ord. No. [09-11](#), [17-13](#), [18-18](#))

POLICY 30.2.5: Certain areas along major road corridors outside designated Town Centers and Neighborhood Centers, are located within a Corridor Overlay District with provisions in the LDC requiring enhanced landscaping, greater buffering and shading of parking areas, improved commercial signage, enhanced standards to ensure architectural quality and compatibility, and incentives for quality development. Within the Corridor Overlay District, deviations from landscaping, buffering, signage or architectural requirements may not be granted, unless the request meets the approval criteria for variances set forth in the LDC, Chapter 34. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.2.6: Development within the Town and Neighborhood Centers and the Corridor Overlay Districts may use the development standards allowed within the Mixed Use Overlay. (Ord. No. [18-18](#))

POLICY 30.2.7: Maintain land development incentives for bringing older development into compliance with current regulations. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.2.8: The following uses are prohibited within the North Fort Myers Community Plan area: “detrimental use” as defined in the LDC. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.2.9: Floor Area Ratio (FAR) maximums in the Commercial Future Land Use Category described in Policy 1.1.10, located south of Pine Island Road between Orchid Road and Barrett Road, will be 0.26. (Ord. No. [10-34](#), [18-18](#))

OBJECTIVE 30.3: TRANSPORTATION. The North Fort Myers Community Plan area will have neighborhood, corridors and community interface improvements identified. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.3.1: Encourage streetscape and landscape improvements along major roadways consistent with the general provisions of the LeeScape Master Plan, including Bayshore and Pine Island Roads, North Cleveland Avenue, North Tamiami Trail, Pondella Road, Hancock Bridge Parkway, and Del Prado Boulevard. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.3.2: Provide public input opportunities in the planning and design processes for future improvements or extension of Littleton Road, Hancock Bridge Parkway, Hart Road, Slater Road, and other roadways not currently shown on the Future Functional Classification Map (Map 3-B). Road improvements or extensions should be based on a careful analysis of need, community and environmental impact, and the potential for incorporation of context-sensitive design treatments. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.3.3: Identify opportunities to improve transit service, frequency, routes, and stop amenities within the North Fort Myers Community Plan area. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.3.4: Road capacity improvements needed within the North Fort Myers Community Plan area to serve demand generated outside the Community Plan area should be designed to minimize impacts, improve visual character, and improve local access and mobility. (Ord. No. [09-11](#), [18-18](#))

OBJECTIVE 30.4: COMMUNITY FACILITIES & SERVICES. To provide community facilities and services within the Town Centers, Neighborhood Centers and Corridor Overlay Districts. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.4.1: Support a collaborative effort for providing medical services and facilities within the North Fort Myers Community Plan area. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.4.2: Support the concept of a single source of sewage service to the North Fort Myers Community Plan area. (Ord. No. [09-11](#), [18-18](#))

OBJECTIVE 30.5: PARKS, RECREATION & CONSERVATION. The North Fort Myers community will identify park, recreation, open space, environmental protection and restoration needs and deficiencies to pursue remedies. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.5.1: Ensure parks and recreation facilities are reasonably accessible and adequate to meet the needs of residents. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.5.2: Integrate the North Fort Myers Community Park into the surrounding development and open space areas, including incorporation of the development of a community park facility. The concept would be for the park to act as a hub, connected to other open space/recreational opportunities through pedestrian or bicycle linkages, either along public rights of way or through adjacent developments. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.5.3: Protect and conserve natural resources, expand recreation opportunities and accessibility for the use of existing waterways, and provide a broad mix of parks, trails, and water recreation areas, to support the lifestyle preferences, livability, sustainability, recreational interest and economic vitality of the community. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.5.4: Maintain stewardship and management plans for 20/20 Conservation Lands within North Fort Myers Community Plan area. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.5.5: Support the nomination of properties along planned trails, wildlife corridors, greenways, major creeks, and with access to the Caloosahatchee River to the Conservation 20/20 program. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.5.6: Implement recommendations for the Greenways Master Plan. As a first priority, support development of the Tamiami Trail North segment of the Charlotte-Lee Collier Greenway and water access and signage improvements to access the Blueways designated along Yellow Fever Creek and along the Caloosahatchee River at Caloosahatchee Creeks Preserve. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.5.7: Identify opportunities in new developments for the establishment and protection of wildlife movement corridors and interconnection of conservation easements to facilitate wildlife movement through the County. (Ord. No. [09-11](#), [18-18](#))

OBJECTIVE 30.6: DOWNTOWN WATERFRONT. The North Fort Myers community supports the creation of a project specific, time specific, cost specific redevelopment plan for the North Fort Myers Downtown Waterfront area. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.6.1: The North Fort Myers community supports the integration of the redevelopment plan for waterfront downtown with the planning for the alignment, functional classification, and location of any Hancock Bridge Parkway expansion. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.6.2: The redevelopment plan will consider the stormwater needs and water and sewer needs that result from the transportation and land use changes of Downtown Waterfront. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.6.3: The land use component of Downtown Waterfront will include land uses that assist in completing North Fort Myers' employment base, and broaden the housing base for those who will be employed by the new center. (Ord. No. [09-11](#), [18-18](#))

GOAL 31: PAGE PARK COMMUNITY PLAN. Revitalize the village-like residential neighborhood into a vibrant mixed use community, that captures the heritage of the Page Park Community Plan area by providing infrastructure, pedestrian and bicycle connections, and business opportunities together with consistency in signage, landscaping, and enhanced development standards, thereby promoting a mix of commercial and residential uses that will provide services to the local community and the driving public. (Ord. No. [09-08](#), [18-18](#))

OBJECTIVE 31.1: Enhance the existing physical appearance of Page Park while maintaining the historic character of the community. (Ord. No. [09-08](#), [18-18](#))

POLICY 31.1.1: Deviations from landscaping, buffering, signage or architectural requirements may not be granted, unless the request meets the approval criteria for variances set forth in the LDC, Chapter 34. (Ord. No. [09-08](#), [18-18](#))

POLICY 31.1.2: Encourage mixed use developments with mixed use buildings throughout the commercial/mixed use areas depicted on the Page Park Overlay (Map 1-C). (Ord. No. [09-08](#), [17-13](#), [18-18](#))

POLICY 31.1.3: New residential development, with the exception of a single-family residential dwelling, that requires a rezoning within the Page Park Community Plan area must be rezoned as a Residential Planned Development (RPD). (Ord. No. [09-08](#), [18-18](#))

OBJECTIVE 31.2: COMMERCIAL USE. To ensure that commercial redevelopment incorporates required landscaping, architecture, lighting and signage, and provides for employment opportunities, while discouraging uses that are not compatible with adjacent uses and have significant adverse impacts on the neighboring properties. (Ord. No. [09-08](#), [18-18](#))

POLICY 31.2.1: New stand-alone commercial activity and uses will be limited to Danley Drive and within the commercial/mixed use areas shown on the Page Park Overlay (Map 1-C). Commercial uses will be permitted elsewhere within the community, but only as part of a mixed use development or as a mixed use building. This policy does not apply to existing commercial uses and property currently zoned for commercial uses. (Ord. No. [09-08](#), [18-18](#))

POLICY 31.2.2: The following uses are prohibited within the Page Park Community Plan area: "detrimental uses" (as defined in the LDC); nightclubs or bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display over one acre. (Ord. No. [09-08](#), [18-18](#))

POLICY 31.2.3: New stand-alone industrial development that requires rezoning within the Page Park Community Plan area must be rezoned as an Industrial Planned Development (IPD). (Ord. No. [09-08](#), [18-18](#))

OBJECTIVE 31.3: HOUSING. Explore opportunities to provide workforce housing. (Ord. No. [09-08](#), [18-18](#))

POLICY 31.3.1: Encourage live-work units within the commercial/mixed use areas on the Page Park Overlay (Map 1-C). (Ord. No. [09-08](#), [17-13](#), [18-18](#))

POLICY 31.3.2: Upon request, the County will inform, educate, and encourage residents of the Page Park Community Plan area about funding opportunities or programs available to assist in the rehabilitation of existing residential structures that are in need of repair, rehabilitation or removal. (Ord. No. [09-08](#), [17-13](#), [18-18](#))

OBJECTIVE 31.4: TRANSPORTATION. To give preference to transportation alternatives that allow existing roads to function at their current capacity when considering necessary road improvements within the Page Park Community Plan area. (Ord. No. [09-08](#), [18-18](#))

POLICY 31.4.1: Implement traffic calming techniques to mitigate or curtail cut-through and speeding traffic on local residential streets within the Page Park Community Plan area. (Ord. No. [09-08](#), [18-18](#))

POLICY 31.4.2: The County may review and evaluate traffic control devices in the Page Park Community Plan area, including one-way streets and stop controls, and remove or revise traffic control devices found to be obsolete for traffic routing. (Ord. No. [09-08](#), [18-18](#))

POLICY 31.4.3: Expansion of Danley Drive or South Road should include engineering and financial feasibility analysis for physically separated provisions for bicyclists/pedestrians to provide for connection to the Ten Mile Linear Park, Jerry Brooks Park, and US 41 corridors. Paved shoulders and sidewalks may be considered where a separated path is not feasible. (Ord. No. [09-08](#), [18-18](#))

OBJECTIVE 31.5: SEWER AND WATER. To recognize that central sewer service is essential and is strongly encouraged given the desire to provide a mix of uses and a mix of residential densities in the Page Park Community Plan area. (Ord. No. [09-08](#), [18-18](#))

POLICY 31.5.1: Central sewer service is strongly recommended for future higher density and intensity developments proposed within the Page Park Community Plan area. Any new developments that meet the criteria outlined in Lee Plan Standard 4.1.2 are required to connect to a central sewer system. (Ord. No. [09-08](#), [18-18](#))

GOAL 32: SAN CARLOS ISLAND. All development approvals on San Carlos Island must be consistent with following objective and policy in addition to other provisions of this plan. (Ord. No. [94-30](#), [18-18](#))

OBJECTIVE 32.1: SAN CARLOS ISLAND WATER-DEPENDENT OVERLAY ZONE. To protect marine-orientated land uses on San Carlos Island from incompatible or pre-emptive land uses all development must be consistent with the following policies in addition to other provisions of this plan. (Ord. No. [99-15](#), [18-18](#))

POLICY 32.1.1: New development and substantial redevelopment within the Industrial Development and the DRMUWD land use categories on San Carlos Island will be permitted only in accordance with the following criteria (See glossary for definitions and Maps 1-A and 1-H for boundaries). However, in no event will Lee County permit new or expanded petroleum facilities which would serve uses other than marine-related uses.

1. At the foot of the Matanzas Pass Bridge - Within the Water-Dependent Overlay zone which is defined as land within 150 feet of the shoreline: water-dependent marine industrial uses and water-dependent functions of recreational marinas.
 - Landward of the Overlay zone (150-foot line): marine industrial uses, in addition to water-related accessory uses which may be permitted to occupy up to 50% of that portion of a parcel lying landward of the 150-foot line.

2. North of Main Street - Within the Water-Dependent Overlay zone which is defined as land within 150 feet of the shoreline: water-dependent marine industrial uses and recreational marinas.
 - Landward of the Overlay zone (150-foot line): marine industrial uses, in addition to commercial or marine industrial uses which support the major industrial activities and recreational marinas.

3. South of Main Street - Within the Water-Dependent Overlay zone which is defined as land within 300 feet of the shoreline: water-dependent marine industrial uses as well as those uses described under Goal 12 and Policy 12.3.3.
 - Landward of the Overlay zone (300-foot line): marine industrial uses; in addition, dry-storage recreational marinas may also be permitted through the “planned development” rezoning process, provided the following is clearly demonstrated:
 - Water access can be provided with only minimal interference to the waterfront industrial uses; and
 - Adequate road access is provided for the waterfront industrial uses; and
 - Any other commercial uses (such as food service or retail space) must be clearly ancillary to the recreational marina or industrial uses and comprise no more than 5% of the site, unless located within the DRMUWD future land use category.

4. Water-Dependent Overlay Zones in General - The Water-Dependent Overlay zones will be included in the Lee County zoning regulations and may be the subject of deviation requests during the planned development rezoning process. This provision is particularly intended to encourage joint use of parking, access easements, and stormwater retention facilities where such joint use does not negate the essential purpose of the overlay zones. (This also applies to the Water-Dependent Overlay zones elsewhere on San Carlos Island as described in Policy 32.1.1.)

5. Ancillary Commercial Uses - Wherever water-dependent, marine industrial uses are permitted, water-related ancillary commercial uses may also be permitted, provided they are clearly subordinate to the parcel's principal use and their total development area (building, parking, required buffers, water retention, etc.) does not exceed 15% of the parcel's total area. However, at the foot of the Matanzas Pass Bridge, this percentage may be increased to 25% so long as the resulting commercial use of land lying in the Industrial Development land use category does not exceed 50% of all land in that category that is under unified ownership or control as of March 1, 1988.

6. DRMUWD Future Land Use Category - Development within this land use category must be consistent with the requirements of Goal 12.
(Ord. No. [94-30](#), [99-15](#), [00-22](#), [10-38](#), [18-18](#))

POLICY 32.1.2: New development and substantial redevelopment within a portion of the Urban Community land use category on San Carlos Island will be subject to the additional requirement that within a Water-Dependent Overlay zone, wet or dry storage recreational marinas and other water-dependent uses only will be permitted. This Water-Dependent Overlay zone affects two separate areas, both lying south of Main Street and east of San Carlos Boulevard, as depicted on Map 1-H and described as follows: land within 150 feet of the shoreline along the inlet (between other lands designated as Industrial Development but exempting the Gulf Cove Trailer Park); and, land within 300 feet of the shoreline and lying east of, and within 930 feet of, the main Industrial Development area. (Ord. No. [99-15](#), [00-22](#), [18-18](#))

OBJECTIVE 32.2: To manage growth, development, and redevelopment on San Carlos Island. To maintain and enhance the area's quality of life and public and private infrastructure. (Ord. No. [98-09, 18-18](#))

POLICY 32.2.1: As part of the transit design process, the County will consider ways to establish pull-overs and turn-offs for the pick-up and discharge of passengers from all trolley and mass transit vehicles and requiring that such pick-up and discharge be done only at specified transit stops. (Ord. No. [98-09, 00-22, 18-18](#))

POLICY 32.2.2: Prior to the expenditure of public funds for the construction of new parking facilities within San Carlos Island, an analysis of the relationship of the facility to the level of service on constrained and backlogged roads will be undertaken, in order to determine if the location, size and function of the facility is appropriate and consistent with the adopted CRA plan and the Transportation Element. (Ord. No. [98-09, 00-22, 18-18](#))

POLICY 32.2.3: Recreation areas must have a minimum of impervious surfaces. (Ord. No. [98-09, 00-22, 18-18](#))

POLICY 32.2.4: Sidewalks, bike paths and mass transit routes must be designed to provide convenient and safe access to all recreational facilities in the area. (Ord. No. [98-09, 00-22, 18-18](#))

GOAL 33: SOUTHEAST LEE COUNTY. Protect Southeast Lee County's natural resources through public and private acquisition and restoration efforts. Development incentives will be utilized as a mechanism to preserve, enhance, and protect natural resources, such as regional flow-ways and natural habitat corridors in the development of privately owned land. Allowable land uses will include conservation, agriculture, public facilities, low density or clustered residential, natural resource extraction operations, and private recreation facilities; allowable land uses must be compatible with protecting Southeast Lee County's environment. (Ord. No. [10-20, 19-13](#))

OBJECTIVE 33.1: WATER, HABITAT, AND OTHER NATURAL RESOURCES. Protect and restore natural resources within Southeast Lee County including, but not limited to, surface and ground water, wetlands, and wildlife habitat. (Ord. No. [10-19, 19-13](#))

POLICY 33.1.1: Large-scale ecosystem integrity in Southeast Lee County should be maintained and restored. Protection and/or restoration of land is of even higher value when it connects existing corridors and conservation areas. Restoration is also highly desirable when it can be achieved in conjunction with other uses on privately owned land including agriculture. (Ord. No. [10-19, 15-13, 19-13](#))

POLICY 33.1.2: The DR/GR Priority Restoration Strategy consists of seven tiers of land where protection and/or restoration would be most critical to restore historic surface and groundwater levels and to connect existing corridors or conservation areas (see Map 1-D). Within these tiers, density incentives will be utilized as a mechanism to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species; with Tier 1 and Tier 2 being the most incentivized tiers. Lee County may consider amendments to this Overlay based on changes in public ownership, land use, new scientific data, and/or demands on natural resources. This Overlay does not restrict the use of the land. (Ord. No. [10-19, 19-13, 21-09](#))

POLICY 33.1.3: Pursue acquisition (partial or full interest) of land within the Tier 1 areas in the Priority Restoration Strategy Overlay through direct purchase; partnerships with other government agencies; long-term purchase agreements; right of first refusal contracts; land swaps; or other appropriate means to provide critical connections to conservation lands that serve as the backbone

for water resource management and wildlife movement within Southeast Lee County. Tier 2 lands are of equal ecological and water resource importance as Tier 1 but have better potential to remain in productive agricultural use. Tier 3 lands and the southern two miles of Tiers 5, 6, and 7 can provide an important wildlife connection to conservation lands in Collier County and an anticipated regional habitat link to the Okaloacoochee Slough State Forest. Tiers 1, 2, 3, and the southern two miles of Tiers 5, 6, and 7 may qualify for unique development incentives outlined in Objectives 33.2 and 33.3 due to the property's potential for natural resource benefits and/or wildlife connections. Additionally, the County may consider incentives, within all tiers, for private landowners to improve water resources and natural ecosystems. (Ord. No. [10-19](#), [12-24](#), [19-13](#))

POLICY 33.1.4: Restoration of critical lands in Southeast Lee County is a long-term program that will progress in phases based on available funding, land ownership, and natural resource priority. On individual sites, restoration can be carried out in stages:

1. Initial restoration efforts would include techniques such as filling agricultural ditches and/or establishing control structures to restore the historic water levels as much as possible without adversely impacting nearby properties.
2. Future restoration efforts would include the eradication of invasive exotic vegetation and the reestablishment of appropriate native ecosystems based upon the restored hydrology.

(Ord. No. [10-19](#), [19-13](#))

POLICY 33.1.5: Lee County recognizes the importance of maintaining agricultural lands within Southeast Lee County for local food production, water conservation and storage, land conservation, wildlife habitat, and wetland restoration. The continued use of ever evolving agricultural best management practices will protect native soils and potentially improve the quantity and quality of water resources, allowing sustainable agriculture to be integrated into restoration planning for Southeast Lee County. (Ord. No. [10-19](#), [19-13](#))

POLICY 33.1.6: On existing farmland, the County will offer incentives to encourage the continuation of agricultural operations. Incentives will include the ability to concentrate all existing development rights while farming continues on the remainder of the tract; and, the ability to sever and sell all development rights while farming continues on the entire tract. Other incentives may be provided to agricultural operations that implement and maintain best management practices. Continued agricultural use may be a desirable long-term use even within land designated on the Priority Restoration Strategy Overlay as potentially eligible for protection (see Policy 9.1.7). (Ord. No. [10-19](#), [19-13](#))

POLICY 33.1.7: Impacts of proposed land disturbances on surface and groundwater resources will be analyzed using integrated surface and groundwater models that utilize site-specific data to assess potential adverse impacts on water resources and natural systems within Southeast Lee County. Lee County Division of Natural Resources will determine if the appropriate model or models are being utilized, and assess the design and outputs of the modeling to ensure protection of Lee County's natural resources. (Ord. No. [10-19](#), [19-13](#))

POLICY 33.1.8: The County supports a comprehensive and coordinated effort to manage water resources in a manner that includes the protection and restoration of natural systems within Southeast Lee County. (Ord. No. [10-19](#), [19-13](#))

OBJECTIVE 33.2: RESIDENTIAL AND MIXED-USE DEVELOPMENT. Designate on a Future Land Use Map overlay areas that should be protected from adverse impacts of mining (Existing Acreage Subdivisions), specific locations for concentrating existing development rights on large tracts

(Mixed-Use Communities), specific properties which provide opportunities to protect, preserve, and restore strategic regional hydrological and wildlife connections (Environmental Enhancement and Preservation Communities), and vacant properties with existing residential approvals that are inconsistent with the DR/GR future land use category (Improved Residential Communities). (Ord. No. [10-43](#), [12-24](#), [15-13](#), [19-13](#))

POLICY 33.2.1: Existing acreage subdivisions are shown on Map 2-D. These subdivisions should be protected from adverse external impacts. (Ord. No. [10-43](#), [17-13](#), [19-13](#))

POLICY 33.2.2: Map 2-D identifies future locations for Mixed-Use Communities where development rights can be concentrated from large Southeast Lee County tracts. The preferred pattern for residential development is to cluster density within Mixed-Use Communities along existing roads and away from Future Limerock Mining areas.

1. Southeast Lee County Mixed-Use Communities must be concentrated from contiguous property owned under single ownership or control. Residential density is calculated from the upland and wetland acreage of the entire contiguous Southeast Lee County property. Increases in residential densities may be approved through incentives as specified in the LDC for permanent protection of indigenous native uplands on the contiguous tract (up to one extra dwelling unit allowed for each five acres of preserved or restored indigenous native uplands) and through the acquisition of TDUs from TDR sending areas within Southeast Lee County as provided in Objective 33.3.
 - a. The maximum gross density is 5 dwelling units per acre of total land designated as a Mixed-Use Community when TDUs are used.
 - b. Properties that concentrate development rights and/or use TDUs created from Southeast Lee County within the Mixed-Use Communities identified on Map 2-D will be allowed to develop using permitted uses and the property development regulations for the C-2A zoning district.
 - c. Contiguous property under the same ownership may be developed as part of a Mixed-Use Community provided it does not extend more than 400 feet beyond the perimeter of the Mixed-Use Community as designated on Map 2-D.
 - d. Commercial uses developed as part of a Mixed-Use Community will be consistent with Policy 33.2.5 and will not exceed the allowable total square footage for commercial uses in Southeast Lee County.
2. Contiguous property adjacent to the Mixed-Use Community located within the Lehigh Acres Community Plan Area may sum allowable dwelling units for entire property. The resulting allowable dwelling units may be allocated across the project regardless of the underlying future land use category, provided:
 - a. The project is developed as a Planned Development, and
 - b. The project maintains 60% open space.
3. Central water and wastewater services are required to develop a Mixed-Use Community. (Ord. No. [10-43](#), [12-24](#), [17-13](#), [19-13](#), [20-06](#), [23-24](#))

POLICY 33.2.3: Properties within Southeast Lee County that have existing approvals for residential development inconsistent with the current DR/GR or Wetlands density requirements, may have a negative impact on surface and sub-surface water resources, impact habitat, and may encroach on environmentally important land if developed consistent with the vested approvals. As an incentive to reduce these potential impacts, additional densities may be granted if strict criteria improving the adverse impacts are followed.

1. These properties may be designated on Map 2-D as “Improved Residential Communities,” provided they meet all of the following requirements:
 - a. Abut lands designated as future urban areas;
 - b. Adjacent to and eligible for public water and sewer services;
 - c. Can provide two direct accesses to an arterial roadway, and;
 - d. Is not already designated on Lee Plan Map 2-D as an Existing Acreage Subdivision or a Mixed-Use Community.

2. In order to request an increase in density, the property must be rezoned to a Residential Planned Development (RPD) that demonstrates and is conditioned to provide the following:
 - a. Reduced stress to the onsite potable aquifers and is more consistent with water resource goals of Lee County in Southeast Lee County than the existing development approvals.
 - b. Increased conservation areas, relative to the existing approvals, with a restoration plan and long term maintenance commitment.
 - c. Active and passive recreational amenities.
 - d. Demonstrates a net benefit for water resources, relative to the existing approvals that demonstrates the following.
 - (1) Lower irrigation demand.
 - (2) Eliminates private irrigation wells
 - (3) Protects Public wells by meeting or exceeding the requirements of the Well Field Protection Ordinance.
 - (4) Uses Florida Friendly Landscaping with low irrigation requirements in common elements.
 - (5) Connects to public water and sewer service, and must connect to reuse water when available.
 - (6) Reduces impervious area relative to existing approvals improving opportunities for groundwater recharge.
 - (7) Designed to accommodate existing or historic flow-ways.
 - e. Includes an enhanced lake management plan, that addresses at a minimum the following issues:
 - (1) Best management practices for fertilizers and pesticides
 - (2) Erosion control and bank stabilization
 - (3) Lake maintenance requirements
 - (4) Public well field protection
 - f. Indigenous Management Plans must address human-wildlife coexistence.

3. Properties meeting the above criteria and requirements may be permitted additional residential dwelling units in addition to the already existing approvals, but in no case in excess of three dwelling units per DR/GR upland acre. The application for Residential Planned Development must identify the source of the additional residential dwelling units from the criteria below. Approval of the rezoning will be conditioned to reflect the source of additional dwelling units:
 - a. 2 dwelling units for every acre of offsite DR/GR property acquired for conservation purposes with the possibility of passive recreation activities.
 - b. 2 dwelling units for every additional acre of offsite DR/GR property put under a conservation easement dedicated to Lee County.

- c. 1.5 dwelling units for every additional acre of onsite property put under a conservation easement.
- d. 1 dwelling unit for every acre of onsite restoration, subject to restoration plan approval as part of the planned development rezoning process.
- e. 2 dwelling units for every acre of non-isolated DR/GR preserved primary and secondary panther habitat.
- f. 2 dwelling units for every acre of protected onsite wetlands connected to a regionally significant flow-way identified in the Lee Plan.
- g. 1 dwelling unit for every \$8,500 (the current estimated cost to purchase an acre of Southeast DR/GR land) the applicant provides to the County to extinguish density on other Southeast DR/GR parcels.
- h. 1 dwelling unit for every \$8,500 the applicant provides to the County to construct a planned large mammal roadway crossing in the Southeast DR/GR area.

The improvements or acquisition of properties serve to mitigate impacts of the increased density. Future “Improved Residential Communities” proposed to be added to Map 2-D must provide a reanalysis of the cost to purchase one acre of DR/GR property if criteria g. or h. are used to account for the increased density.

(Ord. No. [12-24](#), [17-13](#), [19-13](#))

POLICY 33.2.4: Lands that provide a significant regional hydrological and wildlife connection have the potential to improve, preserve, and restore regional surface and groundwater resources and indigenous wildlife habitats. These lands, located along Corkscrew and Alico Roads, can provide important hydrological connections to the Flint Pen Strand and the Stewart Cypress Slough as well as important wildlife habitat connections between existing CREW and Lee County properties. As an incentive to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species additional densities and commercial uses may be granted if the project is found consistent with and demonstrates through a planned development rezoning the following:

1. These lands are within the “Environmental Enhancement and Preservation Communities” Overlay as designated on Map 2-D of the Plan. Lands eligible for designation on the Environmental Enhancement and Preservation Communities Overlay must be consistent with the criteria below:
 - Provide significant regional hydrological and wildlife connections and have the potential to improve, preserve, and restore regional surface and groundwater resources and indigenous wildlife habitats; and
 - Be located west of Lee County 20/20 Imperial Marsh Preserve (Corkscrew Tract) and within one mile north or south of Corkscrew Road. Properties with frontage on Corkscrew Road designated as Tier 1 Priority Restoration Area may extend the Overlay an additional mile south to include contiguous Tier 1 properties where the extension will result in regional environmental benefits by connecting protected habitat north of Corkscrew Road to land in Collier County used for conservation purposes; or,
 - Be located west of the intersection of Alico Road and Corkscrew Road, north of Corkscrew Road and south of Alico Road.
2. The property is rezoned to a planned development that meets the following:
 - a. Planned development must include a minimum of 60% open space, not including previously mined lakes, which will be used to accommodate the following:
 1. Restore and accommodate existing and historic regional flow-ways where they currently or previously existed;
 2. Restore and accommodate existing and historic groundwater levels;

3. Restore and preserve wetlands;
 4. Restore and preserve indigenous upland habitats;
 5. Provide critical wildlife connections to adjacent conservation areas; and
 6. Provide 100' foot buffer along Corkscrew Road East of Alico Road.
- b. Includes an enhanced lake management plan, that:
 1. Applies best management practices for fertilizers and pesticides;
 2. Provides erosion control and bank stabilization; and
 3. Establishes lake maintenance requirements.
 - c. Develop a site specific ecological and hydrological restoration plan which includes at a minimum the following: preliminary excavation and grading plans, analysis of hydrological improvements and water budget narrative, replanting plan, habitat restoration plan, success criteria, long term monitoring and maintenance.
 - d. Preservation areas must be platted in separate tracts and dedicated to an appropriate maintenance entity. For projects larger than 1,000 acres a CDD or a master home owners association must be created that will accept responsibility for perpetually maintaining the preservation requirements identified in the planned development, prior to issuance of certificate of compliance (CC) for first local development order.
 - e. Record a Conservation Easement for a minimum of 55% of the planned development, not including previously mined lakes, to be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency, acceptable to Lee County, with third party enforcement rights. All Conservation Easements required as part of the planned development must be recorded within 5 years from first development order approval.
 - f. Indigenous management plans must address human-wildlife coexistence.
 - g. Uses Florida Friendly Landscaping with low irrigation requirements in common elements.
 - h. The stormwater management system must demonstrate through design or other means that water leaving the development meets state and federal water quality standards. The developer must obtain authorization from the Division of Natural Resources prior to discharge of stormwater from the development into the County's MS4 system directly or indirectly.
 - i. Irrigation and fertilizers (or other chemicals) for agricultural purposes must be entirely eliminated at time of first development order approval for row crops and no later than 5 years from first development order approval for citrus groves. If cessation of citrus groves is to be phased, a phasing plan provided at the time of zoning must demonstrate regional environmental benefits, including but not limited to regional or historic surface water and wildlife connections, occurring with the first phase of development.
 - j. Protects public wells through compliance with the requirements of the Well Field Protection Ordinance.
 - k. Each planned development within the Overlay will be required to mitigate the traffic impacts of the planned development and provide its proportionate share of the needed roadway improvements in accordance with Administrative Code (AC) 13-16. The proportionate share amount can be offset, in accordance with AC 13-16, by the dedication of needed right-of-way or the construction of improvements that would measurably lessen the need for roadway improvements, or by payment of impact fees, or use of impact fee credits, or as otherwise set forth in a written agreement between Lee County and the Developer. Prior to a final determination of a Project's proportionate share amount, compliance may be met through an enforceable instrument that obligates the property owners within a planned development to pay the Project's proportionate share, with said instrument being recorded prior to the issuance of any development order. For the developments known as WildBlue (CPA2014-00004) and Corkscrew Farms (CPA2015-00001) if the instrument is recorded prior to the final determination of the proportionate share amount, the proportionate share payment may not exceed \$1,600 per unit above the road impact fee amount.

1. Connect to public water and sewer service. Connect to reuse water if available at time of development order approval.
 - m. Obtain written verification as to adequate public services for the planned development, from the sheriff, EMS, fire district, and Lee County School District.
 - n. Demonstrate that the planned development will not result in significant detrimental impacts on present or future water resources.
3. In recognition of the preservation, enhancement, and protection of regional flow-ways and natural habitat corridors, the interconnection with existing off-site conservation areas, and the significant enhancement, preservation and protection of these lands, additional density may be approved through planned developments meeting the criteria and requirements outlined above as follows:
- a. Tier 1 lands within the Priority Restoration Strategy will be permitted a maximum density of 1 unit per acre.
 - b. Tier 2 lands within the Priority Restoration Strategy will be permitted a maximum density of 1 unit per 2 acres.
 - c. Other lands within the Environmental Enhancement and Preservation Overlay, outside of Tier 1 and Tier 2, meeting the requirements above will be permitted a maximum density of 1 unit per 3 acres.
 - d. Density in the Environmental Enhancement and Preservation Overlay will be based upon the acreage of the entire planned development (i.e. all areas within the boundary of the planned development whether uplands, wetlands, or lakes).
 - e. Additional dwelling units may be approved in the planned development by using any combination of the following:
 - 1) Utilize the Southeast Lee County TDR program to transfer dwelling units from Southeast Lee County lands located outside of the planned development pursuant to Policy 33.3.2.
 - 2) Provide all of the following as part of the planned development for a density increase of up to 15%:
 - i. A minimum of 65% open space, not including previously mined lakes; and
 - ii. Significant regional hydrological connections that further Lee County's flood mitigation and flow-way restoration efforts by providing:
 - a. Physical surface water connections to allow surface water to flow to and from adjacent properties and off-site flow-ways (to be considered site-related improvements); and
 - b. Enhanced on-site surface water storage and flood attenuation.
4. Commercial uses may be approved as part of a mixed use planned development if the project is found consistent with all of the following:
- a. The project is a minimum of 2,000 acres;
 - b. The project consists of both residential and commercial development and meets the minimum requirements of this policy;
 - c. Wetlands may not be impacted by the commercial development area;
 - d. The project will be consistent with Policy 33.2.5 and will not exceed the allowable total square footage for commercial uses in Southeast Lee County;
 - e. Commercial uses and maximum floor area is limited to Neighborhood Commercial, as defined, and must not include any of the following uses: auto parts stores, lawn and garden supply stores, fuel pump stations, drycleaners (on-site), or any other use that is not compatible with protecting Southeast Lee County's environment;
 - f. Commercial development within the 6-month, 1-year, 5-year, or 10-year travel zones of the Wellfield Protection Ordinance must provide a total of 1½ -inches of treatment, ½ -inch of which must be completed via dry pretreatment, at a minimum. The entire

- commercial portion of the project will be considered to be within the most restrictive wellfield protection zone as provided in the Wellfield Protection Ordinance. Ground water quality monitoring well(s) for the Surficial Aquifer System must be provided and located between Lee County's nearest production well(s) and the commercial development; and
- g. The human-wildlife coexistence plan required by subsection 2.f. of this policy must include a commercial component that at a minimum provides for bear-proof refuse containers, below ground grease traps, and prevents light spillage onto adjacent preserve areas.

(Ord. No. [15-13](#), [15-14](#), [17-13](#), [17-24](#), [19-13](#), [20-06](#), [21-09](#))

POLICY 33.2.5: Commercial uses may only be permitted if incorporated into a Mixed-Use Community, Environmental Enhancement and Preservation Community, or Rural Golf Course Community depicted on Map 2-D. The maximum commercial floor area that may be approved within the Southeast Lee County community plan area may not exceed 300,000 square feet. (Ord. No. [19-13](#), [20-06](#))

OBJECTIVE 33.3: SOUTHEAST LEE COUNTY TRANSFER OF DEVELOPMENT RIGHTS (Southeast Lee County TDR) PROGRAM. To protect water resources and natural habitat of Southeast Lee County, Lee County may incorporate Southeast Lee County's purchase and transfer of development rights programs into the LDC. (Ord. No. [17-13](#), [19-13](#))

POLICY 33.3.1 The new programs may create incentives for property owners within Southeast Lee County to transfer development rights associated with their parcels to receiving lands outside the planning community; or, residential areas identified on Map 2-D; Southeast DR/GR Residential Overlay as specified in Policy 33.3.2. (Ord. No. [17-13](#), [19-13](#))

POLICY 33.3.2: The Southeast Lee County TDR program will have the following characteristics:

1. Creation of Transferable Development Units (Southeast Lee County TDUs).
 - a. Up to one Southeast Lee County TDU may be created per five acres of preserved or indigenous wetlands.
 - b. Up to two Southeast Lee County TDUs may be created from a single-family lot or parcel designated as wetlands that holds an affirmative Minimum Use Determination pursuant to Chapter XIII.
 - c. Southeast Lee County TDU credits may be established from DR/GR designated lands as follows:
 - 1) Up to one Southeast Lee County TDU may be created for each ten upland acres encumbered by an agricultural easement.
 - 2) Up to one Southeast Lee County TDU may be created for each 5 upland acres with indigenous native or restored native vegetation encumbered by a conservation easement.
 - 3) For each Southeast Lee County TDU credit allowed by c.1) or c.2) above, up to two extra TDU credits may be created if the sending area land is designated as Tier 1, Tier 2, Tier 3, or the southerly two miles of Tiers 5, 6 and 7 in the Priority Restoration Strategy (Map 1-D).
2. Receiving area density and intensity equivalents of Southeast Lee County TDUs.
 - a. In Mixed-Use Communities in Southeast Lee County identified on Map 2-D, each Southeast Lee County TDU credit may be redeemed for a maximum of one dwelling unit plus a maximum of 800 square feet of non-residential floor area.
 - b. In Improved Residential Communities in Southeast Lee County identified on Map 2-D, each Southeast Lee County TDU credit may be redeemed for a maximum of one dwelling unit.

- c. In Rural Golf Course Communities in Southeast Lee County identified on Map 2-D, each Southeast Lee County TDU credit may be redeemed for a maximum of one dwelling unit or two bed and breakfast bedrooms.
 - d. In Environmental Enhancement and Preservation Communities identified on Map 2-D, each Southeast Lee County TDU credit may be redeemed for a maximum of one dwelling unit per 10 acres using credits from DR/GR sending areas and a maximum of one dwelling unit per 20 acres using credits from wetland sending areas.
 - e. No more than 2,000 dwelling units may be placed on receiving parcels identified in subsections a. through d. above using the Southeast Lee County TDR program.
 - f. In the Intensive Development, Central Urban, Urban Community, or General Interchange future land use categories outside of Southeast Lee County, each Southeast Lee County TDU may be redeemed for up to two dwelling units. Southeast Lee County TDUs may not be redeemed for non-residential floor area in these future urban areas.
3. The LDC may include regulations that permit the County to evaluate the effectiveness of the Southeast Lee County TDR program and make changes that may further condition or restrict the use of Southeast Lee County TDUs.
(Ord. No. [17-13](#), [18-05](#), [19-13](#), [19-26](#), [20-06](#))

POLICY 33.3.3: The County will administer the TDR program and develop a forum to disseminate program information and records. The forum may include a TDR program website that provides general program information, rules and guidelines; TDU administrative determination application; County-approved form of conservation easement; certified TDU database with ownership information; and, TDU clearinghouse for individuals that request to be included within the TDU clearinghouse program. (Ord. No. [17-13](#), [19-13](#))

GOAL 34: TICE HISTORIC COMMUNITY PLAN. Redevelop the Community Plan area into vibrant commercial and residential neighborhoods, with mixed use centers, landscaping, safe pedestrian and bicycle facilities, improved transit service, and an array of public space and recreational areas while protecting the community’s historic resources. (Ord. No. [18-18](#))

OBJECTIVE 34.1: REDEVELOPMENT. Promote redevelopment activities that: enhance appearance, form, use, and interconnectivity of private and public buildings; expand multimodal transportation facilities; extend the community’s road and street grid; improve public facilities and infrastructure systems; preserve historic resources; and create mixed use centers. (Ord. No. [18-18](#))

POLICY 34.1.1: In the Tice Gateway and Tice Historic Center utilize the Mixed Use Overlay to encourage mixed use developments consistent with Goal 11 that integrate multiple land uses, public amenities and utilities at various scales and intensities in order to provide: diversified land development; a variety of housing types; greater connectivity between housing, workplaces, retail businesses, and other destinations; reduced trip lengths; more transportation options; and pedestrian and bicycle-friendly environments. Tice Gateway is defined as the properties with frontage on Palm Beach Boulevard. The Tice Historic Center is the area of the Community Plan area contiguous to the City of Fort Myers at the intersection of Tice Street and Palm Beach Boulevard. (Ord. No. [18-18](#))

POLICY 34.1.2: Support redevelopment by maintaining land development regulations that allow for urban forms of development and a variety of uses in the Mixed Use Overlay. (Ord. No. [18-18](#))

POLICY 34.1.3: Improve the overall connectivity, increase the functionality of the street grid, and expand the multimodal connectivity within the Community Plan area by improving the linkages between the community’s neighborhoods (including: Morse Shores, Russell Park, South Tice, and Alabama Groves), commercial and economic areas, mixed use centers, parks, and schools through

the incorporation of: connector roads and neighborhood streets; courtyards, public plazas and gathering places; greenway trails and sidewalks; parks and recreational facilities; blueways; and natural open spaces. (Ord. No. [18-18](#))

POLICY 34.1.4: Evaluate creating a historic district that identifies and protects the Community Plan area's historic resources through historic designations. The intent of the historic district designation is to preserve and highlight the historic resources and ensure new development is compatible with the historic character of the area. (Ord. No. [18-18](#))

POLICY 34.1.5: Encourage the preservation of historic resources and support redevelopment efforts that integrate known historic resources into development plans. (Ord. No. [18-18](#))

POLICY 34.1.6: Explore funding sources and options for signage to identify key community entrances, neighborhoods, and historic structures. (Ord. No. [18-18](#))

POLICY 34.1.7: Explore local funding mechanisms to support redevelopment. These mechanisms may include establishment of a municipal service benefit/taxing unit. (Ord. No. [18-18](#))

OBJECTIVE 34.2: COMMERCIAL AND ECONOMIC LAND USES. Provide commercial, economic, and employment opportunities within the Community Plan area by establishing active economic corridors centered along Palm Beach Boulevard, Ortiz Avenue, and Tice Street that feature high quality, distinct, and visually appealing commercial developments. (Ord. No. [18-18](#))

POLICY 34.2.1: Maintain land development regulations that address the following:

- a. Underutilized buildings, shopping centers, and lots;
- b. Uses that provide socioeconomic opportunity;
- c. Lots that have irregular size, depth, building placement, and lack parking, landscaping, and infrastructure facilities;
- d. Vegetative and light features that help unify and add visual appeal to developments;
- e. Transportation resources that connect the Community Plan area to the surrounding neighborhoods and greater Lee County region and provide opportunities to walk, bike, ride transit, and drive within and through the Community Plan area; and
- f. Transit facilities that provide for the specific needs of the area's workforce and that link Palm Beach Boulevard, Tice Historic Center (intersection of Palm Beach Boulevard and Tice Street), and Billy's Creek Commerce Center.

