



**LOCAL PLANNING AGENCY
OLD LEE COUNTY COURTHOUSE
2120 MAIN STREET, FORT MYERS, FL 33901
BOARD CHAMBERS
MONDAY, JANUARY 27, 2014
8:30 AM**

AGENDA

1. Call to Order/Review of Affidavit of Publication/Pledge of Allegiance
2. Introduction of Local Planning Agency Members
3. Sunshine Law Presentation
4. Election of Officers
5. Public Forum
6. Approval of Minutes – December 4, 2013 and December 11, 2013
7. Land Development Code Amendments
 - A. [Code Enforcement Process](#)
 - B. [Chapter 34 Zoning](#)
 - C. [Park Impact Fee Districts](#)
8. 2013 Regular Lee Plan Amendment Cycle
 - A. [CPA2013-09 Capital Improvement](#)
 - B. [CPA2013-06 Concurrency](#)
9. New Horizon 2035: Plan Amendments
 - A. [CPA2011-03 Community Facilities and Services](#)
 - B. [CPA2011-14 Vision Statement](#)
10. Other Business
11. Adjournment – Next Meeting Date: Monday, February 24, 2014

A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing. Contact the Lee County Division of Planning at 239-533-8585 for further information on obtaining a record. In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. Contact Janet Miller at 239-533-8583.



**LAND DEVELOPMENT CODE
AMENDMENTS**

Chapter 2 ADMINISTRATION

ARTICLE VII. HEARING EXAMINER

Sec. 2-420. Intent.

The intent of this article is to promote, protect and improve the health, safety and welfare of the citizens of Lee County by creating within the Office of the Lee County Hearing Examiner the powers and authority granted in F.S. ch. 162, for the enforcement of Lee County codes and regulations; and the power and authority to take action in accord with the duties set forth in chapter 34. With this delegation of power and authority, the Lee County Hearing Examiner's Office is a governmental entity/office with jurisdiction over multiple functions, powers, and authorities.

Sec. 2-421. Code enforcement power and authority of Lee County Hearing Examiner.

(a) ~~_____~~ The office of the Hearing Examiner is ~~hereby~~ granted the power to impose administrative fines, including costs of prosecution, and other noncriminal penalties ~~in order to~~ provide an equitable, expeditious, and effective method of enforcing ~~any~~ Lee County codes, ordinances, ~~or~~ and regulations.

~~(a)~~(b) The Hearing Examiner has the authority to:

(1) Adopt rules for the conduct of code enforcement hearings.

(2) Subpoena alleged violators and witnesses to code enforcement hearings. Subpoenas may be served by the sheriff of the county.

(3) Subpoena evidence to code enforcement hearings.

(4) Take testimony under oath.

(5) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

(6) Review and mitigate Hearing Examiner ordered code enforcement fines, costs, and liens.

(7) Issue a satisfaction or release of code enforcement lien imposed in accordance with this Article.

(c) ~~_____~~ The office of the Hearing Examiner will provide the requisite number of Hearing Examiners necessary to ~~appropriately~~ execute the assigned duties and responsibilities.

Sec. 2-422. Applicability.

This article is applicable to the unincorporated areas of Lee County.

Sec. 2-423. Definitions.

For the purposes of this article, the following words and phrases ~~shall~~ will have the meanings ~~respectively ascribed to them by this section~~ set forth below:

Board means the Board of County Commissioners of Lee County, Florida.

Code inspector means any authorized agent or employee of Lee County whose duty it is to assure code compliance.

County attorney means the legal counsel for the Board.

Director means the director of codes and building services or his designee.

Repeat violation means a violation of a provision of a code or ordinance by a person ~~who has previously been found to have violated the same provision within the past five years prior to the current violation.~~ Repeat violations do not include circumstances when there is a prior adjudication of the same violation that has not been corrected.

Sec. 2-424. Enforcement procedure.

- (a) Initiation of proceedings. ~~It will be the duty of t~~The code inspector to will initiate code enforcement proceedings.
- (b) Initial violation. Except as provided in subsections (c) and (d), if a code inspector finds a violation of Lee County regulations, the violator must be given notice indicating the type of that describes the violation, found the code section violated, and the manner in which it may be corrected required method of correction must be given to the violator. The notice must also provide a reasonable time in which to correct the violation. If the violation continues beyond the time provided for correction ~~or abatement~~, the code inspector may request a hearing before the Hearing Examiner. The code enforcement section will schedule a hearing and provide written notice of the hearing to the violator.
- (c) Not corrected in time. A case may be presented to the Hearing Examiner even if the violation has been corrected prior to the hearing, provided the violation was not corrected within the specified time period ~~or the violation was corrected and reoccurred~~ and the notice indicates the possibility of ~~these~~ this consequences.
- (ed) Repeat violation. If a code inspector finds a repeat violation is found, ~~the code inspector must notify the violator~~ must be given notice that describes of the type of violation, the code section violated, and the required method of correction manner in which it can be abated, but the violator is not entitled to a reasonable time in which to correct the violation prior to the imposition of a fine. Once the violator has been notified of the repeat violation, the code inspector may request a hearing before the Hearing Examiner. The code enforcement section will schedule a hearing and provide written notice of the hearing to the violator. The case may be presented to the Hearing Examiner even if the repeat violation is has been corrected prior to the hearing, provided the notice indicates the possibility of ~~these~~ this consequences.
- (de) Immediate hearing. If the code ~~inspection~~ inspector has reason to believe a violation ~~or the condition causing the violation~~ presents a serious threat to the public health, safety and welfare, or if the violation is irreparable or irreversible in nature, the code inspector, after making a reasonable effort to notify the violator, may request an immediate hearing before the Hearing Examiner.

Sec. 2-425. Conduct of hearing.

- (a) Scheduling of hearings. A regular time and place will be designated by the Hearing Examiner for code enforcement proceedings. The frequency of these hearings will be based upon the number of cases to be heard. If necessary, the Hearing Examiner may also set ~~a special hearings to take place on a day or at a time not regularly set aside for code enforcement proceedings that may occur on any day.~~ The code enforcement section is responsible for scheduling will schedule cases to be heard by the Hearing Examiner. All code enforcement proceedings and hearings will be open to the public, but no public input will be taken.
- (b) Before the hearing, the Director will give the alleged violator the opportunity to enter into an Agreed Order Finding Violation with Lee County.
- (c) Hearing Agenda. Each item on the day's agenda will be addressed in one of the following manners:
- (1) removed as corrected,
 - (2) withdrawn from prosecution,
 - (3) withdrawn for re-noticing or other change,
 - (4) continued to a date certain,
 - (5) through an Agreed Order, or
 - (6) heard and decided.
- ~~(e)~~(d) Prosecution of the case. Each case on the code enforcement docket will be presented to the Hearing Examiner by a county attorney familiar with the case or a member of the County's Code Enforcement department or County Attorney's Office. If the county prevails in prosecuting a case before the Hearing Examiner, it The County will be entitled to recover all prosecution costs incurred in prosecuting the case if the County prevails. For purposes of this section, tThe issuance of an eOrder fFinding vViolation will serve as evidence the county has prevailed in prosecuting the case.
- (ee) Hearing testimony. The Hearing Examiner will proceed to hear the cases on the docket for that day. All testimony will be under oath and recorded. Testimony may will be taken from the a code inspector and, if present, the alleged violator. Formal rules of evidence will not apply, but fundamental due process is to will be observed and will govern the proceedings.
- (df) Decisions. Hearing examiner order. At the conclusion of the hearing each case heard that was not continued for additional review, the Hearing Examiner will issue a written order containing each of make findings of fact, and conclusions of law, and a decision, based on the evidence of record.
- (g) Hearing Examiner Orders.

(1) After the close of the day's hearings, the Hearing Examiner will issue, as applicable, a written non-final Order of Continuance, an Order Finding Violation, or an Order Finding No Violation. The Orders Finding Violation or Finding No Violation are final orders.

(2) Contents of an Order Finding Violation.

a. The Order Finding Violation must include the actions necessary to ~~abate~~ correct any the violation, the fine to be imposed if the violation is not, or has not been, ~~abated~~ corrected, and an award of the ~~costs~~ of prosecution costs due and owing to the county.

b. The Hearing Examiner has the discretion to grant additional time ~~for abatement~~ to correct of the violation. The written Order will state the date for abatement of correction will be set out in the written order.

c. Upon finding a repeat violation, the Hearing Examiner may order the fine to begin on the date the code inspector discovered the repeat violation.

d. ~~If the~~ Upon finding a violation is of the type described in warrants an immediate hearing, as contemplated by section 2-424(~~de~~), the cost of repairs incurred by the county pursuant to section 2-427(a) may be included as part of the administrative fine. the Hearing Examiner may order the violator to pay a fine and will notify the division of codes and building services of the finding. The division may make the repairs to bring the property into compliance and charge the violator the reasonable costs for the repairs, along with the fine imposed by the Hearing Examiner.

(3) Orders Imposing Fines.

a. Upon receipt of a sworn statement by the Director that a code enforcement violation has not been corrected by the time set in the Order Finding Violation, the Hearing Examiner may order the violator to pay the fine specified in the Order. The imposition of the fine will be reflected in a written Order Imposing Fine, which will be sent to the violator. No hearing is required for the imposition of a the fine noted in the Order Finding Violation.

b. If a dispute arises as to whether correction occurred within the set timeframe, the Hearing Examiner may grant a request for a hearing to review the evidence as to correction. Requests for a review hearing must be in writing and set forth the reasons for dispute on the matter of correction. The request must be made either on the date set for correction or within twenty days thereafter.

c. If review of the Order Imposing Fine is not requested as indicated above or the Order is reviewed and upheld, the Order Imposing Fine is a final order.

(h) Recording the eOrder. Certified copies of eOrders may be recorded in the public records of Lee County and, if recorded, will constitute notice to and will be binding on any subsequent purchasers, successors in interest, or assigns, if the violation concerns real property. The findings in the recorded order are binding upon the violator and, if the violation concerns real property, subsequent purchasers, successors in interest, or assigns. If Once an eOrder has been recorded, in the public records pursuant to this subsection, then after receiving proof the violation is abated, the subsequent Hearing Examiner's will issue an eOrders acknowledging abatement correction that must also be recorded in the public records. A No hearing is not required to issue an eOrder acknowledging abatement correction. Failure of a violator to pay the assessed costs of prosecution assessed against him/her by the date specified in the eOrder Finding v Violation may also result in the recording of the eOrder in the public records of Lee County, and will constitute a lien on the subject property and all other properties of the violator in Lee County.

Sec. 2-426. Powers of the code enforcement Hearing Examiner. Reserved.

~~The Lee County code enforcement Hearing Examiner has the power and authority to:~~

- ~~(1) Adopt rules for the conduct of code enforcement hearings.~~
- ~~(2) Subpoena alleged violators and witnesses to code enforcement hearings. Subpoenas may be served by the sheriff of the county.~~
- ~~(3) Subpoena evidence to code enforcement hearings.~~
- ~~(4) Take testimony under oath.~~
- ~~(5) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.~~
- ~~(6) Assume jurisdiction over a case originally presented to the County Code Enforcement Board.~~

Sec. 2-427. Penalties and liens.

~~(a) Order imposing fine/lien. The Hearing Examiner, upon sworn notification by the code inspector that a code enforcement violation has not been abated, may order the violator to pay a fine not to exceed \$250.00 for each day the violation continues past the date set for abatement. If an order requiring abatement has been issued by the Hearing Examiner, a hearing is not necessary for the imposition of a fine. However, if a dispute arises as to whether abatement has occurred, the Hearing Examiner may grant a request for hearing if the request is made by the respondent in writing setting forth the reasons for dispute, either on the date set for abatement or within ten days thereafter. For a repeat violation, the Hearing Examiner may order the violator to pay a fine not to exceed \$500.00~~

~~per day per violation from the date the repeat violation was noticed to the violator by the code inspector. If the violation is of the type described in section 2-424(d), the Hearing Examiner must notify the division of codes and building services. The division may make all reasonable repairs required to bring the property into compliance and charge the violator with the reasonable cost of those repairs along with the fine imposed under this section.~~

~~(b) Penalties.~~

~~(1) A fine imposed under this section cannot may not exceed \$250.00 per day for the first violation or \$500.00 per day for a repeat violation. However, if the Hearing Examiner finds a violation is irreparable or irreversible in nature, a fine of up to \$5,000.00 per violation can may be imposed. Further, the fine may include the cost of all repairs incurred by the county in accordance with subsection (a) hereof as well as the costs of prosecuting the case before the Hearing Examiner.~~

~~(2) For purposes of this article, prosecution costs include, but are not limited to, recording costs, inspection costs, appearances by the code inspector at hearings, photography costs, and similar items.~~

~~(23) The following factors will be considered by the Hearing Examiner in determining the fine to be imposed:~~

- ~~a. The gravity of the violation;~~
- ~~b. Any actions taken by the violator to correct the violation; and~~
- ~~c. Any previous violations committed by the violator.~~

~~(34) The Hearing Examiner may mitigate the fines imposed under this section, as provided in Section 2-427(g).~~

~~(eb) Creation of a lien. A certified copy of an Order imposing fine and/or assessing the prosecution costs of prosecution may be recorded in the public records and thereafter will constitute a lien against the land on which the violation exists and upon any real or personal property owned by the violator in Lee County. Upon petition to the circuit court, such Order may be enforced in the same manner as a court judgment by the sheriffs of this state, including execution and levy against the personal property of the violator, but such Order will not be deemed to be a court judgment except for enforcement purposes.~~

~~(c) Fine accrual and lien foreclosure. A fine imposed under this article will continue to accrue until the violation is abated corrected or until judgment is rendered in a suit to foreclose the lien, whichever occurs first. A lien arising from a fine imposed under this section runs in favor of the Lee County Board of County Commissioners, and the Board may execute a satisfaction or release of lien entered in accordance with this section. A release or satisfaction of lien may be executed by the chairman of the Board on behalf of the entire Board. The Hearing Examiner, upon the recommendation of the county attorney, may authorize the county attorney to foreclose on a lien which that remains unpaid~~

for a period of three or more months after ~~recording~~ filing. In an action to foreclose on the lien, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the foreclosure. No lien created under this article may be foreclosed on real property ~~which~~ that is a homestead under section 4, article X of the state constitution.

- (d) Duration of lien. A lien established in accordance with the provisions of this article may not continue for a period longer than 20 years after the certified copy of an order imposing the fine and/or assessing the costs of prosecution has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. ~~In an action to foreclose on the lien, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the foreclosure.~~
- (e) Costs. The county is entitled to collect ~~all~~ costs incurred in recording and satisfying a valid lien. The continuation of the lien affected by the commencement of an action will not be enforceable against creditors or subsequent purchasers for valuable consideration without notice, unless a lis pendens is has been recorded.
- (ef) Release of lien. The Hearing Examiner ~~has the authority~~ is authorized to issue a satisfaction or release of code enforcement lien imposed in accordance with this section 2-427. ~~Unless otherwise provided under the Code, a release of a special assessment lien must be issued by the Board of County Commissioners.~~
- (fg) Release of fForeclosed lien. If a code enforcement lien imposed under applicable ~~County Code enforcement regulations~~ is foreclosed by a senior lien holder and the new property owner, ~~or representative,~~ requests a release of the County's lien, the County may charge a fee for processing and recording the release, in accordance with the County fee manual.
- (h) Mitigation of lien. The Hearing Examiner ~~has the authority~~ to mitigate code enforcement fines and costs by reducing or eliminating fines and costs imposed by Hearing Examiner's Orders up to the point of the County filing for foreclosure of the lien.

Sec. 2-428. Appeals.

An aggrieved party, including the Board, may appeal a final order of the Hearing Examiner to the circuit court. ~~Such an aAppeals~~ will be limited to appellate review of the record created before the Hearing Examiner and may not be a hearing de novo. ~~Any aAppeals~~ must be filed within 30 days of the execution of the eOrder being appealed in accordance with the Florida Rules of Appellate Procedure. ~~A copy of the notice of appeal must be provided to the Hearing Examiner, the county attorney's office and the division of codes and building services.~~

Sec. 2-429. Notices.

- (a) All notices required by this article of violation and of hearing, but not a continuance of a hearing, must be provided to the alleged violator by: certified

mail, return receipt requested, to the address listed in the tax collector's office for tax notices or to the address listed in the county property appraiser's database; by hand delivery by the sheriff or other law enforcement officer, code enforcement inspector, or other person designated by the Board; or by leaving the notice, at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing ~~such~~ the person of the contents of the notice. In the case of a commercial premises, notice may also be delivered to the manager or other person in charge.

(b) In addition, ~~to provision the notices as set forth in subsection (a),~~ notice may also be served by publication or posting, as follows:

(1) a. ~~Such a~~ Notice must be published once during each week for four consecutive weeks (four publications ~~being~~ are sufficient) in a Lee County newspaper of general circulation. The newspaper must meet the requirements prescribed under F.S. ch. 50 for legal and official advertisements.

b. Proof of publication must be made in accordance with F.S. §§ 50.041 and 50.051.

(2) a. In lieu of publication ~~as described in subsection (1),~~ such notice may be posted at least ten days prior to the hearing or prior to the expiration of any deadline contained in the notice in at least two locations, ~~;~~ one of which must be the property upon which the violation is alleged to exist and the other must be at the Lee County Justice Center.

b. Proof of posting must be by affidavit of the ~~code inspector~~ person posting the notice. The affidavit must include a copy of the notice posted and the date and ~~places~~ locations of its posting.

(3) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (a).

Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (a), together with proof of publication or posting as provided in subsection (b), will be sufficient to show the notice requirements of this article have been met, without regard to whether ~~or not~~ the alleged violator actually received ~~such~~ the notice.

Sec. 2-430. Citation procedures; penalties.

(a) Code enforcement officer. As used in this section, "code enforcement officer" means ~~any designated employees~~ or ~~agents~~ of Lee County whose duty it is to enforce county codes and ordinances.

(b) Citation training. The Board's authority to designate certain county employees or agents as code enforcement officers under this section, F.S. § 162.21, and other regulations, is delegated to the county manager or ~~his~~ designee. Delegation of the Board's authority requires a determination by the county manager, or ~~his~~

designee, that ~~those~~ the employees or agents to be designated have met ~~all~~ the requirements for designation. These requirements include the employee's or agent's compliance with the terms of any agreements between the county and other entities, as well as the successful completion of all required certification and training.

The training and qualifications necessary to be a code enforcement officer will be determined by the county manager, or ~~his~~ designee. Employees or agents who may be designated as code enforcement officers include, but are not limited to, code inspectors, law enforcement officers, animal control officers, or fire safety inspectors. Designation as a code enforcement officer does not provide the code enforcement officer with the power of arrest or subject the code enforcement officer to the provisions of F.S. §§ 943.085 through 943.255.