(Ord. No. [18-18](#))

POLICY 34.2.2: Maintain development standards for commercial developments to be designed as to support a walkable, multimodal community with transportation facilities that provide for the needs of pedestrians, cyclists, transit riders, and drivers by providing:

- a. Interconnection of adjacent commercial uses in order to minimize vehicular access points on primary road corridors;
- b. Parking at the rear of the developments;
- c. Pedestrian connections such as sidewalks, trails, crosswalks, walkways and entrances, signalized and or lighted crossings, shade, and other pedestrian elements;
- d. Bike facilities such as bike racks, bike lanes, and bike ways;
- e. Transit resources such as shelters, well serviced transit lines, and intermodal connection facilities;
- f. Improved network connections to Tice Street; and
- g. Intersection improvements along Palm Beach Boulevard, Ortiz Avenue, and Tice Street.

(Ord. No. [18-18](#))

OBJECTIVE 34.3: TRANSITIONAL USES. Establish transitional use areas between commercial corridors and single-family residential neighborhoods. (Ord. No. [18-18](#))

POLICY 34.3.1: Transitional uses include pedestrian oriented retail uses, commercial offices, day care centers, mid-rise multifamily buildings, live-work units, and accessory apartments. (Ord. No. [18-18](#))

POLICY 34.3.2: Consider development standards to allow the conversion of single-family uses abutting commercial uses that are located along commercial corridors into transitional uses. (Ord. No. [18-18](#))

POLICY 34.3.3: It is anticipated that transitional uses will coexist with existing single-family residences in the transitional use area. (Ord. No. [18-18](#))

OBJECTIVE 34.4: COMMUNITY FACILITIES. Coordinate the provision of a broad mix of community facilities including parks, utilities and infrastructure, and transportation. (Ord. No. [18-18](#))

POLICY 34.4.1: Community facilities will be located and designed to promote an economically vibrant, mixed use, and interconnected multimodal urban community. Public facilities, such as stormwater, transportation facilities, public spaces, and other utilities in the community's mixed use centers will be developed to meet the unique needs and demands of such areas. (Ord. No. [18-18](#))

POLICY 34.4.2: Integrate parks and open spaces into the surrounding neighborhoods. Locate parks to act as anchors for neighborhoods, and connect to other open space and recreational opportunities through pedestrian and bicycle linkages, either along public rights-of-way or through adjacent neighborhoods. (Ord. No. [18-18](#))

POLICY 34.4.3: Maintain the existing waterfront County parks and explore maintenance options for Russell Park. (Ord. No. [18-18](#))

OBJECTIVE 34.5: COORDINATION. Coordinate with the City of Fort Myers and FDOT to enable and promote effective redevelopment activities within the Community Plan area. (Ord. No. [18-18](#))

POLICY 34.5.1: Promote the use of Palm Beach Boulevard as the "Gateway" to Fort Myers through a collaborative effort between Lee County, City of Fort Myers, and FDOT. Aesthetic and safety improvements may include:

- a. Road improvements;
- b. Bicycle and pedestrian improvements that better link the corridor to the surrounding neighborhoods;
- c. Landscaping, hardscaping, signage and other community character elements;
- d. Building placement, pedestrian entranceways, and other physical design features; and
- e. Access to commercial businesses and neighborhood streets through connectivity improvements.

(Ord. No. [18-18](#))

GOAL 35: RESERVED (Ord. No. [18-18](#))



TRANSPORTATION ELEMENT

Chapter III

III. Transportation Element

a. Multi-Modal Transportation

GOAL 36: MAPS. Provide and keep current an integrated series of Transportation Maps. (Ord. No. [98-09](#), [99-15](#), [17-13](#))

OBJECTIVE 36.1: TRANSPORTATION MAP SERIES. Review and amend the adopted maps as necessary. Lee County will coordinate with the Metropolitan Planning Organization (MPO) to ensure any necessary changes incorporated into the MPO Plan remain consistent with the Lee Plan. (Ord. No. [98-09](#), [17-13](#))

POLICY 36.1.1: Incorporate by reference, the most recent MPO Long Range Transportation Plan, Bicycle and Pedestrian Master Plan (BPMP), Transit Development Plan (TDP), FDOT Transportation Plan, and Transportation Improvement Plan. (Ord. No. [98-09](#), [99-15](#), [02-02](#), [02-29](#), [03-19](#), [07-11](#), [17-13](#))

POLICY 36.1.2: The Future Functional Classification Map (Map 3-B) identifies the future functional classification of transportation facilities. References to the functional classification of roadways (i.e., arterials, collectors, etc.) in the County land development regulations will rely on the existing or future classification of roads. The existing classification of roads will be kept in an Administrative Code consistent with the functional classification structure adopted by FDOT and coordinated through the MPO. (Ord. No. [99-15](#), [17-13](#))

POLICY 36.1.3: Construction of new transportation facilities will be based on the Transportation Map Series. (Ord. No. [98-09](#), [99-15](#), [17-13](#))

POLICY 36.1.4: Protect the through traffic capacity of the County's expressways, controlled access facilities, principal and minor arterials, and major collectors depicted on Map 3-B. (Ord. No. [17-13](#))

OBJECTIVE 36.2: Lee County recognizes that development immediately adjoining the I-75 ramps could render future interchange improvements extremely costly if not prohibitive. To assist the County in evaluating the impacts of specific rezoning proposals located within 1000 feet of I-75 ramps, County staff will estimate the possible right-of-way needs for interchange improvements in that quadrant and present this information during the rezoning process. Where possible, development approvals must be phased to protect land critical for future interchange improvements. (Ord. No. [17-13](#), [99-18](#), [00-22](#), [21-09](#))

POLICY 36.2.1: The following access control standards will apply to the interstate interchange areas of Luckett Road, Alico Road, Corkscrew Road, and Bonita Beach Road. The specified turning movements are not to be construed as conveying a property right or creating any expectation that they will be a permanent feature. The County reserves the right to modify or further restrict movements as it deems necessary to address operational and safety issues. Access control issues for Daniels Parkway west of I-75 are governed by the controlled access resolution adopted by the Board of County Commissioners on October 4, 1989, as may be amended from time to time. The other interchange areas are state roads where access is controlled by FDOT under the provisions of Rule 14-97.003, FAC. The standard is a strict requirement during the rezoning and development order processes for cases after the effective date of this policy.

Access Control Standards for Lockett Road and Bonita Beach Road

1. The distance to the first connection will be at least 880 feet, provided such location is outside the federal limited access right-of-way line. A connection is generally defined as a driveway or roadway, limited to right-in/right-out movements, but can include a directional median opening. This distance will be measured from the end of the upstream interchange ramp or the beginning of the downstream interchange ramp, whichever is farther from the centerline of the interstate. A single connection per property not meeting this connection spacing standard may be provided, pursuant to the connection permit process, if no reasonable access to the property exists, and if permitting authority review of the connection permit application provided by the applicant determines that the connection does not create a safety, operational or weaving hazard.
2. The minimum distance to the first full movement median opening will be at least 1,760 feet as measured from the end of the upstream interchange ramp or the beginning of the downstream interchange ramp, whichever is farther from the centerline of the interstate.
3. Connections and median openings consistent with the above spacing standards may still be denied in the location requested when the Lee County Traffic Engineer determines, based on the engineering and traffic information provided in the permit application, that the safety or operation of the interchange or the limited access highway would be adversely affected.
4. Connections and median openings existing prior to 1998 that do not meet the standards are allowed to remain (unless they need to be closed for operational safety reasons), but cannot expand movements, except in the case of County roadway extensions.

Access Control Standards for Alico Road

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

STATION	DISTANCE ¹	MEDIAN OPENING?	MOVEMENT	CONNECTION
160+59.33	n/a	Yes	All	Oriole Road
170+54.54	995.21 ft.	Yes ²	All	Alico Int. Park DRI
177+74.54	720 ft.	Yes	All	Three Oaks Parkway
222+81	n/a	Yes	EB to NB Left-In ³ Rt-In/Rt-Out from N & S	Coca-Cola Bottling Co. (N) University Plaza (S)
234+44	1,163 ft.	Yes	All	Ben Hill Griffin Parkway

¹ Distance measured from next connection to the west.

² Unsignalized only; subject to future restrictions if traffic signal warranted.

³ A WB to SB left-in may be allowed if sufficient right-of-way is provided and an analysis demonstrating acceptable operation is submitted to and approved by LCDOT.

Access Control Standards for Corkscrew Road

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

STATION	DISTANCE ⁴	MEDIAN OPENING?	MOVEMENT	CONNECTION
172+84	n/a	Yes	All	Three Oaks Parkway
179+44	660 ft.	Yes	EB to NB Left-In ⁵ Rt-In/Rt-Out from N & S	Corkscrew Crossing (#1)
185+29	585 ft.	Yes	All	Corkscrew Crossing (#2)
187+83	254 ft.	No	Rt-In/Rt-Out from N ⁶	Pic-N-Run Entrance
190+34	253 ft.	Yes	EB to NB Left-In Rt-In/Rt-Out from N	Estero Int. Com. Park (#3)
194+29	395 ft.	Yes	WB to SB Left-In NB to WB Left-out Rt-In/Rt-Out from S	Corkscrew Woodlands
221+47	n/a	Yes	U-turns only	None
230+14	867 ft.	Yes	EB to NB Left-In Rt-In/Rt-Out from N & S ⁷	Miromar Outlet Mall
236+73	660 ft.	Yes	All	Ben Hill Griffin Parkway

(Ord. No. [17-13](#), [00-22](#), [03-05](#), [21-09](#))

OBJECTIVE 36.3: BABCOCK RANCH COMMUNITY (BRC). To minimize the development impacts of the BRC in Charlotte County on the Lee County transportation system, with the goal of protecting the rural nature of northeastern Lee County, and to assure the transportation impacts in Lee County, generated by the BRC approved in Charlotte County, are funded entirely by the BRC ISD or other BRC related funding mechanism. In addition, to provide a process by which these identified improvements are added to the Transportation Map Series and the Capital Improvement Program (CIP). (Ord. No. [10-03](#))

POLICY 36.3.1: Lee County views as a priority the proposed East-West Connector roadway and related interstate interchange and any other transportation/mobility improvements that will minimize the impacts in Lee County from the development of the BRC in Charlotte County. Lee County supports the use of the Lee County and Charlotte County MPO plan update processes in a comprehensive, coordinated, cooperative fashion to consider the need for, and location of, an East-West Connector roadway and related interstate interchange, as well as evaluation of transportation alternatives that might serve the projected need related to development of the BRC while minimizing the impacts to the rural nature of northeast Lee County. Upon inclusion in the appropriate MPO plan(s), funding for the East-West Connector roadway or transportation/mobility alternatives will be allocated in accordance with Policy 36.3.3(c). (Ord. No. [10-03](#))

⁴ Distance measured from next connection to the west.

⁵ A WB to SB left-in may be allowed at this location if necessary.

⁶ The previously-approved driveway for the Pic-N-Run may remain provided there is no other access; however, if Pic-N-Run establishes a connection to the frontage road system and other access locations, the driveway must be removed.

⁷ The Right-in/Right-out from the south already exists at Station 230+65. This connection may be shifted west to any point between Stations 226+30 and 230+65 if proven not to be a traffic safety hazard.

POLICY 36.3.2: The comprehensive transportation analysis of the BRC has identified the potential need for numerous transportation/mobility improvements in Lee County. In order to address the impacts of the development of the BRC in Charlotte County, additions to the Transportation Map Series and the CIP may be necessary.

- a. Lee County does not have the responsibility to fund the capital transportation/mobility improvements required by the development of the BRC in Charlotte County.
- b. As contemplated in the Interlocal Planning Agreement dated March 13, 2006, and the BRC Road Planning Agreement dated May 23, 2006, the capital transportation/mobility improvements required by the development of the BRC will be funded entirely by the BRC ISD or other BRC related funding mechanism (“the Developer”).

(Ord. No. [10-03](#))

POLICY 36.3.3: Analysis of the development of the BRC in Charlotte County identified potential transportation/mobility improvements beyond the financially feasible improvements currently reflected in the Transportation Map Series; therefore any future amendments to the Transportation Map Series related to the BRC will be consistent with the procedures set forth below:

- a. The funding necessary to construct the transportation/mobility improvements resulting from BRC development may exceed the proportionate share contribution anticipated from the BRC DRI increments. Developer contributions exceeding the DRI proportionate share assessment for a given increment may be necessary to satisfy the financially feasible standard required to support an amendment to the Transportation Map Series, as well as future amendments to the CIP.
- b. Prior to Lee County amending the Transportation Map Series and the CIP to include specific BRC-related transportation/mobility improvements, the ISD, or other BRC-related funding mechanism, will have to commit to fully funding these improvements if the proportionate share assessment does not fully fund these identified improvements.
- c. Developer contributions in excess of its DRI proportionate share assessment may be applied directly toward identified improvements through pipelining. The funding necessary to justify inclusion in the Lee Plan will be delivered via development agreements, interlocal agreements, or other mechanisms acceptable to Lee County, which mechanisms will coincide with each increment of the BRC. Upon execution of a development agreement, interlocal agreement, or other mechanism acceptable to Lee County providing for full funding of the identified transportation/mobility improvement, the County will include the transportation/mobility improvement on the Transportation Map Series and the transportation/mobility improvements will be included in the CIP as funded by developer contributions.
- d. Failure of the Developer of the BRC to fully fund the transportation/mobility improvements necessary to serve the BRC will prevent the inclusion of those transportation/mobility improvements as amendments to the Transportation Map Series and the CIP.

(Ord. No. [10-03](#))

POLICY 36.3.4: In recognition of the environmentally sensitive nature of the area, any transportation/mobility improvements in Lee County or within two miles of the Lee County border must include an analysis of the location and design of wildlife crossings. The wildlife crossings must be coordinated with the appropriate federal, state and local agencies including:

SFWMD, Florida Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service, Charlotte County, and Lee County. (Ord. No. [10-03](#))

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

OBJECTIVE 37.1: GENERAL STANDARDS. Monitor non-regulatory LOS standards outlined in Policy 95.1.3 on county and state transportation facilities within Lee County. Cooperate with municipalities on the facilities maintained by Lee County within the municipalities and with FDOT on state transportation facilities. (Ord. No. [99-15](#), [16-07](#), [17-13](#))

POLICY 37.1.1: Lee County will develop multi-modal service volumes (capacities) based on local Lee County conditions for determination of the LOS of transportation facilities. (Ord. No. [98-09](#), [99-15](#), [14-09](#), [17-13](#))

POLICY 37.1.2: Lee County will continue to maintain its permanent and periodic traffic count program as the basis for determining existing roadway conditions. (Ord. No. [98-09](#), [99-15](#), [17-13](#))

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

OBJECTIVE 37.2: CONSTRAINED ROADS. Due to scenic, historic, environmental, aesthetic, and right-of-way characteristics and considerations, Lee County has determined that certain roadway segments will be deemed “constrained” and therefore will not be widened to increase motor vehicle capacity. (Ord. No. [99-15](#), [00-08](#), [17-13](#))

POLICY 37.2.1: Reduced peak hour LOS will be accepted on constrained roads identified in Table 2(a). (Ord. No. [99-15](#), [00-08](#), [17-13](#))

POLICY 37.2.2: Potential multi-modal operational improvements for the constrained roads identified in Table 2(a) are identified in Table 2(b). These include improvements capable of implementation within the context of a constrained system. Improvements may include adding transit facilities, bicycle lanes, paved shoulders, sidewalks, and motor vehicle turn lanes. (Ord. No. [99-15](#), [00-08](#), [17-13](#))

OBJECTIVE 37.3: TRANSPORTATION CAPACITY MONITORING SYSTEM. Lee County will continue to monitor the capacity of the roadway network for planning and informational purposes in order to identify where areas of concern may be expected. (Ord. No. [99-15](#), [00-08](#), [14-09](#))

POLICY 37.3.1: Lee County will measure traffic volumes and capacity on all roads on a roadway segment-by-segment basis, except for constrained roads and where alternatives are established pursuant to § 163.3180, Fla. Stat. Transportation for Pine Island will be governed by the policies under Objective 24.2. (Ord. No. [98-09](#), [99-15](#), [00-08](#), [07-09](#), [14-09](#), [16-07](#))

POLICY 37.3.2: Lee County will continue to annually identify roadway conditions and available capacity on major roadways as part of its Public Facilities Level of Service and Concurrency Report. The Report will identify existing traffic conditions and forecast traffic associated with unissued building permits from approved development orders. The available capacity for existing conditions will include the added capacity of roadway improvements programmed for construction in the first three years of an adopted County CIP or State Five-Year Work Program. (Ord. No. [00-08](#), [07-09](#), [14-09](#), [21-09](#))

POLICY 37.3.3: All proposed development activity (calculated from approved local development order applications) will be inventoried against the available roadway capacity under existing conditions (as identified in the annual Public Facilities Level of Service and Concurrency Report). (Ord. No. [99-15](#), [00-08](#), [07-09](#), [14-09](#), [21-09](#))

OBJECTIVE 37.4: PROPORTIONATE SHARE PROGRAM. Lee County will maintain a Transportation Proportionate Share Program that provides a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors. (Ord. No. [07-09](#), [14-09](#), [17-13](#))

POLICY 37.4.1: Lee County will provide developers with an opportunity to proceed with development under certain conditions notwithstanding the failure to achieve transportation LOS, by allowing developers to contribute a proportionate share of the cost of improving impacted transportation facilities. (Ord. No. [07-09](#), [17-13](#))

POLICY 37.4.2: Lee County will maintain its land development regulations to include methodologies that will be used to calculate proportionate share contributions. (Ord. No. [07-09](#), [17-13](#))

GOAL 38: CAPITAL IMPROVEMENTS PROGRAMMING. Prioritize and implement, where feasible, projects identified on the Transportation Map Series. Provide for efficient operations and maintenance of the multi-modal transportation system. (Ord. No. [99-15](#), [17-13](#))

OBJECTIVE 38.1: REVENUES. Establish fiscally sound transportation budgeting and planning practices. (Ord. No. [98-09](#), [17-13](#))

POLICY 38.1.1: Lee County will develop and implement an effective and fair system of impact fees or similar funding mechanisms to ensure that development creating transportation impacts on transportation facilities pays its share of needed improvements. (Ord. No. [99-15](#), [17-13](#))

POLICY 38.1.2: Consider and evaluate a variety of funding sources to construct, operate and maintain current and future transportation infrastructure components. (Ord. No. [98-09](#), [99-15](#), [17-13](#))

POLICY 38.1.3: Routinely review and update user fee revenue sources based on capital and maintenance costs of transportation facilities. (Ord. No. [99-15](#), [17-13](#))

POLICY 38.1.4: The County may designate various limited access facilities as toll facilities. (Ord. No. [99-15](#), [17-13](#))

POLICY 38.1.5: Transportation impact fees or similar mechanisms collected for projects that include the state highway system in their calculation methodology may be used to improve state roads. (Ord. No. [99-15](#), [17-13](#))

POLICY 38.1.6: Lee County will complete a study, with input from property owners, to determine the improvements necessary to address increased density within the Environmental Enhancement and Preservation Communities Overlay (see Policy 33.2.4). The study will include a financing strategy for the identified improvements, including participation in a Proportionate Share Program. (Ord. No. [15-13](#), [17-13](#), [21-09](#))

OBJECTIVE 38.2: TIMING. Update transportation projects in the CIP to prioritize operations and maintenance, safety improvements, and projects to maintain LOS or provide additional capacity, consistent with Policy 95.1.1. (Ord. No. [99-15](#), [17-13](#))

POLICY 38.2.1: Annually fund projects to improve and make the transportation system safer and more efficient through operational, maintenance, and safety projects (e.g. small bridge replacement/maintenance, street resurfacing/reconstruction, signal improvements and coordination, traffic management systems, intersection modifications, bicycle and pedestrian facilities, lighting, street repair, and sign maintenance). (Ord. No. [99-15](#), [17-13](#))

POLICY 38.2.2: The following priorities are established in addition to the priorities provided in Policy 95.1.1 for improving the existing and future County maintained road system:

- Construction, maintenance, and reconstruction, where necessary, of roadways needed for emergency evacuation.
- Prioritization of major reconstruction, bridge replacement and capacity expansion projects will consider:
 - 1) System preservation/maintenance of assets;
 - 2) Transportation facilities operating at or below the adopted LOS (existing or projected with approved development orders) as specified in Policy 95.1.1;
 - 3) System continuity (e.g. critical bridge replacement/reconstruction, parallel route providing relief to I-75);
 - 4) Safety;
 - 5) Multi-modal benefits;
 - 6) Donation or matching fund offers;
 - 7) Return on investment (e.g. congestion relief, commercial or freight corridor, maintaining in good repair, multi-modal improvement); and
 - 8) Other considerations such as projects consistent with Map 3-A, or providing street connectivity in future urban areas.

(Ord. [98-09](#), [99-15](#), [07-09](#), [17-13](#))

GOAL 39: TRANSPORTATION AND LAND USE. Adopt planning practices and development regulations that fully link transportation and land use, and identify developer contributions to achieve a multi-modal transportation system. (Ord. No. [98-09](#), [99-15](#), [17-13](#))

OBJECTIVE 39.1: DEVELOPMENT CONTRIBUTIONS TO SUPPORT A MULTI-MODAL TRANSPORTATION SYSTEM. Maintain development practices that identify developer transportation system responsibilities, including site-related and proportionate share contributions; and establish criteria or thresholds to determine the scope of the traffic impact statement. (Ord. No. [99-15](#), [17-13](#))

POLICY 39.1.1: Adopt development regulations providing traffic impact statement requirements for development orders and rezoning; and developer provided site-related improvements, including multi-modal connections and facilities required at time of local development order. (Ord. No. [99-15](#), [17-13](#))

POLICY 39.1.2: Developments within municipalities will be subject to Lee County roadway design standards, including provision of site-related improvements within the right-of-way, as a condition of permit approval for modifications to County maintained transportation facilities. (Ord. No. [98-09](#), [99-15](#), [17-13](#))

POLICY 39.1.3: Through the plan amendment and zoning process, the County will direct high-intensity land uses to land proximate to existing and future transit corridors identified on the Transportation Map Series, MPO Long Range Transportation Plan, and TDP. (Ord. No. [98-09](#), [99-15](#), [17-13](#))

OBJECTIVE 39.2: TRANSPORTATION AND LAND USE PLANNING. Develop and maintain transportation planning tools and strategies to coordinate land use development with planned transportation facilities appropriate to future urban areas, future suburban areas, or future non-urban areas, as defined. Include road designs and street modifications to accommodate significant truck traffic on freight corridors identified in the MPO Freight Mobility Study and for transit, bicycle, and pedestrian facilities where indicated on the Transportation Map Series and Map 4-E, the Lee County Greenways Master Plan. (Ord. No. [17-13](#), [21-09](#))

POLICY 39.2.1: Future urban areas will have a balanced emphasis on automobile, freight, transit, pedestrian, and bicycle modes of transportation by:

- Promoting safe and convenient street, bicycle and pedestrian facility connectivity for easy access between modes.
- Utilizing short block lengths within urban Mixed Use Overlay areas.
- Providing transit service with an emphasis on urban Mixed Use Overlay areas.
- Incentivizing infill and redevelopment, mixed uses, pedestrian friendly design, and higher density in areas served by transit.
- Providing sidewalks along all roads and streets in urban areas, except where prohibited.

(Ord. No. [17-13](#))

POLICY 39.2.2: Future suburban areas will have an emphasis on movement by motor vehicle by:

- Providing connectivity and accessibility to different uses through a network of motor vehicle, transit, bicycle, and pedestrian facilities.
- Providing transit service with an emphasis on suburban Mixed Use Overlay areas.
- Incentivizing infill and redevelopment, mixed uses, pedestrian friendly design, and higher development density/intensity in areas served by transit.
- Providing sidewalks along all roads, except where prohibited and except on roads eligible for a waiver as outlined in the LDC.

(Ord. No. [17-13](#))

POLICY 39.2.3: Future non-urban areas are planned primarily for motor vehicle transportation by:

- Limiting transit service and provision of separate pedestrian facilities to Mixed Use Overlay areas unless otherwise stated in the LDC.
- Accommodating bicycle usage on bicycle lanes, paved shoulder or multiuse recreational trail facilities. (Ord. No. [17-13](#))

POLICY 39.2.4: Encourage connectivity when streets are proposed for County maintenance. Evaluate extending County maintained streets, including bridges, to eliminate dead-end public streets. (Ord. No. [17-13](#))

POLICY 39.2.5: Establish connection separation standards in the LDC based on functional classification and future urban, suburban, or non-urban area designation. Designate by Board action, certain roadways as “controlled access,” to which permanent access points are restricted to locations established and set by a specific access plan adopted by Board resolution. (Ord. No. [98-09](#), [99-15](#), [17-13](#))

POLICY 39.2.6: New and expanded transportation facilities will continue to be aligned and designed to protect estuarine water bodies, environmentally sensitive areas, and rare and unique habitats (see Conservation and Coastal Management Element), unless identified on the Transportation Map Series. (Ord. No. [98-09](#), [17-13](#))

POLICY 39.2.7: Construction of new collector and arterial roads will not be undertaken by the County in non-urban areas unless fully reimbursed by MSTU/MSBUs or property owners, except where identified in the Transportation Map Series. (Ord. No. [99-15](#), [17-13](#))

OBJECTIVE 39.3: SAFETY. The County will continue its program of transportation system modifications to protect the public health, safety, and welfare. (Ord. No. [98-09](#), [99-15](#), [17-13](#))

POLICY 39.3.1: The County will identify high-hazard crash locations and countermeasures to mitigate such hazards. (Ord. No. [99-15](#), [17-13](#))

POLICY 39.3.2: Improve safety and reduce crashes by addressing freight, motor vehicle, transit, bicycle and pedestrian conflict points along roadways. (Ord. No. [99-15](#), [17-13](#))

POLICY 39.3.3: Ensure the County maintained transportation system can operate during evacuation and emergency events. (Ord. No. [99-15](#), [17-13](#))

OBJECTIVE 39.4: EFFICIENCY. The County will continue its program of system modifications to make the transportation system more efficient for all users. (Ord. No. [17-13](#))

POLICY 39.4.1: Encourage more efficient use of existing road space, conserve energy, and reduce peak hour vehicle usage using Transportation Demand Management (TDM) strategies and employer-based incentives including:

- Variable work hours and telecommuting.
- Ride sharing programs (e.g. carpooling, multiple occupancy vehicle lanes, park and ride lots).
- Incentives, premium service facilities and programs to increase the use of mass transit as identified through the TDP (e.g. reduce transit headways, bus rapid transit, neighborhood circulators, rider incentives, regional connectors).
- Toll programs (e.g. off-peak hour incentives, automated collection and payment acceptance with other toll systems).

(Ord. No. [17-13](#))

POLICY 39.4.2: Prioritize Transportation System Management (TSM) strategies for better movement of people and goods such as:

- Traffic signal interconnection, coordination and monitoring for rapid response.
- Regulating median cuts and driveways.
- Adequately funding street operations, maintenance and reconstruction programs.

(Ord. No. [17-13](#))

POLICY 39.4.3: The County will consider implementation of appropriate improvements identified in the MPO Congestion Management System (CMS) and Freight Movement study in the MPO Long Range Transportation Plan. (Ord. No. [98-09](#), [17-13](#))

OBJECTIVE 39.5: ROADWAY LANDSCAPING. The County will implement a landscaping program for Lee County roadways. (Ord. No. [98-09](#), [99-15](#), [07-09](#), [17-13](#))

POLICY 39.5.1: Maintain the Lee County Roadway Landscape (LeeScape) Master Plan as a long term operating document and guide for landscape development and maintenance within County maintained right-of-way. (Ord. No. [98-09](#), [99-15](#), [17-13](#))

POLICY 39.5.2: Lee County may establish right-of-way landscaping requirements for development along non-County maintained roadways in the LDC. (Ord. No. [17-13](#))

OBJECTIVE 39.6: BICYCLE/PEDESTRIAN NETWORK. When conducting all transportation planning and engineering studies, consider the convenience, safety and accessibility of bicyclists and pedestrians of all ages. (Ord. No. [98-09](#), [99-15](#), [17-13](#))

POLICY 39.6.1: The County will develop a safe and interconnected bicycle/pedestrian network, giving priority to facilities depicted on the Lee County Walkways & Bikeways Plan (Map 3-D), the Lee County Greenways Master Plan (Map 4-E), and the MPO BPMP Plan. (Ord. No. [98-09](#), [99-15](#), [17-13](#), [21-09](#))

POLICY 39.6.2: Incorporate bicycle/pedestrian facilities with the public or private funding and construction of improvements. (Ord. No. [99-15](#), [17-13](#))

POLICY 39.6.3: Promote non-motorized transportation greenway projects throughout Lee County. (Ord. No. [07-09](#), [17-13](#))

POLICY 39.6.4: Develop and implement design standards and practices for a multi-modal transportation network with complete streets for all modes of travel. Include adequate width for transit, bicycle, and pedestrian facilities, appropriate to context in anticipated right-of-way needs. (Ord. No. [17-13](#))

OBJECTIVE 39.7: COMMUNITY IMPACTS. New and expanded transportation facilities will be aligned and designed to protect existing development except where no feasible alternative exists. (Ord. No. [98-09](#), [99-15](#), [17-13](#))

POLICY 39.7.1: Alignments of new and expanded roads and other transportation improvements will be selected to maximize the benefit/cost ratio while:

- Minimizing the number of businesses and residences displaced.
- Using major roads to define neighborhoods.
- Facilitating the development of Mixed Use Overlay areas, promoting infill and redevelopment.
- Distributing traffic loadings among available facilities.

(Ord. No. [98-09](#), [17-13](#))

GOAL 40 – GOAL 41: RESERVED (Ord. No. [17-13](#))

GOAL 42: INTERGOVERNMENTAL COORDINATION. Cooperate with other governmental entities in the planning, funding, construction, operations and maintenance of transportation improvements within or affecting Lee County. (Ord. No. [99-15](#), [02-02](#))

OBJECTIVE 42.1: PLANNING. Coordinate planning efforts with municipalities, surrounding counties, the Port Authority, and FDOT. (Ord. No. [99-15](#), [19-02](#))

POLICY 42.1.1: The County will participate in the MPO planning processes for system-wide facility needs. (Ord. No. [21-09](#))

POLICY 42.1.2: The County will use informal mediation whenever possible to resolve disputes before pursuing other formalized processes. (Ord. No. [99-15](#))

POLICY 42.1.3: The County declares a position of interest for land use decisions affecting county and state roads within all incorporated areas of Lee County, and state and county roads shared with adjacent counties. (Ord. No. [99-15](#), [02-02](#), [21-09](#))

OBJECTIVE 42.2: FINANCING. The County will continue to pursue multi-jurisdictional funding sources for shared facilities.

POLICY 42.2.1: The County will continue to encourage the municipalities to maintain a roads impact fee program or to participate in the County's program. (Ord. No. [99-15](#))

POLICY 42.2.2: The County will encourage interlocal agreements with the State of Florida, affected municipalities, and adjoining counties to plan, design, construct, and/or maintain selected roadway facilities. (Ord. No. [99-15](#))

GOAL 43: MASS TRANSIT SERVICE. Reduce the number of automobile trips on Lee County roads by providing high quality public transit service within and between the concentrated population centers of Lee County, and ensure that this service is integrated with other modes of transportation. (Ord. No. [99-15](#), [07-09](#), [17-13](#))

OBJECTIVE 43.1: RIDERSHIP. The County will continually improve efforts to increase annual public transit ridership. (Ord. No. [98-09](#), [17-13](#))

POLICY 43.1.1: Provide access for bicycle and pedestrian interface with mass transit, through the linkage of bicycle/pedestrian facilities and bus stops. (Ord. No. [99-15](#), [07-09](#))

POLICY 43.1.2: Maintain efforts to provide for the construction of bus stop amenities. (Ord. No. [98-09](#), [07-09](#), [17-13](#))

POLICY 43.1.3: Develop and maintain a convenient public transit network between centers of employment, shopping, medical, educational, residential and recreation centers. (Ordinance No. [17-13](#))

POLICY 43.1.4: Develop and maintain a convenient public transit network between unincorporated communities, participating municipalities, the Southwest Florida International Airport and Florida Gulf Coast University. (Ord. No. [17-13](#))

POLICY 43.1.5: Provide transit service accessibility to elderly and disabled residents and to others with special needs. (Ord. No. [99-15](#), [07-09](#), [17-13](#))

OBJECTIVE 43.2: OPERATING POLICIES. Maintain a public transit service that offers reliability, accessibility, safety, convenience, affordable prices, and efficiency as outlined and measured in the TDP. (Ord. No. [98-09](#), [99-15](#), [17-13](#))

POLICY 43.2.1: Seek out new and innovative funding to supplement public funding for operation. (Ord. No. [99-15](#), [07-09](#), [17-13](#))

POLICY 43.2.2: Widely disseminate mass transit scheduling and service information. (Ord. No. [99-15](#), [17-13](#))

POLICY 43.2.3: Utilize new technologies to disseminate information, such as mass transit scheduling and service information, when practicable. (Ord. No. [17-13](#))

POLICY 43.2.4: Develop convenient schedules to encourage use of mass transit for commuting trips during peak hours. (Ord. No. [99-15](#), [17-13](#))

POLICY 43.2.5: Continue conversion of transit vehicles to alternative fuels. (Ord. No. [07-09](#), [17-13](#))

OBJECTIVE 43.3: COORDINATION. All mass transit plans will be coordinated with state, regional, and other local governmental agencies and special needs groups. (Ord. No. [99-15](#), [07-09](#))

POLICY 43.3.1: Coordinate mass transit activities with the MPO, FDOT, and the Federal Transit Administration. (Ord. No. [99-15](#), [17-13](#))

POLICY 43.3.2: Co-operate with the private sector to increase the viability of privately funded transit service, especially in areas with a large seasonal population. (Ord. No. [17-13](#))

POLICY 43.3.3: Along with the School District, the County will develop a joint plan for transporting students on public transportation and school buses. (Ord. No. [07-16](#), [17-13](#))

POLICY 43.3.4: Lee Tran will coordinate with the Port Authority to continue to provide high quality public transit service to the Southwest Florida International Airport. This includes participation in Southwest Florida International Airport Master Plan Update efforts to re-evaluate and identify appropriate locations for multi-modal transfer facilities on Port Authority property. (Ord. No. [98-09](#), [99-15](#), [07-09](#), [17-13](#), [19-02](#))

POLICY 43.3.5: Work with the Florida Gulf Coast University Board of Trustees to provide public transit service for Florida Gulf Coast University. (Ord. No. [98-09](#), [99-15](#), [17-13](#))

GOAL 44: TRANSIT DEVELOPMENT PLAN (TDP). To continue the development of a TDP for the County. (Ord. No. [99-15](#))

OBJECTIVE 44.1: TDP STUDY. Complete a comprehensive update of the Lee County TDP with annual updates, as needed. Implement its recommendations in order to enhance and improve mass transit in Lee County. (Ord. No. [98-09](#), [99-15](#), [17-13](#))

POLICY 44.1.1: Develop and conduct ridership surveys in order to assess and identify any changes in the existing and potential ridership profile. (Ord. No. [99-15](#))

POLICY 44.1.2: Identify and analyze existing problems and needs. (Ord. No. [98-09](#), [99-15](#))

POLICY 44.1.3: Develop transit system alternatives to fixed route bus service, such as High Occupancy Vehicle Lanes, Bus Rapid Transit, Light Rail, queue jumps, exclusive bus lanes, and signal priority for transit vehicles. (Ord. No. [07-09](#), [17-13](#))

OBJECTIVE 44.2: TDP IMPLEMENTATION. Select and implement the desired transit system alternatives from the TDP study as prescribed in the plan. (Ord. No. [98-09](#), [99-15](#))

POLICY 44.2.1: Prioritize the transit system alternatives.

POLICY 44.2.2: Investigate additional funding programs to implement the desired transit system, with full consideration given to establishing a dedicated source of funding for mass transit. (Ord. No. [99-15](#), [07-09](#))

POLICY 44.2.3: Identify long-term funding support strategies to ensure the implementation of the transit development program.

POLICY 44.2.4: Include the future mass transit facilities in the Transportation Map Series (Map 3-C). (Ord. No. [98-09](#))

b. Ports, Aviation & Related Facilities

GOAL 45: MARINE NAVIGATION MANAGEMENT. Develop and implement a comprehensive marine access program. (Ord. No. [98-09](#), [99-15](#))

OBJECTIVE 45.1: CHANNEL DREDGING. The County will maintain the support facility and service systems of existing ports. (Ord. No. [99-15](#))

POLICY 45.1.1: The County will monitor the maintenance of support facility and service systems of existing ports, with responsibility for:

- Coordination between the U.S. Army Corps of Engineers and Lee County on the timing of maintenance dredging on federally maintained channels.
- Assessing the possibility of instituting a private channel maintenance assessment on properties benefiting from the channels.

(Ord. No. [99-15](#))

GOAL 46: COORDINATED SYSTEM OF RAILWAYS, AVIATION, PORTS, AND ROADS. Develop and maintain a coordinated system of railways, aviation, ports, roads, and related facilities to facilitate the safe and efficient movement of commerce, consistent with community values and economic objectives. (Ord. No. [99-15](#))

OBJECTIVE 46.1: AGENCY COORDINATION. The County will require port operators to obtain all required permits and leases prior to the construction of new or improved port facilities; construction and operation of the facilities will be performed in close cooperation with the appropriate federal, state, and local agencies including but not limited to the U.S. Army Corps of Engineers, Department of Environmental Protection, MPO, and FDOT to ensure that access routes to ports are properly integrated with other means of transportation. (Ord. No. [99-15](#), [19-02](#))

POLICY 46.1.1: Private ports, in cooperation with the U.S. Coast Guard and the state, will be prepared to contain spills of petroleum and other toxic materials. Petroleum ports will have containment devices on site. The adequacy of proposed containment measures will be evaluated during the rezoning or DRI process. (Ord. No. [99-15](#), [19-02](#))

POLICY 46.1.2: The County will encourage rail providers, as appropriate, to provide rail access to the ports and the Southwest Florida International Airport where feasible. (Ord. No. [99-15](#), [07-09](#), [19-02](#))

POLICY 46.1.3: The County will encourage private investors to develop and use rail freight facilities by encouraging construction of connecting rail tracks in a manner consistent with this

plan, and seeking the necessary funding to maintain and improve Lee County's rail link. (Ord. No. [99-15](#), [19-02](#))

POLICY 46.1.4: The County will prepare a coordinated intermodal transportation management program for surface water, and air transportation. (Ord. No. [99-15](#), [07-09](#), [19-02](#))

OBJECTIVE 46.2: COORDINATION OF ELEMENTS. Port operators will be required to abide by all relevant parts of the Lee Plan in the construction and operation of the ports, especially the Future Land Use, Conservation and Coastal Management, and Transportation Elements. (Ord. No. [98-09](#), [99-15](#), [19-02](#))

POLICY 46.2.1: Adverse structural and non-structural impacts upon natural resources from port facilities will be mitigated, and natural resources will be preserved and protected. These issues will be evaluated during the rezoning and DRI processes. (Ord. No. [99-15](#), [19-02](#))

POLICY 46.2.2: In order to protect ports and related facilities from the encroachment of incompatible land uses, development proposals (including but not limited to residential and commercial uses within the vicinity of existing or proposed ports and railways and related facilities) must demonstrate land use compatibility with these uses and propose mitigation measures for any adverse impacts during the rezoning and DRI processes. (Ord. No. [99-15](#), [19-02](#))

GOAL 47: COORDINATED SYSTEM OF AVIATION FACILITIES. Develop and maintain a coordinated system of aviation facilities to facilitate the safe, cost-effective, and efficient movement of commerce consistent with community values and economic objectives. (Ord. No. [99-15](#))

OBJECTIVE 47.1: ECONOMIC GROWTH. The capacity and long term development of the Southwest Florida International Airport and Page Field Airport will be expanded consistent with the currently adopted Airport Master Plans and Airport Layout Plans maintained by the Port Authority in accordance with the FAA to aid in the diversification of the County's economic growth. Expansions will be funded through user fees, airline contributions, and other funding sources not involving general County tax dollars. The Port Authority will strive to minimize impacts to surrounding land uses while maintaining a safe and efficient facility for airport operations. (Ord. No. [98-09](#), [99-15](#), [04-16](#), [09-14](#), [19-02](#))

POLICY 47.1.1: The development potential of Port Authority facilities will continue to be protected by the acquisition of additional land for runway and taxiway, road access, stormwater management, and environmental mitigation use, consistent with the adopted Airport Master Plans and the Port Authority's Capital Improvement Programs. (Ord. No. [98-09](#), [99-15](#), [07-09](#), [19-02](#))

POLICY 47.1.2: The Port Authority will continue to expand existing and proposed aviation facilities such as terminals, airport aprons, cargo facilities, roadways and parking in order to meet the forecasted demand at its facilities. (Ord. No. [98-09](#), [99-15](#), [04-16](#), [19-02](#))

POLICY 47.1.3: The Port Authority will continue to investigate commercial and industrial potentials at Page Field Airport and at Southwest Florida International Airport through market surveys and the solicitation and receipt of acceptable proposals for land lease at fair market value as well as efforts to cultivate appropriate public/private partnerships in pursuing this potential. (Ord. No. [98-09](#), [07-09](#), [19-02](#))

POLICY 47.1.4: The Port Authority will capitalize on its Port of Entry and Foreign Trade Zone status to encourage economic diversification. This will be accomplished by actively: (1) seeking

to increase international commerce movement; (2) implementing an international marketing program designed to increase tourist activity; (3) continuing planning efforts to ensure availability of adequate airport facilities to accommodate increases in international air traffic; and, (4) pursuing development of international corporate activity. (Ord. No. [99-15](#), [04-16](#), [19-02](#))

POLICY 47.1.5: The Port Authority will maintain guidelines for the location, development, and operation of private aviation facilities that would add to Lee County's overall tax base. (Ord. No. [99-15](#), [19-02](#))

OBJECTIVE 47.2: DEVELOPMENT COMPATIBILITY IN VICINITY OF AIRPORTS. Evaluate development proposals for property located within the vicinity of existing or planned aviation facilities to ensure land use compatibility, to preclude hazards to aircraft operations, and to protect airport capacities and facilities. (Ord. No. [99-15](#), [07-09](#), [19-02](#))

POLICY 47.2.1: Land use compatibility will be considered when reviewing development proposals within the vicinity of existing or planned aviation facilities. (Ord. No. [99-15](#), [19-02](#))

POLICY 47.2.2: Maintain regulations in the LDC which restrict land uses in areas covered by the Airport Noise Zones to uses that are compatible with the operation of the airport. (Ord. No. [99-15](#), [19-02](#))

POLICY 47.2.3: Utilize the currently adopted Airport Master Plans, rules of Ch. 333, Fla. Stat., and the Southwest Florida International Airport FAR Part 150 Study, including updates, as a basis to amend the Lee Plan and the LDC to prohibit development that is incompatible with the Southwest Florida International Airport or Page Field Airport; and, to ensure future economic enhancement consistent with Objective 47.1. (Ord. No. [99-15](#), [04-16](#), [09-14](#), [16-15](#), [19-02](#))

POLICY 47.2.4: In the interest of the safety of air commerce, the County will not approve a temporary or permanent structure which is an obstruction to air navigation and affects the safe and efficient use of navigable airspace or the operation of planned or existing air navigation and communication facilities; or, does not comply with placement, lighting and marking standards established by the Port Authority, Florida Statutes, or FAA rules and regulations. (Ord. No. [99-15](#), [07-09](#), [19-02](#))

POLICY 47.2.5: The safety of aircraft operators, aircraft passengers, and persons on the ground will guide the Port Authority's airports operations. Hazardous wildlife attractants within 10,000 feet of a Port Authority airport's Air Operations Area (AOA) will be avoided by minimizing and correcting any wildlife hazards arising from wetlands or water bodies in accordance with FAA AC 150/5200-33B, or as otherwise amended. Site improvements on or near the Port Authority's airports must be designed to minimize attractiveness to wildlife of natural areas and man-made features such as detention/retention ponds, landscaping, and wetlands, which can provide wildlife with ideal locations for feeding, loafing, reproduction and escape. (Ord. No. [99-15](#), [19-02](#))

POLICY 47.2.6: Through interlocal agreements, the Port Authority and incorporated local governments within Lee County will continue to coordinate the review of new potential obstructions or hazards to aviation within those jurisdictions. (Ord. No. [07-09](#), [19-02](#))

POLICY 47.2.7: In the interest of the safety of air commerce, the County will not approve mining operations unless it is demonstrated that no adverse vibration, noise, air, and water quality impacts on existing and planned airport capacities, facilities, and operations will result from the proposed mining operation. (Ord. No. [19-13](#))

OBJECTIVE 47.3: FUTURE DEMANDS. Continually evaluate the projected demands for public aviation facilities and ensure their adequate provision.

POLICY 47.3.1: The Port Authority Executive Director will coordinate all expansion plans contained in approved airport master plans with the FAA and FDOT to ensure that projects of interest to the Port Authority are included in the federal and state funding programs. (Ord. No. [99-15](#))

POLICY 47.3.2: The appropriate costs for expansion as depicted in the approved Port Authority Capital Improvement Program will continue to be coordinated with the Capital Improvements Element. (Ord. No. [99-15](#))

POLICY 47.3.3: New or expanded facilities will be planned as part of the normal Airport Master Plan update approval process, subject to approval by the FAA, FDOT, and the Board of County Commissioners. (Ord. No. [07-09](#), [19-02](#))

OBJECTIVE 47.4: ACCESS. The Southwest Florida International Airport is an intermodal facility of significant value to the regional, state and federal transportation systems. Page Field Airport plays a vital role as a reliever airport facility to Southwest Florida International Airport. Protecting these resources is vital to maintaining adequate landside and airside capacity. (Ord. No. [99-15](#), [19-02](#))

POLICY 47.4.1: The Port Authority will coordinate surface transportation planning for Page Field Airport and Southwest Florida International Airport with the Lee County MPO, the Lee County Department of Transportation, Lee Tran, and FDOT to ensure adequate access to the airports. (Ord. No. [98-09](#), [99-15](#), [07-09](#), [19-02](#))

POLICY 47.4.2: The Port Authority will aggressively pursue federal and state funding for access roadway improvements as identified on the Airport Layout Plans. (Ord. No. [04-16](#), [19-02](#))

POLICY 47.4.3: Development of non-aviation related uses on airport property will be required to meet applicable concurrency standards set forth in the LDC. (Ord. No. [04-16](#), [19-02](#))

OBJECTIVE 47.5: COORDINATED COMMERCE MOVEMENT. Encourage the provision of facilities that meet the needs of commerce movement enterprises that are also economically feasible and compatible with adjacent land uses, environmental standards, and public safety. (Ord. No. [99-15](#), [19-02](#))

POLICY 47.5.1: The Port Authority will encourage cargo and freight development at the Southwest Florida International Airport by implementing domestic and international cargo marketing programs and by expanding airport facilities, as needed, in order to accommodate large domestic and international cargo carriers. (Ord. No. [99-15](#), [19-02](#))

POLICY 47.5.2: Encourage the development of warehouses, cargo handling facilities, and transfer points at or near the Port Authority's aviation facilities. The study of future needs and implementation of strategies to address movement of commerce by local industries, trade and commercial enterprises may be coordinated with the Horizon Council, Industrial Development Authority and the Port Authority. (Ord. No. [99-15](#), [19-02](#))

GOAL 48 - GOAL 52: RESERVED

A dark blue background featuring a silhouette of a lighthouse in the center, surrounded by tall grasses. The text 'COMMUNITY FACILITIES & SERVICES ELEMENT' is overlaid in white, bold, uppercase letters.

COMMUNITY FACILITIES & SERVICES ELEMENT

Chapter IV

IV. Community Facilities and Services Element

a. Potable Water

GOAL 53: POTABLE WATER INFRASTRUCTURE. Provide high-quality central potable water service throughout Lee County. Ensure that the costs of providing facilities is borne by those who benefit from them. (Ord. No. [17-19](#))

OBJECTIVE 53.1: The County will ensure the provision of acceptable levels of potable water service throughout the future urban areas of the unincorporated County, either directly by Lee County Utilities, or indirectly through franchised utility companies. (Ord. No. [94-30](#), [00-22](#), [03-04](#))

POLICY 53.1.1: Service areas, illustrated in Map 4-A, 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. 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 4-A or within a franchised/certificated potable water service area. (Ord. No. [93-25](#), [17-19](#))

POLICY 53.1.2: The minimum acceptable LOS standards for potable water connections to Lee County Utilities are established in Policy 95.1.3. (Ord. No. [92-35](#), [00-22](#), [17-19](#))

POLICY 53.1.3: The minimum acceptable LOS standards adopted for the Lee County Utilities' water system applies to franchised/certificated areas and will be used in enforcing concurrency regulations (see Policy 95.1.3).

Private utilities that cannot meet the LOS standards may petition for a plan amendment for a revised LOS requirement for the specific private utility system if it can be proved that the utility has sufficient plant and system capacity to service the franchised/certificated area. Proof must include flow reports, occupancy rates or related statistical information. The data must cover the last two years. (Ord. No. [92-35](#), [00-22](#), [17-19](#))

POLICY 53.1.4: Utilities are encouraged to construct and install sufficient treatment facilities and distribution systems to meet or exceed the minimum acceptable service standards and with the capacity to deliver water at a pressure of 40 pounds per square inch (wp PSI static) at the meter anywhere on the individual system (excluding fire flow conditions). All utilities will be required to advise the County of system expansions or modifications. (Ord. No. [92-35](#), [17-19](#))

POLICY 53.1.5: Maintain regulations that require development to connect to Lee County Utilities or other franchised/certificated potable water service provider. (Ord. No. [00-22](#), [09-13](#), [17-19](#))

POLICY 53.1.6: 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 memoranda of agreement as required. (Ord. No. [00-22](#))

POLICY 53.1.7: In allocating Industrial Development Revenue Bond capacity, the County will give priority to private water utility firms proposing to construct basic facilities and to provide or upgrade infrastructure serving developed areas and antiquated subdivisions undergoing redevelopment. (Ord. No. [00-22](#))

POLICY 53.1.8: The costs of new or augmented potable water infrastructure that is developed by Lee County will be borne by those who benefit from the improved supply. (Ord. No. [94-30](#), [00-22](#))

POLICY 53.1.9: New development will pay through appropriate financial mechanisms its fair share of the costs of providing standard potable water for that development. (Ordinance No. [00-22](#))

POLICY 53.1.10: The County will expand potable water facilities consistent with those improvements identified in Table 5, Water Supply Development Projects. Table 5 will be incorporated into the Lee Plan by ordinance in conjunction with the schedule of capital improvements adopted as part of the annual operating budget. (Ord. No. [09-13](#), [16-01](#), [17-19](#), [19-02](#))

OBJECTIVE 53.2: WATER SUPPLY CONCURRENCY. Lee County will incorporate water supply into the concurrency management system consistent with the requirements of § 163.3180, Fla. Stat. (Ord. No. [09-13](#), [17-19](#))

POLICY 53.2.1: Maintain development regulations to prohibit the issuance of building permits in a franchised/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 LOS required for concurrency under Policy 95.1.3. (Ord. No. [09-13](#), [17-19](#))

GOAL 54: CONSERVATION. To ensure that future populations have access to potable water supplies and services at a reasonable price by using and encouraging conservation and resource management measures to reduce consumption of potable water.

OBJECTIVE 54.1: Continue 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. (Ord. No. [94-30](#), [00-22](#), [17-19](#))

POLICY 54.1.1: Continue to offer public information and education programs highlighting and advocating various strategies of water conservation, including:

- 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 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 126.2) and demonstrating the uses of native vegetation in landscaping; and
 - encouraging the thoughtful use of water.
- (Ord. No. [94-30](#), [00-22](#), [16-01](#), [17-19](#), [18-28](#))

POLICY 54.1.2: In developing and implementing local landscape regulations including the preservation, reforestation, and wetlands restoration requirements, preference will be given to native species which are adapted to the region's climatic regime.

POLICY 54.1.3: Florida Friendly Landscaping, stressing the use of native vegetation, is to be emphasized through modifications to the County's development regulations and through direct action while landscaping County-owned projects. (Ord. No. [16-01](#))

POLICY 54.1.4: The Board of County Commissioners will periodically re-examine the “step rate” structure for the Lee County Utilities water systems which encourages water conservation by requiring that the commodity charge (basic monthly charge less readiness to serve fee and capital debt contribution) above a specified amount of water use increase continuously or by specified increments for that increased use of water. (Ord. No. [94-30](#), [00-22](#))

POLICY 54.1.5: Privately operated potable water utilities with a franchise granted by the County are encouraged to adopt a “conservation” rate structure for their respective service areas and employ water conservation public information and education programs similar to those described in Policy 54.1.1. (Ord. No. [00-22](#), [17-19](#))

POLICY 54.1.6: Maintain development regulations that require new development to connect to a reuse water system if a system is near the development and has sufficient capacity. (Ord. No. [91-19](#), [94-30](#), [00-22](#), [17-19](#))

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 the conservation of potable water supply and facility capacity is important to ensure orderly growth of the community. (Ord. No. [17-19](#))

POLICY 54.1.8: 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. (Ord. No. [00-22](#))

POLICY 54.1.9: Lee County will maintain regulations that require all new wells in Lehigh Acres and San Carlos Park Planning Districts (as defined on Map 1-B), and wells 30 feet deep or more in other areas of unincorporated Lee County to be constructed to accommodate submersible pumps. (Ord. No. [94-30](#), [00-22](#), [02-02](#), [14-09](#), [17-19](#))

POLICY 54.1.10: Maintain regulations that require reuse of effluent water in order to reduce disposal through surface water discharge. (Ord. No. [91-19](#), [94-30](#), [00-22](#), [17-19](#))

POLICY 54.1.11: Encourage existing developments to utilize reuse water distribution systems. (Ord. No. [94-30](#), [98-09](#), [17-19](#))

POLICY 54.1.12: Promote water conservation through the use of incentives and evaluate and apply a community based planning approach to water conservation, enabling more precision to be applied in achieving reduction targets. (Ord. No. [07-16](#))

GOAL 55: ORGANIZATION OF SERVICE AND FACILITY DELIVERY. To provide greater local coordination of the activities of public and private utilities within the County.

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. (Ord. No. [94-30](#), [17-19](#))

POLICY 55.1.1: Plan and coordinate with other government agencies for well field protection, aquifer recharge, water supply, sanitary sewer service, and related capital facilities. (Ord. No. [00-22](#), [03-04](#), [17-19](#))

POLICY 55.1.2: Perform groundwater modeling and analysis, as needed, to assess the potential impact of land use changes on water resources of the County. Analysis will focus on 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. (Ord. No. [00-22](#), [03-04](#), [17-19](#))

POLICY 55.1.3: Actively implement and utilize the Water Supply Facilities Work Plan, Lee County, Florida, May 2019, adopted by reference, as a guide to potable water supply facility planning consistent with the Ten Year Water Supply Development Projects (Table 5), potable water resources, and water conservation. (Ord. No. [94-30](#), [00-22](#), [03-04](#), [09-13](#), [16-01](#), [17-19](#), [19-02](#))

POLICY 55.1.4: 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, committed future connections, and proposed expansion plans. (Ord. No. [94-30](#), [00-22](#), [17-19](#))

b. Sanitary Sewer

GOAL 56: SANITARY SEWER INFRASTRUCTURE. In partnership with franchised/certificated utilities providers, provide sanitary sewer service and wastewater treatment and disposal throughout Lee County. (Ord. No. [98-09](#), [17-19](#))

OBJECTIVE 56.1: The County will ensure the provision of acceptable levels of sanitary sewer service throughout the future urban areas of the unincorporated County, either directly by Lee County Utilities or a utility authority, or indirectly through franchised utility companies. (Ord. No. [00-22](#))

POLICY 56.1.1: Service areas, illustrated on Map 4-B, are established for the 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. 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 on Map 4-B or within a franchised/certificated sanitary sewer service area. (Ord. No. [93-25](#), [17-19](#))

POLICY 56.1.2: The minimum acceptable LOS standard for sanitary sewer connections to Lee County Utilities are established in Policy 95.1.3.

The minimum acceptable LOS standards adopted for Lee County Utilities' sanitary sewer systems will apply in those franchised/certificated areas and will be used in enforcing concurrency regulations (see Policy 95.1.3).

Private utilities that cannot meet the LOS standards may petition for a plan amendment for a revised LOS requirement for the specific private utility system if it can be proved that the utility has sufficient plant and system capacity to service the franchised/certificated area. Proof must include flow reports, occupancy rates or related statistical information. The data must cover the last two years. (Ord. No. [92-35](#), [00-22](#), [17-19](#))

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

POLICY 56.1.4: Maintain regulations that require development to connect to Lee County Utilities or other franchised/certificated sanitary sewer service provider, if capacity is available within ¼ mile of the development. (Ord. No. [93-25](#), [00-22](#), [17-19](#))

POLICY 56.1.5: 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/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. (Ord. No. [00-22](#), [17-19](#))

POLICY 56.1.6: 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. (Ord. No. [00-22](#), [17-19](#))

POLICY 56.1.7: Properties located in franchised/certificated sanitary sewer service areas will connect to sanitary sewer service, when capacity is available at the minimum adopted LOS and is adjacent to the property. (Ord. No. [94-30](#), [98-09](#), [17-19](#))

OBJECTIVE 56.2: The County will maintain and enforce such ordinances as are necessary to require the connection of commercial and larger residential establishments to such public or private central utility systems when those systems are available for service. (Ord. No. [94-30](#), [00-22](#))

POLICY 56.2.1: 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. (Ord. No. [17-19](#))

OBJECTIVE 56.3: The County will ensure that the disposal of grease and septage are either recycled as a beneficial product or disposed of properly. (Ord. No. [94-30](#), [00-22](#))

POLICY 56.3.1: The County will maintain regulations that prohibit the disposal of grease and septage by landspreading or other means without first being properly treated to ensure that these products are either recycled as a beneficial product or disposed of properly. (Ord. No. [94-30](#), [00-22](#))

GOAL 57: RESOURCE MANAGEMENT. To further the public health and protect environmental quality by using and encouraging conservation and resource management measures to reduce consumption of potable water and subsequent generation of wastewater.

OBJECTIVE 57.1: The County will continue its programs in education, technical advice, demonstration, rate revisions, and reuse to reduce per-capita water consumption and subsequent wastewater generation. (Ord. No. [94-30](#), [00-22](#))

POLICY 57.1.1: Consider programs to reduce the time and cost to treat wastewater including discouraging excessive use of garbage grinders or toxic discharges which may stop or inhibit the treatment process. (Ord. No. [94-30](#), [00-22](#), [17-19](#))

POLICY 57.1.2: Encourage privately operated sanitary sewer utilities to adopt a “conservation” rate structure for users in their respective service areas. (Ord. No. [00-22](#), [17-19](#))

POLICY 57.1.3: Encourage the design of each new wastewater treatment plant or on-site sewer plant to dispose of effluent through reuse water systems. (Ord. No. [00-22](#), [17-19](#))

POLICY 57.1.4: Continue to require that 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. (Ord. No. [94-30](#), [00-22](#), [17-19](#))

POLICY 57.1.5: Continue to encourage the developer driven expansion of infrastructure to provide reuse water service when sufficient supply is available. (Ord. No. [17-19](#))

GOAL 58: RESERVED (Ord. No. [17-19](#))

c. Surface Water Management

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

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

POLICY 59.1.1: The County will update and implement the Lee County Surface Water Management Master Plan, with full attention to issues of regional water quality and environmental integrity. (Ord. No. [98-09](#), [07-12](#), [21-09](#))

POLICY 59.1.2: From technical data underlying the surface water management plan, criteria will be established and utilized to identify floodways and other areas of special flood risk not already identified by the Federal Flood Hazard Map and Flood Insurance Study. (Ord. No. [00-22](#))

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

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

POLICY 59.1.5: The County will, through appropriate land use and engineering regulations, continue to control the introduction of obstructions or impediments within floodways. (Ord. No. [94-30](#), [00-22](#))

POLICY 59.1.6: The County will, through appropriate regulations, continue to provide standards for construction of artificial drainage-ways compatible with natural flow-ways and otherwise provide for the reduction of the risk of flood damage to new development. (Ord. No. [94-30](#), [00-22](#))

POLICY 59.1.7: Priorities in public investment in surface water management facilities will be limited to new or expanded facilities serving the future urban areas, existing development, public facilities, and the maintenance of existing infrastructure; and outside the future urban areas, only to the prevention or reversal of environmental degradation, or the alleviation of bona fide health and safety emergencies. (Ord. No. [00-22](#))

POLICY 59.1.8: The County will continue to monitor water quality in the Imperial River and navigational access and tidal flushing through New Pass and Big Hickory Pass. (Ord. No. [94-30](#), [02-02](#))

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

POLICY 59.1.10: Lee County will participate in the National Flood Insurance Program Community Rating System (or successor program) to minimize impacts of potential flooding and achieve flood insurance premium discounts for its residents. (Ord. No. [18-28](#))

POLICY 59.1.11: Maintain the provisions of the Floodplain Management Ordinance that interpret the 50% improvement threshold as cumulative for any improvement, modification, addition or reconstruction project to an existing building or structure identified as part of a repetitive loss property by FEMA. A repetitive loss property is defined as one for which two or more National Flood Insurance Program losses of at least \$1000.00 each have been paid out within any 10-year period. (Ord. No. [92-35](#), [94-30](#), [18-28](#))

GOAL 60: COORDINATED SURFACE WATER MANAGEMENT AND LAND USE PLANNING ON A WATERSHED BASIS. To protect or improve the quality of receiving waters and surrounding natural areas and the functions of natural groundwater aquifer recharge areas while also providing flood protection for existing and future development.

OBJECTIVE 60.1: SURFACE WATER. Develop a surface water management program that is multi-objective in scope, geographically based on basin boundaries, and incorporates the requirements of applicable adopted Basin Management Action Plans. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

POLICY 60.1.1: Require design of surface water management systems to protect or enhance the groundwater. (Ord. No. [07-12](#), [18-28](#))

POLICY 60.1.2: Incorporate, utilize, and where practicable restore natural surface water flow-ways and associated habitats. (Ord. No. [07-12](#))

POLICY 60.1.3: Examine steps necessary to restore principal flow-way systems to assure the continued environmental function, value, and use of natural surface water flow-ways and associated wetland systems. (Ord. No. [00-22](#), [07-12](#), [18-28](#))

POLICY 60.1.4: Updates to the Surface Water Management Master Plan will be incorporated into the Lee Plan as necessary. (Ord. No. [94-30](#), [07-12](#), [18-28](#))

POLICY 60.1.5: Maintain land development regulations that require the installation of proper stormwater management systems when land is redeveloped. Provide exemptions, as appropriate, for individual residential structures and for historic districts. This policy will not be interpreted so as to waive any concurrency or LOS standards. (Ord. No. [94-30](#), [00-22](#), [07-12](#), [18-28](#))

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. (Ord. No. [17-19](#))

POLICY 60.1.7: The LOS 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. (Ord. No. [17-19](#))

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. (Ord. No. [17-19](#))

OBJECTIVE 60.2: BASIN PROGRAM. Promote water management permitting on a basin-wide basis, as opposed to the current individual-site approach used by Lee County and the SFWMD. (Ord. No. [94-30](#), [07-12](#))

POLICY 60.2.1: The Surface Water Management Master Plan will identify those basins (or sub-basins) which may be most suitable for basin-wide surface water management, based on: natural flow-ways and drainage patterns; existing development patterns; land ownership patterns; and, development potential based on the Future Land Use Element. (Ord. No. [00-22](#))

POLICY 60.2.2: Taxing/benefit districts or other financing mechanisms established pursuant to Goal 3 will include an examination of the potential for basin-wide surface water management within the designated area. (Ord. No. [00-22](#))

POLICY 60.2.3: Evaluate the feasibility for the creation of a Water Conservation Utility to address flooding and water quality. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

OBJECTIVE 60.3: CRITICAL AREAS. The Six Mile Cypress Basin (as defined in the LDC, Chapter 10) and the DR/GR land use category are both identified as “critical areas for surface water management.” The County will maintain existing regulations to protect the unique environmental and water resource values of these areas. (Ord. No. [94-30](#), [00-22](#), [19-02](#))

POLICY 60.3.1: The County will maintain provisions in the LDC, Chapter 10, that reduce or eliminate the exemptions allowable in the Six Mile Cypress Basin. (Ord. No. [94-30](#), [00-22](#), [19-02](#))

POLICY 60.3.2: The County will maintain the elimination of the exemptions in its development regulations for agricultural uses and small subdivisions within the “critical areas for surface water management” and will continue to subject these uses to an appropriate review process. (Ord. No. [94-30](#), [00-22](#), [19-02](#))

OBJECTIVE 60.4: INCORPORATION OF NATURAL SYSTEMS INTO THE SURFACE WATER MANAGEMENT SYSTEM. Incorporate natural systems into surface water management systems to improve water quality, air quality, water recharge/infiltration, water storage, wildlife habitat, recreational opportunities, and visual relief. (Ord. No. [03-06](#), [18-28](#), [19-02](#))

POLICY 60.4.1: Encourage new developments to design surface water management systems with Best Management Practices including, but not limited to, filtration marshes, grassed swales planted with native or Florida Friendly Landscaping vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow-ways. (Ord. No. [03-06](#), [18-28](#), [19-02](#))

POLICY 60.4.2: The County encourages new developments to design their surface water management system to incorporate existing wetland systems. (Ord. No. [03-06](#), [19-02](#))

POLICY 60.4.3: The County encourages the preservation of existing natural flow-ways and the restoration of historic natural flow-ways. (Ord. No. [03-06](#), [19-02](#))

POLICY 60.4.4: Identify and map flow-ways as part of the Surface Water Management Plan with general depictions of watersheds and their trunk and major tributaries. (Ord. No. [03-06](#), [18-28](#), [19-02](#))

POLICY 60.4.5: The County will continue to coordinate the review of flow-ways with the other regulatory agencies and assist in the development of incentives and/or credits for implementation of regional surface water management systems that address flood protection, water quality/environmental enhancement and water conservation. (Ord. No. [03-06](#), [19-02](#))

POLICY 60.4.6: Develop a CIP to provide for the reconstruction and maintenance of all flow-ways and include incentives for private participation. (Ord. No. [07-16](#), [19-02](#))

GOAL 61: PROTECTION OF WATER RESOURCES. To protect the County's water resources through the application of innovative and sound methods of surface water management and by ensuring

that the public and private construction, operation, and maintenance of surface water management systems are consistent with the need to protect receiving waters.

OBJECTIVE 61.1: WATER SUPPLY PLANNING. All County water supply planning will include the recognition of surface water runoff as a possible resource and will consider integrating the use of surface water runoff in any supply program or strategy that results. (Ord. No. [00-22](#))

POLICY 61.1.1: Lee County recognizes that all fresh waters are a resource to be managed and allocated wisely, and will support allocations of the resource on the basis 1) of ensuring that sufficient water is available to maintain or restore valued natural systems, and 2) of assigning to any specified use or user the lowest quality fresh water compatible with that use, consistent with financial and technical constraints. (Ord. No. [00-22](#))

POLICY 61.1.2: The County will explore, and implement where financially and technically feasible, all existing options for storing and utilizing excess surface water runoff for human consumption and other uses. Such options may include surface impoundments; back-pumping to reservoirs, to upland wetlands, or to ground storage; and ground storage by exfiltration systems or by aquifer storage and recovery systems. Maximum contaminant levels consistent with DEP and USEPA regulations governing receiving waters will be met through treatment as required. Excess surface water runoff will be defined as that water not required to maintain or restore estuarine waters or other valued wetland systems. (Ord. No. [94-30](#), [00-22](#))

POLICY 61.1.3: In the event that the timing and volume of freshwater discharges necessary to maintain the health and productivity of estuaries and other wetlands cannot be determined or supported by existing scientific data, the County will sponsor, in collaboration with other agencies, institutions, and organizations, adequate research programs to make such data available. (Ord. No. [00-22](#), [07-12](#))

POLICY 61.1.4: The County's Surface Water Management Master Plan will place particular emphasis on 1) routing surface water runoff from areas of excess to areas where additional subsurface storage is available, and 2) maintaining and increasing historic surface and groundwater levels in the DR/GR future land use category. (Ord. No. [00-22](#), [19-02](#))

POLICY 61.1.5: Work with the appropriate agencies to pursue funding a “mixing model” (freshwater flow into saltwater) as a management tool that will benefit recreation, water quality, public health, etc. (Ord. No. [07-16](#))

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. (Ord. No. [17-19](#))

OBJECTIVE 61.2: MIMICKING THE FUNCTIONS OF NATURAL SYSTEM. Support a surface water management strategy that relies on natural features (flow-ways, sloughs, strands, etc.) and natural systems to receive and otherwise manage storm and surface water.

POLICY 61.2.1: All development proposals outside the future urban areas must recognize areas where soils, vegetation, hydrogeology, topography, and other factors indicate that water flows or ponds; and require that these areas be utilized to the maximum extent possible, without

significant structural alteration, for on-site stormwater management; and require that these areas be integrated into area-wide coordinated stormwater management schemes. (Ord. No. [00-22](#))

POLICY 61.2.2: Where no natural features of flow or ponding exist on a site outside the future urban areas, the County will require that water management structures be designed and constructed in such a manner as to mimic the functions of natural systems. Special engineering and design standards for such structures will be incorporated into revised development regulations. (Ord. No. [00-22](#))

POLICY 61.2.3: Discourage the expansion or extension of existing traditional drainage structures, such as ditches, canals, dikes, etc. in non-agricultural areas, and only permit the continued existence and maintenance of such structures outside future urban areas. (Ord. No. [00-22](#), [18-28](#))

POLICY 61.2.4: Encourage surface water management plans that mimic the functions of natural systems. (Ord. No. [18-28](#))

POLICY 61.2.5: Policies 61.2.1 through 61.2.4 are not intended to prohibit any permissible surface water management solution that is consistent with good engineering practices and adopted environmental criteria.

POLICY 61.2.6: The County will maintain regulations that require reclamation standards for future excavation that mimic natural systems through the techniques that improve water quality, wildlife utilization, and enhance groundwater recharge. (Ord. No. [94-30](#), [00-22](#))

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

POLICY 61.3.1: Provide sufficient performance and design standards to require post-development runoff to approximate the total characteristics of the natural flow prior to development.

POLICY 61.3.2: Maintain floodplains to minimize the potential loss of life and damage to property by flooding. (Ord. No. [00-22](#), [18-28](#))

POLICY 61.3.3: Keep floodways as unobstructed as possible. (Ord. No. [00-22](#), [18-28](#))

POLICY 61.3.4: Natural flow patterns will be publicly restored where such action is of significant public or environmental benefit, and feasible. (Ord. No. [00-22](#))

POLICY 61.3.5: The County will maintain regulations which provide for the management and protection of floodplains, consistent with state and federal regulations. (Ord. No. [00-22](#))

POLICY 61.3.6: Require developments to provide surface water management systems, acceptable programs for operation and maintenance, and post-development runoff conditions that reflect the natural surface water flow rate, direction, quality, hydroperiod, and drainage basin. (Ord. No. [00-22](#), [18-28](#))

POLICY 61.3.7: Channelization of natural streams and rivers is prohibited; channelization of other natural watercourses is discouraged. (Ord. No. [00-22](#))

POLICY 61.3.8: The banks of wet retention and detention areas must be sloped to promote growth of vegetation and safeguard against accidents. (Ord. No. [00-22](#))

POLICY 61.3.9: Protect the natural functions of riparian systems from incompatible development practices. (Ord. No. [00-22](#), [18-28](#))

POLICY 61.3.10: New artificial drainage systems must not channel runoff directly into natural waterbodies. (Ord. No. [00-22](#))

POLICY 61.3.11: Runoff must be routed through retention or detention areas and vegetated swales in order to reduce flow velocity, allow for percolation, and trap and remove suspended solids and pollutants. (Ord. No. [00-22](#))

POLICY 61.3.12: The design of shorelines of retention and detention areas and other excavations must be sinuous rather than straight. (Ord. No. [00-22](#))

POLICY 61.3.13: Installation of erosion control devices for development activities adjacent to waterbodies, water courses, and wetlands will be required. Such control devices must be maintained to ensure operational effectiveness. (Ord. No. [00-22](#))

OBJECTIVE 61.4: Work with the appropriate permitting agencies to develop a common set of local permitting criteria, incentives, and regulatory measures specifically for Southwest Florida conditions. (Ord. No. [18-28](#))

POLICY 61.4.1: The permitting measures developed should aim towards rehydrating the region and attaining minimum flows and levels for county waterbodies. (Ord. No. [18-28](#))

POLICY 61.4.2: The permitting measures developed should improve the storage within existing natural and manmade flow-ways. (Ord. No. [18-28](#))

POLICY 61.4.3: The permitting measures should reevaluate the relationship of volume/area to stormwater management and storage. (Ord. No. [18-28](#))

POLICY 61.4.4: The permitting measures should link Best Management Practices to impervious cover of the impacted sub-watershed and to runoff from various land use types. (Ord. No. [18-28](#))

d. Solid Waste

GOAL 62: SOLID WASTE. To ensure the health, safety, and general welfare of the citizens of Lee County by protecting the quality of the environment through the proper management and disposal of solid waste.

OBJECTIVE 62.1: SOLID WASTE COLLECTION. Continue programs to segregate construction and demolition debris and to separate newspaper, aluminum cans, and glass bottles for recycling. (Ord. No. [94-30](#))

POLICY 62.1.1: Continue to monitor and enforce the County's mandatory garbage and solid waste collection ordinance (Ord. No. [86-14](#)) and subsequent amending ordinance. (Ord. No. [86-38](#)).

POLICY 62.1.2: Design and implement resource recovery and recycling programs for glass, paper, plastic, and nonferrous metal containers.

POLICY 62.1.3: Develop programs which will result in a decrease in the volume of materials in the solid waste stream requiring landfilling (i.e. source separation of material which can be reused or disposed of in another manner).

POLICY 62.1.4: Develop programs which will reduce the volume of roadside litter and the amount of illegal dumping in the unincorporated County.

OBJECTIVE 62.2: SOLID WASTE DISPOSAL. Continue operation of a waste to energy resource recovery facility and continue to explore means to reduce the volume of solid waste. (Ord. No. [94-30](#), [07-12](#))

POLICY 62.2.1: The County will continue to study and implement as appropriate available disposal technologies and volume reduction by recycling to meet Objectives 62.1 and 62.2. Particular attention will be paid to volume reduction of bulky and potentially recyclable items such as horticultural waste, rubber tires, appliances, etc. (Ord. No. [00-22](#))

POLICY 62.2.2: The County will continue to pursue a “clean community” campaign of education and information to reduce litter. The County will solicit operational funds from major sources of litter materials such as fast-food franchises and convenience market operators. (Ord. No. [00-22](#))

POLICY 62.2.3: The County will pursue efforts to control the disposal of hazardous wastes. The County will continue to identify and monitor the disposal activities of hazardous wastes generators through cooperative programs with state agencies.

POLICY 62.2.4: The County will initiate a local program to collect (and properly dispose of) small quantities of hazardous materials such as pesticides, paint, used motor oil, etc. (Ord. No. [00-22](#))

POLICY 62.2.5: The minimum acceptable LOS standard for availability of solid waste disposal facilities is provided in Policy 95.1.3. (Ord. No. [17-19](#))

POLICY 62.2.6: The County will immediately construct a new landfill to serve the entire County including all municipalities. (Ord. No. [94-30](#), [00-22](#))

e. Groundwater Recharge

GOAL 63: GROUNDWATER. To protect the County's groundwater supplies from those activities having the potential for depleting or degrading those supplies.

OBJECTIVE 63.1: WELLFIELD PROTECTION. The County will maintain a Wellfield Protection Ordinance to provide regulations protecting the quality of water flowing into potable water wellfields. (Ord. No. [94-30](#), [00-22](#))

POLICY 63.1.1: The Wellfield Protection Ordinance will be amended whenever better technical data is developed and whenever additional potable wellfields are proposed. (Ord. No. [00-22](#))

POLICY 63.1.2: The staff hydrogeologist will review and comment on all development applications near public utility potable water wellfields, with particular attention to proposed land uses within a 10-year travel time from the wellheads. (Ord. No. [00-22](#))

POLICY 63.1.3: The staff hydrogeologist will review and comment on all development applications proposed in the DR/GR area. (Ord. No. [10-19](#))

OBJECTIVE 63.2: POTABLE GROUNDWATER. Base all future development and use of groundwater resources on determinations of the safe yield of the aquifer system(s) in order not to impair the native groundwater quality or create other environmental damage. Criteria for safe-yield determinations will be determined by the SFWMD, the agency charged with permitting these activities. (Ord. No. [94-30](#), [00-22](#))

POLICY 63.2.1: For maximum protection of groundwater resources, identify future wellfields and/or relocation site(s) for existing wellfields well in advance of need. Coordinate with SFWMD, other water suppliers, and DEP to avoid duplication and to assist in data collection and interchange. (Ord. No. [94-30](#))

POLICY 63.2.2: Institute a program to identify sources of groundwater pollutants in Lee County and to map these (point and non-point) on a County-wide basis.

POLICY 63.2.3: Identify water needs consistent with projections of human population and the needs of natural systems in order to determine the future demands for groundwater. (Ord. No. [94-30](#))

POLICY 63.2.4: Expand current programs to identify and map the contamination potential of groundwater resources for those areas of Lee County not currently under public ownership.

POLICY 63.2.5: Lee County, in cooperation with other agencies and the municipalities, will budget to maintain its current program of plugging non-valved, abandoned, or improperly-cased artesian wells so that at least 75 of these wells are plugged each year until such wells are eliminated. (Ord. No. [94-30](#), [00-22](#))

f. Libraries

GOAL 64: LIBRARIES. 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. (Ord. No. [17-19](#))

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 future urban areas, future suburban areas, and future non-urban areas. (Ord. No. [17-19](#), [21-09](#))

POLICY 64.1.1: Ensure that appropriate accommodations are provided for patrons with disabilities. (Ord. No. [17-19](#))

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. (Ord. No. [17-19](#))

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. (Ord. No. [17-19](#))

OBJECTIVE 64.2: Ensure that the library contents, programs and services are authoritative, trustworthy and relevant. (Ord. No. [17-19](#))

POLICY 64.2.1: Develop a collection of resources, in both physical and electronic formats, in response to usage and community needs. (Ord. No. [17-19](#))

POLICY 64.2.2: Collaborate with various county and municipal departments and community members to meet community information needs. (Ord. No. [17-19](#))

g. Fire Protection & Emergency Medical Service

GOAL 65: FIRE PROTECTION. To assist fire districts in providing appropriate levels of high-quality cost-effective fire prevention and suppression services throughout the unincorporated County. (Ord. No. [94-30](#))

OBJECTIVE 65.1: EXISTING FIRE SERVICE. Improve ISO ratings of the independent fire services throughout the unincorporated County.