(c) Citation issuance.

(1) A code enforcement officer is authorized to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance and that the county court will hear the charge.

(2) Prior to issuance a citation, a code enforcement officer must provide notice to the person that the person has committed a violation of a county code or ordinance ~~has been committed~~ and provide a reasonable time ~~within which the violator may to~~ correct the violations. ~~Such~~ The time period can be no more than 30 days. If, upon personal investigation, the code enforcement officer finds that the person has not corrected the violation within the time period, a citation may be issued to the violator. If the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible, or if a repeat violation is found, the code enforcement officer is not required to provide a reasonable time ~~in which~~ to correct the violation and may immediately issue a citation to the person ~~who committed~~ committing the violation.

(3) A citation issued by a code enforcement officer must be in a form prescribed by the county and contain the following:

- a. ~~The d~~ Date and time of issuance.
- b. ~~The n~~ Name and address of the person to whom the citation is issued.
- c. ~~The d~~ Date and time the civil infraction was committed.
- d. ~~The f~~ Facts constituting reasonable cause.
- e. ~~The n~~ Number or section of the code or ordinance violated.
- f. ~~The n~~ Name and authority of the code enforcement officer.

- g. ~~The p~~Procedure for the person to follow in order to pay the civil penalty or to contest the citation.
 - h. ~~The a~~Applicable civil penalties ies if the person elects to contest or elects not to contest the citation.
 - i. ~~The applicable civil penalty if the person elects not to contest the citation.~~
 - j. ~~—~~A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, the right to contest the citation ~~he~~ will be deemed to have been waived ~~his right to contest the citation~~ and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
- (d) Deposit of original citation. After issuing a citation to an alleged violator, the code enforcement officer must deposit the original citation and one copy of the citation with the county court.
- (e) Enforcement by citation. ~~Any Lee County code or ordinance may be enforced using the citation procedure.~~ When the citation procedure is used to enforce county codes and ordinances the following will apply:
- (1) A violation of the code or ordinance is deemed a civil infraction.
 - (2) A maximum civil penalty not to exceed \$500.00 may be imposed.
 - (3) ~~A~~ The civil penalty imposed will be of less than the maximum civil penalty may be imposed if the person who has committed the civil infraction violator does not contest the citation.
 - (4) A citation may be issued by a code enforcement officer who has reasonable cause to believe that a person has committed an act in violation of a code or ordinance.
 - (5) A citation may be contested in county court.
 - (6) ~~Citation proceedings are necessary to enforce county codes and ordinances.~~
- (f) ~~Any p~~Persons who willfully refuses to sign and accept a citation issued by a code enforcement officer will be guilty of a misdemeanor of the second degree, punishable as provided in F.S. §§ 775.082 or 775.083.
- (g) The provisions of this section are an additional and supplemental means of enforcing county codes and ordinances and may be used for the enforcement of any code or ordinance, ~~or for the enforcement of all codes and ordinances.~~ ~~Nothing in t~~ This section does not prohibits the county from enforcing its codes or ordinances by any other means.

Sec. 2-431. Conflict.

In the event that any provision in this article is found to be contrary to any other existing Lee County code or ordinances covering the same subject matter, the more restrictive one will apply.

Secs. 2-432—2-439. Reserved.

CHAPTER 34 ZONING LDC AMENDMENTS

Overview

34-2	Revise definitions related to recreational vehicles; revise gasoline dispensing system
34-622	Add petroleum to Wholesale Establishment, Group III
34-761 – 34-792	Recreational vehicle park districts streamline amendments
34-811 – 34-814	Community facilities districts streamline amendments
34-903	Delete inapplicable section reference in use table
34-934	Revise section references
34-939	Revise design criteria for recreational vehicle planned developments; revise section references; relocate provision regarding recreational vehicles as permanent residences
34-1176	Revise to clarify setbacks for accessory structures with a height greater than 3 ½ feet
34-1179	Add accessory structures in recreational vehicle developments to accessory uses, building and structures division (moved from 34-786)
34-1354	Revise section reference
34-1516	Add option for eligibility to participate in bonus density program
34-1517	Revise in accordance with 34-1516(a)(3)
34-2351	Remove provision regarding recreational vehicles as permanent residences (relocated to 34-939)

LDC AMENDMENTS

Chapter 34 ZONING

ARTICLE I. IN GENERAL

Sec. 34-2. Definitions.

Gasoline dispensing system, special means a gasoline dispensing system which is card-operated for governmental or commercial entities only in accordance with the provisions of chapter 4A-16, part VI, "Service Stations," of the Florida Administrative Code.

Non-transient park means a recreational vehicle development designed, intended or used for long term ~~long term~~ (six months or longer) emplacement of a recreational vehicle on recreational vehicle sites that are lawfully subdivided, platted, recorded or otherwise approved by the Board of County Commissioners. Individual sites may be rented or leased, owned by individuals, or part of a condominium, cooperative or other similar arrangement.

Permanent unit means any recreational vehicle ~~(df), and any park-trailer, which~~ that is intended to be left emplaced on a recreational vehicle site for six months or longer.

Recreational vehicle means a recreational vehicle type unit defined in F.S. § 320.01(1)(b). It is primarily designed as temporary living unit quarters ~~quarters~~ for recreational, camping or travel use, and has its own motive power or is mounted on or drawn by another vehicle. This definition will change to be consistent with changes to state law without amendment to this chapter. Types of recreational vehicles are: The definition of the term "recreational vehicle," as used in this chapter, is intended to change with statutory changes so as to be consistent with them. This definition also includes examples of the types of vehicles identified as recreational vehicles. If the state law is amended to delete or modify the basic entities defined in this subsection, the definitions contained in this subsection will be deleted or modified accordingly. If the state law is amended to provide a new basic entity, then the definition of the new entity will automatically become a permitted recreational vehicle unit without having to amend this chapter. The basic entities are defined as follows:

(1) *Travel trailer, including fifth-wheel travel trailers,* means a vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living unit quarters ~~quarters~~ for recreational, camping or travel use. It has a body width of no more than 8 1/2 feet and an overall body length of no more than 40 feet when factory-equipped for the road.

(2) through (6) remain unchanged.

(7) Private motor coach means a vehicular unit which does not exceed the length, width, and height limitations provided in F.S. § 316.515(9), is built on a self-propelled bus type chassis having no fewer than three load-bearing axles, and is primarily designed to provide temporary living unit for recreational, camping, or travel use.

(8) Fifth-wheel trailer means a vehicular unit mounted on wheels, designed to provide a temporary living unit for recreational, camping, or travel use, of such size or weight as not to require a special highway movement permit, of gross trailer area not to exceed 400 square feet in the setup mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

Recreational vehicle park, existing developed means a parcel (or portion thereof) or abutting parcels of land, with conventional recreational vehicle district zoning, designed, used or intended to be used to accommodate two or more occupied recreational vehicles, and in which necessary utilities and streets and the final site grading or paving of concrete pads or vehicle stands was completed prior to September 16, 1985.

~~*Recreational vehicle park, new* means parks granted County preliminary development orders subsequent to September 16, 1985.~~

~~*Recreational vehicle park, phased* means a park, or portion of a park, which received site plan approvals preceding September 16, 1985, or was vested under the Lee Plan but has not committed to the construction of the facilities needed to be considered a developed recreational vehicle park as defined in this section.~~

Recreational vehicle park resident, permanent means any person who currently owns and has resided at a specific address within a recreational vehicle park for a continuous period of over 12 months prior to September 16, 1985. Proof of residency will be established by and who filed an affidavit filed with the County by October 31, 1985.

~~*Transient park* means a recreational vehicle development designed, intended for or used for short term (less than 6 months) emplacement of a recreational vehicle on recreational vehicle sites that are lawfully subdivided, platted, recorded or otherwise approved by the Board of County Commissioners. Individual sites may be rented or leased, owned by individuals, or part of a condominium, cooperative or other similar arrangement. by relatively short-stay visitors (transient guests) who bring their recreational vehicle with them and remove it at the end of their visit. The individual recreational vehicle site is then ready for another visitor.~~

~~*Transient unit* means a recreational vehicle camping trailer, truck camper, motor home or travel trailer which is brought to the recreational vehicle park by the user, and is removed from the park at the end of the user's visit.~~

ARTICLE VI. DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 34-622. Use activity groups.

(a) through (b) remain unchanged.

(c) Use activity groups are as follows:

(1) through (55) remain unchanged.

(56) *Wholesale establishments.* This group includes establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

GROUP III. Indoor storage. Establishments primarily engaged in buying or selling, on a wholesale basis, durable or nondurable goods and petroleum and petroleum products (SIC 5172), excluding hazardous chemicals, petroleum products not specified herein, or explosives which are stored totally within a building.

DIVISION 4. RECREATIONAL VEHICLE PARK DISTRICTS

Subdivision I. In General

~~Sec. 34-761. General purpose and intent.~~

~~(a) — The purpose and intent of the recreational vehicle park districts is to provide areas within the future urban areas to accommodate new developments for recreational vehicles, and to provide regulations for existing recreational parks which were lawfully established under state or County regulations prior to September 16, 1985.~~

~~(b) — It is the intent of this chapter that:~~

~~(1) — Except as provided for in sections 34-762(1) and 34-783, no recreational vehicle shall be used as a year-round residence;~~

~~(2) — All new recreational vehicle development and all expansions to existing recreational vehicle developments shall be permitted only as recreational vehicle planned developments (see division 9 of this article); and~~

~~(3) — Any lawfully existing recreational vehicle development that cannot conform to any of the conventional recreational vehicle districts set forth in this division may apply for a recreational vehicle planned development so as to resolve issues of nonconformity on a development-wide rather than on an individual basis.~~

~~Sec. 34-762. General regulations.~~

The following regulations are applicable to all existing and new recreational vehicle parks:

- ~~(1) *Permanent residency prohibited.* The use of a recreational vehicle type unit by a permanent resident as a permanent residence, as the terms are defined in F.S. ch. 196, is expressly prohibited as of September 16, 1985. Persons who have established permanent residency within a recreational vehicle park as of September 16, 1985, are exempt from the residency provisions of this section, provided that the proof of residency was established by an affidavit filed with the County prior to October 31, 1985.~~
- ~~(2) *Tiedowns.*~~
 - ~~a. All of the following recreational vehicles shall be properly tied down in accordance with the standards set forth in appendix H of the Standard Building Code, F.S. § 320.8325, or Ordinance No. 90-23, as may be amended from time to time, whichever is applicable, as follows:~~
 - ~~1. All permanent units.~~
 - ~~2. All travel trailers, motor homes or camping trailers left unattended for more than two weeks during the months of June through December. For purposes of this section only, the term "unattended" shall be interpreted to mean that the owner of the unit has not provided for a person to be responsible for the unit in the event of a hurricane watch alert as set forth in subsection (2)b of this section.~~
 - ~~b. All travel trailers, motor homes or camping trailers shall be tied down within 48 hours of the issuance of a hurricane watch for the County by the National Hurricane Center. Travel trailers, motor homes or camping trailers not tied down shall be removed from the County within 48 hours of such a hurricane watch, or placed within an approved off-lot storage area.~~
- ~~(3) *Emergency shelters.* New or phased recreational vehicle developments will be required to provide an emergency shelter in accordance with the provisions of section 10-258.~~
- ~~(4) *Recreational vehicle storage facilities.* Off-lot storage of recreational vehicles shall be allowed for periods of nonoccupancy in recreational vehicle parks; provided, however, all such storage shall comply with the following:~~
 - ~~a. Off-lot storage areas shall provide a continuous visual screen of at least eight feet in height along any lot line abutting a residential use under separate ownership, and along any street right-of-way.~~

- ~~b. Off lot storage areas shall comply with all other applicable regulations contained in this chapter.~~
- ~~c. All storage areas presently in existence and use which are in noncompliance with any provision set forth in this section shall be brought into compliance within one year from the effective date of the ordinance from which this section is derived.~~
- ~~d. The area of the off-lot storage shall be limited to ten percent of the total area of the recreational park.~~

~~**Secs. 34-763 - 34-780. Reserved.**~~

~~**Subdivision II. Conventional Recreational Vehicle Districts**~~

~~**Sec. 34-781. Purpose and intent.**~~

- ~~(a) The purpose and intent of the conventional recreational vehicle districts is to accommodate existing developed or phased recreational vehicle parks which were lawfully constructed in compliance with state and County laws prevailing at the time of development.~~
- ~~(b) The conventional recreational vehicle districts include, and are limited to, four subdistricts based upon the minimum required lot size (recreational vehicle site) at the time of development. Each of the four subdistricts are further categorized as transient or nontransient, or a combination of both.~~
- ~~(c) It is the intent of this division that all existing developed and phased parks will be rezoned into one or more of the four subdistricts where possible. Any park which does not fall within one or more of the four subdistricts shall be required to apply for an RVPD zoning or remain as a nonconforming park subject to the provisions for nonconformities.~~

~~**Sec. 34-782. Subdistricts and subtypes.**~~

- ~~(a) Subdistricts. All existing recreational vehicle parks which meet the definition of a developed or phased vehicle park shall be classified into one or more of the recreational vehicle subdistricts based upon the period of time in which they were developed. (See section 34-792, pertaining to property development regulations.)~~
- ~~(b) Subtypes. The subtype of a park indicates the predominant use (transient or nontransient) of the park, or portion of the park, as of the effective date of the ordinance from which this section is derived, and establishes regulations for accessory uses which may or may not be permitted within the park. The subtype shall be noted on the official zoning map at the time of rezoning. Park subtypes are as follows:~~

- ~~(1) Type A (transient). Parks which are predominately operated as transient parks and in which individual sites are rented or leased for relatively short periods of time (six months or less).~~
- ~~(2) Type B (nontransient). Parks which are predominately operated as nontransient parks and in which individual sites were lawfully subdivided, platted, recorded or otherwise approved by the Board of County Commissioners. Individual sites may be rented or leased, owned by individuals, or part of a condominium, cooperative or other similar arrangement.~~

~~Sec. 34-783. Applicability of use and property development regulations; prohibited uses.~~

- ~~(a) No land, body of water or structure may be used or permitted to be used and no structure may hereafter be erected, constructed, moved, altered or maintained in the RV-1, RV-2, RV-3 or RV-4 district for any purpose other than as provided in section 34-791, pertaining to use regulations for recreational vehicle districts, and section 34-792, pertaining to property development regulations for recreational vehicle districts, except as may be specifically provided for in article VIII (nonconformities) of this chapter, or in section 34-620. No recreational vehicle shall be used for other than temporary living quarters except as provided in subsection (b) of this section.~~
- ~~(b) Any use not specifically enumerated in section 34-791 is hereby prohibited in an RV district. Additionally, in the RV district, there is expressly prohibited the use of a recreational vehicle type unit by a permanent resident as a permanent residence, as the terms are defined in F.S. ch. 196, as of September 16, 1985. Persons who have established permanent residency within a recreational vehicle park as of September 16, 1985, are exempt from the residency provisions of this subsection, provided that the proof of residency was established by an affidavit filed with the County within 45 days of September 16, 1985.~~

Sec. 34-761. Applicability.

- (a) The recreational vehicle park districts apply to all existing recreational vehicle parks (df).
- (b) All new recreational vehicle development and all expansions to existing (df) recreational vehicle developments will be permitted only as a planned development (see division 9 of this article).
- (c) Any lawfully existing recreational vehicle development that cannot conform to any of the conventional recreational vehicle districts set forth in this division may apply for a recreational vehicle planned development so as to resolve issues of nonconformity on a development-wide rather than on an individual basis.

Sec. 34-762. Recreational vehicles as permanent residences.

The use of a recreational vehicle type unit by a permanent resident as a permanent residence, as the terms are defined in F.S. ch. 196, is expressly prohibited. Persons who have established permanent residency within a recreational vehicle park as of September 16, 1985, are exempt from the residency provisions of this section, provided that the proof of residency was established by an affidavit filed with the County prior to October 31, 1985.

Sec. 34-763. Tiedowns and Emergency Shelters.

(a) Tiedowns.

(1) The following recreational vehicles must be properly tied down in accordance with the standards set forth in Florida Administrative Code 15C-1, as amended, or Chapter 6, Article IV, whichever is applicable, as follows:

a. All permanent units (df).

b. All travel trailers, motor homes or camping trailers left unattended for more than two weeks during the months of June through December. For purposes of this section only, the term "unattended" will be interpreted to mean that the owner of the unit has not provided for a person to be responsible for the unit in the event of a hurricane watch alert as set forth in subsection (a)(2) of this section.

(2) All travel trailers, motor homes or camping trailers must be tied down within 48 hours of the issuance of a hurricane watch for the County by the National Hurricane Center. Travel trailers, motor homes or camping trailers not tied down will be removed from the County within 48 hours of such a hurricane watch, or placed within an approved off-lot storage area.

(b) Emergency shelters. New or phased recreational vehicle developments will be required to provide an emergency shelter in accordance with the provisions of section 10-258.

Sec. 34-784. Location.

~~No new recreational vehicle park shall be developed, and no existing recreational vehicle park may shall be expanded, if on barrier islands or in coastal high-hazard areas (V zones) as designated on the adopted flood insurance rate maps (FIRM) for the County.~~

Sec. 34-785. Total lot coverage.

~~Maximum lot coverage for a recreation vehicle and appurtenances thereto, including any carport and/or storage shed, may not exceed the maximum coverage permitted in the district in which the site is located (see section 34-792).~~

Sec. 34-786. Accessory structures and additions.

- ~~(a) Storage sheds and carports on individual recreational vehicle sites are prohibited in type A (transient) parks.~~
- ~~(b) One freestanding storage shed, not exceeding 120 feet in floor area and ten feet in height, may be permitted in any type B (nontransient) park provided:
 - ~~(1) No storage shed may be located closer than five feet to the side or rear lot line or closer than ten feet to a recreational vehicle under separate ownership; and~~
 - ~~(2) The shed is properly tied down and complies with all building code requirements.~~~~
- ~~(c) Carports may be permitted in any type B (nontransient) park located within a conventional RV District provided the carport:
 - ~~(1) Is located on a lot with a minimum of 2,000 square feet in size;~~
 - ~~(2) Does not exceed 12 feet in width, 20 feet in length, and ten feet in height;~~
 - ~~(3) Is not located closer than five feet to any side or rear lot line or closer than ten feet (measured overhang to overhang) to any recreational vehicle or carport under separate ownership;~~
 - ~~(4) Remains open from grade up to the eave except the back end of the carport may be attached to a permitted storage shed; and~~
 - ~~(5) Is in compliance with all building code requirements.~~~~
- ~~(d) Carports, to cover both the RV and one vehicle, may be permitted in any type B (nontransient) park located within an RVPD with an overall gross density of less than six units per acre provided the carport:
 - ~~(1) Is located on a lot a minimum of 3,000 square feet in size;~~
 - ~~(2) Does not exceed 25 feet in width, 42 feet in length, and 15 feet in height with a clear span of 13 feet six inches;~~
 - ~~(3) Is not located closer than five feet to the side or rear lot line or closer than ten feet (measured overhang to overhang) to a recreational vehicle or carport under separate ownership;~~
 - ~~(4) Remains open from grade up to the eave except that the back end of the carport may be attached to a permitted storage shed and a screened porch may be located along one side provided the length does not exceed 50 percent of the length of the carport; and~~
 - ~~(5) In compliance with all building code requirements.~~~~

Sec. 34-787. Utility rooms and enclosures.