POLICY 65.1.1: Support mutual aid and joint venture agreements between the fire districts and provide certain types of services which the individual districts cannot duplicate individually at similar or lower costs.

POLICY 65.1.2: Reexamine the fire flow and pressure standards for water facilities that are contained in the LDC, Chapter 10, on a periodic basis to ensure that they are in compliance with recognized engineering standards. (Ord. No. [94-30](#))

POLICY 65.1.3: When cost-effective and technically feasible, existing potable water systems will be refitted to current fire flow standards.

POLICY 65.1.4: Refer requests for rezonings and development reviews to independent fire districts for comments and recommendations (when requested by the individual districts).

POLICY 65.1.5: Maintain a fire and EMS impact fee program that allows for voluntary participation of the individual fire districts. (Ord. No. [94-30](#))

POLICY 65.1.6: Provide technical assistance to fire districts (when requested) on site selection and continue to assist the districts in the rezoning process. (Ord. No. [94-30](#))

POLICY 65.1.7: Maintain and, where feasible, enhance the “911” emergency communications system to improve communications with the fire districts. (Ord. No. [94-30](#))

OBJECTIVE 65.2: AREAS OUTSIDE THE EXISTING FIRE SERVICE. Ensure that County development orders outside the established fire service areas are granted only if fire service expansions or other mitigation measures are approved concurrently. (Ord. No. [18-28](#))

POLICY 65.2.1: All new development (excluding single-family, mobile home, duplex, and agricultural structures) should be located in an established fire district in an area provided with public water. Provisions in the LDC that require adequate fire protection systems in areas where no public water is available will be maintained. (Ord. No. [94-30](#), [00-22](#))

OBJECTIVE 65.3: FIRE CODE ENFORCEMENT. Insure the consistent and uniform enforcement of the Uniform Lee County Fire Code.

POLICY 65.3.1: Maintain a uniform fire code for the unincorporated portion of Lee County and provide for its uniform and consistent interpretation and effective enforcement.

POLICY 65.3.2: Insure the enforcement of the fire code by the establishment of a mechanism to fund the service provided by a county Fire Marshall to any fire district that chooses not to accept the responsibility of enforcing the fire code.

POLICY 65.3.3: The County will notify all independent fire districts of all written interpretation of fire code matters. (Ord. No. [00-22](#))

GOAL 66: SERVICE PROVISION. To ensure the efficient provision of public services to health care facilities. (Ord. No. [08-17](#), [18-28](#))

OBJECTIVE 66.1: EMERGENCY MEDICAL SERVICES (EMS). The County will maintain and improve the EMS Division to keep up with new population growth and technological advancements. As part of this effort, the County will cooperate with and assist the independent fire districts and other units of government who operate first-provider rescue services to maintain those services in the face of new population growth and technological advancements. (Ord. No. [00-22](#), [08-17](#), [18-28](#))

POLICY 66.1.1: The 9-1-1 emergency telephone system and centralized dispatcher program will be evaluated as to possible improvements. (Ord. No. [08-17](#), [18-28](#))

POLICY 66.1.2: The County will encourage and facilitate the inclusion of other jurisdictions in cooperative service extensions of centralized communication and dispatch systems. (Ord. No. [00-22](#), [08-17](#), [18-28](#))

h. Education & Public School Facilities

GOAL 67: EDUCATION. To assist the Lee County School District and other providers of education (where appropriate) with the planning, development and siting of new schools. (Ord. No. [94-30](#), [18-28](#), [21-09](#))

OBJECTIVE 67.1: SCHOOL LOCATION PLANNING. Cooperate with the Lee County School District and representatives of private and parochial school associations to ensure that school locations are consistent with County growth policies and the needs of the future population. (Ord. No. [94-30](#), [18-28](#), [21-09](#))

POLICY 67.1.1: The County will collaborate with the Lee County School District, representatives of private and parochial school associations, and other interested institutions, for the location and development of educational systems. (Ord. No. [94-30](#), [00-22](#), [18-28](#), [21-09](#))

POLICY 67.1.2: All educational institutions will comply with the policies of this Plan and the LDC where not pre-empted by state statutes or administrative rules. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

POLICY 67.1.3: Lee County will continue to maintain and regularly update a school impact fee. (Ord. No. [94-30](#), [00-22](#), [07-12](#), [18-28](#))

POLICY 67.1.4: The County, in concert with the Lee County School District, will assist developers considering school site contributions by providing information relating to land availability, use and other pertinent parcel data. (Ord. No. [94-30](#), [00-22](#), [18-28](#), [21-09](#))

POLICY 67.1.5: Lee County will provide input on the continued development of Florida Gulf Coast University by coordinating through the Campus Master Plan process and other means of intergovernmental coordination. (Ord. No. [94-30](#), [00-22](#), [18-28](#), [21-09](#))

POLICY 67.1.6: To the maximum extent possible, Lee County will seek to co-locate public facilities, such as parks, libraries, and community centers, with public schools. (Ord. No. [99-15](#), [18-28](#))

OBJECTIVE 67.2: COOPERATION. The County will develop programs of collaboration between economic development agencies, the Lee County School District, Florida Southwestern State College, and Florida Gulf Coast University to ensure participation and achievement of shared economic goals. (Ord. No. [94-30](#), [00-22](#), [17-19](#), [18-28](#), [21-09](#))

POLICY 67.2.1: Lee County will continue programs to allocate responsibility and costs for supporting the use of schools as emergency shelters. (Ord. No. [99-15](#), [00-22](#), [18-28](#))

POLICY 67.2.2: The County will provide technical information to the Lee County School District to assist in identifying suitable sites for new schools. (Ord. No. [00-22](#), [18-28](#), [21-09](#))

POLICY 67.2.3: The County will collaborate with the Lee County School District when planning and making decisions regarding population projections. In order to maximize the benefits to be gained from joint planning efforts, the County will coordinate with the School District to base respective plans on consistent projections of the amount, type, and distribution of population growth and student enrollment. (Ord. No. [03-04](#), [08-17](#), [18-28](#), [21-09](#))

POLICY 67.2.4: The County will assist the Lee County School District in the development of siting criteria that encourages the location of public schools in close proximity to urban residential areas. (Ord. No. [08-17](#), [18-28](#), [21-09](#))

OBJECTIVE 67.3: LAND USE COMPATIBILITY. The County will seek to have the siting of all new schools follow these policies aimed at land use and transportation compatibility. (Ord. No. [00-22](#), [18-28](#))

POLICY 67.3.1: Protect the integrity of schools so that educational functions are not disrupted by the intrusion of incompatible land uses. (Ord. No. [18-28](#))

POLICY 67.3.2: Cooperate with the Lee County School District in the planning and selection of future school sites and the development of mutually acceptable guidelines for the selection of such sites. (Ord. No. [18-28](#), [21-09](#))

POLICY 67.3.3: Encourage the acquisition of school sites large enough to accommodate projected increases in enrollment. (Ord. No. [18-28](#))

POLICY 67.3.4: Consider the shared use of park and school sites when a surplus of school land is available (see also Goal 87). (Ord. No. [94-30](#), [18-28](#))

POLICY 67.3.5: Land uses and development will not be permitted to the extent that it could necessitate the relocation of schools due to pressures from incompatible uses. (Ord. No. [00-22](#), [18-28](#))

POLICY 67.3.6: Encourage the location of neighborhood elementary schools within walking distance of the residential areas they serve. (Ord. No. [18-28](#))

POLICY 67.3.7: Require that new residential developments provide for adequate pedestrian and bicycle access for school children. (Ord. No. [18-28](#))

POLICY 67.3.8: School sites will be selected in advance of the developments they are intended to serve and will be based upon planned densities and development patterns. (Ord. No. [00-22](#), [18-28](#))

POLICY 67.3.9: Elementary schools whenever possible must have access to local or collector streets; secondary schools must have access to a collector or arterial street. (Ord. No. [00-22](#), [18-28](#))

POLICY 67.3.10: Prohibit school sites that are or will be exposed to physical constraints, hazards, or nuisances which are detrimental to the health and safety of students and to the general operation of the school. (Ord. No. [18-28](#))

POLICY 67.3.11: The location of schools must be in accordance with Ch. 333, Fla. Stat. and the Airport Compatibility standards provided in the LDC. (Ord. No. [07-09](#), [18-28](#), [19-02](#))

POLICY 67.3.12: The County will cooperate with the Lee County School District to encourage consideration in the design and construction of new schools that they may be expected to serve as hurricane evacuation and emergency shelters. (Ord. No. [00-22](#), [18-28](#), [21-09](#))

POLICY 67.3.13: The County will promote smaller, geographically-diversified neighborhood school campuses, which are incorporated into relevant community plans. (Ord. No. [07-16](#))

OBJECTIVE 67.4: ENVIRONMENTAL EDUCATION. Support and promote a three-tiered program of environmental education targeting Pre-K through 12th grade school children, the general adult population, and newcomers to heighten awareness of our area's special environmental characteristics. (Ord. No. [07-16](#), [18-28](#))

POLICY 67.4.1: Support a coordinated community education and outreach program that fosters the construction and implementation of environmental projects, such as the filter marshes, land acquisition, and local mitigation opportunities. (Ord. No. [07-16](#), [18-28](#))

GOAL 68: PUBLIC SCHOOL FACILITIES. Lee County will have a public school system that offers a high quality educational environment, provides accessibility for all of its students, and ensures adequate school capacity to accommodate enrollment demand. (Ord. No. [08-17](#), [18-28](#))

OBJECTIVE 68.1: ADEQUATE SCHOOL FACILITIES. Establish and maintain specific LOS 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. (Ord. No. [08-17](#), [17-19](#), [18-28](#))

POLICY 68.1.1: 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. (Ord. No. [08-17](#), [08-27](#), [17-19](#), [18-28](#))

POLICY 68.1.2: Public school LOS standards must be 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. (Ord. No. [08-17](#), [17-19](#), [18-28](#))

POLICY 68.1.3: The County adopts the Lee County School District current School Choice Zone boundaries depicted on Map 4-D, as Concurrency Service Areas (CSAs). CSAs exclude multizone magnet schools and Special Purpose Facilities. Concurrency for new development will be measured against capacity in the three Student Assignment Zones (West Zone, East Zone, and South Zone) depicted on Map 4-D. Special Purpose Facility capacity will be added to the total CSA capacity as these facilities potentially provide service to students from all CSAs. 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. (Ord. No. [08-17](#), [08-27](#), [17-19](#), [18-28](#), [21-09](#))

POLICY 68.1.4: Maintain Map 4-D depicting the existing Educational and School District Facilities in Lee County. Map 4-D generally depicts the anticipated location of educational and ancillary facilities over the five-year and long-term planning period. (Ord. No. [08-17](#), [17-19](#), [18-28](#), [21-09](#))

POLICY 68.1.5: CSA boundary changes will require a Lee Plan amendment initiated by the Lee County School District. Any proposed boundary changes to the CSAs will require the School District demonstrate the change complies with the adopted LOS standard and that utilization of school capacity is maximized to the greatest extent possible. (Ord. No. [08-17](#), [17-19](#), [18-28](#), [21-09](#))

OBJECTIVE 68.2: PUBLIC SCHOOL CONCURRENCY MANAGEMENT SYSTEM. Lee County will utilize a public school concurrency management system consistent with the requirements of § 163.3180, Fla. Stat. (Ord. No. [08-17](#), [17-19](#), [18-28](#))

POLICY 68.2.1: Maintain school concurrency provisions in the LDC. (Ord. No. [08-17](#), [17-19](#), [18-28](#))

POLICY 68.2.2: The County, with the assistance of the School District, will annually identify available school capacity as part of its concurrency management report. The report will identify total school capacity. Total school capacity includes existing capacity and the capacity created by school improvements programmed in the first three years of an adopted School District Capital Improvement Program. The School District will annually transmit to the County: a copy of the adopted School District CIP; student enrollment by school type by CSA; and, capacity information by school type by CSA. (Ord. No. [08-17](#), [18-28](#))

POLICY 68.2.3: All proposed residential development activity (local development order requests) will be reviewed against the available total capacity by school type as identified in the annual concurrency report for the specific CSA in which the proposed development is located. If

capacity is available or appropriate mitigation has been agreed to by the County and the School District, a concurrency certificate may be issued, valid for three years. If capacity is not available in the CSA where the development is proposed, then the County will examine if the contiguous CSAs have capacity. If capacity is not available in the CSA in which the proposed development is located or in a contiguous CSA and appropriate mitigation cannot be agreed to, no concurrency certificate will be issued. A concurrency certificate may be renewed for an additional 3 year period and may be extended a maximum of two additional periods of 2 years each consistent with the existing provisions of the LDC applicable to development orders. (Ord. No. [08-17](#), [18-28](#))

POLICY 68.2.4: Maintain mitigation options for proposed developments that cannot meet school concurrency in the LDC. (Ord. No. [08-17](#), [17-19](#), [18-28](#))

POLICY 68.2.5: The following residential uses are exempt from the requirements of school concurrency:

1. Single family lots having received final plat approval prior to the effective date of this policy.
2. Multi-family residential development having received a final development order and concurrency certificate prior to the effective date of this policy and said final development order and concurrency certificate are valid and active.
3. Amendments to existing residential development approvals that do not increase the number of residential units or change the type of residential units proposed.
4. Other residential uses that do not generate school age children such as licensed Adult Living Facilities or age restricted residential developments prohibiting persons under the age of 18 from residing there as permanent residents through recorded covenants and restrictions that cannot be amended for a period of 30 years.
5. DRIs approved pursuant to Ch. 380, Fla. Stat. prior to July 1, 2005, but only as to the number of residential units authorized in the DRI Development Order.

(Ord. No. [08-17](#), [18-28](#))

POLICY 68.2.6: 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 Study. The projected number of students is the product of the number of residential units multiplied by the student generation rate for each unit type. (Ord. No. [08-27](#), [17-19](#), [18-28](#))

OBJECTIVE 68.3: COORDINATION. All new public schools built within the County will be consistent with the appropriate jurisdiction's future land use map designation, will be co-located with other appropriate public facilities (when possible), and will have needed supporting infrastructure. (Ord. No. [08-17](#), [18-28](#))

POLICY 68.3.1: The County and the School District will jointly determine the need for and timing of on-site and off-site improvements necessary to support new school facilities. The County and the School District will explore opportunities for shared funding of necessary infrastructure improvements. (Ord. No. [08-17](#), [18-28](#))

POLICY 68.3.2: The County may enter into an agreement with the School District identifying the timing, location, and the party or parties responsible for constructing, operating, and maintaining off-site improvements necessary to support new school facilities. (Ord. No. [08-17](#), [18-28](#))

POLICY 68.3.3: The County, in conjunction with the School District, will seek opportunities to co-locate public facilities with schools, such as parks, libraries, and community centers, as the need for these facilities is identified. The County will also explore the co-location and shared use of school and governmental facilities for health care and social services. (Ord. No. [08-17](#), [18-28](#))

POLICY 68.3.4: The County will forward all applications for rezonings and comprehensive plan amendments that increase density on the Future Land Use Map to the School District for review. The County will inform the School District of the affect of proposed amendments upon school capacity. (Ord. No. [08-17](#), [18-28](#))

POLICY 68.3.5: The School District will periodically review the Education and Public School Facilities sub-element. If the School District desires amendments to the sub-element, the proposed modifications will be informally presented to Lee County staff for initial comments and input. The School District will be the lead agency and will make application for any desired amendment to the Education and Public School Facilities sub-element. (Ord. No. [08-17](#), [18-28](#), [21-09](#))

POLICY 68.3.6: The County, in conjunction with the School District and the municipalities within the County, will identify issues relating to public school emergency preparedness, such as:

1. The determination of evacuation zones, evacuation routes, and shelter locations.
2. The design and use of public schools as emergency shelters.
3. The designation of sites other than public schools as long-term shelters, to allow schools to resume normal operations following emergency events.

(Ord. No. [08-17](#), [18-28](#))

POLICY 68.3.7: In order to reduce hazardous walking conditions to schools, the County, in coordination with the School District, will implement the following strategies:

1. New developments adjacent to school properties will be required to provide a right-of-way and a direct safe access path for pedestrian travel to existing and planned school sites and will connect to the neighborhood's existing and proposed pedestrian improvements;
2. In order to ensure continuous pedestrian access to public schools, provisions for construction of facilities to address hazardous walking conditions pursuant to § 1006.23, Fla. Stat., will be included in the schedule of capital improvements adopted each fiscal year;
3. Evaluate school zones to consider safe crossing of children along major roadways and prioritize areas for sidewalk improvements to increase the ability of children to walk safely to school; and
4. Coordinate existing and planned public school facilities with the plans for supporting infrastructure to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization.

(Ord. No. [08-17](#), [18-28](#).)

i. Environmental Health

GOAL 69: ENVIRONMENTAL HEALTH. Protect public health through the expansion and improvement of clean air and water requirements. (Ord. No. [08-17](#), [18-28](#))

OBJECTIVE 69.1: Continue a local Pollution Prevention Control program by educating homeowners, businesses, and the public on proper storage, handling and disposal methods for hazardous waste. (Ord. No. [94-30](#), [00-22](#), [08-17](#), [18-28](#))

POLICY 69.1.1: Continue to identify funding opportunities to educate and train small businesses in waste minimization and proper storage, handling and disposal of hazardous materials through increased occupational license fees and/or Operational Compliance Permits (OCP). (Ord. No. [94-30](#), [00-22](#), [07-12](#), [08-17](#), [18-28](#))

POLICY 69.1.2: Information about environmental health conditions will be made available to the public. (Ord. No. [00-22](#), [08-17](#), [18-28](#))

OBJECTIVE 69.2: RESPONSE COORDINATION. Support and assist in the creation, maintenance, and improvement of appropriate responses to hazardous material accidents, spills, or leaks in order to protect the public and the environment. (Ord. No. [00-22](#), [18-28](#))

POLICY 69.2.1: Support the Local Emergency Planning Committee (as required by the provisions of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (42 U.S.C § 11004)) through continued implementation of relevant information, material, and practicable responsibilities set forth by the Local Emergency Planning Committee. (Ord. No. [94-30](#), [00-22](#), [18-28](#), [21-09](#))

POLICY 69.2.2: Assist the various fire districts and other interested parties in the development and maintenance of a hazardous material response team by providing necessary resources and logistical support, and assisting in the coordination of resources to ensure proper containment, cleanup and disposal of hazardous materials. (Ord. No. [00-22](#), [18-28](#))

POLICY 69.2.3: Support the hazardous material emergency response plan created by the Local Emergency Planning Committee that complies with applicable federal and state regulations and guidelines. (Ord. No. [00-22](#), [18-28](#))

POLICY 69.2.4: Identify natural and manmade environmental health hazards. (Ord. No. [08-17](#), [18-28](#))

OBJECTIVE 69.3: HAZARDOUS MATERIALS. Protect the public and the environment from unnecessary contact with hazardous materials through the regulation of entities that rely on these hazardous materials. (Ord. No. [18-28](#))

POLICY 69.3.1: Require any new development involved in the manufacturing, production, use, application, and storage of hazardous materials or toxic substances contained on the current list of extremely hazardous substances published in the CFR, Title 40, Chapter I, Subchapter J, Part 355, to establish an emergency notification system in the event of a release of a listed hazardous substance. Notification information will conform to requirements set forth in the EPCRA (42 U.S.C § 11004). (Ord. No. [00-22](#), [18-28](#), [21-09](#))

POLICY 69.3.2: Require any new development involved in the manufacturing, production, use, application, and storage of hazardous materials or toxic substances listed in Chapter 38F-41, Florida Administrative Code (or subsequent updates) to prepare or have available Safety Data Sheets (SDS) under the Occupational Safety and Health Administration regulations and submit either copies of SDS or a list of SDS chemicals to the applicable fire department or district, Lee County Department of Public Safety, and Natural Resources Pollution Prevention Program. (Ord. No. [94-30](#), [00-22](#), [18-28](#), [21-09](#))

POLICY 69.3.3: Implement and maintain an ordinance that requires the County to review disaster preparedness plans for all petroleum storage facilities. This review will include an assessment of the engineering specifications of the containment dikes at the site in a 100-year storm surge. (Ord. No. [99-15](#), [18-28](#))

j. Police & Justice

GOAL 70: POLICE AND JUSTICE. To ensure the effective and efficient provision of facilities and services in support of law enforcement and justice for the growing population of Lee County. (Ord. No. [08-17](#))

OBJECTIVE 70.1: PLANNING AND BUDGETING. Regularly evaluate the effects of both private development and public service provision of services on law enforcement. (Ord. No. [94-30](#), [07-09](#), [08-17](#))

POLICY 70.1.1: The County, in collaboration with the Lee County Sheriff and the Court Administrator, will continue to cooperatively examine, evaluate, and project law enforcement budget needs. (Ord. No. [00-22](#), [08-17](#))

POLICY 70.1.2: The County in collaboration with the Lee County Sheriff will study the development of workable standards and criteria upon which to project long-range law enforcement needs. (Ord. No. [00-22](#), [08-17](#))

OBJECTIVE 70.2: FACILITIES PLANNING PROGRAM. Maintain a facilities planning program for justice and law enforcement needs. (Ord. No. [94-30](#), [08-17](#))

POLICY 70.2.1: The County with the help of the Lee County Sheriff will evaluate justice and law enforcement facilities and review and revise (as necessary) plans for such facilities. (Ord. No. [94-30](#), [00-22](#), [08-17](#))

POLICY 70.2.2: The County will cooperate with the Sheriff to evaluate the need for substation facilities in Lee County and will assist in the expansion, relocation, or reduction of the number of existing substation facilities as is necessary. (Ord. No. [94-30](#), [00-22](#), [07-09](#), [08-17](#))

POLICY 70.2.3: The County will cooperate with the Sheriff's Office to identify potential areas to share County facilities in an effort to reduce the overall cost of providing law enforcement services throughout Lee County. (Ord. No. [07-09](#), [08-17](#))

k. Energy Conservation

GOAL 71: ENERGY CONSERVATION. Lee County will promote the protection and preservation of the County's limited energy resources. (Ord. No. [94-30](#), [00-22](#), [08-17](#))

OBJECTIVE 71.1: ENERGY CONSERVATION. Support programs on energy efficiency and conservation, resource conservation and recycling, appropriate community technology, and environmental protection. (Ord. No. [00-22](#), [08-17](#), [21-09](#))

POLICY 71.1.1: The County will, through regulation, provision of incentives to the private sector, and its own capital investments, promote the use of energy efficient transportation systems, solar energy applications for new and existing development, true solid waste resource recovery systems, and other similar technologies. (Ord. No. [00-22](#), [08-17](#))

I. Emergency Services

GOAL 72: EMERGENCY MANAGEMENT. Establish objectives and policies to help prevent and mitigate threats from natural disasters by reducing their potential impact on future development and responding efficiently to disasters and hazards after the fact. (Ord. No. [18-28](#))

OBJECTIVE 72.1: EMERGENCY MANAGEMENT PLANNING. Protect the public from the effects of natural and man-made hazards through implementation of County emergency plans and programs. (Ord. No. [00-22](#), [18-28](#))

POLICY 72.1.1: Utilize the Lee County Comprehensive Emergency Management Plan (CEMP) as the operational guide in preparing for, responding to, and recovering from those natural and man-made hazards that require emergency actions by Lee County. Maintain the CEMP and update as necessary, following a man-made or natural disaster. (Ord. No. [00-22](#), [18-28](#))

POLICY 72.1.2: Maintain, in cooperation with local news media, educational institutions, public service groups and other agencies, a program of education and information describing the risks of natural and man-made hazards and actions necessary to mitigate potential damages from such hazards. (Ord. No. [00-22](#), [18-28](#))

POLICY 72.1.3: Maintain an emergency resource inventory describing facilities and sites designated to serve as local, state, and federally sponsored emergency assistance locations; examples of such facilities include disaster recovery centers, citizen assistance centers, joint field offices, temporary housing sites, and debris disposal locations. (Ord. No. [00-22](#), [18-28](#))

POLICY 72.1.4: Coordinate the development and maintenance of emergency plans and programs with appropriate local, regional, state, and federal government agencies. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

POLICY 72.1.5: Maintain and update as necessary, a Joint Unified Local Mitigation Strategy (LMS) for Lee County with appropriate local, state, and federal agencies. The LMS includes a hazard and vulnerability assessment, mitigation goals and objectives for the community, and a prioritized list of mitigation projects that can be funded by grant opportunities after declared disasters. The LMS is a comprehensive plan that is reviewed and approved every five years by the Florida Division of Emergency Management and FEMA. (Ord. No. [18-28](#))

POLICY 72.1.6: Maintain the All-Hazards Protection Fund (MSTU) to supplement budgetary needs for emergency planning, disaster mitigation, and recovery. (Ord. No. [18-28](#))

POLICY 72.1.7: Maintain post-disaster institutions and procedures to guide County actions following a natural or man-made disaster. (Ord. No. [94-30](#), [00-22](#), [07-12](#), [18-28](#))

POLICY 72.1.8: Maintain an ordinance that implements (where necessary) the Post-Disaster Strategic Plan, and provides regulations that may be needed following a natural or man-made disaster. (Ord. No. [94-30](#), [00-22](#), [07-12](#), [18-28](#))

OBJECTIVE 72.2: DEVELOPMENT REGULATIONS. Maintain land development regulations that reduce the vulnerability of development from the threats of natural and man-made hazards. (Ord. No. [94-30](#), [00-22](#), [07-12](#), [16-07](#), [18-28](#))

POLICY 72.2.1: Maintain land development regulations that provide for additional setbacks in critical erosion areas, conservation and enhancement of dunes and vegetation, flood proofing of utilities, structural wind resistance and floodplain management. (Ord. No. [18-28](#))

POLICY 72.2.2: Assess the impact of all new residential development upon the projected hurricane evacuation network and upon projected hurricane evacuation times, and require mitigation either through structural (on-site or off-site shelter) provisions or through non-structural methods or techniques. Pursuant to Policy 24.7.5, all new residential development and redevelopment within the Hurricane Vulnerability Zone in Greater Pine Island must mitigate hurricane sheltering and evacuation impacts in accordance with the LDC, Chapter 2, Article XI. (Ord. No. [00-22](#), [16-07](#), [18-28](#))

POLICY 72.2.3: Maintain and update, as necessary, provisions for the protection of life and property from fire related impacts. (Ord. No. [18-28](#))

POLICY 72.2.4: Maintain regulations that are consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable floodplain management regulations set forth in 44 C.F.R. Part 60. (Ord. No. [18-28](#))

GOAL 73: EVACUATION AND SHELTER PLANNING. To provide evacuation and shelter capabilities adequate to safeguard the public against the effects of hurricanes and tropical storms. (Ord. No. [18-28](#))

OBJECTIVE 73.1: EVACUATION. Work towards attaining out of County hurricane evacuation for a Category 5 storm event (Level E storm surge threat) that does not exceed the timeframes referenced in the Statewide Regional Evacuation Study. Lee County will work to improve clearance times by increasing shelter availability within the County, improving evacuation routes, and increasing public awareness and citizen preparedness. (Ord. No. [09-17](#), [18-28](#))

POLICY 73.1.1: Coordinate periodic updates of the hurricane evacuation portion of the CEMP with the Lee County MPO Long Range Transportation Plan to identify critical transportation routes for evacuation. (Ord. No. [94-30](#), [00-22](#), [16-07](#), [18-28](#))

POLICY 73.1.2: Design, construct and operate new or replacement bridges on evacuation routes spanning major or marked navigable waterways to adequately accommodate the safe and timely evacuation needs of both motor vehicle and marine traffic. For the purposes of accommodating hurricane evacuation, a new bridge to Pine Island is strongly discouraged due to the costs, design constraints, and potential impacts to growth patterns within Greater Pine Island. (Ord. No. [99-15](#), [00-22](#), [16-07](#), [18-28](#))

OBJECTIVE 73.2: SHELTER. Ensure that by 2040, adequate shelter space will be available for the population in areas most susceptible to storm surge inundation. (Ord. No. [18-28](#))

POLICY 73.2.1: Utilize as the basis for in-County and on-site shelter demand, the evacuation rate of 10% of the population at risk. This rate will also be the target shelter capacity for a program to provide an emergency shelter supply within Lee County. (Ord. No. [92-35](#), [00-22](#), [09-17](#), [18-28](#))

POLICY 73.2.2: Continue to implement a shelter capacity program by: funding of the All-Hazards Protection Fund (MSTU); requiring appropriate shelter mitigation for new development, as determined by Lee County's Department of Public Safety, which may include, but is not

limited to the payment of money or construction of hurricane shelters as specified in the LDC; and, applying for any available state funds. (Ord. No. [94-30](#), [18-28](#))

POLICY 73.2.3: Establish regulations and procedures to require on-site shelters meet standards established in the LDC, including: location and provision of adequate shelter space, elevation above a Category 3 storm event (Level C storm surge threat), adequate wind proofing, glass protection, emergency power, water supplies, and other basic needs. (Ord. No. [94-30](#), [00-22](#), [07-12](#), [18-28](#))

POLICY 73.2.4: Prohibit the building of on-site shelters for the general public on barrier or coastal islands. (Ord. No. [00-22](#), [18-28](#))

OBJECTIVE 73.3: PEOPLE WITH SPECIAL NEEDS. Ensure the County will have mechanisms in place to assist people with special needs during an emergency. (Ord. No. [18-28](#))

POLICY 73.3.1: Develop LDC regulations related to hurricane mitigation, Agency for Health Care Administration rules and regulations, and emergency preparedness plans for new hospitals, nursing homes, adult congregate living facilities, or facilities for the developmentally disabled. (Ord. No. [00-22](#), [18-28](#))

POLICY 73.3.2: Assist, in cooperation with other public agencies and service groups, in the emergency transportation needs of residents having limited mobility and who do not reside in licensed institutions serving people with special needs. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

POLICY 73.3.3: Work with other public agencies and service groups towards providing functional and access services in emergency public shelters for people with special needs. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

GOAL 74 - GOAL 75: RESERVED

A silhouette of a lighthouse stands in the center, surrounded by tall grasses. The background is a solid blue color. The text 'PARKS, RECREATION & OPEN SPACE ELEMENT' is written in white, bold, uppercase letters across the middle of the image.

PARKS, RECREATION & OPEN SPACE ELEMENT

Chapter V

V. Parks, Recreation, and Open Space Element

GOAL 76: DISTRIBUTION OF FACILITIES. To provide, maintain and preserve a diverse park, recreational, and open space system which provides equitable access and distribution to all residents of unincorporated Lee County regardless of interest, age, sex, income, race, handicap, or location of residency within unincorporated Lee County. (Ord. No. [94-30](#))

OBJECTIVE 76.1: Subsequent 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. (Ord. No. [94-30](#), [00-22](#), [17-19](#))

POLICY 76.1.1: Based on community needs and interests, the County will equitably distribute community park facilities within impact fee districts in unincorporated Lee County. (Ord. No. [94-30](#), [00-22](#))

POLICY 76.1.2: Due to the nature of regional parks and the limit on the availability of appropriate sites, regional park facilities will be distributed throughout the entire County. (Ord. No. [94-30](#), [00-22](#))

POLICY 76.1.3: By using the experience and knowledge of community groups and professionals and by using data garnered from surveys and public hearings, the County will distribute facilities based on interest and need. (Ord. No. [94-30](#), [00-22](#))

OBJECTIVE 76.2: The County will maintain inventories, surveys, and records essential to the park planning process, and will periodically update park planning documents and inventories. (Ord. No. [94-30](#), [00-22](#))

OBJECTIVE 76.3: The County will continue to maintain a systematic approach to survey users of park facilities and residents of Lee County as to their needs, desires, preferences, and evaluations of park and recreation facilities and programs. (Ord. No. [94-30](#), [00-22](#), [07-12](#))

POLICY 76.3.1: Park users and residents will be surveyed in order to establish a reliable data base for future planning and decision-making.

POLICY 76.3.2: The results of user and resident surveys are an integral part of the planning process for park and recreation facilities and programs. (Ord. No. [94-30](#), [07-12](#))

GOAL 77: DEVELOPMENT DESIGN REQUIREMENTS. To require new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation. (Ord. No. [94-30](#), [02-02](#))

OBJECTIVE 77.1: Development regulations will continue to require that new residential developments provide sufficient open space to meet the needs of their residents. (Ord. No. [94-30](#), [00-22](#), [02-02](#))

POLICY 77.1.1: The County will continue to review the open space requirements of the LDC to determine if these requirements should be modified in any way to best meet the open space requirements of residents of new developments. (Ord. No. [94-30](#), [00-22](#))

OBJECTIVE 77.2: Development regulations will continue to require that new commercial and industrial developments provide sufficient open space for the benefit of their patrons and the general public. (Ord. No. [02-02](#))

POLICY 77.2.1: The County must continue to review the open space requirements of the LDC to determine if these requirements should be modified in any way to best meet the objectives of open space requirements within new commercial and industrial developments. (Ord. No. [02-02](#))

OBJECTIVE 77.3: New developments must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed and/or existing rights-of-way. This objective and subsequent policies are to be implemented through the zoning process. (Ord. No. [02-02](#))

POLICY 77.3.1: Any new development with existing indigenous vegetation is encouraged to provide half of the required open space as existing native plant communities. Any new development with existing native trees without associated native groundcover or understory is encouraged to provide half of the required open space with areas containing existing native trees. The planting of native shrub species within native tree protection areas is encouraged. (Ord. No. [02-02](#))

POLICY 77.3.2: Open space areas must be designed with adequate widths to preserve and allow the continued growth and viability of existing native trees. (Ord. No. [02-02](#))

POLICY 77.3.3: The County encourages new developments to incorporate existing native plant communities and/or native trees along proposed and/or existing rights-of-way. (Ord. No. [02-02](#))

POLICY 77.3.4: The County encourages new developments to incorporate large, contiguous open space areas in the development design. (Ord. No. [02-02](#))

POLICY 77.3.5: Proposed planned developments must submit an open space design plan with an assessment of the existing native plant communities and native trees. The open space design plan must delineate the indigenous preserves and/or native tree preservation areas. (Ord. No. [02-02](#))

POLICY 77.3.6: Coordinate trails and greenway planning and construction efforts with private landowners to identify, protect, develop, and manage linear open space connectors for recreation and conservation greenway corridors and encourage private landowners to dedicate greenway facilities for public recreational use through incentives and impact fee credits. (Ord. No. [07-09](#))

POLICY 77.3.7: New development and redevelopment in areas containing a component of the greenways trail system, as identified by the Lee County Greenways Master Plan, must incorporate the greenway trail into their development design. In addition to counting towards the project's general open space requirements, developments constructing the onsite portions of the greenway trail will be eligible for community and regional park impact fee credit. (Ord. No. [07-09](#))

POLICY 77.3.8: Criteria for local monitoring and enforcement for native vegetation will also consider Southwest Florida's specific needs, such as attention to irrigation water content of chlorides and conductance, and to low nutrient fertilizers. (Ord. No. [07-16](#))

GOAL 78: LANDSCAPE/WAYSIDE PARKS. To improve the aesthetics of the community by providing Landscape/Wayside Parks where feasible and appropriate.

OBJECTIVE 78.1: The County will maintain its current inventory of Landscape/Wayside parks, evaluate the need for such facilities to serve the traveling public, and provide additional such facilities in the future to improve the beauty of the County.

POLICY 78.1.1: The County will continue to seek input from other county, state and federal agencies and from community groups for the purpose of developing guidelines for landscape/wayside parks. (Ord. No. [94-30](#), [00-22](#))

POLICY 78.1.2: The County will investigate alternative funding sources for the provision of landscape/wayside parks such as public/private partnerships, community involvement programs, and community groups. (Ord. No. [94-30](#), [00-22](#))

GOAL 79: Increase the recreation potential of Lee County's natural waterways. (Ord. No. [07-09](#))

OBJECTIVE 79.1: Expand the Great Calusa Blueway and Lee County Paddling Trail System. (Ord. No. [07-09](#))

POLICY 79.1.1: Establish locations, design standards, and implementation techniques for providing public access to appropriate waterways. (Ord. No. [07-09](#))

POLICY 79.1.2: Designate canoe access points on appropriate waterways in accordance with the Lee County Greenways Master Plan. (Ord. No. [07-09](#))

GOAL 80 - GOAL 81: RESERVED (Ord. No. [07-09](#), [17-19](#))

GOAL 82: WATER ACCESS. Improve access to public beaches and other bodies of water. (Ord. No. [18-28](#))

OBJECTIVE 82.1: Support multiple forms of water access for the public and acquire additional property to be used as public water access, when economically feasible. (Ord. No. [94-30](#), [00-22](#), [17-19](#), [18-28](#))

POLICY 82.1.1: Continue to pursue grants and other initiatives as funding sources for additional water access for the public. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

POLICY 82.1.2: Design programs that encourage and incentivize developments to provide water access (physical, visual or interpretive) for the public. (Ord. No. [00-22](#), [18-28](#))

OBJECTIVE 82.2: DEVELOPMENT STANDARDS FOR WATER ACCESS. Enhance public access to County waterways through new development and maintenance of beach and water accesses. (Ord. No. [94-30](#), [00-22](#), [11-22](#), [18-28](#))

POLICY 82.2.1: Evaluate individual water access sites to determine future (re)development needs, such as, but not limited to: signage, parking areas, beach crossovers, and dune restoration. (Re)development will be evaluated on compatibility with the surrounding natural environment and addressing the needs of the public. (Ord. No. [18-28](#))

POLICY 82.2.2: Encourage the use of vegetated buffers which provide protection against the erosion of natural shorelines, opportunity for the creation of additional wetlands habitats, and enhancement of the natural scenery along Lee County waterways. Clearing of vegetation will be subject to local regulations and permit requirements. (Ord. No. [00-22](#), [18-28](#))

POLICY 82.2.3: Identify areas suitable for publicly-maintained facilities that support recreational uses and activities, such as vessel launch areas, boardwalks, paths, fishing platforms, and waterside parks. (Ord. No. [07-09](#), [18-28](#))

GOAL 83: COMMUNITY PARKS. To provide for the active recreational needs of the residents of unincorporated Lee County by providing adequate community park facilities appropriately located.

OBJECTIVE 83.1: COMMUNITY PARK STANDARD. Provide community parks for the active recreation of unincorporated Lee County residents as established in Policy 95.1.3. (Ord. No. [93-25](#), [94-30](#), [98-09](#), [00-22](#), [14-09](#), [17-19](#))

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. (Ord. No. [94-30](#), [98-09](#), [00-22](#), [17-19](#))

POLICY 83.1.2: Standard community parks should be designed and developed to allow for passive uses as well.

OBJECTIVE 83.2: COMMUNITY RECREATION CENTERS. Provide Community Recreation Centers for unincorporated Lee County residents. (Ord. No. [00-22](#), [11-22](#), [17-19](#))

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. (Ord. No. [11-22](#), [17-19](#))

OBJECTIVE 83.3: SCHOOL PARKS. Lee County will develop active recreational facilities on School Board property in cooperation with the School District when necessary to meet community needs. (Ord. No. [00-22](#), [18-28](#))

POLICY 83.3.1: Maintain an agreement with the School District of Lee County that clearly sets out the existing use of County and School District properties and facilities by each entity, sets the pattern for future use of these properties and facilities, and provides procedures for maintenance of the facilities and properties. (Ord. No. [94-30](#), [00-22](#), [18-28](#), [21-09](#))

GOAL 84: REGIONAL PARKS. To preserve a portion of the County's natural environment to augment that which is set aside by the state of Florida and the federal government, in order to preserve natural habitats, protect the water supply, and preserve the natural heritage; and to make these natural resources available to the general public for resource-based recreational activities, enjoyment of nature, and educational enrichment.

OBJECTIVE 84.1: REGIONAL PARK STANDARD. Lee County will provide regional parks for public use as established in Policy 95.1.3. (Ord. No. [94-30](#), [98-09](#), [00-22](#), [14-09](#), [17-19](#))

POLICY 84.1.1: Regional parks will be resource-based facilities which preserve natural amenities. Lee County will avoid locating incompatible uses in regional parks. (Ord. No. [94-30](#), [00-22](#))

POLICY 84.1.2: Lee County will work with the Lehigh Acres Municipal Services Improvement District to establish a regional park at Harns Marsh. (Ord. No. [10-16](#), [21-09](#))

GOAL 85: PARK PLANNING AND DESIGN. To plan, design, and construct parks, trails and greenways as identified in the Lee County Greenways Master Plan, and recreation sites to comply with the best professional standards of design, landscaping, planning, and environmental concern. (Ord. No. [07-09](#))

OBJECTIVE 85.1: FUTURE PARKS. The planning, design, and construction of all park and recreation facilities including trails and greenways and programs will be supervised and monitored by the appropriate County agencies. (Ord. No. [94-30](#), [00-22](#), [07-09](#))

POLICY 85.1.1: Parks will be designed with buffers to minimize conflicts between different recreational uses and between recreational and adjacent uses. (Ord. No. [00-22](#))

POLICY 85.1.2: Parks will be linked to bike paths, trails and greenways, and other parks as identified in the Lee County Greenways Master Plan and the Lee County Walkways & Bikeways Plan where feasible. (Ord. No. [00-22](#), [07-09](#))

POLICY 85.1.3: The feasibility of converting canal, railroad, and power line easements and right-of-ways into linear parks, trails and greenways in accordance with the Lee County Greenways Master Plan will be explored by County staff. (Ord. No. [00-22](#), [07-09](#))

POLICY 85.1.4: The linking of parks, open spaces, linear parks, bike paths, and natural streams and sloughs will be in accordance with the Lee County Greenways Master Plan. (Ord. No. [00-22](#), [07-09](#))

POLICY 85.1.5: Continue to participate in the formation, expansion, and management of those greenways identified in the Lee County Greenways Master Plan. (Ord. No. [98-09](#), [07-09](#))

OBJECTIVE 85.2: EXISTING PARKS. Any conversion of public parks, easements, and open spaces will be considered only after due public notice. (Ord. No. [00-22](#))

POLICY 85.2.1: Public parks, easements, and open spaces which have a demonstrated public benefit are to be protected from conversion to incompatible public or private uses.

POLICY 85.2.2: All persons will submit proposed conversions from public parks, easements, and open spaces to other land uses to Lee County for review and approval. Approval will be granted only if the proposed conversion is consistent with the public interest and this plan. (Ord. No. [00-22](#))

OBJECTIVE 85.3: PLANNING AND DESIGN. The County will rely on in-house capabilities in the planning and design of new or re-developed facilities. (Ord. No. [94-30](#), [00-22](#))

POLICY 85.3.1: Using in-house resources, County staff will design facilities using best professional practices for the development or re-development of parks. (Ord. No. [94-30](#), [00-22](#))

OBJECTIVE 85.4: To provide multi-use trails within Lee County and its municipalities for recreation, transportation, and economic development consistent with the Greenways Master Plan. (Ord. No. [07-09](#))

POLICY 85.4.1: Implement and update as necessary the Lee County Greenways Master Plan to provide multi-use non-motorized trails throughout Lee County. (Ord. No. [07-09](#))

POLICY 85.4.2: Prepare design plans and begin construction of trails consistent with the Lee County Greenways Master Plan Program, identifying available state, national, and local funding sources such as (but not limited to) the State and Local Transportation Enhancement Program, Local CIP, Florida Communities Trust Florida Forever Program, the Florida DEP Florida Recreation Development Assistance Program (FRDAP), Florida Office of Greenways and Trails Land Acquisition Program, as well as the Land and Water Conservation Fund. (Ord. No. [07-09](#))

GOAL 86: ENVIRONMENTAL AND HISTORIC PROGRAMS. To provide programs and information to promote knowledge and understanding of Lee County's unique environmental and cultural heritage.

OBJECTIVE 86.1: The County will provide information and education programs regarding its cultural history and its environment at appropriate facilities. (Ord. No. [94-30](#), [00-22](#))

POLICY 86.1.1: The County, in cooperation with the School District's Department of Environmental Education and the Calusa Nature Center and Planetarium of Lee County, will provide environmental education programs and information at appropriate facilities. These programs will be designed to provide a broad understanding of Southwest Florida's historic and archaeological past and its ecological systems. (Ord. No. [94-30](#), [00-22](#))

POLICY 86.1.2: The County will place informational plaques or markers at its facilities which have significance for cultural history. (Ord. No. [94-30](#), [00-22](#))

POLICY 86.1.3: The County will work with the Lee County Historic Preservation Board to provide historically significant information at the appropriate facilities. (Ord. No. [94-30](#), [00-22](#))

GOAL 87: CAPITAL PLANNING. To plan, budget, and fund a comprehensive park system that properly meets the needs for the future of Lee County.

OBJECTIVE 87.1: As part of the annual adoption of the five year CIP, County staff will demonstrate how the standards in this plan relating to parks and recreation facilities are implemented in the five-year plan. (Ord. No. [94-30](#), [00-22](#))

POLICY 87.1.1: The adopted CIP reflects the distribution of park facilities throughout the unincorporated County. The use of community park impact fee districts provides a mechanism to distribute facilities based on population, travel patterns, and existing facilities. (Ord. No. [94-30](#))

POLICY 87.1.2: The CIP will identify how park impact fees, other earmarked capital funds, and all general funds are to be used for capital projects.

POLICY 87.1.3: Land development will be required to bear a proportionate cost of the provision of new or expanded parks required by such development. Park impact fees are the most equitable means of capturing these costs. Lee County will therefore require impact fees for regional and community parks. (Ord. No. [00-22](#))

POLICY 87.1.4: The County will periodically review the parks impact fee ordinance and park impact fee districts to determine if changes are warranted. Such review will include an analysis of land/development costs, administrative costs/changes, and population/development pattern changes. (Ord. No. [94-30](#), [00-22](#))

OBJECTIVE 87.2: PUBLIC/PRIVATE COORDINATION. Lee County will coordinate with other public agencies and with private organizations, corporations, and individuals to use all available and potential resources to meet recreation demands. (Ord. No. [00-22](#))

POLICY 87.2.1: Lee County will work with state and federal agencies and other groups to explore the possibility of grants, matching funds, contributions, joint-use agreements, sharing of facilities, leasing of land, and volunteer labor which will further the goal of providing a comprehensive park system that properly meets the needs of the County. These cooperative efforts should also include working with private organizations and corporations to form public/private partnerships to achieve the goal. (Ord. No. [94-30](#), [00-22](#))

POLICY 87.2.2: Where feasible, Lee County will enter into interlocal agreements or other such cooperative efforts with the Lee County School District, the municipalities, regional agencies, and the state and federal governments to enhance the park and recreational facilities/services of Lee County. (Ord. No. [94-30](#), [00-22](#))

POLICY 87.2.3: Lee County will continue to cooperate with Florida DEP (or its successor in title) to develop a land management plan for the Estero Bay Aquatic Preserve and its buffer area. (Ord. No. [94-30](#), [00-22](#))

GOAL 88: PARKS AND PROGRAM ADMINISTRATION. To protect the County's investments by providing for the continued maintenance of parks infrastructure and the administration of programs utilizing the parks. (Ord. No. [94-30](#))

OBJECTIVE 88.1: Lee County will ensure that the costly investment that has been made in parks and recreation is protected through proper maintenance of facilities. (Ord. No. [00-22](#))

OBJECTIVE 88.2: Lee County will ensure that a variety of interests are reflected in the programs and events which utilize park facilities. (Ord. No. [00-22](#))

GOAL 89 - GOAL 94: RESERVED

A dark blue background featuring a silhouette of a lighthouse in the center, flanked by tall grasses. The text 'CAPITAL IMPROVEMENTS ELEMENT' is written in white, bold, uppercase letters across the middle of the image.

CAPITAL IMPROVEMENTS ELEMENT

Chapter VI

VI. Capital Improvements Element

GOAL 95: To provide public facilities and services in Lee County adequate to serve the needs of both existing and future development.

OBJECTIVE 95.1: CAPITAL IMPROVEMENTS PROGRAM (CIP). Ensure the provision of public facilities and other non-regulatory public services at the adopted "Minimum Acceptable Levels of Service" (LOS). (Ord. No. [94-30](#), [17-19](#))

POLICY 95.1.1: Incorporate the schedule of capital improvements adopted as part of the annual operating budget on an annual basis. Table 3(a) includes estimated costs, timing of need, location, and revenue sources for all public facility projects to be undertaken during the ensuing five-year period. CIP project priorities for public facilities will be based on:

1. System preservation/maintenance of assets;
2. Operation at or below the applicable minimum LOS, existing or projected, based on approved development orders;
3. Provision of system continuity;
4. Removal of a direct and immediate threat to the public health or safety;
5. 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).

(Ord. No. [94-30](#), [00-22](#), [07-16](#), [16-03](#), [17-19](#))

POLICY 95.1.2: 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. (Ord. No. [94-30](#), [00-22](#), [17-19](#))

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

REGULATORY STANDARDS

1. Potable Water Facilities LOS:

Within certificated, franchised, or designated service areas only: supply and treatment capacity of 250 gallons per day per Equivalent Residential Connection (ERC), except that facilities serving only multi-family or mobile home residential structures must have a capacity of 200 gallons per day, and facilities serving only recreational vehicle or travel trailer residential structures must have a capacity of 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 Plan, that will be the standard to be used for concurrency management in the respective certificated or franchised area.

2. Sanitary Sewer Facilities LOS:
 Within certificated, franchised, or designated service areas only: average treatment and disposal capacity of 200 gallons per day per ERC, except that facilities serving only multi-family or mobile home residential structures must have a capacity of 160 gallons per day, and facilities serving only recreational vehicles or travel trailer residential structures must have a capacity of 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 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 LOS:
 Disposal facility capacity for 7 pounds of waste (or equivalent volume) per day per capita.

4. Stormwater Management Facilities LOS:
 - (a) 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 3-F) from the 25-year, 3-day storm event (rainfall) for more than 24 hours.
 - (b) Maintain adequate public infrastructure so that all new private and public structures which are constructed a minimum of one foot above the 100-year, 3-day storm event flood plain level will be safe from flooding from a 100-year, 3-day storm event (rainfall).
 - (c) 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 state rules including but not limited to requirements listed in the Numeric Nutrient Criteria, Total Maximum Daily Load Program and Basin Management Action Plan. New developments will be designed to avoid increased flooding of surrounding areas. These standards are designed to minimize increases of discharge to public water management infrastructure (or to evapotranspiration) that exceed historic rates, to minimize change to the historic hydroperiod of receiving waters, to maintain the quality of receiving waters, and to eliminate the disruption of wetlands and flow-ways, whose preservation is deemed in the public interest.
 - (d) Design trunk conveyance crossings of arterial roads to be free of flooding from 25-year, 3-day storm event.
 - (e) Design major collectors and arterial roadways to have no more than 6 inches of water for a 25-year, 3-day storm event.

5. Public School Facilities LOS:^{1,2,3}
 - (a) Elementary Schools: 100% of Permanent FISH Capacity
 - (b) Middle Schools: 100% of Permanent FISH Capacity
 - (c) High Schools: 100% of Permanent FISH Capacity
 - (d) Special Purpose Facilities: 100% of Permanent FISH Capacity

¹ LOS standards for public schools are based upon Permanent Florida Inventory School Houses (FISH) Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

² 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.

³ 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 LOS:

- (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 community park land open for public use per 1,000 unincorporated Lee County permanent population.

7. Roadway Facilities LOS:

LOS "E" is the standard LOS for principal and minor arterials, and major collectors on County-maintained transportation facilities. LOS 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).

8. Evacuation and Shelter LOS:

- (a) Category 5 storm event out of County hurricane evacuation in 18 hours countywide.
- (b) In-County and on-site shelter for 10% of the population at risk in the Hurricane Vulnerability Zone under a Category 5 storm hazard scenario.

9. Emergency Medical Service LOS:

3.18 advanced life support ambulance stations per 100,000 population with a 5½ minute average response time.

(Ord. No. [91-19](#), [92-35](#), [94-30](#), [99-15](#), [00-08](#), [00-22](#), [02-02](#), [07-09](#), [08-17](#), [08-27](#), [10-36](#), [11-22](#), [14-09](#), [16-07](#), [17-19](#))

OBJECTIVE 95.2: CONCURRENCY MANAGEMENT SYSTEM (CMS). Maintain a CMS within the LDC in accordance with § 163.3180, Fla. Stat. 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. (Ord. No. [94-30](#), [00-22](#), [17-19](#))

POLICY 95.2.1: Track development permit approvals and available capacities of public facilities using the CMS to ensure that the adopted LOS standards are achieved and can be reasonably met in the CIP. (Ord. No. [94-30](#), [00-08](#), [00-22](#), [17-19](#))

OBJECTIVE 95.3: 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. (Ord. No. [94-30](#), [14-10](#), [17-19](#))

POLICY 95.3.1: Impact fees for and/or fees-in-lieu of private provision of designated public facilities will be set to capture a substantial proportion of the full and real cost of the designated facility, and will be reviewed and updated regularly. (Ord. No. [00-22](#))

POLICY 95.3.2: Lee County will assist any duly constituted public agency within its boundaries, at that agency's request, in developing an impact fee program to offset the impacts of new growth on that agency or jurisdiction's capital or facility requirements. (Ord. No. [00-22](#))

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. (Ord. No. [17-19](#))

OBJECTIVE 95.4: NON-COUNTY FUNDED PROJECTS. Recognize that non-County funded projects may contribute towards the achievement or maintenance of adopted LOS standards. (Ord. No. [92-47](#), [17-19](#))

POLICY 95.4.1: Identify or include by reference in the CIP, any federal, state, local, or privately funded project which contributes to the achievement or maintenance of adopted LOS standards. (Ord. No. [92-47](#), [00-22](#), [17-19](#))

POLICY 95.4.2: Infrastructure improvements that result from interlocal agreement obligations (e.g. FDOT, Florida Gulf Coast University, Florida Southwestern State College) will be identified in the CIP. (Ord. No. [92-47](#), [00-22](#), [17-19](#))

OBJECTIVE 95.5: FIVE-YEAR SCHEDULE OF SCHOOL DISTRICT CAPITAL IMPROVEMENTS. The five-year schedule of capital improvements will include those projects necessary to address future needs of existing and anticipated school enrollment. The CIP will set forth a financially feasible public school facilities program, in coordination with the School Board that demonstrates that the adopted LOS standards will be achieved and maintained. (Ord. No. [08-17](#))

POLICY 95.5.1: The School District CIP will annually be incorporated into the Capital Improvement Element by Ordinance. Table 3(b) includes all projects to be undertaken by the School District during the ensuing five-year period. (Ord. No. [08-17](#), [08-27](#), [16-03](#), [17-19](#))

POLICY 95.5.2: The County, in conjunction with the School District, will annually review the Community Facilities and Services Element and maintain the Lee County Educational and School District Facilities Map that shows the existing schools and ancillary facilities and the planned general location of schools and ancillary facilities for the five-year planning period and the long-range planning period. (Ord. No. [08-17](#), [16-03](#))

POLICY 95.5.3: The County and the School District will coordinate and share information relating to existing and planned public school facilities. (Ord. No. [08-17](#))

POLICY 95.5.4: The County will participate in the preparation of the School District's annual update to the School District's five-year facility work program. The County will coordinate with the School District and municipalities in the preparation of a financially feasible public facilities CIP as defined in § 163.3164, Fla. Stat. (Ord. No. [08-17](#))

GOAL 96 - GOAL 100: RESERVED



CONSERVATION & COASTAL MANAGEMENT ELEMENT

Chapter VII

VII. Conservation and Coastal Management Element

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

OBJECTIVE 101.1: COASTAL AREA PLANNING. Improve the function of natural systems as a defense against coastal flooding. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

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

POLICY 101.1.2: Protect and conserve the following environmentally sensitive coastal areas: wetlands, estuaries, mangrove stands, undeveloped barrier islands, beach and dune systems, aquatic preserves, wildlife refuges, undeveloped tidal creeks and inlets, critical wildlife habitats, benthic communities, and marine grass beds. (Ord. No. [00-22](#), [18-28](#))

POLICY 101.1.3: Evaluate, as needed, County policy regarding development seaward of the Coastal Construction Control Line to assess the adequacy of policies and practices developed by Florida DEP and modify County policy as necessary. (Ord. No. [92-35](#), [94-30](#), [00-22](#), [18-28](#))

POLICY 101.1.4: Require that comprehensive plan amendments which increase density within the Coastal High Hazard Area or on islands meet one of the following criteria in accordance with § 163.3178(8), Fla. Stat.:

1. Will not result in an out of County hurricane evacuation time that exceeds 16 hours for a Category 5 storm event (Level E storm surge threat); or
2. Will maintain a 12 hour evacuation time to shelter for a Category 5 storm event (Level E storm surge threat) and ensure shelter space is available to accommodate the additional population; or
3. Will provide appropriate mitigation as determined by Lee County Department of Public Safety, to satisfy both criteria above, which may include the payment of money or construction of hurricane shelters and transportation facilities.

(Ord. No. [09-17](#), [16-07](#), [18-28](#), [21-09](#))

POLICY 101.1.5: Maintain undeveloped barrier islands predominantly in their natural state. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

OBJECTIVE 101.2: LIMITATION OF PUBLIC EXPENDITURES IN COASTAL AREAS. Limit the expenditure of public funds in areas particularly subject to repeated destruction by coastal flooding to only necessary repairs, public safety needs, restoration of natural systems, services to existing residents, and recreation and open space uses. Coastal flooding includes, but is not limited to, high tide events, storm surge, flash floods, stormwater runoff, and impacts of sea level rise. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

POLICY 101.2.1: Limit the expenditure of public funds for new facilities on undeveloped barrier islands or within V zones, as defined by the Flood Insurance Rate Maps (FIRM), to only those expenditures that maintain required service levels, protect existing residents, provide for recreation and open space needs, or improve the function of natural systems. (Also see Policies 95.1.2 and 101.2.5). (Ord. No. [00-22](#), [18-28](#))

POLICY 101.2.2: No new causeways (public or private) will be constructed to any islands. (Ord. No. [00-22](#), [18-28](#))

POLICY 101.2.3: No new bridges will be constructed to undeveloped barrier islands except where needed to achieve evacuation clearance time objectives on adjoining islands connected by existing bridges. In such a case, this plan will be amended to insure that the ultimate development of all areas served by the new bridge is limited to levels which can safely be served by the new and existing bridges. (Ord. No. [00-22](#), [18-28](#))

POLICY 101.2.4: When state funding is required for the relocation or replacement of infrastructure currently within the Coastal Building Zone, the capacity of the replacement structure will be limited to maintaining required service levels, protecting existing residents, and providing for recreation and open space needs. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

POLICY 101.2.5: Limit public expenditures on undeveloped barrier islands to public parks. (Ord. No. [18-28](#))

OBJECTIVE 101.3: DEVELOPMENT IN COASTAL AREAS. Protect human life and property from natural and man-made disasters. (Ord. No. [92-35](#), [93-25](#), [94-30](#), [00-22](#), [18-28](#))

POLICY 101.3.1: Protect shoreline development in V zones from coastal erosion, wave action, and storms with natural systems, setbacks, and/or beach re-nourishment, rather than by seawalls or other hardened structures which tend to hasten beach erosion. Repairs of lawfully constructed, functional, hardened structures as defined in Chapter 161, F.S. may be allowed subject to applicable state and local review and approval. (Ord. No. [92-35](#), [00-22](#), [18-28](#))

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

POLICY 101.3.3: Prohibit new or expanded mobile home or recreational vehicle development on barrier islands or in V-zones as defined by the Flood Insurance Rate Maps (FIRM) through FEMA the Federal Emergency Management Agency. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

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

POLICY 101.3.5: An applicant of a development order for any permanent or temporary places of residence including, but not limited to, caretakers residence, dormitories, hotels or motels, and dwelling units within the Hurricane Vulnerability Zone or on islands, must provide appropriate mitigation as determined by Lee County Department of Public Safety, which may include, but is not limited to, the payment of a fee, or construction of hurricane shelters and transportation facilities. (Ord. No. [05-19](#), [18-28](#))

POLICY 101.3.6: Prohibit the use of Transferable Development Units (TDUs) and bonus density utilizing cash contributions for affordable housing on property located within the Coastal High Hazard Area. (Ord. No. [16-07](#), [18-28](#))

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

POLICY 101.3.8: Prohibit development of undeveloped barrier islands that is inconsistent with the Charlotte Harbor Aquatic Preserves Management Plan, as amended. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

POLICY 101.3.9: Prohibit new development that requires seawalls for protection from coastal erosion. (Ord. No. [18-28](#))

OBJECTIVE 101.4: SHORELINE STABILIZING SYSTEMS. Encourage the construction of environmentally compatible shoreline stabilizing systems where stabilizing systems are needed. (Ord. No. [00-22](#), [18-28](#))

POLICY 101.4.1: Construction of environmentally compatible shoreline stabilizing systems will be allowed along the active gulf beach where necessary for the protection of shorelines from erosion. (Ord. No. [00-22](#), [18-28](#))

POLICY 101.4.2: Vertical seawalls must not be constructed along natural waterways except where such a wall is the most reasonable alternative (using criteria established by ordinance) and vertical seawalls along artificial canals will not be permitted unless an adequate littoral zone consistent with the surrounding environment is provided. Seawalls in artificial canals where 50% of the canal or greater is seawalled or for seawalls of less than 300 feet where both adjoining properties are seawalled, will be exempt from this requirement. (Ord. No. [00-22](#), [18-28](#))

POLICY 101.4.3: Encourage the planting of mangroves or placement of rip-rap in artificial and natural canal systems to replace existing seawalls in need of repair. (Ord. No. [00-22](#), [18-28](#))

POLICY 101.4.4: Build-back of vertical seawalls will not be permitted along natural waterbodies if one or more of the following conditions exist:

- Build-back would cause excessive shoreline erosion or endanger shorelines of surrounding properties.
 - Build-back would threaten wetland resources.
 - Build-back would be a threat to public safety or block access to state-owned submerged lands.
 - Build-back would be waterward of the existing seawall alignment on adjacent shorelines.
- (Ord. No. [00-22](#), [18-28](#))

OBJECTIVE 101.5: BEACH AND DUNE SYSTEMS. Maintain a beach preservation and management plan through the Lee County Coastal Advisory Council or successor agency. (Ord. No. [98-09](#), [18-28](#))

POLICY 101.5.1: Maintain a beach and dune management program which includes:

1. Preparing beach and dune management plans, with priority to areas designated by the Florida DEP as critically eroded in the report entitled Critically Eroded Beaches in Florida.
2. Coordinating with local municipalities and the Captiva Erosion Prevention District in preparing beach and dune management plans.
3. Coordinating with governments and private entities to identify sources of beach-quality sand for renourishment projects, concentrating on areas that will have minimal impacts on the County's aquatic resources.
4. Utilizing all possible means to protect beach-quality sand resources from use by public and private out of County users. Lee County will provide comments to USACE and DEP regarding impacts to off-shore beach-quality sand resources.

5. Preparing renourishment plans for eroding areas where public facilities and access exist, including areas designated by DEP as critically eroded in the report entitled Critically Eroded Beaches in Florida.
 6. Recommending regulations and policies to restrict hardened coastal engineering structures such as groin fields and seawalls, protect eroding coastal areas and sand dunes, and discourage development of undeveloped coastal barriers.
 7. Protecting sand resources from the placement of infrastructure that may impede access to the resource such as, but not limited to, pipelines and transmission cables.
 8. Educating citizens and developers about the costs and benefits of beach and dune conservation approaches.
 9. Preparing a sand conservation plan that emphasizes the importance of maintaining beach quality sand within the littoral system.
 10. Continuing to participate in the Federal Shore Protection Project as the local sponsor and coordinate with the Town of Fort Myers Beach for implementation of the Estero Island segment.
 11. Pursuing all available sources of funding, specifically state and federal funding, for implementation of beach and dune projects.
 12. Requiring the installation of dune vegetation as a component of all County funded renourishment projects.
- (Ord. No. [94-30](#), [98-09](#), [00-22](#), [07-09](#), [11-23](#), [18-28](#))

POLICY 101.5.2: The costs of beach renourishment programs will be borne by the beneficiaries of those programs. Funding mechanisms for the renourishment may include, but are not limited to, the use of parks impact fees, public metered parking proceeds, tourist development taxes, Municipal Service Benefit Units (MSBUs), and beachfront property assessments, as long as the title to accreted lands remains public. (Ord. No. [94-30](#), [98-09](#), [00-22](#), [18-28](#))

POLICY 101.5.3: Support the renourishment of beaches through the use of environmentally responsible methods. (Ord. No. [98-09](#), [00-22](#), [18-28](#))

GOAL 102 – GOAL 112: RESERVED

GOAL 113: FISHERIES MANAGEMENT. Preserve the ecosystem that nourishes and shelters Lee County’s commercial, sport, and recreational fisheries. (Ord. No. [00-22](#), [18-28](#))

OBJECTIVE 113.1: Support policies and practices that enhance estuarine ecosystems in order to achieve sustainable yields of fish and shellfish. (Ord. No. [00-22](#), [18-28](#))

POLICY 113.1.1: Coordinate with federal, state, academic, and non-governmental agencies to compile and analyze data about the condition of fisheries in Lee County to guide County actions. (Ord. No. [00-22](#), [18-28](#))

POLICY 113.1.2: Support state and federal fisheries management programs that maintain and improve the long-term biological and economic productivity of Lee County’s fisheries. (Ord. No. [00-22](#), [18-28](#))

POLICY 113.1.3: Maintain the monitoring system for estuarine water quality so as to evaluate impacts on the health of fish and shellfish. (Ord. No. [00-22](#), [07-12](#), [18-28](#))

POLICY 113.1.4: Create long-lasting fisheries habitat by studying, building, maintaining, and evaluating artificial reefs in coordination with public and private organizations in order to achieve sustainable yielding fisheries. (Ord. No. [18-28](#))

POLICY 113.1.5: Provide information and technical assistance, and support funding for projects that enhance fisheries, increase catches of under-utilized species, develop new markets and marketing techniques, and establish environmentally friendly aquaculture ventures for the commercial fishing industry. (Ord. No. [00-22](#), [18-28](#))

GOAL 114: MARINE AND NAVIGATION MANAGEMENT. Protect and maintain the County's waterways and marine resources through proper navigational, sanitation, and dredging activities. (Ord. No. [18-28](#))

OBJECTIVE 114.1: DREDGE SPOIL DISPOSAL. Participate with other responsible agencies in the location and placement of spoil material. (Ord. No. [98-09](#), [18-28](#))

POLICY 114.1.1: Coordinate with USACE on the location and placement of spoil material from maintenance dredging activities. When possible, dredging spoils will be used for beach renourishment. (Ord. No. [98-09](#), [18-28](#))

POLICY 114.1.2: Participate in and coordinate with the efforts of the West Coast Inland Navigation District to identify existing and future dredge spoil sites in Lee County. (Ord. No. [98-09](#), [00-22](#), [18-28](#))

POLICY 114.1.3: Maintain, where environmentally and economically feasible, existing channels and passes to the Gulf of Mexico at their authorized and/or historic depths. (Ord. No. [98-09](#), [00-22](#), [18-28](#))

POLICY 114.1.4: Support the efforts of private individuals or groups to maintain established depths in private canals and waterways through the establishment of Municipal Service Benefit Units (MSBUs) to fund such private efforts, unless the County has determined such efforts to be detrimental to the environment. (Ord. No. [98-09](#), [00-22](#), [18-28](#))

OBJECTIVE 114.2: NAVIGATIONAL MARKERS. Maintain the Aids to Navigation Program and update the computerized marker inventory when appropriate. (Ord. No. [00-22](#), [18-28](#))

POLICY 114.2.1: Coordinate with appropriate federal and state agencies, assess the conditions of unmarked channels and identify those used to traverse shallow in-shore waters (a practice that damages seagrass beds and vessels) and develop a program to mark these channels (if appropriate on the basis of the assessment).(Ord. No. [00-22](#), [18-28](#))

OBJECTIVE 114.3: MARINE SANITATION. Maintain local marine sanitation regulations that complement the Florida Clean Vessel Act. (Ord. No. [94-30](#), [98-09](#), [07-12](#), [18-28](#))

POLICY 114.3.1: Assist federal and state agencies to maintain an inventory and promote the public awareness of existing marine sanitation facilities. (Ord. No. [94-30](#), [98-09](#), [18-28](#))

POLICY 114.3.2: Expand, as needed, coordination with law enforcement and environmental agencies in providing enforcement and education measures for marine sanitation laws. (Ord. No. [94-30](#), [98-09](#), [18-28](#))

POLICY 114.3.3: Maintain regulations for marine sanitation and waste disposal in marinas, docks, wharfs, piers, seawalls, or other docking structures. (Ord. No. [98-09](#), [18-28](#))

POLICY 114.3.4: Cooperate with state agencies in the development of management standards for marine sanitation in anchorages. (Ord. No. [98-09](#), [18-28](#))

GOAL 115 – GOAL 121: RESERVED

GOAL 122: ESTUARINE WATER QUALITY. Manage estuarine ecosystems in order to conserve productivity through maintaining or improving water quality, protecting wildlife diversity and reducing or maintaining current pollution loading and system imbalances. (Ord. No. [94-30](#), [18-28](#))

OBJECTIVE 122.1: Maintain an ongoing water quality monitoring program with local, state, and federal estuarine water quality agencies to ensure that the latest data and recommendations are available. (Ord. No. [94-30](#), [07-12](#), [18-28](#))

POLICY 122.1.1: Monitor estuarine water quality through the following:

1. Establish and operate a network of water quality sampling sites to fill in gaps in the state sampling program including monitoring of surface water resources for federal and state water quality standards compliance and NPDES permit compliance.
2. Maintain liaisons with local, state, and federal agencies engaged in water quality monitoring, and review their data, conclusions, and recommendations.
3. Develop a system for reporting on water quality conditions and trends on a regular basis.
4. Recommend actions intended to maintain or improve water quality in the estuaries to meet DEP's criteria for the water body and preserve the "approved for shellfish harvesting" classification where applicable. Attempt to return viable "closed" (due to water quality) shell fishing areas to an "approved" status.

(Ord. No. [94-30](#), [00-22](#), [18-28](#))

POLICY 122.1.2: Require development affecting coastal and estuarine water resources to maintain or enhance the biological and economic productivity of those resources. (Ord. No. [00-22](#), [18-28](#))

POLICY 122.1.3: Cooperate with SFWMD, local utilities, and other appropriate agencies for monitoring and review of freshwater discharge affecting estuarine areas in order to maintain the biological and chemical balances necessary for optimum productivity. (Ord. No. [00-22](#), [18-28](#))

POLICY 122.1.4: Cooperate with state and federal agencies to enforce pollution control standards for marinas, marine dumping, and illegal discharges from water craft. (Ord. No. [00-22](#), [18-28](#))

POLICY 122.1.5: Require installations of shoreside pumpout stations at marinas that serve live-aboards provide adequate facilities for subsequent transfer and treatment of boat sewage. (Ord. No. [00-22](#), [18-28](#))

POLICY 122.1.6: Encourage the on-going efforts by the SFWMD to establish a Caloosahatchee Water Management Plan for the Caloosahatchee River that recognizes public, environmental and agricultural uses of the river through participation in the Southwest Florida Comprehensive Watershed Plan, Northern Everglades and Estuary Protection Plan, Caloosahatchee River Watershed Protection Plan, Lower East Coast and Lower West Coast Regional Water Supply Plans, Minimum Flows and Levels, and the development of maximum flows and discretionary release protocols for Lake Okeechobee. (Ord. No. [00-22](#), [18-28](#))

OBJECTIVE 122.2: ESTUARINE WATERSHED MANAGEMENT PLANS. Review new upland development for its impacts on estuarine systems. Coordinate with SFWMD to ensure new development will maximize stormwater retention and treatment. (Ord. No. [94-30](#), [07-12](#), [18-28](#))

POLICY 122.2.1: The County's estuarine watershed management agency will be responsible for:

1. Preparing management plans for estuarine watersheds, with priority to the watershed of Estero Bay, a critical estuary undergoing development impacts.
2. Recommending modifications to the Sanibel causeway in order to improve estuarine water quality.
3. Reviewing the feasibility of changing canal patterns and retrofitting existing stormwater collection systems in order to reduce the impact of freshwater on estuaries.
4. Assessing the adequacy of disaster preparedness plans for coastal oil storage facilities.

(Ord. No. [94-30](#), [00-22](#), [18-28](#))

POLICY 122.2.2: Apply key action plans, objectives and policies from the Comprehensive Conservation and Management Plan for the Greater Charlotte Harbor Watershed that relate to Pine Island Sound, Matlacha Pass, the Estero Bay, the tidal Caloosahatchee and attendant watersheds, including upland and coastal development practices and public land acquisition programs. Particular emphasis will be placed on evaluating the effectiveness and improvement of County watershed programs as they relate to watershed conservation and public land acquisition programs, watershed management needs prioritization and water quality monitoring. (Ord. No. [00-22](#), [18-28](#))

GOAL 123: RESOURCE PROTECTION. Manage coastal, wetland and upland ecosystems and natural resources in order to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.

OBJECTIVE 123.1: RESOURCE MANAGEMENT PLAN. Continue to implement resource management policies and regulations that ensure the long-term protection and enhancement of the natural upland and wetland habitats by retaining the interconnectedness and functionality of the hydroecological systems in order to progress towards a more ecologically productive and sustainable environment. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

POLICY 123.1.1: Maintain standards for development, mitigation, and conservation that will protect and integrate wetlands and Rare and Unique upland habitats as defined in this plan. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

POLICY 123.1.2: Maintain the Conservation 20/20 lands acquisition program, which will consist of the following elements:

- a. Acquire and manage environmentally sensitive lands, including: wetlands; important plant communities; critical habitat for listed wildlife species; natural waterways; important water resources; the Coastal High Hazard Area and other flood hazard areas; and Rare and Unique uplands. Manage lands critical to water quality and supply, flood protection, wildlife habitat, and passive recreation. An advisory committee will develop and implement the program.
- b. Cooperatively acquire and manage sensitive lands and leverage other funding sources by working with other land acquisition and land management agencies and organizations. Give priority to acquiring and otherwise protecting properties which are adjacent to or in close proximity to existing preservation areas, with emphasis on maintaining opportunities for a regional greenways system that may include a mix of flow-ways, areas subject to flooding, native habitats, recreational trails and wildlife corridors.
- c. A Land Stewardship Plan (LSP) will be created for each Conservation 20/20 property, providing information relating to the long term maintenance and enhancement of acquired

- properties. The LSP will determine the use of the acquired properties and will address necessary people management (e.g., fences and signage to prevent incompatible uses such as off road vehicle use and hunting); surface water management and restoration; ecosystems restoration; litter control; fire management; invasive exotic plant and animal control; and, where appropriate, compatible recreational use facilities. The plan will also address maintenance funding. Creation of the LSP will provide opportunity for public input.
- d. Provide an annual progress report to the County commission on the status of the Conservation 20/20 program.
(Ord. No. [94-30](#), [00-22](#), [07-09](#), [18-28](#))

POLICY 123.1.3: Encourage the establishment of and provide assistance to community-based land trusts, whose purpose is the preservation and protection of Lee County's natural resources.
(Ord. No. [94-30](#), [00-22](#), [18-28](#))

POLICY 123.1.4: Coordinate with the appropriate agencies to better control flows of freshwater and reduce pollutant discharges into the Lee County coastal waters. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

POLICY 123.1.5: Encourage private restoration of natural habitats to support connectivity between public and private conservation and preservation efforts. (Ord. No. [18-28](#))

POLICY 123.1.6: Continue to study the costs and benefits of adding preservation areas adjacent to the Estero Bay Aquatic Preserve, including lands along major inland tributaries (Hendry, Mullock, and Spring Creeks, and the Estero and Imperial Rivers). (Ord. No. [94-30](#), [98-09](#), [00-22](#), [18-28](#))

POLICY 123.1.7: Coordinate the location of area wide conservation easements to maximize the protection of natural resources. (Ord. No. [07-16](#), [18-28](#))

POLICY 123.1.8: Encourage the use of prescribed burns that mimic the fire regimes to support threatened and endangered species as a land management technique. (Ord. No. [18-28](#))

POLICY 123.1.9: Pursue Mutual Aid Agreements to plan and pool resources and equipment.
(Ord. No. [07-16](#), [18-28](#))

OBJECTIVE 123.2: PLANT COMMUNITIES. Maintain and enhance the biodiversity of the natural plant communities within Lee County to create a more resilient and sustainable ecosystem.
(Ord. No. [94-30](#), [18-28](#))

POLICY 123.2.1: Coordinate with appropriate agencies to exchange updated natural resources information. (Ord. No. [94-30](#), [18-28](#))

POLICY 123.2.2: Continue to provide regulations and incentives to prevent incompatible development in and around environmentally sensitive lands. (Ord. No. [94-30](#), [18-28](#))

POLICY 123.2.3: Prevent water management and development projects from altering or disrupting the natural function of significant natural systems. (Ord. No. [18-28](#))

POLICY 123.2.4: Encourage the protection of viable tracts of sensitive or high-quality natural plant communities within developments. (Ord. No. [18-28](#))

POLICY 123.2.5: Maintain regulations to control the clearing of natural vegetation, including tree removal and clearing of understory, prior to the development of property or its conversion to agricultural uses. (Ord. No. [94-30](#), [18-28](#))

POLICY 123.2.6: Avoid destruction of upland vegetation communities including coastal and interior hammocks through consideration of alternative site design layouts. (Ord. No. [18-28](#))

POLICY 123.2.7: Require inventories and assessments of the impacts of development in environmentally sensitive lands. (Ord. No. [94-30](#), [18-28](#))

POLICY 123.2.8: Promote the long-term maintenance of natural systems through such instruments as conservation easements, transfer of development rights, restrictive zoning, public acquisition, and appropriate other means. (Ord. No. [94-30](#), [18-28](#))

POLICY 123.2.9: Maintain regulations, incentives, and programs for preserving and planting native plant species and for controlling invasive exotic plants, particularly within environmentally sensitive areas. (Ord. No. [94-30](#), [18-28](#))

POLICY 123.2.10: Require that development adjacent to aquatic and other nature preserves, wildlife refuges, and recreation areas be designed to protect the natural character and public investment in these areas. (Ord. No. [00-22](#), [18-28](#))

POLICY 123.2.11: Planting of invasive exotic plants is prohibited as specified in the LDC. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

POLICY 123.2.12: To ensure that adequate protection of mangroves is maintained, the County will re-evaluate and amend, if necessary, its mangrove protection regulations whenever state mangrove protection regulations are revised. The County will oppose any efforts of other agencies to reduce or eliminate regulations relating to the protection of mangroves and other wetland areas. (Ord. No. [93-25](#), [94-30](#), [00-22](#), [18-28](#))

POLICY 123.2.13: Promote optimal conditions rather than minimum conditions for the natural system as the basis for sound planning. (Ord. No. [07-16](#), [18-28](#))

POLICY 123.2.14: Educate landowners on exotic vegetation eradication and management techniques. (Ord. No. [07-16](#), [18-28](#))

POLICY 123.2.15: Protect Rare and Unique upland habitats from development impacts, to the maximum extent possible, through conservation and/or site design. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

POLICY 123.2.16: Maintain and update an inventory of native plant species that have been threatened through anthropogenic processes. Utilize this inventory to help identify future regulations in order to protect these plant communities from further degradation. (Ord. No. [18-28](#))

POLICY 123.2.17: As an incentive to preserve, enhance, and restore indigenous Rare and Unique upland habitat, on land within the Rural future land use category, one (1) additional dwelling unit may be created for each one (1) acre of created, preserved and/or restored indigenous Rare and Unique upland habitat if approved and developed as a unified Planned Development that meets all the following criteria:

1. Development must be a minimum of 10 acres.

2. Development must have direct access to an arterial road.
3. Development must provide connection to public water and sewer services.
4. Development is clustered so as to maintain large, contiguous tracts of open space and protect environmentally sensitive areas. To comply with this criteria, a minimum of 60% open space is required, of which 50% must be indigenous preserve. The indigenous preserve may consist of created or restored wetlands, flowways/creeks, or Rare and Unique upland habitats. Management and monitoring of the indigenous preserve must be in compliance with the indigenous management plan required by the LDC. Monitoring timelines will be extended as needed to assure success criteria established in the indigenous management plan is achieved for at least five consecutive years.
5. Creation, preservation, and/or restoration of indigenous Rare and Unique upland habitats, as defined, must meet the following:
 - a. The area of the Rare and Unique upland habitats must comply with the minimum dimensions required for indigenous open space areas set forth in the LDC.
 - b. The land where creation and/or restoration of indigenous Rare and Unique upland habitats will occur must contain the soil(s) needed to support the establishment and success of the indigenous Rare and Unique upland habitats.
 - c. Habitats impacted by logging, drainage, and/or exotic infestation may not count towards the density incentive unless restored to standards established in an approved site-specific ecological restoration plan. The ecological restoration plan must include, at a minimum, a replanting plan, habitat restoration plan, success criteria, and long-term monitoring and maintenance criteria.
 - d. A Conservation Easement, to be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency, acceptable to Lee County, with third party enforcement rights must be recorded for areas used towards the density incentive. All Conservation Easements required as part of the Planned Development must be recorded within 5 years from first development order approval.