~~Utility rooms and additions will be permitted only in type B (non-transient) parks, provided they are in compliance with the regulations set forth in sections 34-785 and 34-788 and no closer than ten feet to another recreational vehicle, utility room or enclosure.~~

Sec. 34-764. 88. Additions to recreational vehicles.

Additions to recreational vehicles, including utility rooms and enclosures, may be permitted in non-transient parks on permanent units ~~recreational vehicles~~ provided:

- (1) The individual recreational vehicle site meets or exceeds the minimum required lot size set forth in this division;
- (2) The total floor area of additions, excluding open decks and stair landings, does not exceed the total floor area of the recreational vehicle; ~~and~~
- (3) The maximum height of additions does not exceed one story or the height of the recreational vehicle, whichever is less.
- (4) Open decks, up to 120 square feet in area, may be permitted provided all setback requirements are met. Stair landings incorporated into a deck must be included in the square footage of the deck. The deck may be enclosed with screen (no other material) and covered with a metal pan roof.
- ~~(5) The 120 square foot deck may be enclosed in screen and covered with a metal pan roof. (May not be enclosed with any material other than screen.)~~
- ~~(5)~~(6) Stair or stair landings attached to an addition and not incorporated into an open deck, may be permitted to encroach three feet into the side and rear setbacks. Stair landings may not exceed 18 square feet in area.
- (6) Utility rooms and enclosures must be in compliance with the regulations set forth in section 34-768 and be no closer than ten feet to another recreational vehicle, utility room or enclosure.

Sec. 34-765. 89. Storage facilities for unoccupied recreational vehicles.

~~Off-lot storage of recreational vehicles shall be allowed for periods of nonoccupancy in all recreational vehicle parks, subject to the provisions of section 34-762(4).~~

Off-lot storage facilities for recreational vehicles from within the development will be allowed for periods of non-occupancy in recreational vehicle developments. All off-lot storage facilities must comply with the following:

- a. A continuous visual screen of at least eight feet in height along any lot line abutting a residential use under separate ownership, and along any street right-of-way must be provided.
- b. The area of the off-lot storage is limited to ten percent of the total area of the recreational vehicle park.
- c. All other applicable regulations contained in this chapter.

Sec. 34-766. 90. Camping cabins.

(a) through (b) remain unchanged.

Sec. 34-767. 91. Use regulations table.

Use regulations for recreational vehicle districts are as follows:

TABLE 34-767. 91. USE REGULATIONS FOR RECREATIONAL VEHICLE DISTRICTS

	Special Notes or Regulations	RV-1	RV-2	RV-3	RV-4
Accessory uses, buildings, and structures:	34-1171 et seq., 34-2441 et seq.	P	P	P	P
Amateur radio antennas and satellite earth stations	34-1175	Refer to 34-1175 for regulations.			
Carports	34-784 et seq., 34-1179	P	P	P	P
Docks, seawalls	34-1863	P	P	P	P
Enclosures, utility rooms	34-787 34-764	P	P	P	P
Entrance gates, gatehouses	34-1741 et seq.	P	P	P	P
Fences, walls	34-1741 et seq.	P	P	P	P
Nonroofed accessory structures	34-2194(c)	P	P	P	P
Signs in accordance with <u>chapter 30</u>		P	P	P	P
Storage facility for unoccupied RV's	34-789 34-765	P	P	P	P
Storage sheds, unattached	34-786 34-1179	P	P	P	P
Administrative office or caretaker residence	Note (58)	P	P	P	P
Boat ramps, <u>non-commercial</u>	Note (5)	EO/SE	EO/SE	EO/SE	EO/SE
Camping cabins, transient parks only	Note (59), 34-766 34-790	P	P	P	P
Consumption on premises	34-1261 et seq.	AA/SE	AA/SE	AA/SE	AA/SE
Commercial uses:	Note (1)				
Sale or rental of recreational vehicle units		P	P	P	P

Laundromat	Note (2)	P	P	P	P
Store for the sale of convenience items for park residents, including groceries, tobacco products, novelties, sundries, and parts and supplies for recreational vehicles	Note (2)	P	P	P	P
Communication facility, wireless	34-1441 et seq.	Refer to 34-1441 et seq. for regulations.			
Community gardens	34-1716	AA	AA	AA	AA
Day care center, adult or child:					
Adult	Note (59)	EO/SE	EO/SE	EO/SE	EO/SE
Child	34-206, Note (46) & (59)	EO/SE	EO/SE	EO/SE	EO/SE
Dwelling Unit:					
Single-family residence, conventional		—	—	EO	—
Essential services	34-1611 et seq.		P	P	
Essential service facilities (34-622(c)(13)):					
Group I	34-1611 et seq., 34-1741 et seq., 34-2142	P	P	P	P
Excavation:					
Oil or gas	34-1651(c)	SE	SE	SE	SE
Water retention	34-1651(b), 10-329(c)	P	P	P	P
Models:					
Display center	34-1951 et seq.	SE	SE	SE	SE
Model home	34-1951 et seq.	AA/SE	AA/SE	AA/SE	AA/SE
Parks, group I	34-622(c)(32)	P	P	P	P
Real estate sale office	Note (3-4), 34-1951 et seq., 34-3021	EO/SE	EO/SE	EO/SE	EO/SE
Recreation facilities:					
Personal		P	P	P	P
Private—On-site		P	P	P	P
Private—Off-site		EO	EO	EO	EO
Recreational vehicle, transient	Note (59)	P	P	P	P
Recreational vehicle, permanent	Note (59)	P	P	P	P
Service building		P	P	P	P
Tents, transient parks only	Note (59)	P	P	P	P

Notes:

(1) through (2) remain unchanged.

~~(3) — Reserved.~~

~~(3)(4) — Real estate sales are limited to sales of lots or units within the development, except as may be permitted in section 34-1951 et seq. The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding three years from the date the certificate of occupancy for the sales office is issued. The Director may grant one two-year extension. Additional time will require a new special exception approval.~~

~~(5) — Non-commercial only.~~

~~(4)(6) — A day care center, owned by the entity with title to the place of worship, that is operated within the building housing the place of worship, is not required to obtain special exception approval.~~

~~(7) — Not permitted in Airport Noise Zone B. See section 34-1004 for exceptions.~~

~~(8) — In Airport Noise Zone B, a caretaker's residence is not permitted~~

~~(5)(9) — Not permitted in Airport Noise Zone B.~~

Sec. 34-768. 92. Property development regulations table.

Property development regulations for recreational vehicle districts are as follows:

TABLE 34-768. 92. PROPERTY DEVELOPMENT REGULATIONS FOR RECREATIONAL VEHICLE DISTRICTS

	Special Notes or Regulations	RV-1 (Pre-1962)	RV-2 (1968-1978)	RV-3 (1978-7/31/86)	RV-4 (1962-1968)
Minimum lot area and dimensions:	34-2221, 34-2222 34-2142				
Lot area (square feet)		1,200 (1)	1,200 (1)	2,000	2,800
Lot width (feet)		30	30	30	40
Lot depth (feet)		—	—	55	—
Minimum setbacks:	Notes (2) and (3)				
Between recreational vehicles (feet)		10 (5), (6)	10 (6), (11)	10 (5), (4)	—
From park perimeter boundary (feet)		10 (5), (6)	15 (7)	40 (8), (13)	25 (12)
Street (feet):					

	Internal park street		—	10 (9)	—	5
	Off-site street	Note (10)	Variable according to the functional classification of the street or road (section 34-2192)			30
	Water body (feet):	34-2191 et seq.				
	Gulf of Mexico		50	50	50	50
	Other		25	25	25	25
	Side yard (feet)		(5), (6)	5 (6), (11)	5	5
	Rear yard (feet)	34-2191 et seq.	(5), (6)	10	(4), (5), (6)	5
	Maximum height (feet)	Note (12), 34-2171 et seq.	35	35	35	35
			Note: Bonita Beach, Captiva, San Carlos Island, Gasparilla Island conservation district, Greater Pine Island and areas within the airport hazard zone have special height limitations (see section 34-2175).			
	Maximum lot coverage (percent of total lot area)	Note (10)	50%	50%	40%	40%
	Special regulations:					
	Animals, reptiles, marine life	34-1291 et seq.				
	Consumption on premises	34-1261 et seq.				
	Decks, seawalls, etc.	34-1865				
	Essential services	34-1611 et seq.	Refer to the section specified for exceptions or additions to the minimum setback requirements listed in this table.			
	Essential service facilities (34-622(c)(13))	34-1611 et seq., 34-2142				
	Fences, walls, gatehouses, etc.	34-1741 et seq.				
	Nonroofed accessory structures	34-2194(e)				
	Railroad right-of-way	34-2195				

Notes:

(1) through (2) remain unchanged.

(3) Modifications to setbacks for solar or wind energy purposes are permitted only by special exception. See section 34-2196.1 et seq.

(4) through (6) remain unchanged.

- (7) Minimum setback is 15 feet unless adjacent to another park, in which case the setbacks for side, rear or street setback ~~shall~~will apply as applicable.
- (8) All parks ~~shall~~must provide an open space not less than 40 feet wide adjacent to and completely around the boundary of the site except for portions abutting land zoned RV, RVPD or MH. No roads shall be placed within the 40-foot open space.
- (9) *remains unchanged.*
- (10) Maximum lot coverage for a recreation vehicle and appurtenances thereto, including any carport and/or storage shed, may not exceed the maximum coverage permitted in the district in which the site is located. Special street setbacks apply to portions of Colonial Boulevard and Daniels Road. See section 34-2192(b).
- (11) *remains unchanged.*
- (12) Bonita Beach, Captiva, San Carlos Island, Gasparilla Island conservation district, Greater Pine Island and areas within the airport hazard zone have special height limitations (see section 34-2175). 15 feet if adjacent to another RV, RVPD or MH park or commercial or industrial zone.
- (13) All parks ~~shall~~must provide a vegetative visual screen within a minimum height of eight feet within the 40-foot open space completely around the site of a park or any addition thereto developed after 1978.

Secs. 34-769-93 - 34-8120. Reserved.

DIVISION 5. COMMUNITY FACILITIES DISTRICTS

~~Sec. 34-811. Purpose and intent.~~

~~(a) — The purpose and intent of the community facilities districts is to accommodate and provide opportunities for the suitable location of community services and facilities which are not approved as part of a planned development.~~

~~(b) — There are four CF districts provided for in this division:~~

- ~~(1) CF-1, which is primarily to accommodate cultural facilities.~~
- ~~(2) CF-2, which is primarily to accommodate social and limited health related services.~~
- ~~(3) CF-3, which is primarily government service facilities.~~
- ~~(4) CF-4, which is temporarily retained pending rezonings.~~

Sec. 34-812. RESERVED. Applicability of use and property development regulations.

No land, body of water or structure may be used or permitted to be used and no structure may hereafter be erected, constructed, moved, altered or maintained in any community facility district for any purpose other than as provided in section 34-813, pertaining to use regulations for community facility districts, and section 34-814, pertaining to property development regulations for community facility districts, except as may be specifically provided for in article VIII (nonconformities) of this chapter, or in section 34-620.

Sec. 34-813. Use regulations table.

Use regulations for the community facilities districts are as follows:

TABLE 34-813. USE REGULATIONS FOR COMMUNITY FACILITIES DISTRICTS

	Special Notes or Regulations	<u>CF</u>	CF-1	CF-2	CF-3	CF-4
Administrative offices		<u>P</u>	P	P	P	P
<u>Accessory uses, buildings and structures</u>	<u>34-1171 et seq.,</u> <u>34-2441 et seq.,</u> <u>34-2141 et seq.</u>	<u>P</u>				
Animal control facility (Humane Society)	Note (2)		—	—	EO/SE	—
Animal or reptile exhibits			SE	—	—	—
Aquariums			SE	—	—	—
Art galleries, noncommercial			P	—	—	—
Assisted living facility	Notes (1), (11), & (1043) 34-1411	<u>P/SE</u>	—	P	—	—
Boat ramps, noncommercial	Note(5)	<u>EO/SE</u>	EO/SE	EO/SE	EO/SE	—
Botanical gardens			P	P	—	—
Bus station/depot	34-1381 et seq.	<u>P</u>	—	—	P	—
Caretaker's residence	Note (9)	<u>P</u>	SE	SE	SE	SE
Cemetery, columbarium, mausoleum		<u>P</u>	P	P	—	—
Clubs:						
Country		<u>P</u>	P	P	—	—
Fraternal		<u>P</u>	—	SE	SE	—
Private		<u>P</u>	P	P	P	—
Communication facility, wireless	34-1441 et seq.	<u>Refer to</u> <u>34-1441 et</u>	<u>Refer to 34-1441 et seq. for regulations.</u>			

		<u>seq. for regulations.</u>				
Consumption on premises	34-1261 et seq.	<u>AA/SE</u>	—	<u>AA/SE</u>	<u>AA/SE</u>	—
<u>Cultural facilities</u>	<u>Note (5), 34-622(c)(10), 34-1297</u>	<u>P/SE</u>				
Day care center:						
Adult	Note (7)	<u>P</u>	—	<u>P</u>	<u>P</u>	—
Child	34-206, Notes (6) & (7)	<u>SE</u>	—	<u>SE</u>	<u>P</u>	—
Emergency operations center	Note (2)	<u>P</u>	—	—	<u>P</u>	—
EMS, fire or sheriff's station		<u>P</u>	—	—	<u>P</u>	
Entrance gates and gatehouse	34-1741 et seq.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Essential services		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Essential service facilities:	34-622(c)(13)					
Group I	34-1611 et seq., 34-1741 et seq., 34-2142 et seq.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Group II	34-1611 et seq., 34-1741 et seq., 34-2141 et seq.	<u>EO</u>	—	<u>EO</u>	<u>EO</u>	—
Excavation:						
Oil or gas		<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>
Water retention	34-1651 et seq.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Forestry tower		<u>—</u>	—	—	<u>P</u>	—
Golf driving range		<u>P</u>	<u>P</u>	—	—	—
Government agencies, offices only		<u>P</u>	—	<u>P</u>	<u>P</u>	—
Gun range	Note (12)	<u>SE/EO</u>	—	—	<u>P</u>	—
Health care facilities (34-622(c)(20)):						
Group I (less than 50 beds)	<u>34-1411 et seq., Notes (1), (7) & (1013)</u>	<u>P/SE</u>	—	<u>P</u>	—	—
Group II (less than 50 beds)	<u>34-1411 et seq., Notes (1), (7) & (1013)</u>	<u>P/SE</u>	—	<u>P</u>	—	—
Group III (less than 50 beds)	Note (1)		—	—	<u>EO</u>	<u>P</u>
Group IV	Note (1), (7) & (13)		—	—	<u>EO</u>	<u>P</u>
Helistop	34-1231 et seq.	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	—
<u>Historical sites</u>			<u>P</u>	<u>P</u>	<u>P</u>	—
<u>Hospice</u>	<u>Note (1) & (7), 34-1411</u>		—	<u>P</u>	—	<u>P</u>
Library	Note (7)	<u>P</u>	<u>P</u>	<u>P</u>	—	—

Maintenance facility (government)	Note (2)		—	—	EO/SE	—
Mass transit depot or maintenance facility			—	—	EO/SE	—
Museums			P	—	P	—
Parking lot:						
Accessory		P	P	P	P	P
Garage, public		P	—	P	P	—
Park-and-ride	34-1388	P	—	P	P	—
Temporary		P	P	P	P	—
Parks (34-622(c)(32)):						
Group I	Note (2)	P	P	P	P	P
Group II	Note (2)	P	P	P	P	—
Place of worship	Note (7), 34-2051 et seq.	P	—	P	—	—
Planetarium			SE	—	—	—
Post office	Note (2)	P	—	—	P	—
Recreation facilities:						
Personal		P	P	P	P	—
Private—On-site		EO/SE	EO/SE	EO/SE	EO/SE	—
Private—Off-site		EO/SE	EO/SE	EO/SE	EO/SE	—
Religious facility	Note (2) & (7), 34-2051 et seq.	P	—	SE	—	—
Restaurants (34-622(c)(43)), group II	Note (3), <u>34-622(c)(43)</u>	P	P	P	P	—
Sanitary landfill	IPD only, 34-1831 et seq.	EO	—	—	EO	—
Schools, noncommercial:						
Lee County School District	Note (7), 34-2381	P	P	P	P	P
Other	Note (2) & (7), 34-2381	P	—	P	—	—
Signs in accordance with chapter 30		P	P	P	P	P
Social services (34-622(c)(46)):						
Group III	Note (1), (7) & (1013)	P	—	P	—	P
Group IV	Note (1), (7) & (1013)	P	EO	P	—	—
Specialty retail shops (34-622(c)(47)), group I	Note (3), <u>34-622(c)(47)</u>	P	P	P	P	—
Storage, indoor only		P	P	P	P	—
Tactical training (df)		SE/EO	—	—	SE	—

Temporary uses	Note (814)	TP	TP	TP	TP	TP
Zoos			SE	—	—	—

Notes:

(1) through (4) remain unchanged.

(5) Art galleries are permitted as noncommercial only. Animal or reptile exhibits, aquariums, planetaria, and zoos require approval by special exception. Non-commercial only.

(6) through (7) remain unchanged.

(8) Temporary use permits are not required when the temporary use is accessory to the principal use of the structure or premises. See Use, accessory definition (section 34-2). Limited to active recreation only (ball fields and tennis courts, for example) in Airport Noise Zone B.

(9) remains unchanged.

(10) Not permitted in Coastal High Hazard areas unless in compliance with section 2-485(b)(5)a. Not permitted in Airport Noise Zone B. See section 34-1004 for exceptions.

(11) through (12) remain unchanged.

~~(13) Not permitted in Coastal High Hazard areas unless in compliance with section 2-485(b)(5)a.~~

~~(14) Temporary use permits are not required when the temporary use is accessory to the principal use of the structure or premises. See Use, accessory definition (section 34-2).~~

Sec. 34-814. Property development regulations table.

Property development regulations for the community facilities districts are as follows:

TABLE 34-814. PROPERTY DEVELOPMENT REGULATIONS FOR COMMUNITY FACILITIES DISTRICTS

	Special Notes or Regulations	CF	CF-1	CF-2	CF-3, CF-4
Minimum lot dimensions and area:					
Minimum lot area:	34-2051 et seq.	<u>Except as may be set forth in the referenced sections for specific uses, there are no minimum lot area or dimensions required, provided that the area is of sufficient size to accommodate the proposed use as well as all setbacks, parking, open space, drainage and buffering</u>	<u>Except as may be set forth in the referenced sections for specific uses, there are no minimum lot area or dimensions required, provided that the area is of sufficient size to accommodate the proposed use as well as all setbacks, parking, open space, drainage and buffering requirements of this chapter and any other applicable County development</u>		
Place of worship	34-2051 et seq.				
Religious facility					
All other					
Minimum lot width (feet)					
Minimum lot					

depth (feet)		<u>requirements of this chapter and any other applicable County development regulations.</u>	<u>regulations.</u>		
Minimum setbacks:					
Street (feet)	Notes (1) and (2), 34-2191 et seq., 34-1261 et seq.	<u>Variable according to the functional classification of the street or road (see section 34-2192).</u>	<u>Variable according to the functional classification of the street or road (see section 34-2192).</u>		
Side yard (feet)		<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>
Rear yard (feet)	34-2191 et seq.	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
Water body (feet):	34-2191 et seq.				
	Gulf of Mexico	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>
	Other	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
Special regulations:					
Animals, reptiles, marine life	34-1291 et seq.				
Consumption on premises	34-1261 et seq.				
Docks, seawalls, etc.	34-1865				
Essential services	34-1611 et seq.		Refer to the sections specified for exceptions to the minimum setback requirements listed in this table.		
Essential service facilities (34-622(c)(13))	34-1611 et seq., 34-2142				
Fences, walls, gatehouses, etc.	34-1741 et seq.				
Nonroofed accessory structures	34-2194(c)				
Railroad right-of-way	34-2195				
Maximum height (feet)	<u>Note 3, 34-2171 et seq.</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>

			Note: Bonita Beach, Captiva, San Carlos Island, Gasparilla Island conservation district, Greater Pine Island and areas within the airport hazard zone have special limitations (see section 34-2175).		
Maximum lot coverage (percent of total lot area)		35%	35%	35%	35%

Notes:

- (1) Modifications to required setbacks for collector or arterial streets is permitted only by variance. Modifications for solar or wind energy purposes, are permitted only by special exception. See section 34-2196.1 et seq.
- (2) Special street setback provisions apply to portions of Colonial Boulevard and Daniels Parkway Road. Refer to section 34-2192(b)(3) and (4).
- (3) Bonita Beach, Captiva, San Carlos Island, Gasparilla Island conservation district, Greater Pine Island and areas within the airport hazard zone have special limitations (see section 34-2175).

DIVISION 8. INDUSTRIAL DISTRICTS

Sec. 34-903. Use regulations table.

Use regulations for industrial districts are as follows:

TABLE 34-903. USE REGULATIONS FOR INDUSTRIAL DISTRICTS

			Special Notes or Regulations	IL Note (14)	IG Note (14)	IR Note (14)
Vehicle and equipment dealers (34-622(c)(55)):						
	Group III		34-1352	P	—	—
	Group IV		34-1352	P	P	—
	Group V		34-1352	P	P	—

DIVISION 9. PLANNED DEVELOPMENT DISTRICTS

Sec. 34-934. Use regulations table.

Use regulations for planned development districts are as follows:

TABLE 34-934. USE REGULATIONS FOR PLANNED DEVELOPMENT DISTRICTS

Notes:

- (20) Recreational vehicle sites in mobile home planned developments (MHPD) must be designated on the approved master concept plan. All recreational vehicles approved as part of a

MHPD are subject to the regulations in sections ~~34-762(1), 34-762(2), 34-782, 34-784~~ 34-762 through 34-766 and 34-1179, and sections ~~34-786 through 34-790.~~

Sec. 34-939. Recreational vehicle planned developments property development regulations.

(a) *remains unchanged.*

(b) *Design criteria.*

(1) through (2) remain unchanged.

(3) *Buffers.* All recreational vehicle parks are required to have a perimeter buffer area at least 40 feet wide adjacent to and completely around the boundary of the site, except along that portion of a boundary abutting a parcel of land zoned RV or RVPD. All recreational vehicle parks created or additions added to the existing parks after September 19, 1985, must provide ~~an eight foot high vegetative visual screen within the a 40-foot wide perimeter buffer area~~ with a vegetative visual screen. No roads or streets may be placed within the buffer area. However, roads and streets may cross over the perimeter buffer. ~~The Existing native natural-vegetation in the buffer area must be retained to meet the visual screen requirement and~~ may not be removed except as follows:

- a. Exotic species ~~such as Melaleuca, Brazilian pepper and Australian pine~~ shall as defined in section 10-420(h) must be removed.
- b. ~~Natural-Existing native~~ vegetation may be removed to provide adequately sized grass swales adjacent to the points of access to the recreational vehicle park.
- c. ~~Natural-Existing native~~ vegetation may be removed to provide a bike and/or pedestrian path in the buffer area.
- d. A minimum of ~~50-75~~ percent of all trees and shrubs used in buffers and landscaping ~~shall~~ must be native varieties.

If the 40 foot buffer area does not have enough existing native vegetation to provide a vegetated visual screen, then buffer vegetation must be installed to provide at minimum 10 trees and 66 shrubs per 100 linear feet. Trees must be 14 feet in height and shrubs 36 inches in height at time of planting. Shrubs must be maintained at a minimum of 60 inches in height. Palms are counted at a 3:1 ratio clustered in staggered heights ranging from 14 feet to 18 feet in height. Palms are limited to 50% of the tree requirement.

(4) through (5) remain unchanged.

(6) ~~Maximum number of living units. density. All new recreational vehicle parks shall be limited to maximum densities as follows:~~

- a. ~~Transient parks. Transient parks may not exceed a maximum of 8 living units per non-wetland acres. shall have a minimum recreational vehicle site size of 5,000 square feet per unit, excluding all internal roads or access drives, and shall have a maximum of eight recreational vehicle sites per acre.~~
- b. ~~Nontransient parks. Nontransient parks may not exceed the standard residential density as permitted in the Lee County Comprehensive Plan. shall have a minimum lot size of 5,000 square feet per unit, excluding street rights-of-way or easements and buffers. Maximum density shall not exceed the standard density permitted by the Lee Plan for the land use category in which located.~~

(7) through (8) remain unchanged.

- (c) ~~Accessory structures and additions. Individual accessory structures, additions or freestanding storage sheds may shall be permitted only in non-transient parks, and only when in compliance with the regulations set forth in sections 34-784 through 34-790 34-764 through 34-766 and 34-1179.~~
- (d) ~~Recreational vehicles as permanent residences. The use of a recreational vehicle type unit by a permanent resident as a permanent residence, as the terms are defined in F.S. ch. 196, is expressly prohibited as of September 16, 1985.~~

ARTICLE VII. SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 2. ACCESSORY USES, BUILDINGS AND STRUCTURES

Sec. 34-1176. Swimming pools, tennis courts, porches, decks and similar recreational facilities.

- (a) *remains unchanged.*
- (b) *Location and setbacks.*
 - (1) Personal, private and limited facilities.
 - a. *remains unchanged.*
 - b. Open-mesh screen enclosures. Swimming pools, patios, decks and other similar recreational facilities may not exceed 3 ½ feet above grade unless it complies with minimum required principal structure setbacks. Decks or patios that comply with accessory structure setbacks may be enclosed

~~with open-mesh screen. Enclosures with an opaque material above 3 1/2 feet from grade must meet principal structure setbacks. be enclosed with an open-mesh screen enclosure provided that the enclosure complies with the setback requirements set forth in section 34-1174, and provided further that:~~

- ~~1. At least three sides of the enclosure are open-mesh screening from a height of 3 1/2 feet above grade to the top of the enclosure.~~
- ~~2. Enclosures with any two or more sides enclosed by opaque material shall be required to comply with all setbacks required for a principal building.~~

~~It shall be~~ is the responsibility of the applicant to increase all required setbacks sufficient to provide maintenance access around the pool whenever the pool is proposed to be enclosed with open-mesh screening or fencing. A minimum increase in setbacks of three feet is recommended.

c. remains unchanged.

Sec. 34-1179. Accessory structures in recreational vehicle developments. Reserved.

- (a) Storage sheds and carports on individual recreational vehicle sites are prohibited in transient parks.
- (b) One freestanding storage shed, not exceeding 120 feet in floor area and ten feet in height, may be permitted in any nontransient park provided:
 - (1) No storage shed may be located closer than five feet to the side or rear lot line or closer than ten feet to a recreational vehicle under separate ownership; and
 - (2) The shed is properly tied down and complies with all building code requirements.
- (c) Carports may be permitted in any nontransient park located within a conventional RV District provided the carport:
 - (1) Is located on a lot with a minimum of 2,000 square feet in size;
 - (2) Does not exceed 12 feet in width, 20 feet in length, and ten feet in height;
 - (3) Is not located closer than five feet to any side or rear lot line or closer than ten feet (measured overhang to overhang) to any recreational vehicle or carport under separate ownership;
 - (4) Remains open from grade up to the eave except the back end of the carport may be attached to a permitted storage shed; and

- (5) Is in compliance with all building code requirements.
- (d) Carports, to cover both the RV and one vehicle, may be permitted in any non-transient park located within an RVPD with an overall gross density of less than six units per acre provided the carport:
- (1) Is located on a lot a minimum of 3,000 square feet in size;
- (2) Does not exceed 25 feet in width, 42 feet in length, and 15 feet in height with a clear span of 13 feet six inches;
- (3) Is not located closer than five feet to the side or rear lot line or closer than ten feet (measured overhang to overhang) to a recreational vehicle or carport under separate ownership;
- (4) Remains open from grade up to the eave except that the back end of the carport may be attached to a permitted storage shed and a screened porch may be located along one side provided the length does not exceed 50 percent of the length of the carport; and
- (5) In compliance with all building code requirements.

DIVISION 8. AUTOMOTIVE BUSINESSES; CONVENIENCE FOOD AND BEVERAGE STORES; FAST FOOD RESTAURANTS

Subdivision II. Convenience Food and Beverage Stores, Automotive Service Stations, Fast Food Restaurants, and Car Washes.

Sec. 34-1354. Variances or deviations.

The provisions of this section apply to all new development, including redevelopment.

- (1) A deviation or variance from the requirements stated in sections 34-1352 and 34-1353 must be obtained through the public hearing process unless the project qualifies for administrative relief under section 34-1354(23).

(2) through (3) remain unchanged.

DIVISION 12. DENSITY

Sec. 34-1516. The bonus density program.

The bonus density program allows the Board of County Commissioners the discretion to grant bonus density to development in accordance with the Lee Plan and the following criteria. Although approval of the use of bonus density credits is solely within the discretion of the Board, applicants must comply with the minimum requirements set forth herein to be eligible for consideration of the program.

(a) *Alternative methods:* A developer may be eligible to exceed the standard density range for a particular land use category if:

(1) through (2) remain unchanged.

(3) The property is located in the Mixed Use Overlay in the Intensive, Urban Community or Central Urban future land use category and is zoned mixed use planned development or compact planned development. The property must be developed in accordance with Chapter 32 Compact Communities if the bonus density was approved after February 26, 2013 or if the bonus density was approved in a mixed use planned development approved prior to February 26, 2013 that has compact community components or is consistent with elements of the Mixed Use Overlay.

(b) – (h) remain unchanged.

Sec. 34-1517. Procedure to approve density increases.

(a) *Application.*

(1) – (3) remain unchanged.

(4) If the bonus density was approved by the Board of County Commissioners as part of a mixed use planned development and the applicant is using Option 34-1516(a)(3) an administrative amendment pursuant to section 34-380 is required.

(b) through (d) remain unchanged.

DIVISION 31. RESERVED RECREATIONAL VEHICLES AS PERMANENT RESIDENCES

Sec. 34-2351. Use as permanent residence.

~~The use of a recreational vehicle type unit by a permanent resident as a permanent residence, as the terms are defined in F.S. ch. 196, is expressly prohibited as of September 16, 1985. Persons who have established permanent residency within a recreational vehicle park as of September 16, 1985, are exempt from the residency provisions of this section, provided that the proof of residency was established by an affidavit filed with the County prior to October 31, 1985.~~

Secs. 34-2351~~2~~--34-2380. Reserved.

LDC AMENDMENTS

CHAPTER 10

- 10-329 Revise LDO types references
- 10-540 Revise to make consistent with rest of Chapter
- 10-610 Housekeeping

CHAPTER 22

- 22-103 Clarify timeline for historic preservation board action

CHAPTER 34

- 34-2 Revise definitions related to recreational vehicles; revise gasoline dispensing system
- 34-201 Revise to be consistent with 34-202
- 34-203 Delete special exception requirements for temporary parking lot
- 34-341 Housekeeping - correct scrivener's error
- 34-622 Add petroleum to Wholesale Establishment, Group III and solar panels to Essential Facilities, Group I
- 34-761 – 34-792 Recreational vehicle park districts streamline amendments
- 34-811 – 34-814 Community facilities districts streamline amendments
- 34-903 Delete inapplicable section reference in use table
- 34-934 Revise section references
- 34-939 Revise design criteria for recreational vehicle planned developments; revise section references; relocate provision regarding recreational vehicles as permanent residences
- 34-1176 Revise to clarify setbacks for accessory structures with a height greater than 3 ½ feet
- 34-1179 Add accessory structures in recreational vehicle developments to accessory uses, building and structures division (moved from 34-786)
- 34-1354 Revise section reference
- 34-1411 Clarify language for assisted living facilities
- 34-1516 Add option for eligibility to participate in bonus density program
- 34-1517 Revise in accordance with 34-1516(a)(3)
- 35-1805 Housekeeping to correct section reference
- 34-2016 Add golf cart parking space dimensions
- 34-2020 Revise parking for independent living facilities; Clarify parking for existing multiple-occupancy complexes and golf courses; Insert date of adoption
- 34-2024 Dogs in outdoor seating areas of restaurants
- 34-2351 Remove provision regarding recreational vehicles as permanent residences (relocated to 34-939)
- 34-3272 Housekeeping for consistency with Ordinance 86-36

LDC AMENDMENTS

Chapter 10 DEVELOPMENT STANDARDS

ARTICLE III. DESIGN STANDARDS AND REQUIREMENTS

DIVISION 3. SURFACE WATER MANAGEMENT

Sec. 10-329. Excavations.

- (a) *remains unchanged.*
- (b) *Excavation types and required approvals.* Excavation are generally constructed either for mining operations, for stormwater retention or as a development site amenity. Table 1 summarizes the various types of excavations and the permits and approvals required for each excavation type.

TABLE 1

TYPES OF EXCAVATIONS, REGARDLESS OF SIZE, AND THE PERMITS AND APPROVALS REQUIRED FOR EACH EXCAVATION TYPE

Excavation Type	Excavated Materials Destination	Permits/Approvals Required ¹
Excavations for an agricultural use or as an amenity to a single-family residence.	ON-SITE OR less than 1,000 cubic yards of material to be moved off-site.	Notice of Intent to Commence Water Retention Excavation Application. Type A Limited Review Development Order.
	OFF-SITE—Between 1,000, but less than 10,000 cubic yards to be moved off-site	1. Type 42 D Limited Review Development Order; 2. SFWMD permit (if applicable); and 3. An approved Excess Spoil Removal Plan
	OFF-SITE - 10,000 or more cubic yards to be moved off-site.	1. Type 42 D Limited Review Development Order; 2. SFWMD permit (if applicable); and 3. Either a) an approved "Excess Spoil Removal Plan"; OR b) Planned Development Zoning with "excess spoil removal" as an approved use. The decision as to whether a) or b) above will be required will be determined by the director, based on conditions specified in subsection (c)(3).
Development project - stormwater retention, i.e. lakes and ponds, etc. where the material to be	ON-SITE	1. Development Order; and 2. SFWMD permit (if applicable)

moved off-site qualifies as "Surplus material" or "excess material".		
	OFF-SITE—Material to be moved off-site is less than 20,000 cubic yards in volume.	<ol style="list-style-type: none"> 1. Development Order; and 2. SFWMD permit (if applicable); 3. An approved "Excess Spoil Removal Plan";
	OFF-SITE—Material to be moved off-site is 20,000 or more cubic yards in volume.	<ol style="list-style-type: none"> 1. Development Order; and 2. SFWMD permit; and 3. Either a) an approved "Excess Spoil Removal Plan"; OR b) Planned Development Zoning with "excess spoil removal" as an approved use. The decision as to whether a) or b) above will be required will be determined by the Director, based on conditions specified in subsection (c)(3).

¹ The requirements for planned developments with excess spoil removal as an approved use are specified in Chapter 34, Article VII, Division 15, Subdivision II. Where the primary use of the site is related to mine activity, an MEPD approval must be obtained under chapter 12 prior to removal of materials from the site.

(c) *Procedures:*

(1) *Projects where spoil materials to be kept on-site or where less than 1,000 cubic yards of excess spoil will be moved off-site.*

a. ~~*Notice*~~ *Approval required.* A property owner must submit a notice of intent to commence excavation to the Director of Development Services obtain a Type A Limited Review Development Order when proposing any excavation that:

1. Is accessory to a single-family residence or is for an agricultural purpose and is located in an AG Agricultural zoning district; AND
2. Will keep the excavated materials on the same site or proposes to move less than 1,000 cubic yards of excess material off-site; AND
3. Does not include blasting. (See section 34-341.)

b. ~~*Notice*~~ *Application content.* The notice Limited Review Development Order application must contain the following information:

1. The STRAP number and location of the property;
2. The name of the owner and signature of the owner authorizing the excavation;

3. A site plan showing the proposed location of the excavation relative to all property lines, easements, rights-of-way, and existing and proposed structures; the proposed slopes, maximum depth and the controlled water depth of the excavation; and the location, distribution and method of stabilization of the excavated spoil;
4. ~~The proposed date of commencement, which may not be less than ten days from the date of the submittal; and~~
5. ~~An affidavit that the excavation will be in compliance with the setback, depth, and bank slope requirements set forth in subsection (d).~~

DIVISION 10. LAKES REGIONAL PARK WATERSHED

Sec. 10-540. Surface water management permit required; development standards.

(a) through (c) remain unchanged.

- (d) On-site ~~aboveground~~ drainage detention/retention areas must meet the following additional requirements:
- (1) ~~Side slopes are required to be no steeper than four to one (horizontal to vertical) from one foot above the control elevation out to a depth of two feet below the control elevation, or an equivalent substitute. Side slopes must be topsoiled, nurtured or planted from two feet below to one foot above the control elevations to promote vegetative growth. Bulkheads are limited to 40 percent of the length of the shoreline with compensating littoral zone provided.~~

(2) through (3) remain unchanged.