(Ord. No. [22-29](#))

OBJECTIVE 123.3: WILDLIFE. Maintain and enhance the fish and wildlife diversity and distribution within Lee County for the benefit of a balanced ecological system. (Ord. No. [94-30](#), [18-28](#))

POLICY 123.3.1: Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation. (Ord. No. [18-28](#))

POLICY 123.3.2: Participate in the development of a regional plan to identify and protect areas utilized by wildlife, including panthers and bears, so as to promote the continued viability and diversity of regional species. (Ord. No. [92-48](#), [18-28](#))

POLICY 123.3.3: Protect wildlife from impacts of new non-agricultural development in non-urban areas through the creation and implementation of a human-wildlife coexistence plan for each new development requiring a development order. (Ord. No. [18-28](#))

OBJECTIVE 123.4: ENDANGERED AND THREATENED SPECIES IN GENERAL. Protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers and distributions of listed species. (Ord. No. [18-28](#))

POLICY 123.4.1: Identify, inventory, and protect flora and fauna indicated as endangered, threatened, or species of special concern in the "Official Lists of Endangered and Potentially Endangered Fauna and Flora of Florida," Florida Fish and Wildlife Conservation Commission (FWC), as periodically updated. (Ord. No. [92-48](#), [94-30](#), [00-22](#), [18-28](#))

POLICY 123.4.2: Conserve habitat of rare and endangered plant and animal species through enforcement, regulations, incentives, and acquisition. (Ord. No. [18-28](#))

POLICY 123.4.3: Require detailed inventories and assessments of the impacts of development where it threatens habitat of endangered and threatened species and species of special concern. (Ord. No. [18-28](#))

POLICY 123.4.4: Restrict the use of protected plant and wildlife species habitat to that which is compatible with the requirements of endangered and threatened species and species of special concern. New developments must protect remnants of viable habitats when listed vegetative and wildlife species inhabit a tract slated for development, except where equivalent mitigation is provided. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

POLICY 123.4.5: Maintain regulations that protect species as designated by FWC and as designated under the Endangered Species Act from the impacts of development. (Ord. No. [18-28](#))

OBJECTIVE 123.5: LOGGERHEAD SEA TURTLES. Continue the sea turtle protection program to minimize the disorientation of sea turtles along the Gulf beaches. (Ord. No. [94-30](#), [18-28](#))

POLICY 123.5.1: Include within the sea turtle protection program at least the following activities:

1. Disseminate information that explains the detrimental effects of night-time beachfront lighting on hatchling sea turtles.
2. Design light sources from public facilities and private development to avoid beach lighting and prepare plans to eliminate light from those sources onto the beach during the nesting season.
3. Participate in programs to educate residents about the importance of reduced lighting levels on the beach and other hazards to turtles from activities of people, pets, and vehicles.
4. Maintain and enforce sea turtle regulations to prevent inappropriate lighting along beaches during the nesting season.

(Ord. No. [94-30](#), [18-28](#))

OBJECTIVE 123.6: SOUTHERN BALD EAGLES. Monitor Southern bald eagle nesting activity and offer incentives to conserve buffer areas around Southern bald eagle nests. (Ord. No. [98-09](#), [18-28](#))

POLICY 123.6.1: Negotiate with owners of land surrounding eagle nests to provide an optimal management plan for land subject to imminent development. Management plans will include measures to protect and enhance critical eagle nesting habitat. (Ord. No. [18-28](#))

POLICY 123.6.2: The County's Eagle Technical Advisory Committee will continue to conduct nest monitoring through the nesting season for all known eagle nests in Lee County. Information from these assessments will be used to modify, as needed, the adopted nest guidelines and to

adopt guidelines for new eagle nests documented in Lee County. (Ord. No. [94-30](#), [98-09](#), [00-22](#), [18-28](#))

OBJECTIVE 123.7: WEST INDIAN MANATEES. Implement a broad based approach to manatee protection, including reduced boat related mortality, habitat protection, and increased public awareness, in order to maintain the health and stability of the marine ecosystem including the existing manatee population. (Ord. No. [94-30](#), [98-09](#), [07-09](#), [18-28](#))

POLICY 123.7.1: Characterize and map important manatee habitats; identify and evaluate potential threats to important habitats; and consider management alternatives to protect such habitats. (Ord. No. [07-09](#), [18-28](#))

POLICY 123.7.2: Work with federal and state agencies and law enforcement officers to evaluate and update as necessary the appropriateness of vessel regulations and ensure adequate sign posting for reducing manatee injuries and mortality. (Ord. No. [94-30](#), [98-09](#), [07-09](#), [18-28](#))

POLICY 123.7.3: Inform and educate the public through sign posting, lectures, and regulations about manatee protection. (Ord. No. [18-28](#))

POLICY 123.7.4: Educational materials regarding manatees should be disseminated to boaters and signs placed in areas where both manatees and humans congregate and at public boat access locations. (Ord. No. [07-09](#), [18-28](#))

POLICY 123.7.5: Construction and expansion of boat access facilities with a capacity of five vessels or more will be evaluated against the marine facility siting criteria in the Lee County Lee County Manatee Protection Plan (MPP) approved on June 29, 2004. (Ord. No. [00-22](#), [07-09](#), [18-28](#))

POLICY 123.7.6: Federal, state, local, and private interests will work in cooperation to implement and update as necessary the Lee County MPP approved by Lee County on June 29, 2004. (Ord. No. [00-22](#), [07-09](#), [18-28](#))

POLICY 123.7.7: The County will continue to provide a permanent funding source to assist in the enforcement of vessel regulations for manatee protection. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

OBJECTIVE 123.8: GOPHER TORTOISES. Restore and maintain secure, viable populations of Gopher Tortoises in Lee County. (Ord. No. [94-30](#), [18-28](#))

POLICY 123.8.1: Protect Gopher Tortoise burrows wherever they are found. If unavoidable conflicts make on-site protection infeasible, off-site mitigation may be provided in accordance with FWC requirements. (Ord. No. [94-30](#), [18-28](#))

POLICY 123.8.2: Maintain regulations to protect Gopher Tortoises. (Ord. No. [18-28](#))

POLICY 123.8.3: Operate and maintain, in coordination with the FWC, Gopher Tortoise mitigation areas. (Ord. No. [18-28](#))

OBJECTIVE 123.9: RED-COCKADED WOODPECKER. Coordinate with the United States Fish and Wildlife Service and the FWC to determine the appropriate mitigation for the protection of the red-cockaded woodpecker's habitat. Mitigation may include on-site preservation, on-site mitigation, off-site mitigation, and associated habitat management. (Ord. No. [94-30](#), [18-28](#))

POLICY 123.9.1: Document possible red-cockaded woodpecker sites during routine site inspections. (Ord. No. [18-28](#))

OBJECTIVE 123.10: WOOD STORK. Lee County will maintain regulatory measures to protect the wood stork's feeding and roosting areas and habitat. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

POLICY 123.10.1: County protected species regulations will continue to include wood storks as a Lee County Listed Species, requiring surveys for and protection of wood stork habitat. The County will continue to maintain an inventory of documented feeding, roosting, and rooking areas for the wood stork to ensure that surveys submitted through the Protected Species Ordinance include such areas. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

POLICY 123.10.2: The County will continue to require management plans for existing wood stork feeding, roosting, and rooking areas to utilize "Habitat Management Guidelines for the Wood Stork in the Southeast Region" (U.S Fish and Wildlife Service, 1990). (Ord. No. [94-30](#), [00-22](#), [18-28](#))

POLICY 123.10.3: The County will encourage the creation of wood stork feeding areas in mandatory littoral shelf design, construction, and planting. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

POLICY 123.10.4: Identify wood stork flight patterns from roosting and rooking areas to feeding areas. Evaluate the impact of existing tall structures on wood storks within significant flight areas and consider adoption of regulations if appropriate. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

POLICY 123.10.5: The County will continue to permit communication towers in excess of 100 feet only by special exception. The impacts of such towers on wood storks must be considered in the review of these applications. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

OBJECTIVE 123.11: FLORIDA PANTHER. Develop strategies to protect the Florida panther. (Ord. No. [92-48](#), [00-22](#), [18-28](#))

POLICY 123.11.1: Coordinate with regulatory agencies to maintain data on sightings and habitat for the Florida panther. (Ord. No. [94-30](#), [18-28](#))

POLICY 123.11.2: Encourage state land acquisition programs to include and restore known panther corridors of habitats beneficial to the Florida panther. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

POLICY 123.11.3: Coordinate corridor projects with neighboring jurisdictions to encourage a regional approach to wildlife movement. (Ord. No. [00-22](#), [18-28](#))

POLICY 123.11.4: Protect and expand upon the Corkscrew Regional Ecosystem Watershed Greenway, a regionally significant greenway with priority panther habitat, through continued participation in public land acquisition and restoration programs, and incentive programs to preserve and restore habitats. (Ord. No. [98-09](#), [18-28](#))

POLICY 123.11.5: Include plant species that provide forage for prey of the Florida panther in restoration projects of land acquired for environmental sensitivity. (Ord. No. [00-22](#), [18-28](#))

POLICY 123.11.6: Ensure panther habitat needs are incorporated in the planning of new roads and road expansion projects. (Ord. No. [18-28](#))

POLICY 123.11.7: Provide education and outreach to increase public understanding of Florida panthers and the need for panther conservation. (Ord. No. [18-28](#))

OBJECTIVE 123.12: FLORIDA BLACK BEAR. Maintain sustainable black bear populations in suitable habitats and promote connectivity between sub-populations. (Ord. No. [18-28](#))

POLICY 123.12.1: Promote connectivity within and among Florida black bear sub-populations by maintaining, improving, or creating landscape connectivity as identified within the FWC Florida Black Bear Management Plan. (Ord. No. [18-28](#))

POLICY 123.12.2: Encourage use of bear proof containers to secure waste and other attractants within and adjacent to known bear habitats. (Ord. No. [18-28](#))

POLICY 123.12.3: Increase public understanding of black bears and need for bear conservation through public education and outreach. (Ord. No. [18-28](#))

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

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

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

POLICY 124.1.2: The County's wetlands protection regulations will be consistent with the following:

1. The County will not undertake an independent review at the development order stage of the impacts to wetlands resulting from development in wetlands that is specifically authorized by a DEP or SFWMD dredge and fill permit or exemption.
2. No development in wetlands regulated by the State of Florida may be commenced without the appropriate state agency permit or authorization. Development orders and development permits authorizing development within wetlands or lands located within the Wetlands future land use category may be issued subject to a condition that construction may not commence until issuance of the required state permits.
3. Lee County will incorporate the terms and conditions of state permits into County permits and will prosecute violations of state regulations and permit conditions through its code enforcement procedures.
4. Every reasonable effort will be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques. On- or off-site mitigation will only be permitted in accordance with applicable state standards.
5. Mitigation banks and the issuance and use of mitigation bank credits will be permitted to the extent authorized by applicable state agencies.

6. The density on wetlands that have been impacted, or will be impacted, in accordance with a state agency permit will be calculated at a density of one dwelling unit per 20 acres. Non-residential uses on wetlands that have been impacted, or will be impacted, in accordance with a state agency permit must be consistent with the non-residential uses permitted in the immediately adjacent, least intense, upland future land use category.
(Ord. No. [94-30](#), [00-22](#), [07-12](#), [10-20](#), [10-39](#), [18-28](#), [19-13](#), [19-26](#))

POLICY 124.1.3: The Future Land Use Map shows the approximate boundaries of wetlands in Lee County. The map will be updated as needed based on the definitions in this plan and new information. If the Future Land Use Map is incorrect due to a clear factual error, or if an exact boundary determination is desired, an administrative process is set out in Chapter XIII to establish the precise boundary of the wetland. (Ord. No. [94-30](#), [07-12](#), [18-28](#))

POLICY 124.1.4: Maintain requirements for the placement of fill adjacent to existing mangroves that address the interface of fill areas with existing mangroves to eliminate impacts from fill sloughing or washing into mangrove areas. (Ord. No. [05-19](#), [18-28](#))

OBJECTIVE 124.2: WETLANDS TRANSFER OF DEVELOPMENT RIGHTS (Wetlands TDR) PROGRAM. To incorporate purchase and transfer of development rights programs for the protection and preservation of wetlands into the LDC. (Ord. No. [19-26](#))

POLICY 124.2.1: The programs may create incentives for property owners of wetlands to transfer development rights associated with the Wetlands future land use category to eligible upland receiving lands or Lee County. (Ord. No. [19-26](#))

POLICY 124.2.2: The Wetlands TDR program will have the following characteristics:

1. Creation of Wetland Transferable Development Units (Wetland TDUs).
 - a. Up to one TDU may be created per five acres of wetlands.
 - b. Up to two TDUs may be created from a single-family lot or parcel designated as wetlands that holds an affirmative Minimum Use Determination pursuant to Chapter XIII.
 - c. TDUs allowed by 1.a. or 1.b. above, and created from wetlands located within the Coastal High Hazard Area may be doubled.
2. Receiving area density and intensity equivalents of Wetland TDUs.
 - a. In the Intensive Development, Central Urban, Urban Community, or General Interchange future land use categories, one Wetland TDU may be redeemed for up to two dwelling units.
 - b. Lee County may establish non-residential incentives for the use of Wetland TDUs within Future Urban Areas of the unincorporated Lee County.
3. The LDC may include regulations that permit the County to evaluate the effectiveness of the Wetlands TDR program and make changes that may further condition or restrict the use of Wetland TDUs.

(Ord. No. [19-26](#))

POLICY 124.2.3: The County will administer the TDR program and develop a forum to disseminate program information and records. The forum may include a TDR program website that provides general program information, rules and guidelines; TDU administrative determination application; County-approved form of conservation easement; certified TDU database with ownership information; and, TDU clearinghouse for individuals that request to be included within the TDU clearinghouse program. (Ord. No. [19-26](#))

GOAL 125: WATER QUALITY. To ensure that water quality is maintained or improved for the protection of the environment and people of Lee County. (Ord. No. [17-19](#), [18-28](#))

OBJECTIVE 125.1: Maintain high water quality, meeting or exceeding state and federal water quality standards. (Ord. No. [18-28](#))

POLICY 125.1.1: Sources of water pollution will be identified, controlled, and eliminated wherever feasible. (Ord. No. [18-28](#))

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

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

POLICY 125.1.4: Developments which have the potential of lowering existing water quality below state and federal water quality standards will provide standardized appropriate monitoring data. (Ord. No. [00-22](#), [18-28](#))

POLICY 125.1.5: No garbage or untreated sewage will be discharged into coastal and interior surface waters. (Ord. No. [00-22](#), [18-28](#))

POLICY 125.1.6: Maintain a wellfield protection program to prevent the contamination of shallow wells by pollutant generating development. (Ord. No. [00-22](#), [18-28](#))

POLICY 125.1.7: Valid permits and inspections will be required prior and subsequent to drilling operations for wells, elevator shafts, foundation holes, and test borings. (Ord. No. [00-22](#), [18-28](#))

POLICY 125.1.8: The County will continue its program of plugging improperly constructed wells which are detrimental to groundwater resources. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

GOAL 126: WATER RESOURCES. Conserve, manage, and protect the natural hydrologic systems of Lee County to ensure continued water resource availability. (Ord. No. [94-30](#), [18-28](#))

OBJECTIVE 126.1: WATER SUPPLIES. Ensure water supplies of sufficient quantity and quality to meet the present and projected demands of consumers based on the capacity of the environment. (Ord. No. [18-28](#))

POLICY 126.1.1: Natural water system features which are essential for retention, detention, purification, runoff, recharge, and maintenance of stream flows and groundwater levels shall be identified, protected, and managed. (Ord. No. [18-28](#))

POLICY 126.1.2: Recognize and encourage water and wastewater management practices that do not exceed the natural assimilative capacity of the environment or applicable health standards. Water and wastewater management includes, but is not limited to, aquifer recharge, aquifer storage and recovery, reuse water, reverse osmosis, dual water systems, use of low volume irrigation systems, use of water-conserving vegetation, and other conservation and recycling techniques. (Ord. No. [94-30](#), [00-22](#), [09-13](#), [18-28](#))

POLICY 126.1.3: Freshwater resources will be managed in order to maintain adequate freshwater supplies during dry periods and to conserve water. (Ord. No. [00-22](#), [18-28](#))

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

POLICY 126.1.5: Cooperate with appropriate agencies to develop and implement an area-wide water resources plan emphasizing planning and management of water resources on the basis of drainage basins and addressing the needs of the existing and potential built environment, natural hydrologic system requirements, and freshwater flow impacts on estuarine systems. (Ord. No. [00-22](#), [18-28](#))

POLICY 126.1.6: The County will continue to support a monitoring program of existing baseline conditions of water resources. (Ord. No. [00-22](#), [18-28](#))

POLICY 126.1.7: The County will cooperate fully with emergency water conservation measures of the SFWMD. (Ord. No. [00-22](#), [18-28](#))

POLICY 126.1.8: Support the acquisition, restoration, and protection of the Flint Pen Strand as a major water retention and aquifer recharge area. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

OBJECTIVE 126.2: FLORIDA FRIENDLY LANDSCAPE. The County will promote Florida Friendly Landscaping techniques. (Ord. No. [94-30](#), [00-22](#), [16-01](#), [18-28](#))

POLICY 126.2.1: The County will encourage Florida Friendly Landscaping techniques for development and redevelopment in the LDC. (Ord. No. [94-30](#), [00-22](#), [16-01](#), [18-28](#))

POLICY 126.2.2: The County will provide education on water conservation through creative landscaping, and promote the conservation and use of native plant species through xeriscape landscaping techniques. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

POLICY 126.2.3: The County will establish local guidelines that will assist in efforts to reduce landscape irrigation water use to the lowest and most efficient, practical level. (Ord. No. [00-22](#), [18-28](#))

GOAL 127: AIR QUALITY. To maintain the best possible air quality, meeting or exceeding state and federal air quality standards. (Ord. No. [18-28](#))

OBJECTIVE 127.1: The County will prepare a plan to promote measures for preserving and improving current air quality to maintain the present attainment status. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

POLICY 127.1.1: Development must prevent significant emissions of air pollution. (Ord. No. [00-22](#), [18-28](#))

POLICY 127.1.2: Identify major sources of air pollution in Lee County and develop a program for reducing these emissions. (Ord. No. [94-30](#), [18-28](#))

POLICY 127.1.3: The County will encourage alternatives (such as composting or chipping facilities) to open burning of debris from land clearing. (Ord. No. [00-22](#), [18-28](#))

POLICY 127.1.4: Research the use of bio diesel and other clean fuels in public vehicles. (Ord. No. [07-16](#), [18-28](#))

GOAL 128: SHORELINE MANAGEMENT. To encourage the maintenance and development of water-dependent shoreline uses and to avoid their displacement by non-water-dependent uses.

OBJECTIVE 128.1: COMMERCIAL WATER-DEPENDENT USES. The County will continue to monitor and implement its program to enhance and protect commercial water-dependent uses. (Ord. No. [00-22](#))

POLICY 128.1.1: Commercial and government-operated multi-slip docking facilities located in a water-dependent overlay (see Map 1-H) may be rezoned to marine-oriented districts County to protect the rights to rebuild and expand these facilities and to prevent the conversion of these facilities to non-water-dependent uses without a public hearing. (Ord. No. [00-22](#), [21-09](#))

POLICY 128.1.2: The Future Land Use Map will designate water-dependent overlay zones over existing commercial fishing, port and docking sites and commercial marinas to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing. (Ord. No. [00-22](#))

POLICY 128.1.3: The County will encourage the maximum use of dry storage by multi-slip docking facilities when reviewing rezoning and/or DRI applications. (Ord. No. [00-22](#))

POLICY 128.1.4: The County will maintain an inventory of all multi-slip docking facilities, including the name, location, and STRAP number of the facility, and, as feasible, the number of wet and dry storage spaces, boat ramp lanes, and other services provided. This inventory will be updated as needed. (Ord. No. [00-22](#))

OBJECTIVE 128.2: INDUSTRIAL WATER-DEPENDENT USES. The County will continue to monitor and implement its program to enhance and protect industrial water-dependent uses. (Ord. No. [00-22](#))

POLICY 128.2.1: Industrial water-dependent facilities indicated on the Future Land Use Map as having water-dependent overlay zones will be reclassified by the County to industrial marine zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing. (Ord. No. [00-22](#))

POLICY 128.2.2: The County will maintain an inventory of all industrial water-dependent facilities, including the name, location, and STRAP number of the facility. This inventory will be updated as needed. (Ord. No. [00-22](#))

OBJECTIVE 128.3: CRITERIA FOR PRIORITIZING SHORELINE USES. Priority will be given to new and substantially expanded shoreline land uses as indicated in the following policies. (Ord. No. [00-22](#))

POLICY 128.3.1: In water-dependent overlay zones, the special provisions contained under Goal 8 of the Future Land Use Element will also apply (see also Policies 128.1.1, 128.1.2, and 128.2.1). (Ord. No. [00-22](#))

POLICY 128.3.2: In all other non-wetland shoreline areas, water-dependent land uses will have priority over water-related uses and water-related land uses that provide some form of water access to the public will be encouraged, particularly when the site has previously provided water

access to the public. (This policy will not be interpreted as a prohibition of new land uses which are only water-related, but instead as a reminder of the diminishing opportunities for water access in Lee County and the desirability of maintaining and increasing such access.)

- Water-dependent uses: Land uses are those for which water access is essential and which could not exist without water access.
- Water-related uses: Land uses that might be enhanced by proximity to the water, but for which water access is not essential.

(Ord. No. [00-22](#))

POLICY 128.3.3: Lee County will develop, adopt, and implement performance standards for all shoreline developments. (Ord. No. [00-22](#))

OBJECTIVE 128.4: MARINE FACILITIES SITING CRITERIA. The County will consider the following criteria in evaluating requests for new and expanded marinas, other wet slip facilities, dry slip facilities with launches, and boat ramps in order to make efficient use of limited shoreline locations and to minimize environmental impacts. (Ord. No. [00-22](#), [07-09](#))

POLICY 128.4.1: Proposed boat access facilities (and expansion of existing facilities) in the following areas face a variety of technical, legal, or environmental obstacles which must be addressed during the review process:

- Aquatic Preserve (DEP)
- Outstanding Florida Waters (DEP)
- Class I Waters (DEP)
- Marine and Estuarine Sanctuaries (NOAA)
- Manatee Sanctuaries or Critical Manatee Habitats (DEP, USFWS, USACE)
- Approved or conditionally approved shellfish harvesting areas (DEP)
- Federal navigation channel setbacks (USCG, USACE)
- Bridge/road right-of-way easement (County DOT, State DOT)
- Other Endangered/Threatened Species Habitat (USFWS, DEP, USACE)

Extra caution and consideration will be given prior to authorizing use of areas with high environmental values. (Ord. No. [00-22](#), [07-09](#))

POLICY 128.4.2: Cumulative effects of several boat access facilities in a small area will be considered in the review of proposed projects. (Ord. No. [00-22](#), [07-09](#))

POLICY 128.4.3: Boat access facilities must be consistent with the appropriate aquatic preserve management plan where applicable. (Ord. No. [00-22](#), [07-09](#))

POLICY 128.4.4: Boat access facilities must be consistent with the following recommendations of the DNR Blue Ribbon Marina Committee (Final Report, January 1983):

- Priority should be given to the expansion of existing facilities, if environmentally sound, over new facilities.
- Marinas are encouraged in previously disturbed areas and in areas that have historically been used for marina-related activities.
- Marinas should be located as close as possible to boating demand.
- Marinas should be encouraged where adequate uplands are available to develop related support activities and to allow for possible future expansion.
- Location of marinas in highly productive marine habitats should be discouraged.
- Location of marinas in or near well-flushed, deep-water areas should be encouraged.

- Impacts upon state-designed manatee sanctuaries should be considered. Particular marina locations or design features which threaten manatees in these sanctuaries should be discouraged.
(Ord. No. [00-22, 07-09](#))

POLICY 128.4.5: New boat access facilities must be designed to avoid erosion on adjacent shorelines. (Ord. No. [00-22, 07-09](#))

POLICY 128.4.6: Proposed boat access facilities and expansion of existing facilities will be evaluated in accordance with the Lee County MPP, dated June 17, 2004 and approved by the Board of County Commissioners on June 29, 2004. Specifically, Section 8 of the MPP, Marine Facility Siting Requirements, will be used to determine the appropriate number of slips as defined by the MPP for each new project or allowable expansion. (Ord. No. [00-22, 07-09](#))

POLICY 128.4.7: Boat access facilities, including multi-slip docking facilities and boat ramps which would disturb or destroy wetlands or grassbeds must demonstrate a pressing need for the proposed facility and must provide for continued use by the general public. (Ord. No. [07-09](#))

POLICY 128.4.8: Boat access facilities should be located in areas of maximum physical advantage (e.g. adequate water depth). Adequate existing water depths between the proposed facility and any navigational channel, inlet, or deep water, are preferred, as new dredging is discouraged. (Ord. No. [07-09](#))

POLICY 128.4.9: Boat access facility locations should minimize natural shoreline disruption. (Ord. No. [07-09](#))

POLICY 128.4.10: Boat access facility construction in dead-end canals is discouraged due to difficulty in meeting state water quality standards. (Ord. No. [07-09](#))

POLICY 128.4.11: Proposed boat access facilities must demonstrate that the site has adequate uplands to provide support facilities for all activities proposed on site without damaging or removing wetlands or rare and unique upland systems. (Ord. No. [00-22, 07-09](#))

POLICY 128.4.12: Rezoning and DRI applications for boat access facilities will be evaluated in the context of cumulative impacts on manatees and marine resources. (Ord. No. [00-22, 07-09](#))

OBJECTIVE 128.5: MARINA DESIGN CRITERIA. The County will utilize the following criteria in evaluating the design of new marinas (or expansion of wet slip facilities at existing marinas) in order to minimize negative impacts; detailed regulations on these subjects may be contained in the County's development regulations. (Ord. No. [00-22](#))

POLICY 128.5.1: Boat maintenance activities in new or expanded marina sites must be located as far as possible from open water bodies in order to reduce contamination of water bodies by toxic substances common to boat maintenance. Runoff from boat maintenance activities must be collected and treated prior to discharge. (Ord. No. [00-22](#))

POLICY 128.5.2: Open wet slips will be preferred to covered wet slips in marina design to reduce shading of water bodies which results in lowered biological productivity. (Ord. No. [00-22](#))

POLICY 128.5.3: Fuel and/or oil containment facilities or contingency plans are required at all new marina sites and in marina expansion proposals. (Ord. No. [00-22](#))

POLICY 128.5.4: All marinas serving the general public or live-aboards must provide pump-out facilities if sanitary sewer service is available.

POLICY 128.5.5: All parking, dry storage, and non-water-dependent facilities must be built on existing uplands.

POLICY 128.5.6: Marinas and multi-slip docking facilities must prepare disaster preparedness plans with the assistance of the County which describe measures to be taken to minimize damage to marina sites, neighboring properties, and the environment; this disaster preparedness plan is subject to County approval. (Ord. No. [00-22](#), [21-09](#))

POLICY 128.5.7: Fueling facilities associated with marinas must be designed to preclude spills and must be prepared to contain any spills which reach the water. (Ord. No. [00-22](#))

POLICY 128.5.8: Marina design must incorporate natural wetland vegetative buffers near the docking area and in ingress/egress areas for erosion and sediment control, runoff purification, and habitat purposes. (Ord. No. [00-22](#))

POLICY 128.5.9: New fuel facilities must be located on the uplands of a marina site. Proper use and maintenance of fuel pump hoses and other fueling equipment is required. (Ord. No. [00-22](#))

POLICY 128.5.10: Piling construction and other non-dredge-and-fill techniques shall be utilized where possible to minimize habitat destruction.

POLICY 128.5.11: Mitigation or restoration to offset proposed adverse environmental effects will be required as a condition of approval for any new or expanded marina facilities. Mitigation/restoration is not preferred over preservation of existing resources.

POLICY 128.5.12: To reduce dredging, docks should extend to naturally deep waters when possible. County regulations will specify the criteria for such extensions. (Ord. No. [00-22](#))

POLICY 128.5.13: Dry storage of small boats should be encouraged, with dry storage structures located inland as far as feasible.

POLICY 128.5.14: Marina designs must not reduce water quality in adjacent natural water bodies in order to accommodate an increase in water quality in the marina basin itself. (Ord. No. [00-22](#))

POLICY 128.5.15: Existing navigational channels will be used to access new marina sites where possible. (Ord. No. [00-22](#))

POLICY 128.5.16: Expansion of dry storage capabilities will be strongly encouraged to reduce dredging. (Ord. No. [00-22](#))

GOAL 129 - GOAL 134: RESERVED



HOUSING ELEMENT

Chapter VIII

VIII. Housing Element

GOAL 135: MEETING HOUSING NEEDS. To provide decent, safe, and sanitary housing in suitable neighborhoods at affordable costs to meet the needs of the present and future residents of the County. (Ord. No. [91-19](#))

OBJECTIVE 135.1: HOUSING AVAILABILITY. To ensure the types, costs, and locations of housing are provided to meet the needs of the County's population by working with private and public housing providers. (Ord. No. [94-30](#), [98-09](#), [07-17](#), [21-09](#))

POLICY 135.1.1: Provide information, technical assistance, and incentives to the private sector to maintain a housing production capacity sufficient to meet the required production. This will be accomplished through the programs identified in the Local Housing Assistance Plan and the Lee County Consolidated Plan. (Ord. No. [94-30](#), [98-09](#), [00-22](#))

POLICY 135.1.2: The County will continue efforts to form public-private partnerships to produce affordable housing for very-low, low and moderate-income households with local private non-profit housing agencies, local for profit developers, local lenders, the Lee County Housing Authority (LCHA), and the Lee County Housing Finance Authority (LCHFA). (Ord. No. [00-22](#), [07-17](#))

POLICY 135.1.3: In order to eliminate excessive or duplicative regulatory requirements, continue to review, update, and amend (as necessary), the following in accordance with changing household preferences, community needs, and housing industry technology and economics, while continuing to insure the health, safety, and welfare of the residents: policies, ordinances, codes, regulations, permitting process. (Ord. No. [94-30](#))

POLICY 135.1.4: Provide for housing bonus density to stimulate the construction of very-low, low and moderate income affordable housing in Lee County. (Ord. No. [94-30](#), [98-09](#), [00-22](#), [07-17](#), [17-13](#))

POLICY 135.1.5: Continue to provide financial and technical support, including expedited permit processing; the payment, waiver, or reduction of impact fees; the purchase of tax certificates for building lots; site preparation; and the construction of infrastructure by participating on a partnership basis with providers of housing that is affordable to very low, low and moderate income families or individuals, including those with special needs such as the elderly, handicapped, large families, farm workers, and the homeless. (Ord. No. [94-30](#))

POLICY 135.1.6: Implement ways to achieve ongoing affordability for subsidized homeowner and rental housing by encouraging the establishment of one or more community land trust(s) and/or encouraging housing providers to design mechanisms to assure ongoing affordability of subsidized units and implement mechanisms to monitor and enforce such ongoing affordability mechanisms. (Ord. No. [94-30](#), [07-17](#))

POLICY 135.1.7: Site selection criteria will be used in the location of housing for special needs populations as defined § 420.0004, Fla. Stat. which will consider accessibility, convenience, and infrastructure availability. Favorable sites include one or more of the following characteristics:

1. Located within the Intensive Development, Central Urban, Urban Community, or New Community categories on the Future Land Use Map;

2. Located where central water/sewer service is available and within comfortable walking distance of mass transit;
3. Located on land previously converted for urban purposes; and
4. For farm worker housing, a rural site located near active cropland or groves is also acceptable.

(Ord. No. [94-30](#), [00-22](#), [07-17](#))

POLICY 135.1.8: The County will provide through the rezoning process for the location of adequate sites for very-low, low- and moderate-income residential development including mobile homes, and housing for special needs populations as defined in § 420.0004, Fla. Stat. (Ord. No. [00-22](#), [07-17](#))

POLICY 135.1.9: The County will ensure a mix of residential types and designs on a County-wide basis by providing for a wide variety of allowable housing densities and types through the planned development process and a sufficiently flexible Future Land Use Map. (Ord. No. [00-22](#))

POLICY 135.1.10: Lee County's housing programs will be administered so as to affirmatively further fair housing. (Ord. No. [94-30](#), [00-22](#))

POLICY 135.1.11: The Lee County Office of Equal Opportunity will be responsible for compliance with the County's Equal Opportunity in Housing Ordinance. (Ord. No. [94-30](#), [00-22](#), [07-17](#), [21-09](#))

POLICY 135.1.12: The County will coordinate its activities and cooperate with other affected public and private interests, including consumers and producers of housing, the Affordable Housing Advisory Committee, Community Action/Neighborhood District Agency, and the Neighborhood District Committee(s) to ensure effective public participation in the housing planning process. (Ord. No. [94-30](#), [98-09](#), [00-22](#), [07-17](#), [21-09](#))

POLICY 135.1.13: Lee County will implement initiatives to assist the homeless. (Ord. No. [98-09](#), [00-22](#), [07-17](#))

POLICY 135.1.14: Encourage development regulations and incentives that provide a better mix of high income and low income housing. (Ord. No. [07-16](#))

OBJECTIVE 135.2: FARMWORKER HOUSING. To provide suitable and affordable housing for farmworkers. (Ord. No. [94-30](#), [98-09](#), [07-17](#), [21-09](#))

POLICY 135.2.1: Assist private agricultural businesses to develop and manage housing for farm workers through information, technical assistance, and financial incentives programs. (Ord. No. [07-17](#))

POLICY 135.2.2: Assist non-profit agencies and other support groups to plan and coordinate arrangements for low-cost rental housing and other non-housing support services for farm workers and their families through the LCHA. (Ord. No. [07-17](#))

POLICY 135.2.3: Housing for farm workers, as defined by § 420.503, Fla. Stat., may be permitted in the Rural, Coastal Rural, Open Lands, and DR/GR land use categories without respect to the density limitations that apply to conventional residential districts. The density of such housing is limited to 50 occupants per acre of actual housing area and will be reviewed on a case-by-case basis during the planned development or special exception zoning process. The

applicant must demonstrate that impacts of the farm worker housing will be mitigated. (Ord. No. [94-30](#), [00-22](#), [03-19](#), [05-21](#))

POLICY 135.2.4: Lee County will promote the location of farm worker housing close to needed services such as transportation to and from employment, medical facilities, social services, schools and shopping. Lee County will evaluate proximity to these services when County funds are requested for farm worker housing and during any rezoning process. (Ord. No. [98-09](#), [07-17](#))

OBJECTIVE 135.3: REHABILITATION, CONSERVATION, AND IMPROVEMENT. Continue efforts to reduce substandard housing by five percent annually. (Ord. No. [94-30](#))

POLICY 135.3.1: The County will increase code enforcement activities in neighborhoods where code violations are more prevalent and concentrate code enforcement activities where warranted. (Ord. No. [00-22](#))

POLICY 135.3.2: Lee County will continue to identify homes eligible for various housing rehabilitation programs. (Ord. No. [94-30](#), [98-09](#), [00-22](#), [07-17](#))

POLICY 135.3.3: The County will conserve existing residential areas by enforcing codes, providing appropriate capital improvements providing funding for the Neighborhood Districts Program and disseminating information on the availability of housing programs. (Ord. No. [94-30](#), [98-09](#), [00-22](#))

POLICY 135.3.4: The County will enforce its housing code to assure that housing will remain habitable. (Ord. No. [00-22](#), [07-17](#))

POLICY 135.3.5: The County will continue to enforce minimum standards of housing and sanitation and require prompt action in the identification of abandoned or dilapidated property which may need demolition, including mobile homes and rural and farm worker housing. (Ord. No. [00-22](#), [07-17](#))

POLICY 135.3.6: Seek federal and state funding, or otherwise provide local public funds, for the demolition or rehabilitation of substandard housing.

POLICY 135.3.7: Permit, on a demonstration basis, mixed-use and other innovative reuses of the existing housing stock which will result in the removal of substandard housing units.