ARTICLE IV. DESIGN STANDARDS AND GUIDELINES FOR COMMERCIAL BUILDINGS AND DEVELOPMENTS

Sec. 10-610. Site design standards and guidelines for commercial developments.

(a) through (d) remain unchanged.

~~{(e)}~~~~(f)~~ *Parking lot interconnections.* Adjacent commercial uses must provide parking lot interconnections for automobile traffic. Interconnections are not intended to satisfy the criteria for site location standards as outlined in Lee Plan Policy 6.1.2(5).

~~{(f)}~~~~(g)~~ *Project entrance.*

(1) through (4) remain unchanged.

Chapter 22 HISTORIC PRESERVATION

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 3. CERTIFICATE OF APPROPRIATENESS

Sec. 22-103. Special certificate of appropriateness.

(a) through (c) remain unchanged.

(d) *Action of historic preservation board.* The historic preservation board ~~shall~~will meet and act upon an application for a special certificate of appropriateness on or within 70 calendar days from the date the application and materials adequately describing the proposed action are received. The historic preservation board ~~shall~~will approve, deny or approve the special certificate of appropriateness with conditions, subject to the acceptance of the conditions by the applicant, or suspend action on the application for a period not to exceed 35 calendar days in order to seek technical advice from outside sources or to meet further with the applicant to revise or modify the application. Failure of the historic preservation board to act upon an application on or within 70 calendar days (if no additional information is required) or 105 calendar days (if additional information is required by the historic preservation board) from the date the application was received ~~shall~~will result in the immediate issuance of the special certificate of appropriateness applied for, without further action by the historic preservation board. This section does not preclude an applicant from requesting, and the historic preservation board from approving, continuances beyond the time frames contained in this section. However, if an applicant obtains continuances from the historic preservation board beyond the time frames specified in this section, then the applicant will be precluded from seeking an automatic approval by the historic preservation board on the grounds that the historic preservation board did not act within the specified time frames.

(e) remains unchanged.

Chapter 34 ZONING

ARTICLE I. IN GENERAL

Sec. 34-2. Definitions.

Gasoline dispensing system, special means a gasoline dispensing system which is card-operated for governmental or commercial entities only in accordance with the provisions of ~~chapter 4A-16, part VI, "Service Stations,"~~ of the Florida Administrative Code.

Non-transient park means a recreational vehicle development designed, intended or used for long term ~~longterm~~ (six months or longer) emplacement of a recreational vehicle on recreational vehicle sites that are lawfully subdivided, platted, recorded or otherwise approved

by the Board of County Commissioners. Individual sites may be rented or leased, owned by individuals, or part of a condominium, cooperative or other similar arrangement.

Permanent unit means any recreational vehicle ~~(df)~~, ~~and any park-trailer, which that is~~ intended to be left emplaced on a recreational vehicle site for six months or longer.

Recreational vehicle means a recreational vehicle type unit defined in F.S. § 320.01(1)(b). It is primarily designed as temporary living ~~unit quarters~~ for recreational, camping or travel use, and has its own motive power or is mounted on or drawn by another vehicle. This definition will change to be consistent with changes to state law without amendment to this chapter. Types of recreational vehicles are: The definition of the term "recreational vehicle," as used in this chapter, is intended to change with statutory changes so as to be consistent with them. This definition also includes examples of the types of vehicles identified as recreational vehicles. If the state law is amended to delete or modify the basic entities defined in this subsection, the definitions contained in this subsection will be deleted or modified accordingly. If the state law is amended to provide a new basic entity, then the definition of the new entity will automatically become a permitted recreational vehicle unit without having to amend this chapter. The basic entities are defined as follows:

(1) *Travel trailer, including fifth-wheel travel trailers,* means a vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living ~~unit quarters~~ for recreational, camping or travel use. It has a body width of no more than 8 1/2 feet and an overall body length of no more than 40 feet when factory-equipped for the road.

(2) *through (6) remain unchanged.*

(7) *Private motor coach* means a vehicular unit which does not exceed the length, width, and height limitations provided in F.S. § 316.515(9), is built on a self-propelled bus type chassis having no fewer than three load-bearing axles, and is primarily designed to provide temporary living unit for recreational, camping, or travel use.

(8) *Fifth-wheel trailer* means a vehicular unit mounted on wheels, designed to provide a temporary living unit for recreational, camping, or travel use, of such size or weight as not to require a special highway movement permit, of gross trailer area not to exceed 400 square feet in the setup mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

Recreational vehicle park, existing developed means a parcel (or portion thereof) or abutting parcels of land, with conventional recreational vehicle district zoning, designed, used or intended to be used to accommodate two or more occupied recreational vehicles, and in which necessary utilities and streets and the final site grading or paving of concrete pads or vehicle stands was completed prior to September 16, 1985.

~~Recreational vehicle park, new means parks granted County preliminary development orders subsequent to September 16, 1985.~~

~~Recreational vehicle park, phased means a park, or portion of a park, which received site plan approvals preceding September 16, 1985, or was vested under the Lee Plan but has not committed to the construction of the facilities needed to be considered a developed recreational vehicle park as defined in this section.~~

~~Recreational vehicle park resident, permanent means any person who currently owns and has resided at a specific address within a recreational vehicle park for a continuous period of over 12 months prior to September 16, 1985. Proof of residency will be established by and who filed an affidavit filed with the County by October 31, 1985.~~

~~Transient park means a recreational vehicle development designed, intended for or used for short term (less than 6 months) emplacement of a recreational vehicle on recreational vehicle sites that are lawfully subdivided, platted, recorded or otherwise approved by the Board of County Commissioners. Individual sites may be rented or leased, owned by individuals, or part of a condominium, cooperative or other similar arrangement. by relatively short-stay visitors (transient guests) who bring their recreational vehicle with them and remove it at the end of their visit. The individual recreational vehicle site is then ready for another visitor.~~

~~Transient unit means a recreational vehicle camping trailer, truck camper, motor home or travel trailer which is brought to the recreational vehicle park by the user, and is removed from the park at the end of the user's visit.~~

ARTICLE II. ADMINISTRATION

DIVISION 6. APPLICATIONS AND PROCEDURES FOR CHANGES, PERMITS, INTERPRETATIONS AND APPROVALS

Sec. 34-201. General procedure for applications requiring public hearing.

(a) *remains unchanged.*

(b) *Application submittal and official receipt procedure.* The application procedure and requirements in this section apply to all applications for rezoning, special exceptions, and variances, except mine excavation planned developments under chapter 12.

(1) *remains unchanged.*

(2) No application may be accepted unless it is presented on the official forms provided by the Department, or on County approved ~~computer-generated~~ forms containing the same information.

- ~~a. Forms must include but not be limited to disclosure forms for corporations, trusts and partnerships, and disclosure of information regarding contract purchases and their percentages of interest.~~
- ~~b. Disclosure will not be required of any entity whose interests are solely equity interests which are regularly traded on an established securities market in the United States or another country.~~
- ~~c. Disclosure forms, established by administrative code, must be included in the materials distributed to the Hearing Examiner and the Board of County Commissioners for all cases in which the Board of County Commissioners has the final decision.~~
- ~~d. Subsections (b)(2)a. through c. of this section do not apply to County-initiated rezonings.~~

(3) through (5) remain unchanged.

Sec. 34-203. Additional requirements for applications requiring public hearing.

(a) through (d) remain unchanged.

- (e) *Special exceptions.* Except for special exceptions that are Developments of County Impact (see section 34-341), all applications for a special exception must, in addition to the requirements of sections 34-202(a) and (b), include the following:

(1) through (3) remain unchanged.

- (4) Reserved. ~~Temporary parking lot.~~ If the request is for a temporary parking lot:

- ~~a. The site plan must show all existing and proposed parking spaces and drives, both paved and unpaved, vehicle access points, and lighting, if any.~~
- ~~b. An analysis indicating the need for the temporary parking lot, as well as the anticipated frequency of use must be submitted.~~
- ~~c. If the temporary parking lot is off the premises of the principal use, plans for providing for traffic control and pedestrian safety must be submitted.~~

(5) through (9) remain unchanged.

ARTICLE IV. PLANNED DEVELOPMENTS

DIVISION 1. GENERALLY

Sec. 34-341. Employment of planned development designation.

(a) *remains unchanged.*

(b) The Lee Plan provides that certain owner-initiated rezonings and special exceptions meeting specified thresholds will be reviewed as Developments of County Impact. The Development of County Impact thresholds are further categorized as major or minor planned developments as follows:

(1) Major planned developments.

a. through f. remain unchanged.

g. Any cultural facility (section 34-622(c)(10)), recreational facility, commercial (section 34-622(c)(~~3818~~)), or park, group II (34-622(c)(32)) on ten or more acres of land;

h. through n. remain unchanged.

ARTICLE VI. DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 34-622. Use activity groups.

(a) through (b) remain unchanged.

(c) Use activity groups are as follows:

(1) through (12) remain unchanged.

(13) *Essential service facilities.* Buildings or above-ground structures, exceeding 27 cubic feet in volume, required to provide essential services (defined in section 34-2), including electricity, communications, telephone, cable television, gas, water, sewage, solid waste and resource recovery. This does not include wireless communication facilities which are regulated by section 34-1441 et seq.

GROUP I (section 34-1611 et seq.)

Communications, telephone and electrical distribution facilities (up to 425 square feet in area and 10 feet in height)

Electric substations

Natural gas or water regulation stations

Pumping stations (excluding above-ground water storage facilities)

Solar panels

Transmission or metering stations

GROUP II through GROUP III remain unchanged.

(14) through (55) remain unchanged.

- (56) *Wholesale establishments.* This group includes establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

GROUP III. Indoor storage. Establishments primarily engaged in buying or selling, on a wholesale basis, durable or nondurable goods and petroleum and petroleum products (SIC 5172), excluding hazardous chemicals, petroleum products not specified herein, or explosives which are stored totally within a building.

DIVISION 4. RECREATIONAL VEHICLE PARK DISTRICTS

Subdivision I. In General

~~Sec. 34-761. General purpose and intent.~~

- (a) ~~The purpose and intent of the recreational vehicle park districts is to provide areas within the future urban areas to accommodate new developments for recreational vehicles, and to provide regulations for existing recreational parks which were lawfully established under state or County regulations prior to September 16, 1985.~~
- (b) ~~It is the intent of this chapter that:~~
- (1) ~~Except as provided for in sections 34-762(1) and 34-783, no recreational vehicle shall be used as a year-round residence;~~
 - (2) ~~All new recreational vehicle development and all expansions to existing recreational vehicle developments shall be permitted only as recreational vehicle planned developments (see division 9 of this article); and~~
 - (3) ~~Any lawfully existing recreational vehicle development that cannot conform to any of the conventional recreational vehicle districts set forth in this division may apply for a recreational vehicle planned development so as to resolve issues of nonconformity on a development-wide rather than on an individual basis.~~

~~Sec. 34-762. General regulations.~~

~~The following regulations are applicable to all existing and new recreational vehicle parks:~~

- (1) ~~*Permanent residency prohibited.* The use of a recreational vehicle type unit by a permanent resident as a permanent residence, as the terms are defined in F.S. ch. 196, is expressly prohibited as of September 16, 1985. Persons who have~~

~~established permanent residency within a recreational vehicle park as of September 16, 1985, are exempt from the residency provisions of this section, provided that the proof of residency was established by an affidavit filed with the County prior to October 31, 1985.~~

~~(2) Tiedowns.~~

~~a. All of the following recreational vehicles shall be properly tied down in accordance with the standards set forth in appendix H of the Standard Building Code, F.S. § 320.8325, or Ordinance No. 90-23, as may be amended from time to time, whichever is applicable, as follows:~~

~~1. All permanent units.~~

~~2. All travel trailers, motor homes or camping trailers left unattended for more than two weeks during the months of June through December. For purposes of this section only, the term "unattended" shall be interpreted to mean that the owner of the unit has not provided for a person to be responsible for the unit in the event of a hurricane watch alert as set forth in subsection (2)b of this section.~~

~~b. All travel trailers, motor homes or camping trailers shall be tied down within 48 hours of the issuance of a hurricane watch for the County by the National Hurricane Center. Travel trailers, motor homes or camping trailers not tied down shall be removed from the County within 48 hours of such a hurricane watch, or placed within an approved off-lot storage area.~~

~~(3) Emergency shelters. New or phased recreational vehicle developments will be required to provide an emergency shelter in accordance with the provisions of section 10-258.~~

~~(4) Recreational vehicle storage facilities. Off-lot storage of recreational vehicles shall be allowed for periods of nonoccupancy in recreational vehicle parks; provided, however, all such storage shall comply with the following:~~

~~a. Off-lot storage areas shall provide a continuous visual screen of at least eight feet in height along any lot line abutting a residential use under separate ownership, and along any street right-of-way.~~

~~b. Off-lot storage areas shall comply with all other applicable regulations contained in this chapter.~~

~~c. All storage areas presently in existence and use which are in noncompliance with any provision set forth in this section shall be brought~~

~~into compliance within one year from the effective date of the ordinance from which this section is derived.~~

- ~~d. The area of the off-lot storage shall be limited to ten percent of the total area of the recreational park.~~

~~**Secs. 34-763 – 34-780. Reserved.**~~

~~**Subdivision II. Conventional Recreational Vehicle Districts**~~

~~**Sec. 34-781. Purpose and intent.**~~

- ~~(a) The purpose and intent of the conventional recreational vehicle districts is to accommodate existing developed or phased recreational vehicle parks which were lawfully constructed in compliance with state and County laws prevailing at the time of development.~~
- ~~(b) The conventional recreational vehicle districts include, and are limited to, four subdistricts based upon the minimum required lot size (recreational vehicle site) at the time of development. Each of the four subdistricts are further categorized as transient or nontransient, or a combination of both.~~
- ~~(c) It is the intent of this division that all existing developed and phased parks will be rezoned into one or more of the four subdistricts where possible. Any park which does not fall within one or more of the four subdistricts shall be required to apply for an RVPD zoning or remain as a nonconforming park subject to the provisions for nonconformities.~~

~~**Sec. 34-782. Subdistricts and subtypes.**~~

- ~~(a) Subdistricts. All existing recreational vehicle parks which meet the definition of a developed or phased vehicle park shall be classified into one or more of the recreational vehicle subdistricts based upon the period of time in which they were developed. (See section 34-792, pertaining to property development regulations.)~~
- ~~(b) Subtypes. The subtype of a park indicates the predominant use (transient or nontransient) of the park, or portion of the park, as of the effective date of the ordinance from which this section is derived, and establishes regulations for accessory uses which may or may not be permitted within the park. The subtype shall be noted on the official zoning map at the time of rezoning. Park subtypes are as follows:~~
- ~~(1) Type A (transient). Parks which are predominately operated as transient parks and in which individual sites are rented or leased for relatively short periods of time (six months or less).~~
- ~~(2) Type B (nontransient). Parks which are predominately operated as nontransient parks and in which individual sites were lawfully subdivided, platted, recorded or~~

otherwise approved by the Board of County Commissioners. Individual sites may be rented or leased, owned by individuals, or part of a condominium, cooperative or other similar arrangement.

~~Sec. 34-783. Applicability of use and property development regulations; prohibited uses.~~

- ~~(a) No land, body of water or structure may be used or permitted to be used and no structure may hereafter be erected, constructed, moved, altered or maintained in the RV-1, RV-2, RV-3 or RV-4 district for any purpose other than as provided in section 34-791, pertaining to use regulations for recreational vehicle districts, and section 34-792, pertaining to property development regulations for recreational vehicle districts, except as may be specifically provided for in article VIII (nonconformities) of this chapter, or in section 34-620. No recreational vehicle shall be used for other than temporary living quarters except as provided in subsection (b) of this section.~~
- ~~(b) Any use not specifically enumerated in section 34-791 is hereby prohibited in an RV district. Additionally, in the RV district, there is expressly prohibited the use of a recreational vehicle type unit by a permanent resident as a permanent residence, as the terms are defined in F.S. ch. 196, as of September 16, 1985. Persons who have established permanent residency within a recreational vehicle park as of September 16, 1985, are exempt from the residency provisions of this subsection, provided that the proof of residency was established by an affidavit filed with the County within 45 days of September 16, 1985.~~

Sec. 34-761. Applicability.

- ~~(a) The recreational vehicle park districts apply to all existing recreational vehicle parks (df).~~
- ~~(b) All new recreational vehicle development and all expansions to existing (df) recreational vehicle developments will be permitted only as a planned development (see division 9 of this article).~~
- ~~(c) Any lawfully existing recreational vehicle development that cannot conform to any of the conventional recreational vehicle districts set forth in this division may apply for a recreational vehicle planned development so as to resolve issues of nonconformity on a development-wide rather than on an individual basis.~~

Sec. 34-762. Recreational vehicles as permanent residences.

The use of a recreational vehicle type unit by a permanent resident as a permanent residence, as the terms are defined in F.S. ch. 196, is expressly prohibited. Persons who have established permanent residency within a recreational vehicle park as of September 16, 1985, are exempt from the residency provisions of this section, provided that the proof of residency was established by an affidavit filed with the County prior to October 31, 1985.

Sec. 34-763. Tiedowns and Emergency Shelters.

(a) Tiedowns.

(1) The following recreational vehicles must be properly tied down in accordance with the standards set forth in Florida Administrative Code 15C-1, as amended, or Chapter 6, Article IV, whichever is applicable, as follows:

a. All permanent units (df).

b. All travel trailers, motor homes or camping trailers left unattended for more than two weeks during the months of June through December. For purposes of this section only, the term "unattended" will be interpreted to mean that the owner of the unit has not provided for a person to be responsible for the unit in the event of a hurricane watch alert as set forth in subsection (a)(2) of this section.

(2) All travel trailers, motor homes or camping trailers must be tied down within 48 hours of the issuance of a hurricane watch for the County by the National Hurricane Center. Travel trailers, motor homes or camping trailers not tied down will be removed from the County within 48 hours of such a hurricane watch, or placed within an approved off-lot storage area.

(b) Emergency shelters. New or phased recreational vehicle developments will be required to provide an emergency shelter in accordance with the provisions of section 10-258.

Sec. 34-784. Location.

~~No new recreational vehicle park shall be developed, and no existing recreational vehicle park may shall be expanded, if on barrier islands or in coastal high-hazard areas (V zones) as designated on the adopted flood insurance rate maps (FIRM) for the County.~~

Sec. 34-785. Total lot coverage.

~~Maximum lot coverage for a recreation vehicle and appurtenances thereto, including any carport and/or storage shed, may not exceed the maximum coverage permitted in the district in which the site is located (see section 34-792).~~

Sec. 34-786. Accessory structures and additions.

~~(a) Storage sheds and carports on individual recreational vehicle sites are prohibited in type A (transient) parks.~~

~~(b) One freestanding storage shed, not exceeding 120 feet in floor area and ten feet in height, may be permitted in any type B (nontransient) park provided:~~

- ~~(1) — No storage shed may be located closer than five feet to the side or rear lot line or closer than ten feet to a recreational vehicle under separate ownership; and~~
- ~~(2) — The shed is properly tied down and complies with all building code requirements.~~
- ~~(c) — Carports may be permitted in any type B (nontransient) park located within a conventional RV District provided the carport:
 - ~~(1) — Is located on a lot with a minimum of 2,000 square feet in size;~~
 - ~~(2) — Does not exceed 12 feet in width, 20 feet in length, and ten feet in height;~~
 - ~~(3) — Is not located closer than five feet to any side or rear lot line or closer than ten feet (measured overhang to overhang) to any recreational vehicle or carport under separate ownership;~~
 - ~~(4) — Remains open from grade up to the eave except the back end of the carport may be attached to a permitted storage shed; and~~
 - ~~(5) — Is in compliance with all building code requirements.~~~~
- ~~(d) — Carports, to cover both the RV and one vehicle, may be permitted in any type B (nontransient) park located within an RVPD with an overall gross density of less than six units per acre provided the carport:
 - ~~(1) — Is located on a lot a minimum of 3,000 square feet in size;~~
 - ~~(2) — Does not exceed 25 feet in width, 42 feet in length, and 15 feet in height with a clear span of 13 feet six inches;~~
 - ~~(3) — Is not located closer than five feet to the side or rear lot line or closer than ten feet (measured overhang to overhang) to a recreational vehicle or carport under separate ownership;~~
 - ~~(4) — Remains open from grade up to the eave except that the back end of the carport may be attached to a permitted storage shed and a screened porch may be located along one side provided the length does not exceed 50 percent of the length of the carport; and~~
 - ~~(5) — In compliance with all building code requirements.~~~~

Sec. 34-787. Utility rooms and enclosures.

~~Utility rooms and additions will be permitted only in type B (non-transient) parks, provided they are in compliance with the regulations set forth in sections 34-785 and 34-788 and no closer than ten feet to another recreational vehicle, utility room or enclosure.~~

Sec. 34-764. 88. Additions to recreational vehicles.

Additions to recreational vehicles, including utility rooms and enclosures, may be permitted in non-transient parks on permanent units recreational vehicles provided:

- (1) The individual recreational vehicle site meets or exceeds the minimum required lot size set forth in this division;
- (2) The total floor area of additions, excluding open decks and stair landings, does not exceed the total floor area of the recreational vehicle; ~~and~~
- (3) The maximum height of additions does not exceed one story or the height of the recreational vehicle, whichever is less.
- (4) Open decks, up to 120 square feet in area, may be permitted provided all setback requirements are met. Stair landings incorporated into a deck must be included in the square footage of the deck. The deck may be enclosed with screen (no other material) and covered with a metal pan roof.
- ~~(5) The 120 square foot deck may be enclosed in screen and covered with a metal pan roof. (May not be enclosed with any material other than screen.)~~
- ~~(5)(6)~~ Stair or stair landings attached to an addition and not incorporated into an open deck, may be permitted to encroach three feet into the side and rear setbacks. Stair landings may not exceed 18 square feet in area.
- ~~(6) Utility rooms and enclosures must be in compliance with the regulations set forth in section 34-768 and be no closer than ten feet to another recreational vehicle, utility room or enclosure.~~

Sec. 34-765. 89. Storage facilities for unoccupied recreational vehicles.

~~Off-lot storage of recreational vehicles shall be allowed for periods of nonoccupancy in all recreational vehicle parks, subject to the provisions of section 34-762(4).~~

Off-lot storage facilities for recreational vehicles from within the development will be allowed for periods of non-occupancy in recreational vehicle developments. All off-lot storage facilities must comply with the following:

- a. A continuous visual screen of at least eight feet in height along any lot line abutting a residential use under separate ownership, and along any street right-of-way must be provided.
- b. The area of the off-lot storage is limited to ten percent of the total area of the recreational vehicle park.
- c. All other applicable regulations contained in this chapter.

Sec. 34-766. 90. Camping cabins.

(a) through (b) remain unchanged.

Sec. 34-767. 91. Use regulations table.

Use regulations for recreational vehicle districts are as follows:

TABLE 34-767. 91. USE REGULATIONS FOR RECREATIONAL VEHICLE DISTRICTS

	Special Notes or Regulations	RV-1	RV-2	RV-3	RV-4
Accessory uses, buildings, and structures:	34-1171 et seq., 34-2441 et seq.	P	P	P	P
Amateur radio antennas and satellite earth stations	34-1175	Refer to 34-1175 for regulations.			
Carports	34-784 et seq. 34-1179	P	P	P	P
Docks, seawalls	34-1863	P	P	P	P
Enclosures, utility rooms	34-787 <u>34-764</u>	P	P	P	P
Entrance gates, gatehouses	34-1741 et seq.	P	P	P	P
Fences, walls	34-1741 et seq.	P	P	P	P
Nonroofed accessory structures	34-2194(c)	P	P	P	P
Signs in accordance with <u>chapter 30</u>		P	P	P	P
Storage facility for unoccupied RV's	34-789 <u>34-765</u>	P	P	P	P
Storage sheds, unattached	34-786 <u>34-1179</u>	P	P	P	P
Administrative office or caretaker residence	Note (58)	P	P	P	P
Boat ramps, <u>non-commercial</u>	Note (5)	EO/SE	EO/SE	EO/SE	EO/SE
Camping cabins, transient parks only	Note (59), <u>34-766</u> 34-790	P	P	P	P
Consumption on premises	34-1261 et seq.	AA/SE	AA/SE	AA/SE	AA/SE
Commercial uses:	Note (1)				
Sale or rental of recreational vehicle units		P	P	P	P
Laundromat	Note (2)	P	P	P	P
Store for the sale of convenience items for park residents, including groceries, tobacco products, novelties, sundries, and parts and supplies for recreational vehicles	Note (2)	P	P	P	P
Communication facility, wireless	34-1441 et seq.	Refer to 34-1441 et seq. for regulations.			
Community gardens	34-1716	AA	AA	AA	AA
Day care center, adult or child:					

Adult	Note (59)	EO/SE	EO/SE	EO/SE	EO/SE
Child	34-206, Note (46) & (59)	EO/SE	EO/SE	EO/SE	EO/SE
Dwelling Unit:					
Single-family residence, conventional		—	—	EO	—
Essential services	34-1611 et seq.		<u>P</u>	<u>P</u>	
Essential service facilities (34-622(c)(13)):					
Group I	34-1611 et seq., 34-1741 et seq., 34-2142	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Excavation:					
Oil or gas	34-1651(c)	SE	SE	SE	SE
Water retention	34-1651(b), 10-329(c)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Models:					
Display center	34-1951 et seq.	SE	SE	SE	SE
Model home	34-1951 et seq.	AA/SE	AA/SE	AA/SE	AA/SE
Parks, group I	34-622(c)(32)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Real estate sale office	Note (3-4), 34-1951 et seq., 34-3021	EO/SE	EO/SE	EO/SE	EO/SE
Recreation facilities:					
Personal		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Private—On-site		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Private—Off-site		EO	EO	EO	EO
Recreational vehicle, transient	Note (59)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Recreational vehicle, permanent	Note (59)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Service building		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Tents, transient parks only	Note (59)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Notes:

(1) through (2) remain unchanged.

(3) — Reserved.

(3)(4) — Real estate sales are limited to sales of lots or units within the development, except as may be permitted in section 34-1951 et seq. The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding three years from the date the certificate of

occupancy for the sales office is issued. The Director may grant one two-year extension. Additional time will require a new special exception approval.

~~(5) — Non-commercial only.~~

~~(4)(6) — A day care center, owned by the entity with title to the place of worship, that is operated within the building housing the place of worship, is not required to obtain special exception approval.~~

~~(7) — Not permitted in Airport Noise Zone B. See section 34-1004 for exceptions.~~

~~(8) — In Airport Noise Zone B, a caretaker's residence is not permitted~~

~~(5)(9) — Not permitted in Airport Noise Zone B.~~

Sec. 34-768. 92. Property development regulations table.

Property development regulations for recreational vehicle districts are as follows:

TABLE 34-768. 92. PROPERTY DEVELOPMENT REGULATIONS FOR RECREATIONAL VEHICLE DISTRICTS

	Special Notes or Regulations	RV-1 (Pre-1962)	RV-2 (1968-1978)	RV-3 (1978-7/31/86)	RV-4 (1962-1968)
Minimum lot area and dimensions:	34-2221, 34-2222 34-2142				
Lot area (square feet)		1,200 (1)	1,200 (1)	2,000	2,800
Lot width (feet)		30	30	30	40
Lot depth (feet)		—	—	55	—
Minimum setbacks:	Notes (2) and (3)				
Between recreational vehicles (feet)		10 (5), (6)	10 (6), (11)	10 (5), (4)	—
From park perimeter boundary (feet)		10 (5), (6)	15 (7)	40 (8), (13)	25 (12)
Street (feet):					
Internal park street		—	10 (9)	—	5
Off-site street	Note (10)	Variable according to the functional classification of the street or road (section 34-2192)			30
Water body (feet):	34-2191 et seq.				
Gulf of Mexico		50	50	50	50
Other		25	25	25	25

Side yard (feet)		(5), (6)	5 (6), (11)	5	5
Rear yard (feet)	34-2191 et seq.	(5), (6)	10	(4), (5), (6)	5
Maximum height (feet)	Note (12), 34-2171 et seq.	35	35	35	35
		Note: Bonita Beach, Captiva, San Carlos Island, Gasparilla Island conservation district, Greater Pine Island and areas within the airport hazard zone have special height limitations (see section 34-2175).			
Maximum lot coverage (percent of total lot area)	Note (10)	50%	50%	40%	40%
Special regulations:					
Animals, reptiles, marine life	34-1291 et seq.				
Consumption on premises	34-1261 et seq.				
Docks, seawalls, etc.	34-1865				
Essential services	34-1611 et seq.				
Essential service facilities (34-622(c)(13))	34-1611 et seq., 34-2442	Refer to the section specified for exceptions or additions to the minimum setback requirements listed in this table.			
Fences, walls, gatehouses, etc.	34-1741 et seq.				
Nonroofed accessory structures	34-2494(c)				
Railroad right-of-way	34-2495				

Notes:

- (1) through (2) remain unchanged.
- (3) Modifications to setbacks for solar or wind energy purposes are permitted only by special exception. See section 34-2196. ~~1 et seq.~~
- (4) through (6) remain unchanged.
- (7) Minimum setback is 15 feet unless adjacent to another park, in which case the setbacks for side, rear or street setback ~~shall~~ will apply as applicable.
- (8) All parks ~~shall~~ must provide an open space not less than 40 feet wide adjacent to and completely around the boundary of the site except for portions abutting land zoned RV, RVPD or MH. No roads shall be placed within the 40-foot open space.
- (9) remains unchanged.

- (10) ~~Maximum lot coverage for a recreation vehicle and appurtenances thereto, including any carport and/or storage shed, may not exceed the maximum coverage permitted in the district in which the site is located. Special street setbacks apply to portions of Colonial Boulevard and Daniels Road. See section 34-2192(b).~~
- (11) *remains unchanged.*
- (12) ~~Bonita Beach, Captiva, San Carlos Island, Gasparilla Island conservation district, Greater Pine Island and areas within the airport hazard zone have special height limitations (see section 34-2175). 15 feet if adjacent to another RV, RVPD or MH park or commercial or industrial zone.~~
- (13) All parks shall ~~shall~~ must provide a vegetative visual screen within a minimum height of eight feet within the 40-foot open space completely around the site of a park or any addition thereto developed after 1978.

Secs. 34-769-93 - 34-8120. Reserved.

DIVISION 5. COMMUNITY FACILITIES DISTRICTS

Sec. 34-811. Purpose and intent.

~~(a) — The purpose and intent of the community facilities districts is to accommodate and provide opportunities for the suitable location of community services and facilities which are not approved as part of a planned development.~~

~~(b) There are four CF districts provided for in this division:~~

- ~~(1) CF-1, which is primarily to accommodate cultural facilities.~~
- ~~(2) CF-2, which is primarily to accommodate social and limited health related services.~~
- ~~(3) CF-3, which is primarily government service facilities.~~
- ~~(4) CF-4, which is temporarily retained pending rezonings.~~

Sec. 34-812. RESERVED. Applicability of use and property development regulations.

~~No land, body of water or structure may be used or permitted to be used and no structure may hereafter be erected, constructed, moved, altered or maintained in any community facility district for any purpose other than as provided in section 34-813, pertaining to use regulations for community facility districts, and section 34-814, pertaining to property development regulations for community facility districts, except as may be specifically provided for in article VIII (nonconformities) of this chapter, or in section 34-620.~~

Sec. 34-813. Use regulations table.

Use regulations for the community facilities districts are as follows:

TABLE 34-813. USE REGULATIONS FOR COMMUNITY FACILITIES DISTRICTS

	Special Notes or Regulations	<u>CF</u>	CF-1	CF-2	CF-3	CF-4
Administrative offices		<u>P</u>	P	P	P	P
<u>Accessory uses, buildings and structures</u>	<u>34-1171 et seq., 34-2441 et seq., 34-2141 et seq.</u>	<u>P</u>				
Animal control facility (Humane Society)	Note (2)		—	—	EO/SE	—
Animal or reptile exhibits			SE	—	—	—
Aquariums			SE	—	—	—
Art galleries, noncommercial			P	—	—	—
Assisted living facility	Notes (1), (11), & (1043) 34-1411	<u>P/SE</u>	—	P	—	—
Boat ramps, noncommercial	Note(5)	<u>EO/SE</u>	EO/SE	EO/SE	EO/SE	—
Botanical gardens			P	P	—	—
Bus station/depot	34-1381 et seq.	<u>P</u>	—	—	P	—
Caretaker's residence	Note (9)	<u>P</u>	SE	SE	SE	SE
Cemetery, columbarium, mausoleum		<u>P</u>	P	P	—	—
Clubs:						
Country		<u>P</u>	P	P	—	—
Fraternal		<u>P</u>	—	SE	SE	—
Private		<u>P</u>	P	P	P	—
Communication facility, wireless	<u>34-1441 et seq.</u>		Refer to <u>34-1441 et seq. for regulations.</u>	Refer to 34-1441 et seq. for regulations.		
Consumption on premises	34-1261 et seq.	<u>AA/SE</u>	—	AA/SE	AA/SE	—
<u>Cultural facilities</u>	<u>Note (5), 34-622(c)(10), 34-1297</u>	<u>P/SE</u>				
Day care center:						
Adult	Note (7)	<u>P</u>	—	P	P	—
Child	34-206, Notes (6) & (7)	<u>SE</u>	—	SE	P	—

Emergency operations center	Note (2)	<u>P</u>	—	—	<u>P</u>	—
EMS, fire or sheriff's station		<u>P</u>	—	—	<u>P</u>	
Entrance gates and gatehouse	34-1741 et seq.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Essential services		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Essential service facilities:	34-622(c)(13)					
Group I	34-1611 et seq., 34-1741 et seq., 34-2142 et seq.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Group II	34-1611 et seq., 34-1741 et seq., 34-2141 et seq.	<u>EO</u>	—	<u>EO</u>	<u>EO</u>	—
Excavation:						
Oil or gas		<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>
Water retention	34-1651 et seq.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Forestry tower		<u>E</u>	—	—	<u>P</u>	—
Golf driving range		<u>P</u>	<u>P</u>	—	—	—
Government agencies, offices only		<u>P</u>	—	<u>P</u>	<u>P</u>	—
Gun range	Note (12)	<u>SE/EO</u>	—	—	<u>P</u>	—
Health care facilities (34-622(c)(20)):						
Group I (less than 50 beds)	34-1411 et seq., Notes (1), (7) & (1043)	<u>P/SE</u>	—	<u>P</u>	—	—
Group II (less than 50 beds)	34-1411 et seq., Notes (1), (7) & (1043)	<u>P/SE</u>	—	<u>P</u>	—	—
Group III (less than 50 beds)	Note (1)		—	—	<u>EO</u>	<u>P</u>
Group IV	Note (1), (7) & (13)		—	—	<u>EO</u>	<u>P</u>
Helistop	34-1231 et seq.	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	—
Historical sites			<u>P</u>	<u>P</u>	<u>P</u>	—
Hospice	Note (1) & (7), 34-1414		—	<u>P</u>	—	<u>P</u>
Library	Note (7)	<u>P</u>	<u>P</u>	<u>P</u>	—	—
Maintenance facility (government)	Note (2)		—	—	<u>EO/SE</u>	—
Mass transit depot or maintenance facility			—	—	<u>EO/SE</u>	—
Museums			<u>P</u>	—	<u>P</u>	—
Parking lot:						
Accessory		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Garage, public		<u>P</u>	—	<u>P</u>	<u>P</u>	—
Park-and-ride	34-1388	<u>P</u>	—	<u>P</u>	<u>P</u>	—

Temporary		<u>P</u>	P	P	P	—
Parks (34-622(c)(32)):						
Group I	Note (2)	<u>P</u>	P	P	P	P
Group II	Note (2)	<u>P</u>	P	P	P	—
Place of worship	Note (7), 34-2051 et seq.	<u>P</u>	—	P	—	—
Planetarium			SE	—	—	—
Post office	Note (2)	<u>P</u>	—	—	P	—
Recreation facilities:						
Personal		<u>P</u>	P	P	P	—
Private—On-site		<u>EO/SE</u>	<u>EO/SE</u>	<u>EO/SE</u>	<u>EO/SE</u>	—
Private—Off-site		<u>EO/SE</u>	<u>EO/SE</u>	<u>EO/SE</u>	<u>EO/SE</u>	—
Religious facility	Note (2) & (7), 34-2051 et seq.	<u>P</u>	—	SE	—	—
Restaurants (34-622(c)(43)), group II	Note (3), <u>34-622(c)(43)</u>	<u>P</u>	P	P	P	—
Sanitary landfill	IPD only, 34-1831 et seq.	<u>EO</u>	—	—	<u>EO</u>	—
Schools, noncommercial:						
Lee County School District	Note (7), 34-2381	<u>P</u>	P	P	P	P
Other	Note (2) & (7), 34-2381	<u>P</u>	—	P	—	—
Signs in accordance with chapter 30		<u>P</u>	P	P	P	P
Social services (34-622(c)(46)):						
Group III	Note (1), (7) & (1013)	<u>P</u>	—	P	—	P
Group IV	Note (1), (7) & (1013)	<u>P</u>	<u>EO</u>	P	—	—
Specialty retail shops (34-622(c)(47)), group I	Note (3), <u>34-622(c)(47)</u>	<u>P</u>	P	P	P	—
Storage, indoor only		<u>P</u>	P	P	P	—
Tactical training (df)		<u>SE/EO</u>	—	—	SE	—
Temporary uses	Note (814)	<u>TP</u>	TP	TP	TP	TP
Zoos			SE	—	—	—

Notes:

(1) through (4) remain unchanged.