POLICY 135.3.8: Lee County will coordinate efforts to perform restoration and replacement of damaged housing during the aftermath of natural disasters such as hurricanes. (Ord. No. [07-17](#))

POLICY 135.3.9: Weatherization Assistance programs provided by state and federal agencies will be incorporated into the County's comprehensive housing effort as a means of encouraging housing maintenance and preservation by both the public and private sectors. (Ord. No. [00-22](#))

OBJECTIVE 135.4: AFFORDABLE HOUSING. The County will provide adequate locations for housing for very-low, low- and moderate-income persons to meet their housing needs. Increasing the supply of affordable housing for very-low and low income housing needs will be a priority. In combination with allowing varied types of housing, the County will examine opportunities to expand affordable housing to mitigate the affordable housing needs identified in the Affordable Housing Needs Assessment. (Ord. No. [94-30](#), [98-09](#), [00-22](#), [07-17](#))

POLICY 135.4.1: Support the efforts of the LCHFPA, Florida Housing Finance Corporation, LCHA, the Lee County Department of Human and Veterans Services, the Lee County Department of Community Development, and local private for profit and private non-profit agencies, and assist in their efforts to determine and develop sites and programs for housing for very-low, low and moderate-income persons, including the homeless, through referrals and staff support. (Ord. No. [94-30](#), [98-09](#), [07-17](#))

POLICY 135.4.2: Publicly assisted housing will be provided in a dispersed rather than a concentrated manner so that, to the maximum extent feasible, all geographic areas will provide very-low, low-and moderate-income housing opportunities. (Ord. No. [94-30](#), [07-17](#))

POLICY 135.4.3: Pursue federal sources of funding earmarked for housing that will be affordable for very-low- and low- income housing for programs designed to provide sound, safe, and healthful housing and related community services and facilities. (Ord. No. [94-30](#))

POLICY 135.4.4: Support the Lee County Department of Human and Veterans Services, and the Human Services Information Network in assisting very low, low- and moderate-income persons, including the homeless, to find adequate housing and support services such as day care, emergency shelter, food and clothing, and coordination with employment services. (Ord. No. [98-09](#), [07-17](#))

POLICY 135.4.5: The County will provide counseling services to very-low, low- and moderate-income participants in any of the Department's housing programs, including the homeless. The counseling may include financial guidance, housing maintenance information, and consumer advice to assist households seeking affordable, standard housing. Lee County will continue to offer home buyer training to program beneficiaries. (Ord. No. [98-09](#), [00-22](#), [07-17](#))

POLICY 135.4.6: The County will continue to assist community based organizations and community housing development organizations with technical support and funding. (Ord. No. [94-30](#), [98-09](#), [00-22](#))

POLICY 135.4.7: The County will maintain an ongoing research and information effort on housing and related issues, including state and federal legislation affecting housing, County-wide housing needs, and the provision of advice regarding assistance programs. (Ord. No. [00-22](#))

POLICY 135.4.8: The County will participate in state and federal housing assistance programs to aid special needs populations as defined in § 420.0004, Fla. Stat. and other very-low, low and moderate-income households to secure suitable, affordable housing, housing rehabilitation, home buyer training, down payment and closing cost assistance, rental assistance, and new construction home ownership programs. (Ord. No. [98-09](#), [00-22](#), [07-17](#), [21-09](#))

POLICY 135.4.9: Give priority to special needs populations as defined in § 420.0004, Fla. Stat. with inadequate housing in recognition of the even greater problems faced by the private sector in providing this needed type of housing. (Ord. No. [98-09](#), [07-17](#), [21-09](#))

POLICY 135.4.10: Seek to stimulate the production of housing affordable for very-low, low-and moderate-income households through the creation of such institutions as a Community Land Trust which provide ongoing affordability. (Ord. No. [07-17](#))

POLICY 135.4.11: In order to facilitate the provision of affordable housing for workers and maintain a viable economy, Lee County will develop a workforce housing initiative. (Ord. No. [93-25](#), [94-30](#), [00-22](#), [07-17](#))

POLICY 135.4.12: Encourage affordable housing projects that are consistent with density, use, and land development provisions and located where: County concentrations of very-low and low-income households are avoided; public services are provided; and, environmentally sensitive areas are protected. (Ord. No. [07-17](#), [21-09](#))

POLICY 135.4.13: Lee County will examine opportunities to increase the availability of affordable housing and provide adequate sites for affordable housing through options such as: alternative use, density, and dimensional standards; expedited permit processing; dedicated funding source; inclusionary housing mitigation programs; linkage fee programs; community land trusts; and, resale controls and equity sharing. (Ord. No. [07-17](#))

POLICY 135.4.14: Lee County will maintain the Affordable Housing Bonus Density program which provides bonus density for the provision of site-built affordable dwelling units and provides bonus density for cash contributions into the Lee County Affordable Housing Trust Fund. (See also Policy 135.1.4). (Ord. No. [07-17](#))

POLICY 135.4.15: Pursue community wide, broad based participation in solving the problems of infrastructure and workforce/affordable housing. (Ord. No. [07-16](#))

OBJECTIVE 135.5: MOBILE HOMES. The County will provide adequate locations and standards for mobile homes, which are defined as residential units constructed to standards promulgated by HUD, through implementation of LDC Chapter 34. (Ord. No. [94-30](#), [00-22](#), [07-17](#))

POLICY 135.5.1: Mobile Homes are permitted in all future land use categories that permit residential development. (Ord. No. [07-17](#), [21-09](#))

POLICY 135.5.2: The LDC will continue to designate zoning categories for mobile home parks and to implement the requirements set forth in § 723.083, Fla. Stat., Governmental Action Affecting Removal of Mobile Home Owners. (Ord. No. [94-30](#), [00-22](#), [07-17](#), [21-09](#))

OBJECTIVE 135.6: SPECIAL NEEDS. Locations for housing for special needs populations as defined in § 420.0004, Fla. Stat. will be available at suitable sites to ensure that the needs of persons requiring such housing are met. (Ord. No. [07-17](#))

POLICY 135.6.1: Housing for special needs is permitted in all future land use categories that permit residential development. (Ord. No. [07-17](#), [21-09](#))

POLICY 135.6.2: The Lee County Office of Equal Opportunity will continue to enforce nondiscriminatory standards and criteria addressing community residential homes (e.g. group homes or foster care facilities) or assisted living facilities for persons and households with special needs. (Ord. No. [00-22](#), [07-17](#))

POLICY 135.6.3: In order to serve persons with special needs, disabilities, or handicaps, the County will provide for the location of adequate sites for community residential homes (e.g. group homes or foster care facilities). (Ord. No. [00-22](#), [07-17](#))

POLICY 135.6.4: Other community-based residential care service providers needed to assist residents living in community residential homes (e.g. group homes or foster care facilities) and the clients of other programs will be encouraged to locate at convenient, adequate, and non-isolated sites throughout the County. (Ord. No. [94-30](#), [00-22](#), [07-17](#))

POLICY 135.6.5: Supporting infrastructure and public facilities necessary for the support and encouragement of independent living for the clients of relevant programs will be provided. (Ord. No. [00-22](#), [07-17](#))

POLICY 135.6.6: The County will monitor the development and distribution of publicly-assisted community residential homes (e.g. group homes or foster care facilities) and residential care facilities to insure that adequate sites and infrastructure are provided and that over-concentration in any residential area is avoided. Homes of six or fewer residents which otherwise meet the definition of a community residential home will be deemed a single-family unit and a noncommercial, residential use. Homes of six or fewer residents which otherwise meet the definition of a community residential home will be allowed in single-family or multifamily zoning, provided that such homes must not be located within a radius of 1,000 feet of another existing such home with six or fewer residents. Lee County will only deny the siting of a community residential home if the site selected:

1. Does not otherwise conform to existing zoning regulations applicable to other multifamily uses in the area;
2. Does not meet applicable licensing criteria established and determined by the licensing entity, including requirements that the home be located to assure the safe care and supervision of all clients in the home;
3. Would result in such a concentration of community residential homes in the area in proximity to the site selected, or would result in a combination of such homes with other residences in the community, such that the nature and character of the area would be substantially altered;
4. A home that is located within a radius of 1,200 feet of another existing community residential home in a multifamily zone will be an over-concentration of such homes that substantially alters the nature and character of the area;
5. A home that is located within a radius of 500 feet of an area of single-family zoning substantially alters the nature and character of the area; or,
6. All distance requirements in this section must be measured from the nearest point of the existing home or area of single-family zoning to the nearest point of the proposed home.

(Ord. No. [94-30](#), [00-22](#), [07-17](#))

POLICY 135.6.7: Lee County will provide competitive local funding opportunities to non-profit organizations to ensure that scattered site housing is provided for persons and households with special needs. (Ord. No. [00-22](#), [07-17](#))

POLICY 135.6.8: The County will cooperate with appropriate agencies in order to provide adequate sites for community residential homes (e.g. group homes or foster care facilities), homeless shelters and transitional housing, to meet the requirements of persons with special needs as defined in in § 420.0004, Fla. Stat. (Ord. No. [00-22](#), [07-17](#), [21-09](#))

OBJECTIVE 135.7: DISPLACEMENT. Uniform and equitable treatment for persons and businesses displaced by state and local government programs will be provided. Complaints that such efforts and/or assistance were administered in a discriminatory manner may be filed with the Lee County Office of Equal Opportunity. (Ord. No. [98-09](#), [07-17](#))

POLICY 135.7.1: Lee County will ensure that reasonably located standard housing at affordable costs is available to persons displaced through public action prior to their displacement and will follow all obligations imposed by law or County policy, including those relating to equal provision of services. (Ord. No. [07-17](#))

OBJECTIVE 135.8: HISTORIC HOUSING. Historically significant housing will be preserved and protected for residential uses, consistent with the Historic Preservation Element.

POLICY 135.8.1: Assist the rehabilitation and adaptive use of historically significant housing through technical and economic assistance programs such as Community Development Block Grant and HOME funding, State Housing Initiatives Partnership eligibility, and emergency weatherization. (Ord. No. [94-30](#), [98-09](#), [07-17](#))

OBJECTIVE 135.9: NEIGHBORHOOD AND HOUSING CONSERVATION. Lee County will continue to conserve existing housing and improve the quality of neighborhoods through the Neighborhood District Program, affordable housing programs, public/private partnerships, community redevelopment programs, and appropriate development regulations. (Ord. No. [94-30](#), [98-09](#), [00-22](#))

POLICY 135.9.1: Review and amend where necessary the County's housing and health codes and standards relating to the care and maintenance of residential and neighborhood environments and facilities.

POLICY 135.9.2: Designate appropriate areas of the County as Neighborhood Districts and carry out the Department of Human and Veterans Services Neighborhood District program activities in a timely and efficient manner. (Ord. No. [07-17](#))

POLICY 135.9.3: Plan and implement safe neighborhood programs in designated Neighborhood Districts. (Ord. No. [94-30](#), [98-09](#), [07-17](#))

POLICY 135.9.4: Schedule and concentrate public infrastructure and supporting facilities and services to upgrade the quality of existing neighborhoods.

POLICY 135.9.5: New development adjacent to areas of established residential neighborhoods must be compatible with or improve the area's existing character. (Ord. No. [00-22](#))

POLICY 135.9.6: Lee County will administer the planning, zoning, and development review process in such a manner that proposed land uses acceptably minimize adverse drainage, environmental, spatial, traffic, noise, and glare impacts, as specified in County development regulations, upon adjacent residential properties, while maximizing aesthetic qualities. (Ord. No. [00-22](#))

POLICY 135.9.7: The County will coordinate residential development within urban areas to coincide with existing or planned and programmed services and facilities so as to avoid premature or non-contiguous urbanization and the use of septic tanks and private wells for potable water within developed urban areas. (Ord. No. [00-22](#))

POLICY 135.9.8: County land development regulations will implement standards to protect aesthetic qualities and the physical natural environment, while providing incentives for residential development designs which emphasize energy-efficient construction, appropriate solar exposure, air circulation, and the use of natural shading. (Ord. No. [00-22](#))

GOAL 136 - GOAL 140: RESERVED



HISTORIC PRESERVATION ELEMENT

Chapter IX

IX. Historic Preservation Element

GOAL 141: IDENTIFICATION AND EVALUATION. To provide for the identification and evaluation of the historic resources of Lee County.

OBJECTIVE 141.1: IDENTIFICATION. Maintain existing programs to identify the historic and archaeological resources of Lee County, develop new identification programs (such as, but not limited to, a program to identify Lee County resources listed on the National Register of Historic Places), and make information available to the public and other public agencies. (Ord. No. [94-30](#))

POLICY 141.1.1: Lee County will systematically maintain the Florida Master Site File by annual updates, corrections, and monitoring of status of listed properties. New information will be transmitted to the Florida Department of State. (Ord. No. [94-30](#), [00-22](#))

POLICY 141.1.2: Require all applications for development review to identify the location and status of historic resources (including archaeological sites). The Lee County Historic and Architectural Survey and the Archaeological Site Inventory and Zone Management Plan will serve as data bases. The Historic Preservation Board will advise the Board of County Commissioners as to any action it deems appropriate or perform other duties as specified in the Historic Preservation Ordinance. (Ord. No. [00-22](#))

POLICY 141.1.3: Maintain an automated system merging data regarding properties designated under Lee County Historic Preservation Ordinance into the County's parcel information system and study the feasibility of developing an automated system merging Florida Master Site File data into the County's parcel information system. (Ord. No. [94-30](#))

POLICY 141.1.4: Lee County will continue to maintain a streamlined storage and retrieval system of the Florida Master Site File to allow for fast and easy access and distribution. (Ord. No. [94-30](#), [00-22](#))

POLICY 141.1.5: Lee County will establish a scenic resource identification and evaluation program. (Ord. No. [00-22](#))

OBJECTIVE 141.2: EVALUATION. Continue to evaluate the historic and archaeological resources of Lee County according to adopted criteria for significance. (Ord. No. [94-30](#))

POLICY 141.2.1: Maintain adopted criteria in the Historic Preservation Ordinance for the evaluation of historic and archaeological resources that are consistent with the requirements of the Certified Local Government Program created pursuant to the National Historic Preservation Act of 1966.

POLICY 141.2.2: Evaluate the historic resources of Lee County for eligibility for nomination to the National Register of Historic Places and a local register of historic places.

GOAL 142: RECOGNITION AND REGISTRATION. To formally recognize significant historic resources and provide for their appropriate registration or local, state, or national listings.

OBJECTIVE 142.1: RECOGNITION. Lee County will continue to implement a program to formally recognize those historic and archaeological resources that are considered historically and

archaeologically significant according to the Lee County Historic Preservation Ordinance. (Ord. No. [94-30](#), [00-22](#))

POLICY 142.1.1: Lee County will maintain a local register of historic and archaeological places designated under the Historic Preservation Ordinance. (Ord. No. [94-30](#), [00-22](#))

POLICY 142.1.2: Lee County will provide plaques and certificates for display on buildings or archaeological sites certifying their historic significance. (Ord. No. [00-22](#))

POLICY 142.1.3: Lee County will establish a historic marker program with the goal of marking the locations of significant historic resources, the boundaries of historic districts, or archaeological sites. (Ord. No. [00-22](#))

POLICY 142.1.4: Lee County will establish an awards program to officially recognize excellence in historic preservation activities. (Ord. No. [00-22](#))

POLICY 142.1.5: Lee County will distribute certificates of historical and/or archaeological significance to owners of properties designated under the Lee County Historic Preservation Ordinance. (Ord. No. [94-30](#), [00-22](#))

OBJECTIVE 142.2: REGISTRATION. The County will continue its program to nominate eligible structures, sites, or districts to the National Register of Historic Places. (Ord. No. [94-30](#), [00-22](#))

POLICY 142.2.1: Lee County will initiate the nomination of eligible historic resources to the National Register of Historic Places through the Lee County Historic Preservation Board according to the Certified Local Government program. (Ord. No. [00-22](#))

POLICY 142.2.2: Lee County will encourage historic property owners to nominate eligible structures, sites, or districts to the National Register of Historic Places through the provision of information and technical assistance. (Ord. No. [00-22](#))

GOAL 143: LOCAL PRESERVATION TECHNIQUES. To provide for the protection, preservation, reconstruction, restoration, rehabilitation, and use of the historic resources of Lee County.

OBJECTIVE 143.1: DEVELOPMENT REGULATIONS. Lee County will continue to enact, amend, or revise, as appropriate, regulatory measures that will further historic preservation goals and policies as stated in this Element and any subsequent revisions thereof. (Ord. No. [94-30](#), [00-22](#))

POLICY 143.1.1: Lee County will maintain in effect a Historic Preservation Ordinance in conformance with the requirements of the Certified Local Government program. (Ord. No. [00-22](#))

POLICY 143.1.2: Lee County will amend the zoning regulations and the development standards regulations, as necessary, to incorporate the findings contained within this Historic Preservation Element and any subsequent revisions thereof. (Ord. No. [94-30](#), [00-22](#))

POLICY 143.1.3: The Lee County Building Code will be amended so as to depart from the provisions of the Southern Standard Building Code and applicable fire codes, to the extent permitted by state law and proper safety practices, so as to be consistent with the Historic Preservation Ordinance and any amendment thereof. (Ord. No. [94-30](#), [00-22](#))

POLICY 143.1.4: County development regulations will be amended in response to the recommendations contained in the Archaeological Zone Management Plan for Lee County (Piper

Archaeological Research, Inc., 1987) and in any future update or revision thereof. (Ord. No. [94-30](#), [00-22](#))

POLICY 143.1.5: Lee County will continue to study the feasibility of various incentives (such as transfer of development rights and property tax relief) as a means of accomplishing the goals and recommendations of the Historic Preservation Element. (Ord. No. [94-30](#), [00-22](#))

OBJECTIVE 143.2: INNOVATIVE TECHNIQUES. Lee County will continue to make available information, as appropriate, on a variety of legal techniques that will further historic preservation goals and aid in the implementation of the Historic Preservation Ordinance. (Ord. No. [94-30](#), [00-22](#))

POLICY 143.2.1: Lee County will make information available generally to the public on easements, covenants, options to purchase, right of first refusal, and eminent domain, for historic preservation purposes. (Ord. No. [00-22](#))

POLICY 143.2.2: The County will encourage the preservation of archeological sites and evaluate the preservation of these lands through Leasing of Development Rights and encourage historical tourism, sense of place, and natural areas. (Ord. No. [07-16](#))

OBJECTIVE 143.3: INCENTIVES. Lee County will continue to maintain a program for the provision of financial incentives for historic preservation purposes. (Ord. No. [94-30](#), [00-22](#))

POLICY 143.3.1: Lee County will investigate the establishment of a Historic Preservation Trust Fund to be administered by the Board of County Commissioners or a non-profit organization after recommendations by the Historic Preservation Board. The Trust Fund will consist of all monies received from federal and state sources and all monies, if any, appropriated by Lee County, and monies contributed to the fund from any other source. A framework for the administration of the fund will be established. (Ord. No. [94-30](#), [00-22](#))

POLICY 143.3.2: Lee County may apply for historic and archaeological preservation grants from private, state, and federal sources. (Ord. No. [00-22](#), [21-09](#))

POLICY 143.3.3: Lee County will consider implementation of the historic preservation property tax exemption program to put into effect § 196.1997 and 196.1998, Fla. Stat. (Ord. No. [94-30](#), [98-09](#), [00-22](#))

POLICY 143.3.4: Lee County will make available Community Development Block Grant funds, when available, for historic preservation purposes. (Ord. No. [00-22](#))

POLICY 143.3.5: Lee County will explore the issuance of low-interest loans for the rehabilitation of historic resources with funds from the Historic Preservation Trust Fund. (Ord. No. [00-22](#))

POLICY 143.3.6: Lee County will provide information and technical support in the use of community reinvestment or rehabilitation investment tax credits. (Ord. No. [00-22](#), [21-09](#))

OBJECTIVE 143.4: PUBLICLY OWNED SITES. Lee County will continue to preserve and protect the historic and archaeological resources owned, acquired, or disposed of by Lee County by designating them under the Lee County Historic Preservation Ordinance if feasible. Lee County will continue the program to preserve and protect those historic and archaeological resources owned, acquired or disposed of by Lee County which do not qualify for designation under the Lee County Historic Preservation Ordinance. (Ord. No. [94-30](#), [00-22](#), [07-12](#))

POLICY 143.4.1: Lee County will inventory and prepare a preservation plan for all County-owned historic resources. (Ord. No. [00-22](#))

POLICY 143.4.2: Lee County will consider the acquisition of historic and archaeological resources, where necessary, and in so doing will follow the Standards for Acquisition established by the U.S. Department of the Interior. (Ord. No. [00-22](#))

POLICY 143.4.3: In disposing of County-owned historic and archaeological resources, Lee County will attach a preservation easement or protective covenants to said property. (Ord. No. [94-30](#), [00-22](#))

GOAL 144: EDUCATION AND PUBLIC PARTICIPATION. To provide for the public awareness and involvement in all aspects of historic preservation in Lee County.

OBJECTIVE 144.1: EDUCATION. Lee County will maintain a public information program with the purpose of educating the public about local history, the Lee County historic preservation program, and the historic preservation incentives. (Ord. No. [94-30](#), [00-22](#))

POLICY 144.1.1: Lee County will maintain a historic preservation guide to help property owners preserve and maintain their properties consistent with historic preservation standards. (Ord. No. [94-30](#), [00-22](#), [21-09](#))

POLICY 144.1.2: Lee County will continue to develop, in cooperation with local historical groups, programs and displays, maps, tours, and brochures that illustrate Lee County's history and its historic preservation programs. (Ord. No. [94-30](#), [00-22](#))

POLICY 144.1.3: Lee County will continue to compile, store, and make available to the public published manuals relating to historic preservation. (Ord. No. [94-30](#), [00-22](#))

POLICY 144.1.4: Lee County will continue to support local historical museums through information and technical assistance. (Ord. No. [94-30](#), [00-22](#))

POLICY 144.1.5: Lee County, in cooperation with the Lee County School District, will continue to study the development of historic preservation programs for school-aged children as well as to maintain, as necessary, those programs previously developed. (Ord. No. [94-30](#), [00-22](#))

POLICY 144.1.6: Lee County, in cooperation with local historic or archaeological groups and the public library, will study the feasibility of establishing a depository for the archival of materials pertaining to the history of Lee County. (Ord. No. [00-22](#))

OBJECTIVE 144.2: PUBLIC PARTICIPATION. Lee County will continue to implement mechanisms for the notification and involvement of historic property owners and the interested public in County historic preservation activities. (Ord. No. [94-30](#), [00-22](#))

GOAL 145: COORDINATION. To cooperate and coordinate with various private preservation groups and governments to achieve an efficient and responsible system for the exchange of information relating to historic preservation.

OBJECTIVE 145.1: IMPACT REVIEW. Lee County will continue its integration of the review of impacts to historic and archaeological resources into the existing regulatory framework of local and state government agencies. (Ord. No. [94-30](#), [00-22](#))

POLICY 145.1.1: Provide survey and inventory information to all local and state agencies.

OBJECTIVE 145.2: RECOGNITION AND REGISTRATION. Assist local and state government agencies in the recognition and registration of the historic resources in Lee County.

POLICY 145.2.1: Participate in the Certified Local Government Program (36 CFR 61.5).

POLICY 145.2.2: Lee County may enter into interlocal agreements with the incorporated municipalities to share functions of the Historic Preservation Board. (Ord. No. [00-22](#), [21-09](#))

POLICY 145.2.3: Lee County will assist the Lee County School District in the nomination of eligible school district properties to the National Register of Historic Places. (Ord. No. [00-22](#))

OBJECTIVE 145.3: EDUCATION. To improve coordination with other governmental agencies in promoting and increasing public awareness of historic resources.

POLICY 145.3.1: Maintain a liaison with the Lee County School District in the establishment of a historic preservation education program.

POLICY 145.3.2: Provide information to those private and public agencies that function to promote the general interest of Lee County for tourism, industry, and commerce.

GOAL 146 - GOAL 150: RESERVED



INTERGOVERNMENTAL COORDINATION ELEMENT

Chapter X

X. Intergovernmental Coordination Element

GOAL 151: SERVICE COORDINATION. To provide for efficient and effective coordination of provision of public services by Lee County and its special districts, bodies, boards, and other entities.

OBJECTIVE 151.1: SPECIAL DISTRICTS. Lee County will utilize the Department of Economic Opportunity special district information program so as to provide for the regular exchange of information, proposals, and plans between the County and its special districts, bodies, boards, and other entities; and Lee County will monitor the effectiveness of this program as it pertains to intergovernmental coordination. (Ord. No. [94-30](#), [00-22](#), [21-09](#))

POLICY 151.1.1: The office of the County Manager will be responsible for monitoring and utilizing the special district information program for the purpose of coordinating the programs, activities and procedures for the provision of services and information. (Ord. No. [94-30](#), [00-22](#))

OBJECTIVE 151.2: LEVEL OF SERVICE (LOS) STANDARDS. Lee County will continue to monitor for conflicts or potential conflicts in LOS standards for public facilities in other affected jurisdictions and will pursue resolution of those conflicts. (Ord. No. [94-30](#), [00-22](#))

POLICY 151.2.1: Lee County will maintain and annually update an inventory and analysis of the various LOS standards for public facilities and will recommend means of coordinating those standards which are not in agreement. (Ord. No. [94-30](#), [00-22](#))

POLICY 151.2.2: Where conflicts with other entities regarding service standards cannot be resolved through discussion among those concerned, Lee County will pursue resolution through interlocal agreement or through a dispute resolution process, established pursuant to § 186.509, Fla. Stat., for bringing intergovernmental disputes to closure in a timely manner. (Ord. No. [94-30](#), [00-22](#), [21-09](#))

POLICY 151.2.3: Development proposals within Lee County will be reviewed for their impacts on LOS for public facilities as stated in the comprehensive plans of adjacent governments. (Ord. No. [00-22](#))

OBJECTIVE 151.3: COORDINATION OF ROADWAY AND UTILITY IMPROVEMENTS. Coordinate, where possible, between the Lee County Department of Transportation (DOT) and utility companies, including Lee County Utilities and the various privately operated water and wastewater companies, to insure that capital and maintenance projects are not adversely affected by subsequent utility construction. (Ord. No. [94-30](#))

POLICY 151.3.1: Lee County DOT will continue open communications with the various water and wastewater utility companies to coordinate expected utility construction projects with programmed roadway maintenance and capital projects. (Ord. No. [94-30](#), [07-12](#))

OBJECTIVE 151.4: COORDINATION OF AIRPORT DEVELOPMENT AND IMPROVEMENTS AT THE SOUTHWEST FLORIDA INTERNATIONAL AIRPORT AND PAGE FIELD GENERAL AVIATION AIRPORT WITH ALL PERMITTING AGENCIES. Coordinate with applicable local, state, and federal permitting agencies to ensure development of the Southwest Florida International Airport and the Page Field Airport is consistent with the Lee Plan. (Ord. No. [04-16](#), [09-14](#), [19-02](#))

POLICY 151.4.1: Lee County will be directly involved in the review and approval process related to the ongoing updates of the Airport Master Plans for Southwest Florida International Airport and Page Field Airport. This mandatory inter-agency coordination between Lee County and the Port Authority will provide an official means for scheduled review and comment regarding Airport Master Plan Updates, related Lee Plan amendments, annual updates of the Airport Layout Plan and Capital Improvement Program, permitting for scheduled capital improvement projects, amendments to the Port Authority's zoning approvals and compliance with the LDC. (Ord. No. [04-16](#), [09-14](#), [19-02](#))

POLICY 151.4.2: Lee County will review and provide comments to the Port Authority regarding the following:

1. Scope and content of ongoing updates to the Airport Master Plans for Southwest Florida International Airport and Page Field Airport.
2. Consistency of proposed amendments to the Airport Master Plans with the Lee Plan, LDC and local zoning approvals.
3. Compatibility and compliance of individual Capital Improvements Program projects with the Lee Plan, LDC, zoning approvals and other applicable regulations.

(Ord. No. [04-16](#), [09-14](#), [19-02](#))

POLICY 151.4.3: Prior to submittal of any application to amend the Lee Plan, the Port Authority staff must obtain an endorsement of the proposed plan amendment application package, including the Airport Layout Plan, from the Board of Port Commissioners. Written evidence of this endorsement must be included in the plan amendment application package. The Port Authority staff will coordinate the date and time the endorsement request will be presented to the Port Commissioners with the County in order to provide County staff with ample opportunity to attend the meeting and address the Port Commissioners as necessary. (Ord. No. [04-16](#))

POLICY 151.4.4: Prior to formal submittal of any Lee Plan amendment package, rezoning request, or development order application, the Port Authority staff will informally present the proposed application to Lee County staff for initial comments and input regarding consistency with the Lee Plan and County regulations. (Ord. No. [04-16](#))

POLICY 151.4.5: The Port Authority is the lead agency in coordinating efforts to obtain approval for Southwest Florida International Airport access improvements with agencies participating in the Lee County Metropolitan Planning Organization (MPO). This includes the incorporation of improvements into the Cost Feasible Roadway Projects (Map 3-A) and the Lee County MPO Financially Feasible Highway Plan and Needs Assessment. The Port Authority will work with local, state, and federal transportation agencies to identify and obtain funding for access improvements to the airport. (Ord. No. [04-16](#))

OBJECTIVE 151.5: COORDINATION OF WATER SUPPLY PLANS AND THE LEE PLAN.

Coordinate between Lee County and SFWMD to ensure that the Lee Plan remains consistent with the District's regional water supply plans. (Ord. No. [09-13](#))

POLICY 151.5.1: The County will continue to evaluate the latest water supply plans issued by the SFWMD to ensure consistency in the Lee Plan and the County's Water Supply Facilities Work Plan. The County will update the Water Supply Facilities Work Plan within 18 months after SFWMD approves an update to the regional water supply plan. (Ord. No. [09-13](#))

POLICY 151.5.2: The County will coordinate with other government agencies and private suppliers of potable water during the water supply planning process to include the review of land use changes, addressing population projections, and acceptable LOS standards. (Ord. No. [09-13](#))

OBJECTIVE 151.6: To ensure collaborative planning and decision-making between Lee County and the Lee County School District on population projections and public school siting and location. (Ord. No. [08-17](#))

POLICY 151.6.1: The County will collaborate with the Lee County School District on school siting and location when planning and making decisions regarding population projections (see Objective 67.2). (Ord. No. [08-17](#), [18-28](#))

OBJECTIVE 151.7: Participate with local, state, and federal natural resource protection agencies and in regularly conducted intergovernmental coordination meetings to protect natural resource systems which cross jurisdictional boundaries. (Ord. No. [94-30](#), [18-28](#))

POLICY 151.7.1: Participate with other governments to prepare and implement water management plans, including the Estero Bay Agency on Bay Management, Charlotte Harbor National Estuary Program, the Charlotte Harbor Aquatics Preserve Management Plan, the Water Management District's Surface Water Improvement and Management (SWIM) Plan, Caloosahatchee River Watershed Protection plans, DEP aquatic preserve management plans, DEP Basin Management Action plans, water supply plans, and other water resource management plans. (Ord. No. [94-30](#), [98-09](#), [00-22](#), [18-28](#))

POLICY 151.7.2: Evaluate, and amend as necessary, County policies for protecting and enhancing natural resources upon a review of natural resource management plans that are newly adopted or revised by other agencies. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

GOAL 152: GROWTH MANAGEMENT. To coordinate the plans and policies of Lee County, its municipalities, and adjacent local governments so as to guide, manage, and regulate urban growth in a compatible fashion.

OBJECTIVE 152.1: EFFECTS OF NEW DEVELOPMENT. Lee County will continue to review impacts of planned developments on the municipalities within Lee County and on adjacent counties, regional agencies, and other governmental units in a coordinated and efficient manner. (Ord. No. [94-30](#), [00-22](#))

POLICY 152.1.1: Lee County will adopt formal coordination procedures for mandated planning activities with other local governments, regional agencies, the state, and other governmental units. (Ord. No. [00-22](#))

POLICY 152.1.2: Where conflicts regarding growth management and development issues cannot be resolved through discussion among those concerned, Lee County will pursue the dispute resolution process, established pursuant to § 186.509, Fla. Stat., for bringing intergovernmental disputes to closure in a timely manner. (Ord. No. [00-22](#), [21-09](#))

POLICY 152.1.3: Lee County will enter into interlocal agreements with appropriate entities for the notification and exchange of information regarding changes in land use or zoning of areas within one mile of its boundaries. (Ord. No. [00-22](#))

POLICY 152.1.4: The County will strive to negotiate interlocal agreements with all incorporated municipalities to resolve planning issues relating to areas outside the cities' limits which they would like to target for annexation. "Urban Reserve" boundaries adopted in such agreements will be designated on the Future Land Use Map (see Policy 1.6.2). (Ord. No. [00-22](#))

POLICY 152.1.5: The County will coordinate transportation planning and road improvements with other jurisdictions through the means described under Goal 42. (Ord. No. [00-22](#), [18-28](#))

POLICY 152.1.6: The County will continue to pursue efforts to implement a plan for surface water management with the surrounding affected counties and affected municipalities within Lee County. (Ord. No. [94-30](#), [00-22](#), [18-28](#))

POLICY 152.1.7: The principles and guidelines to be used in the planning, siting and location of new schools have been established under Goal 67. (Ord. No. [03-04](#), [18-28](#))

POLICY 152.1.8: Lee County will support and participate in the region's Natural Resources Conservation Service program. (Ord. No. [07-16](#), [18-28](#))

POLICY 152.1.9: The County will consider entering into interagency cooperative programs to achieve mutual goals for the protection of the Caloosahatchee River. (Ord. No. [07-16](#), [18-28](#))

POLICY 152.1.10: The County will utilize basin wide planning and work with sovereign local governments to promote greater protections for the Caloosahatchee River. (Ord. No. [07-16](#), [18-28](#))

OBJECTIVE 152.2: POLITICAL INTERVENTION. Lee County will communicate with other local governments to address issues which have an effect beyond the boundaries of unincorporated Lee County. (Ord. No. [94-30](#), [00-22](#), [21-09](#))

POLICY 152.2.1: In order to address issues which cross jurisdictional boundaries, such as the re-establishment of the Urban Reserve Area with the City of Fort Myers, the chairman of the Board of County Commissioners will initiate and coordinate interactions with political counterparts in municipalities and counties in the region. (Ord. No. [94-30](#), [00-22](#))

POLICY 152.2.2: Lee County will continue to utilize the MPO for matters of coordination in transportation planning and implementation; and, utilize the Technical Advisory Committee to the MPO in matters requiring communication, cooperation, and coordination between Lee County and other jurisdictions. (Ord. No. [00-22](#))

GOAL 153 - GOAL 157: RESERVED



ECONOMIC ELEMENT

Chapter XI

XI. Economic Element

GOAL 158: Achieve and maintain a diversified and stable economy by providing a positive business climate that assures maximum employments. (Ord. No. [23-08](#))

OBJECTIVE 158.1: Foster a positive business climate by providing technical support and guidance to existing and prospective businesses.

POLICY 158.1.1: Provide assistance to various and diversified companies seeking to relocate or expand in the County. Assistance may include, but is not limited to, technical development process guidance, site selection, and identifying appropriate incentives.

POLICY 158.1.2: Provide resources and guidance to assist businesses in navigating the County's regulatory processes, and to encourage relocation to Lee County.

POLICY 158.1.3: Continue to obtain policy guidance and recommendations from appropriate advisory councils within the County, including the Horizon Council, the Tourist Development Council, and others, as may be created or amended from time to time.

OBJECTIVE 158.2: Ensure maximum employment opportunities throughout the County.

POLICY 158.2.1: Allocate adequate land on the Future Land Use Map and in Table 1(b) to meet the future commercial, industrial, agricultural, residential, and recreational needs of residents and visitors to the County.

POLICY 158.2.2: Encourage efficient use of industrial areas by:

- Prohibiting residential development in the Tradeport and Industrial Development future land use categories;
- Promoting development of industrial uses with high employment density; and,
- Allowing for redevelopment to accommodate business growth.

OBJECTIVE 158.3: Ensure businesses have access to infrastructure and services needed to be competitive in a global economy.

POLICY 158.3.1: Maintain the County's transportation infrastructure, including transit, roads, airport, and rail, to ensure safe and convenient travel needed to support businesses within the County.

POLICY 158.3.2: Strengthen the role of the Port Authority's airports as economic engines for economic development and diversification within the County.

POLICY 158.3.3: Protect the capacity and improve the access to the State's Strategic Intermodal System (SIS) to support economic development opportunities.

POLICY 158.3.4: Support provision of digital broadband and communications infrastructure and expansion of information technology industries needed to meet current and future business needs.

GOAL 159: Support the retention and expansion of existing businesses, and the attraction of new domestic and foreign businesses.

OBJECTIVE 159.1: Establish and maintain programs designed to promote and encourage the recruitment of new industries to help diversify the County's economic base.

POLICY 159.1.1: Utilize public relations and marketing to attract a wide range of businesses, specifically those which are identified as Target Industries.

POLICY 159.1.2: Support policies and programs which attract high-growth and competitive businesses.

POLICY 159.1.3: Where appropriate, implement incentives to attract new businesses.

POLICY 159.1.4: Maintain Land Development Code regulations to support the growth of existing and future businesses.

POLICY 159.1.5: Support initiatives and programs that attract and maintain foreign investment.

OBJECTIVE 159.2: Establish and maintain programs designed to encourage the retention and expansion of the County's existing economic base.

POLICY 159.2.1: Retain and assist in the development of small businesses.

POLICY 159.2.2: When and where appropriate, encourage and implement incentives to maintain existing businesses.

POLICY 159.2.3: Establish and maintain regulations within the Land Development Code that enable small businesses to undertake infill and redevelopment projects.

POLICY 159.2.4: Support local businesses and organizations that improve the capacity and ability of small businesses.

GOAL 160: Attract, develop, and retain a 21st-century workforce to support Targeted Industry employment needs.

OBJECTIVE 160.1: Workforce Attraction. Attract a continually diversifying workforce.

POLICY 160.1.1: Ensure that adequate public facilities exist, or are planned, which will serve the County's existing and future employment base.

POLICY 160.1.2: Provide the services needed to maintain the County's position as an attractive and viable location for a diversified workforce.

POLICY 160.1.3: Ensure the development of a wide variety of housing options are available to support a diverse workforce.

OBJECTIVE 160.2: Workforce Retention. Promote the continued growth of the workforce.

POLICY 160.2.1: Maintain a workforce with up-to-date skill sets by supporting collaboration and coordination between the County's various educational institutions and employers in Lee County to provide relevant and continuous job training.

POLICY 160.2.2: Support policies and activities that enhance the quality of life of Lee County's workforce.

OBJECTIVE 160.3: Workforce Education and Training. Collaborate with the County's educational institutions to support the continuing educational needs of current and future populations.

POLICY 160.3.1: Encourage the clustering or co-locating of vocational schools and colleges or universities near employment centers to better connect students to potential employment opportunities.

POLICY 160.3.2: Encourage the Lee County School District, Florida SouthWestern State College, Florida Gulf Coast University, and other institutions of higher learning, to develop cooperative and integrated curriculums that enhance and increase the productivity of the local work force and attract industries and skilled workers.

GOAL 161: Promote and continue to grow the County's tourism industry, to both domestic and international visitors.

OBJECTIVE 161.1: Leisure Tourism. Support the area's domestic and international tourism development, to ensure continuation and expansion of the leisure tourism industry.

POLICY 161.1.1: Continue to enhance the County's position as the premier tourism destination through global marketing and preservation of the area's unique attributes.

POLICY 161.1.2: Ensure adequate public facilities and services exist to serve the County's guests and residents.

POLICY 161.1.3: Encourage the development of diverse cultural, educational, and entertainment facilities that attract visitors.

POLICY 161.1.4: Identify and support new types and sectors of tourism, as a way to grow the County's economy.

POLICY 161.1.5: Encourage the preservation of sensitive natural resources, including beaches, wetlands, estuaries, historic resources, and other unique natural resources through public acquisition and/or regulatory protection to support the development of ecotourism in Lee County.

POLICY 161.1.6: Ensure a continued commitment of a portion of the Tourist Development Tax to be used for beach and shore-related improvements such as restoration and erosion control, renourishment, future beach acquisition, fishing piers, and beach access points, beach parking facilities, and maintenance.

POLICY 161.1.7: Maintain Land development Codes requirements for design and architectural review of projects in proximity to RSW and other points of entry into Lee County.

OBJECTIVE 161.2: Sports Tourism. Promote the development of the sports tourism market.

POLICY 161.2.1: Provide facilities and venues for amateur and professional sporting events.

POLICY 161.2.2: Encourage lodging and other tourism-based development in proximity to sports facilities/venues.

POLICY 161.2.3: Engage with promoters of amateur sporting events in order to attract and retain local, state, regional, national and international sporting events.

OBJECTIVE 161.3: Business Tourism. Promote the development of the business tourism market.

POLICY 161.3.1: Encourage and support the development of facilities to host business-related tourism.

POLICY 161.3.2: Support and encourage the development of entertainment and recreational facilities to appeal to business travelers and their travel companions.

POLICY 161.3.3: Engage business groups in order to attract conference-related tourism.

OBJECTIVE 161.4: Ensure development of the appropriate infrastructure needed to support the County's tourism sector.

POLICY 161.4.1: Position the County as a major aviation international port of entry.

POLICY 161.4.2: Continue to research and measure the economic impact of tourism, in order to provide information for planning, marketing, and management of tourism for both the private and public sectors.

POLICY 161.4.3: Support the development of adequate public and private facilities needed to attract and retain long and short term visitors.

GOAL 162 - GOAL 163: RESERVED



PROPERTY RIGHTS

Chapter XII

XII. Property Rights Element

In accordance with §163.3177(6)(i), Fla. Stat., the following rights will be considered in local decision making:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

(Ord. No. [22-03](#))



ADMINISTRATION

Chapter XIII

XIII. Administration

a. Effect and Legal Status of the Plan

After the Lee Plan or portion thereof has been adopted in conformity with Ch. 163, Fla. Stat., all development undertaken by, and all actions taken in regard to development orders by Lee County in regard to land covered by the Lee Plan or element must be consistent with the adopted Plan or element. Development permits issued by the County must be consistent with the Plan as adopted on the date of issuance.

Land development regulations adopted or amended after the effective date of the Lee Plan, or amendments thereto, must be consistent with the Lee Plan. Land development regulations that are no longer consistent with the Lee Plan must be amended to conform to the goals, objectives, and policies of the Plan. During the interim period when the provisions of the most recently adopted comprehensive plan, or element or portion thereof, and the land development regulations are inconsistent, the provisions of the most recently adopted comprehensive plan, or element or portion thereof, will govern actions taken in regard to an application for a development order.