(5) Art galleries are permitted as noncommercial only. Animal or reptile exhibits, aquariums, planetaria, and zoos require approval by special exception. Non-commercial only.

(6) through (7) remain unchanged.

(8) Temporary use permits are not required when the temporary use is accessory to the principal use of the structure or premises. See Use, accessory definition (section 34-2). Limited to active recreation only (ball fields and tennis courts, for example) in Airport Noise Zone B.

(9) *remains unchanged.*

(10) Not permitted in Coastal High Hazard areas unless in compliance with section 2-485(b)(5)a. Not permitted in Airport Noise Zone B. See section 34-1004 for exceptions.

(11) through (12) *remain unchanged.*

~~(13) Not permitted in Coastal High Hazard areas unless in compliance with section 2-485(b)(5)a.~~

~~(14) Temporary use permits are not required when the temporary use is accessory to the principal use of the structure or premises. See Use, accessory definition (section 34-2).~~

Sec. 34-814. Property development regulations table.

Property development regulations for the community facilities districts are as follows:

TABLE 34-814. PROPERTY DEVELOPMENT REGULATIONS FOR COMMUNITY FACILITIES DISTRICTS

	Special Notes or Regulations	CF	CF-1	CF-2	CF-3, CF-4
Minimum lot dimensions and area:					
Minimum lot area: Place of worship Religious facility All other Minimum lot width (feet) Minimum lot depth (feet)	34-2051 et seq. 34-2051 et seq.	<u>Except as may be set forth in the referenced sections for specific uses, there are no minimum lot area or dimensions required, provided that the area is of sufficient size to accommodate the proposed use as well as all setbacks, parking, open space, drainage and buffering requirements of this chapter and any other applicable County development regulations.</u>	<u>Except as may be set forth in the referenced sections for specific uses, there are no minimum lot area or dimensions required, provided that the area is of sufficient size to accommodate the proposed use as well as all setbacks, parking, open space, drainage and buffering requirements of this chapter and any other applicable County development regulations.</u>		
Minimum setbacks:					
Street (feet)	Notes (1) and (2), 34-2191 et seq., 34-1261 et seq.	<u>Variable according to the functional classification of the street or road (see section 34-2192).</u>	<u>Variable according to the functional classification of the street or road (see section 34-2192).</u>		

Side yard (feet)		<u>15</u>	15	15	15
Rear yard (feet)	34-2191 et seq.	<u>25</u>	25	25	25
Water body (feet):	34-2191 et seq.				
	Gulf of Mexico	<u>50</u>	50	50	50
	Other	<u>25</u>	25	25	25
Special regulations:					
Animals, reptiles, marine life	34-1291 et seq.				
Consumption on premises	34-1261 et seq.				
Docks, seawalls, etc.	34-1865				
Essential services	34-1611 et seq.		Refer to the sections specified for exceptions to the minimum setback requirements listed in this table.		
Essential service facilities (34-622(c)(13))	34-1611 et seq., 34-2142				
Fences, walls, gatehouses, etc.	34-1741 et seq.				
Nonroofed accessory structures	34-2194(c)				
Railroad right-of-way	34-2195				
Maximum height (feet)	Note 3, 34-2171 et seq.	<u>35</u>	35	35	35
			Note: Bonita Beach, Captiva, San Carlos Island, Gasparilla Island conservation district, Greater Pine Island and areas within the airport hazard zone have special limitations (see section 34-2175).		
Maximum lot coverage (percent of total lot area)		<u>35%</u>	35%	35%	35%

Notes:

- (1) Modifications to required setbacks for collector or arterial streets is permitted only by variance. Modifications for solar or wind energy purposes, are permitted only by special exception. See section 34-2196.1 et seq.
- (2) Special street setback provisions apply to portions of Colonial Boulevard and Daniels Parkway. ~~Read~~. Refer to section 34-2192(b)(3) and (4).
- (3) Bonita Beach, Captiva, San Carlos Island, Gasparilla Island conservation district, Greater Pine Island and areas within the airport hazard zone have special limitations (see section 34-2175).

DIVISION 8. INDUSTRIAL DISTRICTS

Sec. 34-903. Use regulations table.

Use regulations for industrial districts are as follows:

TABLE 34-903. USE REGULATIONS FOR INDUSTRIAL DISTRICTS

		Special Notes or Regulations	IL Note (14)	IG Note (14)	IR Note (14)
Vehicle and equipment dealers (34-622(c)(55)):					
	Group III	34-1352	P	—	—
	Group IV	34-1352	P	P	—
	Group V	34-1352	P	P	—

DIVISION 9. PLANNED DEVELOPMENT DISTRICTS

Sec. 34-934. Use regulations table.

Use regulations for planned development districts are as follows:

TABLE 34-934. USE REGULATIONS FOR PLANNED DEVELOPMENT DISTRICTS

Notes:

(20) Recreational vehicle sites in mobile home planned developments (MHPD) must be designated on the approved master concept plan. All recreational vehicles approved as part of a MHPD are subject to the regulations in sections ~~34-762(1), 34-762(2), 34-782, 34-784~~ 34-762 through 34-766 and 34-1179. ~~and sections 34-786 through 34-790.~~

Sec. 34-939. Recreational vehicle planned developments property development regulations.

- (a) *remains unchanged.*
- (b) *Design criteria.*

(1) through (2) remain unchanged.

(3) *Buffers.* All recreational vehicle parks are required to have a perimeter buffer area at least 40 feet wide adjacent to and completely around the boundary of the site, except along that portion of a boundary abutting a parcel of land zoned RV or RVPD. All recreational vehicle parks created or additions added to the existing parks after September 19, 1985, must provide ~~an eight foot high vegetative visual screen within the~~ a 40-foot wide perimeter buffer area with a vegetative visual screen. No roads or streets may be placed within the buffer area. However, roads and streets may cross over the perimeter buffer. ~~The Existing native natural-vegetation in the buffer area~~ must be retained to meet the visual screen requirement and may not be removed except as follows:

- a. Exotic species ~~such as Melaleuca, Brazilian pepper and Australian pine~~ shall as defined in section 10-420(h) must be removed.
- b. ~~Natural-Existing native~~ vegetation may be removed to provide adequately sized grass swales adjacent to the points of access to the recreational vehicle park.
- c. ~~Natural-Existing native~~ vegetation may be removed to provide a bike and/or pedestrian path in the buffer area.
- d. A minimum of ~~50-75~~ percent of all trees and shrubs used in buffers and landscaping ~~shall~~ must be native varieties.

If the 40 foot buffer area does not have enough existing native vegetation to provide a vegetated visual screen, then buffer vegetation must be installed to provide at minimum 10 trees and 66 shrubs per 100 linear feet. Trees must be 14 feet in height and shrubs 36 inches in height at time of planting. Shrubs must be maintained at a minimum of 60 inches in height. Palms are counted at a 3:1 ratio clustered in staggered heights ranging from 14 feet to 18 feet in height. Palms are limited to 50% of the tree requirement.

(4) through (5) remain unchanged.

(6) *Maximum number of living units. density.* ~~All new recreational vehicle parks shall be limited to maximum densities as follows:~~

- a. *Transient parks.* Transient parks may not exceed a maximum of 8 living units per non-wetland acres. ~~shall have a minimum recreational vehicle site size of 5,000 square feet per unit, excluding all internal roads or access drives, and shall have a maximum of eight recreational vehicle sites per acre.~~

- b. *Nontransient parks.* Nontransient parks may not exceed the standard residential density as permitted in the Lee County Comprehensive Plan. shall have a minimum lot size of 5,000 square feet per unit, excluding street rights-of-way or easements and buffers. Maximum density shall not exceed the standard density permitted by the Lee Plan for the land use category in which located.

(7) through (8) remain unchanged.

- (c) *Accessory structures and additions.* Individual accessory structures, additions or freestanding storage sheds may shall be permitted only in non-transient parks, and only when in compliance with the regulations set forth in sections ~~34-784 through 34-790~~ 34-764 through 34-766 and 34-1179.
- (d) *Recreational vehicles as permanent residences.* The use of a recreational vehicle type unit by a permanent resident as a permanent residence, as the terms are defined in F.S. ch. 196, is expressly prohibited as of September 16, 1985.

ARTICLE VII. SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 2. ACCESSORY USES, BUILDINGS AND STRUCTURES

Sec. 34-1176. Swimming pools, tennis courts, porches, decks and similar recreational facilities.

- (a) *remains unchanged.*
- (b) *Location and setbacks.*
 - (1) Personal, private and limited facilities.
 - a. *remains unchanged.*
 - b. *Open-mesh screen enclosures.* Swimming pools, patios, decks and other similar recreational facilities may not exceed 3 ½ feet above grade unless it complies with minimum required principal structure setbacks. Decks or patios that comply with accessory structure setbacks may be enclosed with open-mesh screen. Enclosures with an opaque material above 3 ½ feet from grade must meet principal structure setbacks. ~~be enclosed with an open-mesh screen enclosure provided that the enclosure complies with the setback requirements set forth in section 34-1174, and provided further that:~~
 - 1. ~~At least three sides of the enclosure are open-mesh screening from a height of 3 1/2 feet above grade to the top of the enclosure.~~

- ~~2. Enclosures with any two or more sides enclosed by opaque material shall be required to comply with all setbacks required for a principal building.~~

It ~~shall be~~ is the responsibility of the applicant to increase all required setbacks sufficient to provide maintenance access around the pool whenever the pool is proposed to be enclosed with open-mesh screening or fencing. A minimum increase in setbacks of three feet is recommended.

c. *remains unchanged.*

Sec. 34-1179. Accessory structures in recreational vehicle developments. –Reserved.

- (a) Storage sheds and carports on individual recreational vehicle sites are prohibited in transient parks.
- (b) One freestanding storage shed, not exceeding 120 feet in floor area and ten feet in height, may be permitted in any nontransient park provided:
 - (1) No storage shed may be located closer than five feet to the side or rear lot line or closer than ten feet to a recreational vehicle under separate ownership; and
 - (2) The shed is properly tied down and complies with all building code requirements.
- (c) Carports may be permitted in any nontransient park located within a conventional RV District provided the carport:
 - (1) Is located on a lot with a minimum of 2,000 square feet in size;
 - (2) Does not exceed 12 feet in width, 20 feet in length, and ten feet in height;
 - (3) Is not located closer than five feet to any side or rear lot line or closer than ten feet (measured overhang to overhang) to any recreational vehicle or carport under separate ownership;
 - (4) Remains open from grade up to the eave except the back end of the carport may be attached to a permitted storage shed; and
 - (5) Is in compliance with all building code requirements.
- (d) Carports, to cover both the RV and one vehicle, may be permitted in any non-transient park located within an RVPD with an overall gross density of less than six units per acre provided the carport:
 - (1) Is located on a lot a minimum of 3,000 square feet in size;

- (2) Does not exceed 25 feet in width, 42 feet in length, and 15 feet in height with a clear span of 13 feet six inches;
- (3) Is not located closer than five feet to the side or rear lot line or closer than ten feet (measured overhang to overhang) to a recreational vehicle or carport under separate ownership;
- (4) Remains open from grade up to the eave except that the back end of the carport may be attached to a permitted storage shed and a screened porch may be located along one side provided the length does not exceed 50 percent of the length of the carport; and
- (5) In compliance with all building code requirements.

DIVISION 8. AUTOMOTIVE BUSINESSES; CONVENIENCE FOOD AND BEVERAGE STORES; FAST FOOD RESTAURANTS

Subdivision II. Convenience Food and Beverage Stores, Automotive Service Stations, Fast Food Restaurants, and Car Washes.

Sec. 34-1354. Variances or deviations.

The provisions of this section apply to all new development, including redevelopment.

- (1) A deviation or variance from the requirements stated in sections 34-1352 and 34-1353 must be obtained through the public hearing process unless the project qualifies for administrative relief under section 34-1354(23).

(2) through (3) remain unchanged.

DIVISION 10. CARE FACILITIES AND CENTERS

Sec. 34-1411. Assisted living facilities.

- (a) *Generally.* Assisted Living Facilities (ALFs) ~~having 49 beds or less, may be located in zoning districts by right or by special exception, as are permitted by right or special exception as specified in the district use regulations or as approved as part of a master concept plan in the RPD, CFPD, CPD or MPD districts, but they are subject to the density ranges for the land use category applicable to the subject property.~~ Density must be calculated in accordance with sections 34-1491 through 1495 based on the density ranges for the land use category in which the subject property is located. ~~Facilities with 50 or more beds are permissible in RPD, CFPD, CPD and MPD districts when approved as part of the master concept plan.~~

(b) through (e) remain unchanged.

DIVISION 10. CARE FACILITIES AND CENTERS

Sec. 34-1411. Assisted living facilities.

- (a) *Generally.* Assisted Living Facilities (ALFs) ~~having 49 beds or less, may be located in zoning districts by right or by special exception, as are permitted by right or special exception as specified in the district use regulations or as approved as part of a master concept plan in the RPD, CFPD, CPD or MPD districts, but they are subject to the density ranges for the land use category applicable to the subject property.~~ Density must be calculated in accordance with sections 34-1491 through 1495 based on the density ranges for the land use category in which the subject property is located. ~~Facilities with 50 or more beds are permissible in RPD, CFPD, CPD and MPD districts when approved as part of the master concept plan.~~

(b) through (e) remain unchanged.

DIVISION 12. DENSITY

Sec. 34-1516. The bonus density program.

The bonus density program allows the Board of County Commissioners the discretion to grant bonus density to development in accordance with the Lee Plan and the following criteria. Although approval of the use of bonus density credits is solely within the discretion of the Board, applicants must comply with the minimum requirements set forth herein to be eligible for consideration of the program.

- (a) *Alternative methods:* A developer may be eligible to exceed the standard density range for a particular land use category if:
- (1) through (2) remain unchanged.
 - (3) The property is located in the Mixed Use Overlay in the Intensive, Urban Community or Central Urban future land use category and is zoned mixed use planned development or compact planned development. The property must be developed in accordance with Chapter 32 Compact Communities if the bonus density was approved after February 26, 2013 or if the bonus density was approved in a mixed use planned development approved prior to February 26, 2013 that has compact community components or is consistent with elements of the Mixed Use Overlay.

(b) – (h) remain unchanged.

Sec. 34-1517. Procedure to approve density increases.

- (a) *Application.*
- (1) – (3) remain unchanged.*

- (4) If the bonus density was approved by the Board of County Commissioners as part of a mixed use planned development and the applicant is using Option 34-1516(a)(3) an administrative amendment pursuant to section 34-380 is required.

(b) through (d) remain unchanged.

DIVISION 19. HOTELS AND MOTELS

Sec. 34-1805. Density limitation for Captiva Island.

The permitted density for hotels and motels as set forth in this division will not apply to any hotel or motel units on Captiva Island. The maximum permitted density for hotels or motels on Captiva Island may not exceed three units per gross acre. The redevelopment of nonconforming hotels and motels on Captiva Island will be governed by the provisions of section 33-1628(b). ~~34-1545~~. That section will be interpreted to prohibit an increase in the number of rental units and to establish a maximum average unit size of 550 square feet.

DIVISION 26. PARKING

Sec. 34-2016. Parking space dimension, delineation, angle and aisle width.

In addition to satisfying the provisions of this division, off-street parking lots must conform to the following requirements:

- (1) *Parking space dimensions.* Minimum individual parking space dimensions are as follows:
- a. through b. remain unchanged.*
 - c. Golf cart parking: 5 feet by 8 feet.

Sec. 34-2020. Required parking spaces.

All uses are required to provide off-street parking based on the single-use development requirement unless the use is located in a development that qualifies as a multiple-use development, in which case, the minimum required spaces for multiple-use developments may be used. Use of the multiple-use development minimum parking regulations is optional.

Parking for uses not specifically mentioned in this section must meet the minimum parking requirement for the use most similar to that being requested.

- (a) *Residential uses.* Residential uses permitted under this chapter are subject to the following minimum requirements:

TABLE 34-2020(a). REQUIRED PARKING SPACES FOR RESIDENTIAL USES

Use	Special Notes	Minimum Required	Minimum Required

	or Regulations	Spaces for Single-Use Development	Spaces for Multiple-Use Development
6. Independent (self-care) living facilities, including group quarters, health care (grps I & II), social services (grps III & IV) and other similar uses.	Notes (1)&(2), <u>34-1494</u> et seq.	0.66 spaces <u>1 space</u> per unit	0.59 spaces per unit

(b) *Non-residential uses.* Non-residential uses permitted under this chapter are subject to the following minimum requirements:

TABLE 34-2020(b). REQUIRED PARKING SPACES FOR NON-RESIDENTIAL USES

Use	Special Notes or Regulations	Minimum Required Spaces for Single-Use Development	Minimum Required Spaces for Multiple-Use Development
<u>Multiple-occupancy complex with total floor area of 350,000 square feet or more.</u>	<u>Note (16)</u>	--	<u>4.5 spaces per 1,000 square feet of total floor area</u>

Notes:

(4) Parking for a clubhouse with a restaurant will be 6 spaces per hole or 12.5 spaces per 1,000 square feet of restaurant whichever is greater. Additional parking for restaurants is required if the parking requirement for the restaurant exceeds the parking requirement for the golf course.

(16) Limited to multiple-occupancy complexes that lawfully existed on September 17, 2012. If the complex is enlarged in terms of floor area or if the value of renovation exceeds 50% of the value of the property, additional parking spaces must be provided based on the requirements in 34-2020(b). Parking for the additional floor area will be calculated at the multiple-use development rate required for the specific use.

(c) through (e) remain unchanged.

(f) Parking in excess of 120 percent of minimum requirements.

(1) *remains unchanged.*

- (2) Development orders stamped received by the Lee County Department of Development Services prior to ~~DATE OF ADOPTION~~ September 17, 2012 rendered nonconforming by the adoption of section 34-2020(f) will not be required to obtain additional approvals for parking in excess of 20 percent of the minimum requirements.

DIVISION 31. RESERVED RECREATIONAL VEHICLES AS PERMANENT RESIDENCES

~~Sec. 34-2351. Use as permanent residence.~~

~~The use of a recreational vehicle type unit by a permanent resident as a permanent residence, as the terms are defined in F.S. ch. 196, is expressly prohibited as of September 16, 1985. Persons who have established permanent residency within a recreational vehicle park as of September 16, 1985, are exempt from the residency provisions of this section, provided that the proof of residency was established by an affidavit filed with the County prior to October 31, 1985.~~

Secs. 34-2351~~2~~--34-2380. Reserved.