A development order or land development regulation will be deemed consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan, and if it meets all other established regulatory requirements of the County.

Where goals, objectives, or policies of particular elements conflict, those conflicts will be resolved based on an analysis of the Lee Plan as a whole. Conflicts between the land development regulations and the Lee Plan will be resolved in favor of the Lee Plan.

1. The following development approvals will be considered consistent with the Lee Plan:
 - a. Development permits authorizing development contemplated by a valid Development Agreement adopted under § 163.3220, Fla. Stat.
 - b. Development authorized pursuant to a DRI created under Ch. 380, Fla. Stat.
 - c. Development permits, as defined in § 380.031, Fla. Stat., where the development began prior to adoption of the amendment and has continued in good faith. Consistency will be limited to the development parameters approved in writing and depicted on accompanying development plans expressly approved under the development order process prior to adoption of the amendment.
 - d. Development authorized by court order resulting from litigation in which Lee County was a party.
 - e. Development permits for reconstruction of structures damaged by fire or other natural forces, so long as reconstruction does not exceed the legally permitted use, density, and intensity existing at the time of destruction and the rebuilt or replaced structure complies with federal, state, local building, and life safety regulations.
 - f. In circumstances where judicially defined principles of equitable estoppel override valid limitations imposed by the Lee Plan, the Board of County Commissioners, acting by resolution on a case-by-

case basis, may issue the minimum development permit necessary to authorize development to avoid a Bert Harris or inverse condemnation action.

- g. Development orders and development permits authorizing development contemplated by an administrative interpretation or a legislative interpretation.
2. Development approvals consistent under subsection 1. above may be modified if the modifications make the development more consistent with the current Lee Plan than the original approval.

(Ord. No. [18-05](#))

b. Administrative Interpretations of the Plan

An applicant of a development permit whose property rights are directly affected by the Lee Plan have the right to an administrative interpretation of the Plan as to its application to their property. Administrative interpretations are intended to expedite and reduce disputes over interpretations of the Lee Plan, resolve map or boundary disputes, avoid unnecessary litigation, ensure consistency in Plan interpretation, and provide predictability in interpreting the Plan. Administrative interpretations will be determined by the Community Development Director or designee.

Interpretations will remain in effect and bind the County only as to the legally described property and the plan of development upon which the interpretation was based. If the plan of development is changed, then the administrative interpretation is no longer binding. Actions that render a previous interpretation no longer binding include the following: significant changes in parcel or platted lot(s) configuration; changes to land uses; decreases in open space or preserved land; increases in density or intensity; increases in the acreage; or, other changes that make the plan of development less consistent with the Lee Plan. Determinations of whether a plan of development will be changed so as to render the previous interpretation no longer binding on the County will be made on a case by case basis.

Applicants seeking an administrative interpretation must submit an application demonstrating compliance with the standards below. Procedures for obtaining an administrative interpretation are provided in Lee County Administrative Code [13-2](#).

1. Subject Matter of Administrative Interpretations

Administrative interpretations are limited to:

- a. Whether the Minimum Use Determination, formerly known as the single-family residence provision, applies to a lot/parcel.
- b. Whether a parcel has been properly designated within the Wetlands future land use category. Wetlands future land use boundaries will be determined by using the methodology in Fla. Admin. Code R. 17-340 as ratified and amended in § 373.4211, Fla. Stat. A Jurisdictional Determination approved by SFWMD or Florida DEP must be submitted prior to the issuance of such an interpretation.
- c. Providing clarification of Land Use Map boundaries.

2. Standards for Administrative Interpretations

- a. Interpretations that are confiscatory, arbitrary, capricious, unreasonable, or which would deny all economically viable use of property must be avoided;
- b. Interpretations must be consistent with background data, other policies, and objectives of the plan as a whole;
- c. Interpretations should, to the extent practical, be consistent with prior interpretations; and
- d. Interpretations must be consistent with Statutory Rules of Construction.
- e. In addition to the above, interpretations for a Minimum Use Determination (MUD) will be determined under the following standards:
 - (1) Property not in compliance with the standard density requirements of the Lee Plan may construct one single-family residence on the property PROVIDED the lot/parcel meets the requirements below:
 - (a) Date Created:
 - (i) The lot/parcel must have been created and recorded in the official Plat Books of Lee County prior to December 21, 1984, and the configuration of the lot has not been altered; or
 - (ii) A legal description of the property was lawfully recorded in the Official Record books of the Clerk of Circuit Court prior to December 21, 1984; or
 - (iii) The lot was lawfully created after December 21, 1984, and the lot area was created in compliance with the Lee Plan as it existed at that time.
 - (b) Minimum Lot Requirements:
 - (i) A lot/parcel created before June 27, 1962 must be a minimum of 4,000 square feet in area; or
 - (ii) A lot/parcel that is part of a subdivision recorded in the official Plat Books of Lee County on or after June 27, 1962, and prior to December 21, 1984, must have a width of at least 50 feet and an area of at least 5,000 square feet; or
 - (iii) A lot/parcel created on or after June 27, 1962, and prior to December 21, 1984, that is not part of a subdivision recorded in the official Plat Books of Lee County must be a minimum of 7,500 square feet in area; or
 - (iv) A lot/parcel created on or after December 21, 1984 was in conformance with the zoning regulations in effect at the time the lot/parcel was recorded; or
 - (v) A lot/parcel approved as part of a planned unit development or planned development.

- (c) Access and Drainage:
 - (i) The lot/parcel must front on a constructed road and the lot/parcel must be served by drainage swales or equivalent drainage measures. The road must have, at a minimum, a graded surface of shell, marl, gravel base rock, or other compacted fill material, suitable for year-round use; or
 - (ii) The lot/parcel must be located within a subdivision approved under Ch. 177, Fla. Stat., provided the subdivision access and drainage improvements have been constructed or the developer has posted security for their completion.
- (d) There is no other permitted use allowed on the property.
- (2) When the right to build a single-family residence on a lot/parcel has been established with a Minimum Use Determination, the following will apply:
 - (a) The residential structure must comply with applicable health, safety, and welfare regulations.
 - (b) Lots/parcels that contain wetlands will be subject to the Wetlands Protection Ordinance as codified in the Land Development Code.
 - (c) If two or more contiguous lots/parcels have each qualified for the right to build a single-family residence, the property owner may reapportion the lots/parcels provided the number of lots/parcels created through reapportionment does not exceed the number of single-family residences approved for each lot/parcel.
 - (d) Lots/parcels that qualify for the right to construct a single-family residence may be combined with contiguous property provided overall density will not increase.
 - (e) If two or more contiguous properties have each qualified for the right to construct a single-family residence and if the lots/parcels are located in a zoning district that permits duplex or two-family dwellings, the lots/parcels may be combined to build a single duplex or two-family building in lieu of constructing two single-family residences.
- (3) A Minimum Use Determination will run with the land and is available to subsequent owners if the property is transferred in its entirety.
- (4) Lots/parcels with a favorable Minimum Use Determination may be permitted non-residential uses in addition to a single family residence if:
 - (a) The lot/parcel is located in the Open Lands or Density Reduction/Groundwater Resource (DR/GR) future land use category and the use is allowed by the future land use category and complies with the Land Development Code; or
 - (b) The lot/parcel is located on Captiva Island in an area identified by Policy 23.2.1 and is approved as a Commercial or Mixed-Use planned development.
- (5) A Minimum Use Determination may be vacated on a property that is brought into compliance with the standard density requirements of the Lee Plan.

- (6) In the General Interchange future land use category, property that is less than one acre in size and qualifies for a Minimum Use Determination may be permitted a single-family residence. Property that is an acre or more in size does not qualify for a Minimum Use Determination and will be required to meet the minimum density of 8 units per acre and limited to multi-family dwelling units.
 - (7) Properties within future land use categories that do not permit residential density do not qualify for a Minimum Use Determination.
 - (8) A property that is 10 or more acres in size with at least 8 acres of land designated as DR/GR and no more than 2 acres of Wetlands, provided that no alterations are made to those wetland areas, may be permitted one single family residence.
- f. Interpretations that find a property improperly designated in the Wetlands future land use category will assign the property to the most appropriate, least intense, contiguous upland future land use category.

3. Standards for Appeal

The Board will consider information submitted during the administrative interpretation process and will review only whether the standards set forth in subsection 2. above have been properly applied to the facts.

(Ord. No. [18-05](#), [18-18](#), [19-13](#), [19-26](#), [23-08](#))

c. Legislative Interpretations of the Plan

The Lee Plan will be interpreted in accordance with generally accepted rules of statutory construction, based upon sound legal advice. Legislative interpretations will have the force of law, unless the Lee Plan is amended to change the effect of the legislative interpretation.

Requests for legislative interpretations may be placed before the Comprehensive Plan Annotations Committee (CPAC) by any one of its three members in response to a question raised by the Board of County Commissioners, collectively or by any one commissioner, by any member of the County administration responsible for administering the Plan, by the Local Planning Agency (LPA), by the Lee County Hearing Examiner, or by any applicant for development regulated by the Plan. Legislative interpretations will be made using the procedures provided in Lee County Administrative Code [13-2](#).

Comprehensive Plan Annotations Committee (CPAC). The three members of the CPAC are the Director of Community Development, the Planning Manager, and the County Attorney, or designee. Only one vote may be cast by or on behalf of each official. The CPAC is subject to the sunshine regulations and all meetings must be open to the public. The CPAC will function in an informal workshop atmosphere, with an emphasis on the timely production of concise, written recommendations to the LPA.

(Ord. No. [18-05](#))

d. Amendments to the Plan

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

The decision of the Board of County Commissioners on a plan amendment is final and deemed rendered on the date the Board votes on the matter denying or approving the requested amendment. In accordance with § 163.3181(4), Fla. Stat., if an applicant's request for an amendment to the Lee Plan, which is applicable to the applicant's property, is denied by the Board of County Commissioners, the applicant may request informal mediation or other alternative dispute resolution agreed upon by the applicant and the County to attempt to resolve issues raised regarding the proposed amendment. The costs of the mediation or other alternative dispute resolution shall be borne equally by the County and the applicant. A written request under this section must be submitted to the Chairman of the Board of County Commissioners within 30 days from the date the application was denied by the Board. Failure to make the request will be deemed a waiver of the opportunity afforded under § 163.3181(4), Fla. Stat. All public and private discussions in furtherance of settlement under the informal mediation or alternative dispute resolution process are inadmissible in subsequent litigation.

Sections of this plan may be renumbered or relettered, and typographical errors which do not affect the intent, may be authorized by the County Manager, or designee, without a public hearing, by filing a corrected copy with the Clerk of the Circuit Court.

(Ord. No. [18-05](#))



GLOSSARY

Chapter XIV

XIV. Glossary

ACCESSORY APARTMENT – In general terms, a living unit constructed subordinate to a single family residence, or in a separate structure and rules governing such to be further defined in the Lee County Zoning Ordinance. (Ord. No. [93-25](#))

ACTIVITY CENTER – Those areas of such economic, recreational, cultural, or unique locational significance that the community has unusual difficulty in providing transportation facilities consistent with adopted service levels (see Objective 37.3).

AGGREGATE – An industry term for rock particles that vary in size from sand to several inches in diameter. The term “crushed stone” is often used interchangeably. In construction applications, aggregates are mixed with Portland cement or asphalt materials to form Portland cement concrete or hot mix asphalt. (Ord. No. [10-20](#))

AIRPORT (PUBLIC USE) – Any area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purpose. Airport Facilities (Commercial or General Aviation) typically include areas for shelter, servicing, or repair of aircraft, or for receiving and discharging passengers or cargo, and areas used for access to airport facilities or buildings. (Ord. No. [04-16](#))

AIRPORT LAYOUT PLAN – A map of existing and proposed airport property, facilities and development that is created and regularly updated as a result of the Airport Master Planning process. (Ord. No. [04-16](#), [09-14](#), [19-02](#))

AIRPORT MASTER PLAN – A plan of development applicable to an airport that is prepared and approved in accordance with FAA Advisory Circular 150/5070-6B and FDOT Guidebook for Airport Master Planning. By design, the Airport Master Plan process is ongoing and allows an airport to address operational and development needs as they arise. The overall development scheme or concept is depicted in the Airport Layout Plan. (Ord. No. [04-16](#))

AIRPORT SUPPORT LAND USES – Land uses that provide support facilities to other airport operations, including the air traffic control tower, aircraft rescue and firefighting, airport maintenance, airport utilities, rental car service and storage, fuel farms, aircraft maintenance areas, airline in-flight catering kitchens, airport police department gun range, airport auto repair facility, and Port Authority training facility. (Ord. No. [04-16](#))

ASSOCIATED SUPPORT DEVELOPMENT – Within the University Community land use category is that development which is related to and justified by the University, including but not limited to support facilities, university housing, and development, such as research and development parks, which would not have come to the University Community except for the synergy created by the University. (Ord. No. [92-47](#))

AVIATION-RELATED INDUSTRY LAND USES – Land uses that include manufacturing, fabrication, or assembly activities relating to aviation. Examples of Aviation-Related Industry land uses include fuel storage and transfer facilities, aircraft parts/instrument manufacture, facilities for processing large air cargo shipments, and warehousing. (Ord. No. [04-16](#))

AVIATION RELATED LAND USES – Uses necessary for the safe operation of the airport. These uses include: all uses necessary to support airfield operations such as runway and taxiway safety areas, runway approaches, taxiways and taxiway exits, areas where NAVAIDS will be located, and areas within the building restriction lines and the runway protection zones; all facilities associated with Airline Passenger Terminal areas and Air Cargo areas, including the Federal Inspection Station/customs, aircraft aprons, and terminal auto parking areas, cargo buildings and truck ramps for transshipping cargo between air and ground transportation; all uses associated with General Aviation operations, including aircraft aprons, fixed base operator offices and hangars, and auto parking areas. This term also includes all Airport Support and Aviation-Related Industry. (Ord. No. [04-16](#))

A-ZONE – Those areas subject to a 100-year flood, as indicated on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency.

BARRIER ISLAND – The term "barrier island" is intended to refer to the following islands: Gasparilla, LaCosta (Cayo Costa), North Captiva, Captiva, Sanibel, Estero, Black, Lovers Key, Big Hickory, and Little Hickory (often referred to as Bonita Beach) Islands.

BEST MANAGEMENT PRACTICE – That practice which provides reasonable assurance that a given standard of performance can be achieved (South Florida Water Management District).

BUILD-BACK – Replacing an existing structure or developed site with structures and/or development of substantially similar use, density and/or intensity. (Ord. No. [10-08](#))

CAPACITY, ROAD – The maximum number of vehicles having a reasonable expectation of passing over a given section of roadway during a given time period under prevailing roadway and traffic conditions.

CAPITAL IMPROVEMENTS – The acquisition of land, real property, a physical facility, or the construction of a physical facility.

CIVIC SPACE – Spaces, public or private, that, when located at street level are accessible to the general public including: plazas, sidewalk gathering spaces with seating, pocket parks and playgrounds that are scaled to the surrounding urban environment, and other functional public areas. (Ord. No. [07-14](#))

CLUSTERING – A development design technique that concentrates a group of buildings or uses in specific areas to allow the remaining area to be used for open space, buffering, joint-parking, recreation, water management, or protection of environmentally sensitive areas.

COASTAL BUILDING ZONE – The barrier islands, except Sanibel; Buck Key; Long Key; the unnamed mangrove island between Broadway and Hogue Channels, in their entirety; and the land area 3,000 feet landward of mean high water from the western tip of Punta Rassa to the peninsula north of Pelican Bay, with the eastern boundary being the eastern shoreline at mean high water of the presently undeveloped peninsula in Siesta Isles as delineated in the aerial map filed with Clerk of the Court as Exhibit A. The bay islands in Gasparilla Sound, Pine Island Sound (including Cabbage Key and Useppa Island), Matlacha Pass and Estero Bay and Pine Island, San Carlos Island and the mainland area not expressly referred to in this definition are not included. (Ord. No. [94-30](#))

COASTAL CONSTRUCTION CONTROL LINE – The Department of Natural Resources' Coastal Construction Control Line is the line established pursuant to the provisions of § 161.052 - § 161.053, Fla. Stats.

COASTAL HIGH HAZARD AREA – The area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model and delineated by Map 5-A of the Lee Plan as required by § 163.3177(6)(a)10.c.(VI), Fla. Stat. (Ord. No. [94-30](#), [99-17](#), [09-17](#), [16-07](#))

COMMERCIAL DEVELOPMENT:

MINOR – Commercial development that provides for the sale of convenience goods and services and contains less than 30,000 square feet of gross floor area.

NEIGHBORHOOD – Commercial development that provides for the sale of convenience goods and personal services, such as food, drug, sundries, and hardware items and has a gross floor area range of 30,000 to 100,000 square feet.

COMMUNITY – Commercial development that provides for the sale of retail goods such as clothing, variety items, appliances, and furniture as well as goods that may be found in a neighborhood commercial development and has a gross floor area range of 100,000 to 400,000 square feet.

REGIONAL – Commercial development that provides some functions of community commercial, in addition to providing a full range and variety of shopping goods for comparative shopping (such as general merchandise, apparel, furniture, and home furnishings) and has a gross floor area range of 400,000 to 1 million square feet. (Ord. No. [16-07](#))

COMMUNITY PLAN – A Goal in the Lee Plan specific to a defined area of the County with long term community objectives and policies that complement and remain consistent with the County’s overall goals, objectives, and policies. (Ord. No. [18-18](#))

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. (Ord. No. [17-19](#))

CONSERVATION EASEMENT – A right or interest in real property that is appropriate to retaining the land or water areas predominately in the natural scenic, open, agricultural, or wooded condition (see § 704.06, Fla. Stat.). (Ord. No. [10-21](#))

COST-EFFECTIVE – An action or technique is "cost-effective" when it offers more benefit per unit cost or lower cost per unit benefit than an alternative.

DENSITY – The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included in the density calculation, unless otherwise stated in this plan.

When the calculation of the gross density of a development results in a fractional density, 0.50 of a dwelling unit or greater shall be rounded up to the next whole number and fractions less than 0.50 shall be

rounded down. No further rounding is permitted. Fractional density rounding may not be applied to parcels subject to the Gasparilla Island Conservation District Act of 1980 (as amended) or existing, undersized parcels that would require a Minimum Use Determination pursuant to Chapter XIII to permit one single-family residence on said parcel. Fractional density rounding may not be applied to parcels of land created (subdivided or combined) after March 16, 2016 in a manner that would permit greater gross density than that was permitted (with fractional density rounding) prior to creation of the new parcel. (Ord. No. [98-09](#), [00-22](#), [03-21](#), [05-21](#), [07-09](#), [07-14](#), [09-06](#), [10-43](#), [16-07](#), [17-13](#), [18-05](#))

DEVELOPMENT – Has the meaning given in Chapter 380, Fla. Stat.

DEVELOPMENT OF COUNTY IMPACT (DCI) – A development which, because of its character, magnitude, location, size, timing, density, or intensity would have a substantial effect upon the health, safety, and welfare of the citizens of the County. Thresholds for DCIs will be specifically defined in zoning or development regulations and ordinances. (Ordinance No. [00-22](#))

DEVELOPMENT ORDER – An order granting, denying, or granting with conditions an application for a development permit. Whenever this plan refers to a “preliminary” or “final” development order, the term will have the same meaning given those terms in the Lee County Development Standards Ordinance as it existed in October of 1989. (Ord. No. [94-30](#), [00-22](#))

DEVELOPMENT PERMIT – Includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of Lee County having the effect of permitting the development of land.

EDGE EFFECT – The influence of adjacent plant communities on the number of animal species present in the immediate vicinity.

EQUIVALENT RESIDENTIAL CONNECTION (ERC) – The total number of meter equivalents using the methodology of the Florida Public Service Commission. This term is synonymous with “Equivalent Residential Units” as used by the Florida Public Service Commission. It is used to convert commercial and industrial water or sanitary sewer use into standard units, based on typical use in dwelling units.

FLOODING – A general or temporary condition of partial or complete inundation of normally dry land areas from: (1) overflow of inlands or tidal water; or (2) unusual and rapid accumulation or runoff of surface water from any source.

FLOOD PRONE AREA OR FLOODPLAIN – Any land area susceptible to being inundated by water from any source.

FLOOR AREA RATIO (FAR) – A measure of intensity expressing the maximum allowable floor area permitted on a lot. The FAR is equivalent to the total floor area of all commercial buildings divided by the total area of the lot, expressed in square feet. The FAR represents the relationship of the developed square footage of the lot to the square footage of the site. (Ord. No. [07-09](#), [10-34](#))

FLORIDA FRIENDLY LANDSCAPING – Quality landscapes that conserve water, protect the environment, are adaptable to local conditions, and are drought tolerant. The principles of such landscaping include planting the right plant in the right place, efficient watering, appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction of stormwater runoff, and waterfront protection. Additional components include practices such as landscape planning and design, soil analysis, the appropriate use of solid waste compost, minimizing the use of irrigation, and proper maintenance. (Ord. No. [16-01](#))

FLOW-WAY – A defined area that conveys surface water during typical seasonal weather patterns. The flow-way may contain uplands, wetlands, defined natural or artificial channels, or a combination thereof. A flow-way may be natural or man-made.

A **natural flow-way** is an area of lower topographic relief where surface water moves within variable dimensions or a well-defined channel. The area of flow in this case has enough general confinement to exhibit surface water flow characteristics and is determined through reasonable scientific judgment utilizing all available information including without limitation a review of all the following: vegetation, hydrology, soils maps, aerial photography, topographic maps, United States Geological Survey maps, drift lines, rack lines, sediment deposits, soils and root scour, absence of litter or groundcover, and field verifications. A natural flow-way can be a series of lower elevation upland areas that allow otherwise isolated wetlands to interconnect when surface water levels rise high enough during typical high water seasonal level to form a continuous flow path. Natural flow-ways typically include but are not limited to rivers, creeks, streams, sloughs, interconnected wetlands, and associated flood plain.

A **man-made naturalized flow-way** is a constructed surface water management system consisting of soft features used for nutrient uptake, surface water treatment, and/or surface water conveyance. Man-made naturalized flow-ways typically include but are not limited to filter marshes, created wetlands, swales planted with native vegetation, created streams/creeks, created pond or lake systems interconnected through native vegetation areas, or combinations thereof.

A **man-made structural flow-way** is a physical connection between surface water management basins. Man-made structural flow-ways typically include but are not limited to culverts, ditches, canals, pipelines, mowed grass swales, rip-rap swales, or combinations thereof. This will not include roadways, fire breaks, or similar man-made structures. (Ord. No. [03-06](#))

FRACTIONAL OWNERSHIP UNIT – As used in Goal 13, any dwelling unit for which ownership is shared among multiple entities for the primary purpose of creating short-term use or rental units rather than permanent full time residential units. (Ord. No. [21-09](#))

FRANCHISE – An exclusive right to sell a good or produce a service within a limited geographic area.

FREEWAY – A multilane divided highway facility with at least two lanes for the exclusive use of traffic in each direction and full control of access and egress. (Ord. No. [98-09](#), [21-09](#))

FUNCTIONAL CLASSIFICATION – Functional classification is the process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide.

FUTURE NON-URBAN AREAS – Those categories on the Future Land Use Map that are designated primarily for single use developments with a density equal to or less than 1 unit per acre unless otherwise allowed within a special treatment area identified in Objective 1.7: Rural, Rural Community Preserve, Coastal Rural, Outer Island, Open Lands, Wetlands, Conservation Lands (upland and wetland), New Community within the North Olga Planning Community and Density Reduction/Groundwater Resource. (Ord. No. [17-13](#), [18-06](#), [20-06](#))

FUTURE SUBURBAN AREAS – Those future urban categories on the Future Land Use Map that are designated primarily for single use developments: Suburban, Outlying Suburban, Sub-Outlying Suburban, Industrial Development, Airport, Tradeport, Commercial, Industrial Interchange, General Commercial Interchange, Industrial Commercial Interchange, University Village Interchange, University Community, Public Facilities, and the New Community within the Gateway/Airport Planning Community. (Ord. No. [17-13](#), [18-06](#))

FUTURE URBAN AREAS – Those future urban categories on the Future Land Use Map that are designated for urban activities, allow for bonus density, and encourage a mixture of uses: Intensive Development, General Interchange, Central Urban, Destination Resort Mixed Use Water Dependent, and Urban Community. (Ord. No. [94-30](#), [99-18](#), [04-16](#), [17-13](#))

GICDA – Gasparilla Island Conservation District Act. (Ord. No. [18-18](#))

GREEN INFRASTRUCTURE – Surface water management systems that are "soft" features such as preserved/restored flow-ways, created flow-ways, lakes with littoral plantings, swales planted with native grasses, filtration marshes, preserved/restored wetlands, created wetlands, or other similar design features. (Ord. No. [03-06](#))

HISTORIC DISTRICT – A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also be comprised of individual elements separated geographically but linked by association or history.

HISTORIC RESOURCE – Any prehistoric or historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value. These properties or resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, treasure trove, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of the state (§ 267.021(3), Fla. Stat. (1986)).

HURRICANE VULNERABILITY ZONE – The areas delineated by the area below the elevation of the category 3 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. (Ord. No. [99-15](#), [16-07](#))

HYDROPERIOD – The cyclic variation in the volume of water flowing in a system through time.

INFILL – The use of vacant land within a predominantly developed area for further construction or development. These lands already have public services available but may require improvements to meet current development standards. (Ord. No. [07-14](#))

INFILTRATION – The flow of a liquid through a porous material (see also "percolation").

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. (Ord. No. [17-19](#))

INTENSITY – A measurement of the degree of non-residential uses of land based on use, size, impact, bulk, shape, height, coverage, sewage generation, water demand, traffic generation, or floor area ratios.

LAND USE – The development that has occurred on the land, the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under the adopted comprehensive plan or element or portion thereof, land development regulations, or a land development code, as the context may indicate.

LEACHATE – The solution/suspension of material in water which has percolated through a landfill.

LAMSID – Lehigh Acres Municipal Service Improvement District. (Ord. No. [18-18](#))

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 indicate the capacity per unit of demand for each public facility.

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.

(Ord. No. [17-19](#))

LIMEROCK – Limerock is a common name for construction products made from naturally occurring limestone. In Lee County, most of the commercially valuable limestone comes from the Ochopee geological unit. Limerock mines typically produce rip-rap and the base rock that is used for road beds, as well as selling overburden as fill dirt. Larger limerock mines also produce aggregate (crushed stone) of various sizes. (Ord. No. [10-20](#))

LINER BUILDING – Type of building constructed in front of a parking lot, cinema, supermarket etc., to conceal large expanses of blank space or wall and to face the street space with a façade that has doors and windows opening onto the sidewalk. (Ord. No. [07-14](#))

LIVE-WORK UNIT – A dwelling unit, part of which is used as a business establishment and the dwelling unit is the principal residence of the business operator. Live-Work units typically include a ground floor dedicated to office or retail space, and upper or rear floors for living quarters.

- (a) Live-Work Unit means rooms used by a single household both as a dwelling unit and as a "Work Space," as defined herein. The living space of a Live-Work unit must contain a kitchen area and sanitary facilities.
- (b) "Work Space" means an area within a Live-Work Unit that is designed or equipped exclusively or principally for the conduct of work activities and is to be regularly used for such work activities by one or more occupants of the unit.

(Ord. No. [09-08](#))

LOW INCOME – A person or household whose annual (gross) income does not exceed the 80% of the area median income, as determined by HUD. (Ord. No. [99-15](#))

MARINA – A commercial or industrial Water-Dependent Use located on property adjacent to water with direct access to a navigable channel. The primary function must be to provide commercial dockage, mooring, storage and service facilities for watercraft and land-based facilities and activities necessary to support the water dependent use. The term "marina" does not apply to docks, davits, boathouses and similar docking facilities that are accessory or ancillary and subordinate to: 1) residential buildings that

are located on the same premises and under the same ownership or control as the docks, davits, boathouses, boat ramps, and similar docking facilities; and 2) commercial or industrial establishments that are not Water-Dependent uses. For purposes of this definition only, "residential building" means a mobile home, single-family, two-family, duplex, townhouse or multiple-family dwelling. Sub-classifications of Marinas will be further defined in the LDC of establishing permissible ancillary or accessory water and land-based activities and property development regulations. (Ord. No. [00-22](#))

MARINE INDUSTRIAL USES – Uses which generally relate to port activities and commercial fishing. These uses include, but are not limited to, ports, oil and gas transportation facilities, boat manufacturing plants, commercial fishing operations, marine supply stores, boat repairs, and the icing, preparation, shipping, and sale of seafood.

MEDIAN INCOME – A determination made by HUD through statistical methods establishing a middle point for determining income limits for households within the metropolitan statistical area, the County or the non metropolitan median for the state, whichever is greatest. Median is the amount that divides the distribution into two equal groups – one group having income above the median and the other group having income below the median. (Ord. No. [99-15](#))

MIXED USE – Development, in a compact urban form, including residential and one or more different but compatible uses, such as but not limited to: office, industrial and technological, retail, commercial, public, entertainment, or recreation. These uses may be combined within the same building or may be grouped together in cohesive neighboring buildings with limited separation, unified form and strong pedestrian interconnections to create a seamless appearance. True mixed use developments primarily consist of Mixed Use Buildings. (Ord. No. [05-21](#), [07-14](#), [17-13](#))

MIXED USE BUILDING – A building that contains at least two different land uses (i.e. commercial and residential, R & D and residential, office and residential, commercial and civic use open to the public) that are related. (Ord. No. [05-21](#))

MODERATE INCOME – A person or household whose annual (gross) income does not exceed the 120% of the area median income, as determined by HUD. (Ord. No. [99-15](#))

NATURAL RESOURCE EXTRACTION – The act of removing, through various techniques, renewable and non-renewable resources, excluding water, in their natural state on or below the surface of the earth. Such resources include but are not limited to sand, gravel, limestone, fill dirt, oil, and natural gas. (Ord. No. [02-02](#))

NAVAID - AIR NAVIGATION FACILITY – A facility designed for use as an aid to air navigation, including landing areas, lights, any apparatus or equipment for disseminating weather information, for signaling, for radio direction-finding, or for radio or other electronic communication, and any other structure or mechanism having a similar purpose for guiding and controlling flight in the air or the landing or takeoff of aircraft. (Ord. No. [04-16](#))

NON-AVIATION RELATED USES – The non-residential land uses identified on the Southwest Florida International Airport Layout Plan and the Page Field Airport Layout Plan. Non-aviation related uses may be enhanced by proximity to an airport, but these uses are not dependent on access to an airport. These uses could be developed in other locations within the County. Non-aviation related uses will be established on Airport Lands through lease agreements with the Port Authority. The areas identified to accommodate these non-aviation uses are supportive of the primary aviation facilities comprising the Southwest Florida International Airport or the Page Field Airport. Use of Airport Lands for non-aviation related use is intended to provide a revenue stream that may be used to enhance airport operations. (Ord. No. [04-16](#), [09-14](#), [19-02](#))

OPEN SPACE – Land, public or private, which may be either unoccupied or predominately unoccupied by buildings or structures, having use for parks, recreation, water management, vegetation, agriculture, conservation, protection or preservation of water resources, historic or scenic resources, green space, green belts, natural rivers and streams, forests, wetlands, beaches and dunes, wildlife habitat, preserves, sanctuaries, reserves and refuges, and air and water.

PARK:

COMMUNITY – A tract of land designated and used by the public primarily for active recreation but also for educational and social purposes and passive recreation. A community park generally serves a specific community comprised of at least several neighborhoods. The Lee Plan's community park standards are based upon several sub-classifications of community parks: standard community parks; community recreation centers; community pools; and school parks.

REGIONAL – A tract of land designated and used by the public for active and passive recreation. A regional park draws users from a larger area than a community park, frequently from the entire County and beyond, by providing access to especially attractive natural resources, amenities, and specialized activities. The Lee Plan's regional park standards are based upon several sub-classifications of regional parks: district parks; nature preserves; and special area regional parks.

PEDESTRIAN SHED – The estimated distance that a person is willing to walk in order to reach a destination. The standard pedestrian shed is ¼ mile, or a five to eight minute walk from the common destination. The extended pedestrian shed is ½ mile, or an 8 to 10 minute walk from the common destination. This is the estimated distance that a person is willing to walk under special circumstances in order to reach a destination. (Ord. No. [07-14](#), [17-13](#))

PERCOLATION – The flow of a liquid through a porous material under the influence of gravity or pressure (see also "infiltration").

PINE ISLAND CENTER – Urban Community-designated lands that are generally located at the arterial intersection of Pine Island Road and Stringfellow Road within the Greater Pine Island Planning Community. (Ord. No. [16-07](#))

PLANNED DEVELOPMENT – Zoning specific to a single development that is designed as a cohesive, integrated unit under unified control that permits flexibility in building siting, mixture of housing types or land uses, clustering, common functional open space, the sharing of services, facilities and utilities and protection of environmental and natural resources. (Ord. No. [17-13](#))

POPULATION AT RISK – All people located within an area defined by the vulnerability zone of a Category 3 storm hazard in the month of November. The latest Southwest Florida Regional Hurricane Evacuation Study will be used to designate the vulnerability zone of a Category 3 storm hazard. (Ord. No. [92-35](#), [00-22](#))

PUBLIC SERVICES – The requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development. Public services as used in this plan include, but are not limited to: public sewer and water; paved streets and roads; public transit; parks and recreation facilities; police, fire, and emergency services; surface water management; schools; and, community facilities such as senior citizens' centers, libraries, and community centers. (Ord. No. [21-09](#))

RARE AND UNIQUE UPLAND HABITATS (RU) – High-quality native upland habitats categorized as “mature” due to the absence of severe impacts by logging, drainage, and exotic infestation. These habitat types include those classified as: sand scrub (320); coastal scrub (322); those pine flatwoods (411); slash pine/midstory oak (412); tropical hardwood (426); live oak hammock (427); and, cabbage palm hammock (428). The numbered references are to the Florida Land Use Cover and Forms Classification System (FLUCFCS) Level III (Florida Department of Transportation, 1985). (Ord. No. [22-25](#))

RECREATION:

ACTIVE – Active recreation requires a certain degree of physical exertion. Recreational activities that are of this orientation are generally of an organized or team nature and usually require an established playfield or type of court to accommodate them (e.g. baseball, football, tennis, basketball).

PASSIVE – Passive recreation activities are ones which require a minimal amount of physical effort but help in promoting physical and psychological refreshment. Such activities include: picnicking, camping, strolling in the park, and water-oriented recreation in the forms of fishing and boating.

RECREATION AREA:

RESOURCE-BASED – An area that possess a high degree of natural beauty through the land, air, and water resources that compose them. These areas generally have a higher level of intrinsic value, i.e., visual and other aesthetic qualities of their natural environment. Examples of resource-based recreation areas are beaches, wetland preserves, and riverfront parks.

USER-ORIENTED – An area where numerous recreational activities can take place which are more or less independent of special natural features. Areas such as these commonly contain ballfields, tennis courts, playgrounds, swimming pools, and the like that are planned and located to help satisfy specific user demands. User-oriented recreation areas generally have a greater amount of extrinsic value where recreational values are created through man-made adaptation, alteration, or addition to the natural landscape.

WATER-BASED – An area that has within its boundaries a body of salt or freshwater, shoreline frontage, or access to a shoreline where water-related facilities such as boat ramps, docks, fishing piers, and beach areas for swimming can be located.

RECREATION FACILITIES:

PRIVATE – Includes nature trails, tent camping areas, boardwalks, play areas (as defined in "Park Planning Guidelines, 3rd Edition"), horse stables and riding areas, service areas, administrative areas, ancillary uses, and golf courses (private or public use). The location of public wellheads and Aquifer Storage and Recovery facilities may be located in Private Recreational Facilities. (Ord. No. [99-16, 10-21](#))

PUBLIC – Land and appurtenant facilities that are provided by a governmental agency or charitable conservation organization for recreational use by the general public. (Ord. No. [10-21](#))

RECREATIONAL USE – The occupation, utilization, consumption, or enjoyment of a recreation resource, or of a particular part of a recreation resource.

REDEVELOPMENT – Development activity characterized by replacement of existing dilapidated or underperforming structures. The new development is usually at a higher level of intensity or density. (Ord. No. [07-14](#))

REHABILITATION – The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

RESEARCH AND DEVELOPMENT – Establishments primarily engaged in commercial physical and biological research and development, and noncommercial research establishments; performing commercial business, marketing, opinion, and other economic, sociological, and educational research; performing noncommercial research into and dissemination of, information for public health, education, or general welfare; and establishments primarily engaged in providing testing services. (Ord. No. [09-06](#))

RESOURCE RECOVERY – Various techniques of recovering reusable or recyclable materials or energy from garbage and trash.

RESTORATION – The act of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or the replacement of missing earlier work.

RETAINING WALL – A generally vertical wall built of concrete, steel, wood, fiberglass, or other materials. It is similar to a seawall but is located well landward of mean high water and of any existing wetland vegetation and/or littoral zone characterized by the presence of intertidal fauna.

REUSE WATER – Treated wastewater which, as a commodity, is sold to various users for agricultural irrigation, grounds management (institutional lawns, golf courses), or industrial use.

SANITARY SEWER SYSTEM – The infrastructure required to collect, transport, treat, and dispose of water-borne wastes, and the contaminated water that carries such wastes, from many individual and varied land uses. This definition of “sanitary sewer system” includes those systems operated by developers and homeowner or condominium associations, as well as by County or municipal governments or other public agencies, and by franchised or certificated utility companies.

SEAWALL – A generally vertical wall built of concrete, steel, wood, fiberglass, or other material which holds the material behind it in place and is designed to resist waves and erosion.

SITE-RELATED IMPROVEMENTS – Capital improvements and right-of-way dedications for direct access improvements to the development. Direct access improvements include but are not limited to the following: site driveways and roads; median cuts made necessary by those driveways or roads; right turn, left turn, and deceleration or acceleration lanes leading to or from those driveways or roads; traffic control measures for those driveways or roads; and, roads or intersection improvements whose primary purpose at the time of construction is to provide access to the development. (Ord. No. [94-30](#))

SLUDGE – The solids remaining after settling and treating wastewater (also septage).

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) – A form of development that creates mixed-use, mixed-income neighborhoods that are compact, diverse and walkable. (Ord. No. [07-14](#))

TRANSFER OF DEVELOPMENT RIGHTS (TDR) PROGRAM – The program by which dwelling units or development rights are conveyed to another property through transfer or sale. The landowner may sell development rights and may retain the title to the land and the right to use the land on a limited basis. (Ord. No. [17-13](#))

TRANSFERABLE DEVELOPMENT UNIT (TDU) – A unit of development rights that are severed from a sending parcel and that can be transferred for use on a receiving parcel. (Ord. No. [17-13](#))

TRANSIT ORIENTED DEVELOPMENT (TOD) – Development located within walking distance of a transit stop that is mixed use and developed using TND standards. (Ord. No. [07-14](#))

UNDEVELOPED BARRIER ISLAND – Undeveloped barrier islands are: 1) areas designated by the United States Congress as undeveloped in the Coastal Barrier Resource Act (PL 97-348) as amended; and 2) other barrier islands (see definition), spits, peninsulas, or portions thereof that have sparse settlement, no infrastructure for support services, and access by watercraft or aircraft only.

URBAN RESERVE – Those specific geographic areas which, by formal interlocal agreement between Lee County and a municipality, have been determined to be suitable for annexation into that municipality (see Policies 1.6.2 and 152.1.4).

URBAN SPRAWL – The uncontrolled, premature, or untimely expansion and spreading out of urban levels of density or intensity into outlying non-urban areas.

V-ZONE – Those areas subject to wave action in addition to a 100-year flood, as indicated on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency.

WATER-DEPENDENT USES – Land uses for which water access is essential and which could not exist without water access.

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. (Ord. No. [17-19](#))

WATER-RELATED USES – Land uses that might be enhanced by proximity to the water but for which water access is not essential.

WETLANDS – Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil. (Ord. No. [94-30](#), [00-22](#), [19-26](#))