DIVISION 37. SUBORDINATE AND TEMPORARY USES

Subdivision I. Subordinate Uses In General

~~Sec. 34-3021. Generally. Subordinate uses.~~

~~(a) *Purpose.* The purpose of this section is to provide for certain commercial uses provided such uses are clearly subordinate to a permitted principal use and are in compliance with the regulations set forth in this section.~~

~~(b) Sec. 34-3022. Subordinate commercial uses for mobile home or recreational vehicle developments.~~

The following uses, lawfully existing, are permitted uses provided they are in compliance with the regulations set forth in this section. Uses established subsequent to August 1, 1986, may be permitted only by special exception except when approved as part of an MHPD or RVPD.

- (1) Food store group I (section 34-622(c)(16)).
- (2) Laundromat.
- (3) Personal services group I (section 34-622(c)(33)).
- (4) Specialty retail store groups I and II (section 34-622(c)(47)).
- (5) Real estate office for sale or rental of units within the development only.

- (6) Parts and supplies for mobile homes or recreational vehicles.

All uses, except the real estate office, must be located within a permanent building which complies with the Standard Building Code. The total land area for the uses listed in this subsection may not exceed ten percent of the total land area of the development.

~~(c) Other subordinate commercial uses.~~

~~(1) The subsection applies to **Sec. 34-3023. Subordinate commercial uses for hotels/motels, multiple-family buildings, social services groups III and IV (section 34-622(c)(46)), health care facilities groups I, II and IV (section 34-622(c)(20)), cultural facilities (section 34-622(c)(10)), and office complexes containing 50,000 square feet or more of floor area on the same premises.**~~

(1) The uses listed in subsection ~~(c)~~(2) of this section will be permitted when clearly subordinate to the principal use, subject to the following requirements:

- a. The retail use must be totally within the building housing the principal use;
- b. The retail use may not occupy more than ten percent of the total floor area of the principal use; and
- c. Public access to the commercial uses must not be evident from any abutting street.

(2) Uses permitted are:

- a. Personal services groups I and II (section 34-622(c)(33)).
- b. Pharmacy.
- c. Specialty retail store groups I and II (section 34-6229(c)(47)).
- d. Restaurant group II (section 34-622(c)(43)).
- e. Rental or leasing establishment group I (section 34-622(c)(39)).

Sec. 34-2024. Dogs in outdoor seating areas of restaurants.

(a) Generally. Pursuant to F.S. §509.233, patrons' dogs (canis lupus familiaris) may be permitted within outdoor seating areas of restaurants subject to the approval of an outdoor dog dining permit. Service animals, as defined under Chapter 413, Florida Statutes, are exempt from the provisions of this Section.

(b) Permit Required. A permit must be obtained from the Department prior to allowing patrons' dogs in outdoor seating areas:

(1) Application. An applicant for an outdoor dog dining permit must submit the following information on the form provided by the County:

- a. The name, location, and mailing address of the restaurant.
- b. The name, mailing address, and telephone contact information of the permit applicant.
- c. The Division of Hotels and Restaurants of the Florida Department of Business and Professional Regulation issued license number of the restaurant.
- d. A copy of a site plan, to scale, that will be designated as available to patrons' dogs, including: dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information reasonably required by the permitting authority.
- e. A description of the days of the week and hours of operation that dogs will be permitted in the designated outdoor area.

(2) Review and Approval.

- a. Prior to permit approval, the Director must find that all required materials have been received and that the requested permit will not hinder the general health, safety and welfare of the public.
- b. The County may impose additional conditions as necessary in order to protect the health, safety and welfare of the community.
- c. The County will provide the Division of Hotels and Restaurants of the Florida Department of Business and Professional Regulation with a copy of all approved applications and permits issued.

(3) Transfer. A permit issued under this section is not transferable to a subsequent owner or tenant upon the sale of a public food service establishment, but will automatically expire upon the sale of the establishment. The subsequent owner or tenant is required to reapply for a new permit pursuant to this section if the subsequent owner or tenant wishes to continue to accommodate patrons' dogs. A change in occupancy will also require the issuance of a new permit under this section.

(4) Revocation.

- a. A permit may be revoked by the County if, after notice and reasonable time in which the grounds for revocation may be corrected, the restaurant fails to comply the conditions of approval, including the standards set forth in section 34-2024(c).
- b. If revoked, a permit for dogs in outdoor seating areas will not be issued to the same owner or tenant for a period of 12 months from the date of revocation.

(c) Standards. Each approved establishment is subject to the following conditions:

- (1) All food service employees must wash their hands promptly after touching, petting, or otherwise handling dogs.
- (2) Employees cannot touch, pet, or otherwise handle dogs while serving food or beverages or handling tableware or before entering other parts of the establishment.
- (3) Patrons must be advised to wash their hands before eating. The establishment must provide waterless hand sanitizer at each outdoor table.
- (4) Dogs must not come into contact with serving dishes, utensils, tableware, linens, paper products or any other items involved in food service operations.
- (5) Dogs must be kept on a leash at all times and under reasonable control.
- (6) Dogs must not be allowed on chairs, tables, or other furnishings.
- (7) Table and chair surfaces and any spillage must be cleaned and sanitized with an approved product between seating of patrons.
- (8) Accidents involving dog waste must be cleaned immediately and the area sanitized with an approved product. Establishments are required to keep a kit containing cleaning materials in the designated outdoor area.
- (9) Signage reminding employees and patrons of adopted rules must be posted.
- (10) Signage that places the public on notice that the designated outdoor area is available for the use of patrons and patrons' dogs must be posted.
- (11) Dogs are not permitted to travel through any indoor or non-designated outdoor portions of the establishment. Ingress and egress to the designated, permitted, area cannot require entrance into or passage through any indoor area of the establishment.

Secs. 34-30225 – 34-3040. Reserved.

ARTICLE VIII. NONCONFORMITIES

DIVISION 4. NONCONFORMING LOTS

Sec. 34-3272. Lot of record defined; general development standards.

For the purposes of this division only, a lot of record is a lot which conformed to the minimum lot size for the use permitted for that lot in its zoning district at such time that the lot was created, but which lot fails to conform to the minimum lot size requirements which are established by this chapter.

- (1) For the purpose of this division, a lot is created on such date that one of the following conditions occur:

- a. *through c. remain unchanged.*

- d. In the case of mobile home or recreational vehicle parks, the date when the park was approved by resolution for rezoning or a special permit for such use; provided, however, that the park subsequently obtained, on or before June 3, 1987, approval by the Board of County Commissioners of a site plan which identifies individual sites within the park and the sites meet the minimum lot size and setbacks consistent with the zoning regulations ~~as set forth in section 34-3274 and its applicable subsection based on the date of the resolution.~~ Any park which was lawfully established prior to the effective date of the County's 1962 zoning regulations will shall be governed by the requirements of section 34-3274(1) as long as the park satisfies the remaining minimum documentary requirements and Board of County Commissioners approval set forth in this provision. Any park approved by the Board of Commissioners under Ordinance 86-36 may request to amend the approved site plan by the combination of lots creating larger lots provided the approved density is not increased. The park must obtain an administrative approval by the requirements set forth in Section 34-145. For purposes of this subsection, the term "site plan" means any one or more of the following, whichever is applicable:

1. through 7. remain unchanged.

8. Any other document which shows lot lines with enough specificity to enable the Director to apply the provisions of this chapter with respect to minimum lot size, lot widths and setback requirements. ~~Any of such documents which has not been or is not formally approved by the Board of County Commissioners shall not be sufficient to satisfy the provisions of this subsection. The burden of proof that any of such documents have received Board of County Commissioners approval shall be that of the owner.~~

Any of the above documents that have not been formally approved by the Board of County Commissioners will not be sufficient to satisfy the provisions of this subsection. The burden of proof that a document has received Board of County Commissioners approval is that of the owner.

(2) through (4) remain unchanged.

LEE COUNTY ORDINANCE NO. 14-

AN ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE (LDC), CHAPTER 2 (ADMINISTRATION), ARTICLE VI, DIVISION 4 (COMMUNITY PARKS IMPACT FEES); AMENDING BENEFIT DISTRICTS ESTABLISHED (§2-348); TRUST FUND ACCOUNTS (§2-349); USE OF FUNDS (§2-350); AMENDING APPENDIX L – COMMUNITY PARK IMPACT FEE BENEFIT DISTRICT DESCRIPTIONS AND MAP; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Lee County, Florida has adopted a comprehensive Land Development Code; and

WHEREAS, the Board of County Commissioners has the authority to adopt impact fee regulations pursuant to Article VIII of the Constitution of the State, Chapter 125, F.S., and §§ 163.3201, 163.3202 and 380.06(16), F.S.; and

WHEREAS, the Board initially adopted the Parks impact fee regulations and an impact fee schedule in 1985; and

WHEREAS, pursuant to Lee Plan Objective 76.1, the County must periodically examine the composition and location of population growth to determine if redistricting of community impact fee districts is warranted; and

WHEREAS, Lee Plan Policy 76.1.1 requires the County to equitably distribute community park facilities within impact fee districts in unincorporated Lee County; and

WHEREAS, Lee Plan Goal 83 requires the County to provide for active recreational needs of the residents of unincorporated Lee County by providing adequate community park facilities appropriately located; and

WHEREAS, pursuant to Lee Plan Goal 87, the County must plan, budget and fund a comprehensive park system that properly meets the needs for the future of Lee County; and

WHEREAS, Lee Plan Policy 87.1.1, requires the capital improvement plan to reflect the distribution of park facilities throughout the unincorporated County and that the use of community park impact fee districts provides a mechanism to distribute facilities based upon population, travel patterns and existing facilities; and

WHEREAS, pursuant to Lee Plan Policy 87.1.4, Lee County will periodically review the parks impact fee ordinance and park impact fee districts to determine if change are warranted. Such review will include an analysis of land/development costs, administrative costs/changes and population/development pattern changes; and

WHEREAS, the County park staff has analyzed population and user patterns in conjunction with the County's impact fee consultant and determined that consolidation of impact fee districts is warranted and would also be similar in number to the County's road impact fee districts; and

WHEREAS, the Land Development Code Advisory Committee reviewed the proposed amendments herein on January 10, 2014, and recommended approval of the proposed amendments; and

WHEREAS, the Executive Regulatory Oversight Committee (EROC) reviewed the proposed amendments herein on January 8, 2014, and recommended approval of the reduction in the number of districts; and

WHEREAS, the Local Planning Agency (LPA) reviewed the proposed amendments herein on January 27, 2014, and found them to be _____ with the Lee Plan.

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

SECTION ONE: AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 2

Lee County Land Development Code Chapter 2, Article VI, Division 4 is amended to read as follows with strike-through identifying deleted language and underline identifying new language:

CHAPTER 2

ARTICLE VI. IMPACT FEES

DIVISION 4. COMMUNITY PARKS IMPACT FEE

Sec. 2-348. Benefit districts established.

There are hereby established ~~nine~~ four Community Parks impact fee benefit districts as shown in Appendix L. Subdistricts may be created by Interlocal agreement.

[The map currently in Appendix L showing 9 districts will be replaced with a revised district map attached to this amendment showing 4 districts. SEE Section 2 below.]

Sec. 2-349. Trust fund accounts.

(a) There are hereby established ~~eight~~ four community parks impact fee trust fund accounts, one for each benefit district established in section 2-348. Subsidiary accounts may be established for subdistricts created by Interlocal agreement.

(b) unchanged.

Sec. 2-350. Use of funds.

(a) Funds collected from community parks impact fees must be used for the purpose of capital improvements for community parks. Except as provided in subsection (c) of this section, community parks impact fee collections, including any interest earned thereon, less administrative costs retained pursuant to subsection (d) of this section, must be used exclusively for capital improvements for community parks within or for the benefit of the community parks impact fee benefit district in which the funds were collected. These impact fee funds must be segregated from other funds and be expended in the order in which they are collected. Funds may be used or pledged in the course of bonding or other lawful financing techniques, so long as the proceeds raised thereby are used for the purpose of capital improvements for community parks. If these funds or pledge of funds are combined with other revenue sources in a dual or multipurpose bond issue or other revenue-raising device, the proceeds raised thereby must be divided and segregated such that the amount of the proceeds reserved for community park purposes bears the same ratio to the total funds collected that the community parks impact fee funds used or pledged bear to the total funds used or pledged.

(b) unchanged

(c) Unless prohibited by an appropriate interlocal agreement, monies placed in one community parks impact fee trust fund may be ~~borrowed and placed~~ used in another and adjacent community parks impact fee trust fund district so long as the Board of County Commissioners first determines in a public meeting that the loans use of the funds will provide a benefit to the adjacent district and the district the funds were collected and the use of the funds in the adjacent district will not disrupt or otherwise alter the timing of provision of capital facilities to the lending district where the funds were collected. ~~and will be repaid from specifically identified revenue sources within two years, either from the borrowing district or from some other source, with interest at a rate established by the Board at the time it authorizes the loan; provided, however, that, if the interest is to be paid from community parks impact fees collected in the borrowing district, the Board first finds that the amount of the interest to be paid will be equal to or~~

~~less than the benefit given to fee payers in the borrowing district by virtue of the earlier provision of capital facilities in the borrowing district made possible by virtue of the loan. To secure repayment of the loan on the terms established for it by the Board, the motion authorizing the loan implicitly must include direction and authorization to the county's fiscal officers to perform all acts necessary to comply with the loan terms. Loans may not be renewed.~~

(d) unchanged.

SECTION TWO: AMENDMENT TO LAND DEVELOPMENT CODE APPENDIX

Lee County Land Development Code Appendix L is amended to read as follows with strike-through identifying deleted language and underline identifying additional language:

APPENDIX L – COMMUNITY PARK IMPACT FEE DISTRICT DESCRIPTIONS

APPENDIX L – MAP

[NOTE: See attached Exhibit “A” for the map that is herein incorporated as Appendix L.]

APPENDIX L – MAP 1 – DISTRICT DESCRIPTIONS

THE ENTIRE TEXT OF APPENDIX L (DISTRICT DESCRIPTIONS) IS HEREBY DELETED AND REPLACED WITH THE FOLLOWING:

[Insert district descriptions here.]

SECTION THREE: CONFLICTS OF LAW

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

SECTION FOUR: SEVERABILITY

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

SECTION FIVE: CODIFICATION AND SCRIVENER’S ERRORS

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

SECTION SIX: EFFECTIVE DATE

This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State.

Commissioner _____ made a motion to adopt the foregoing resolution, seconded by Commissioner _____. The vote was as follows:

John Manning	_____
Cecil L Pendergrass	_____
Larry Kiker	_____
Brian Hamman	_____
Frank Mann	_____

DULY PASSED AND ADOPTED THIS ___ day of _____, 2014.

ATTEST:
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

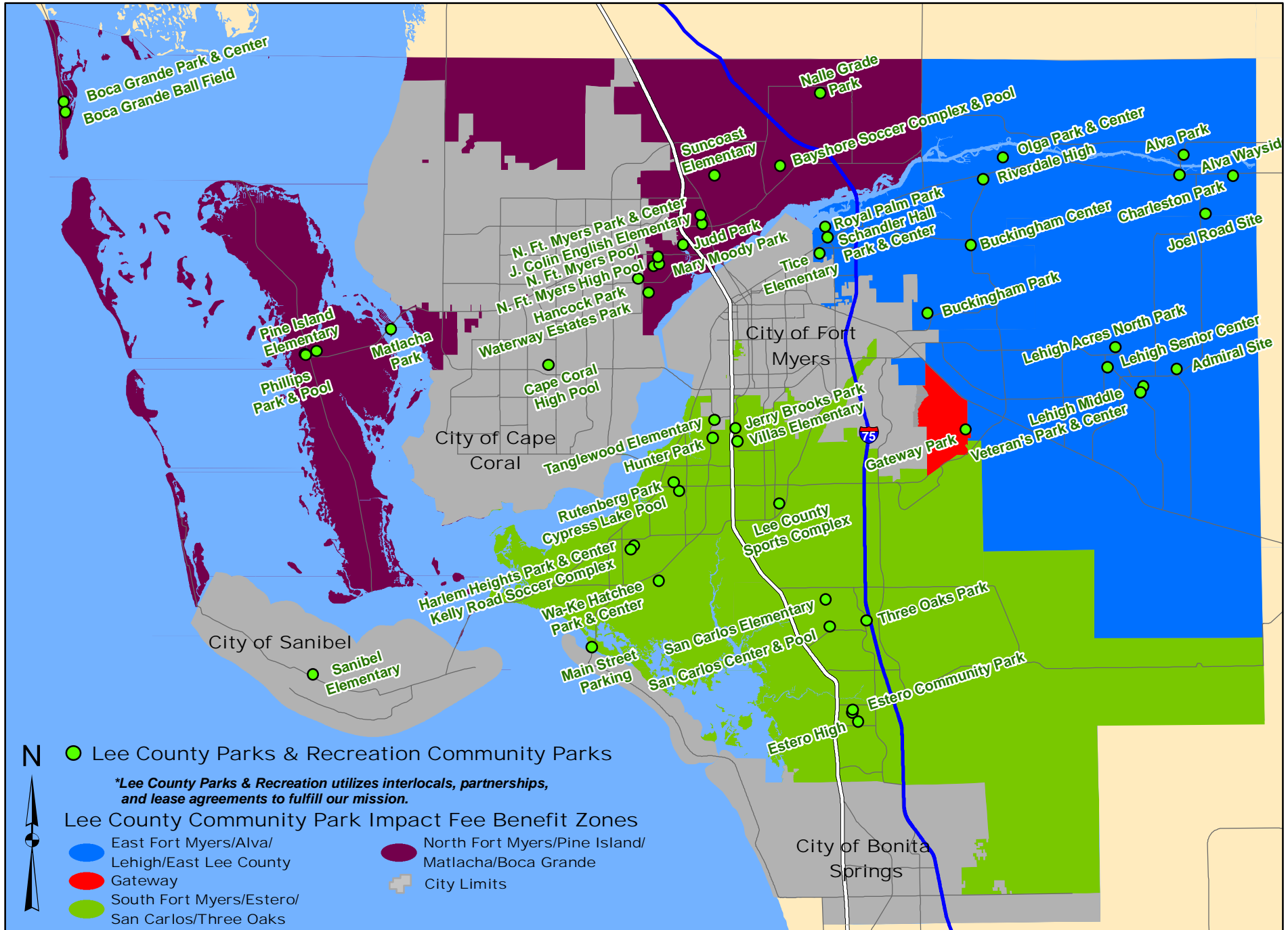
By: _____
Chair

APPROVED AS TO FORM:

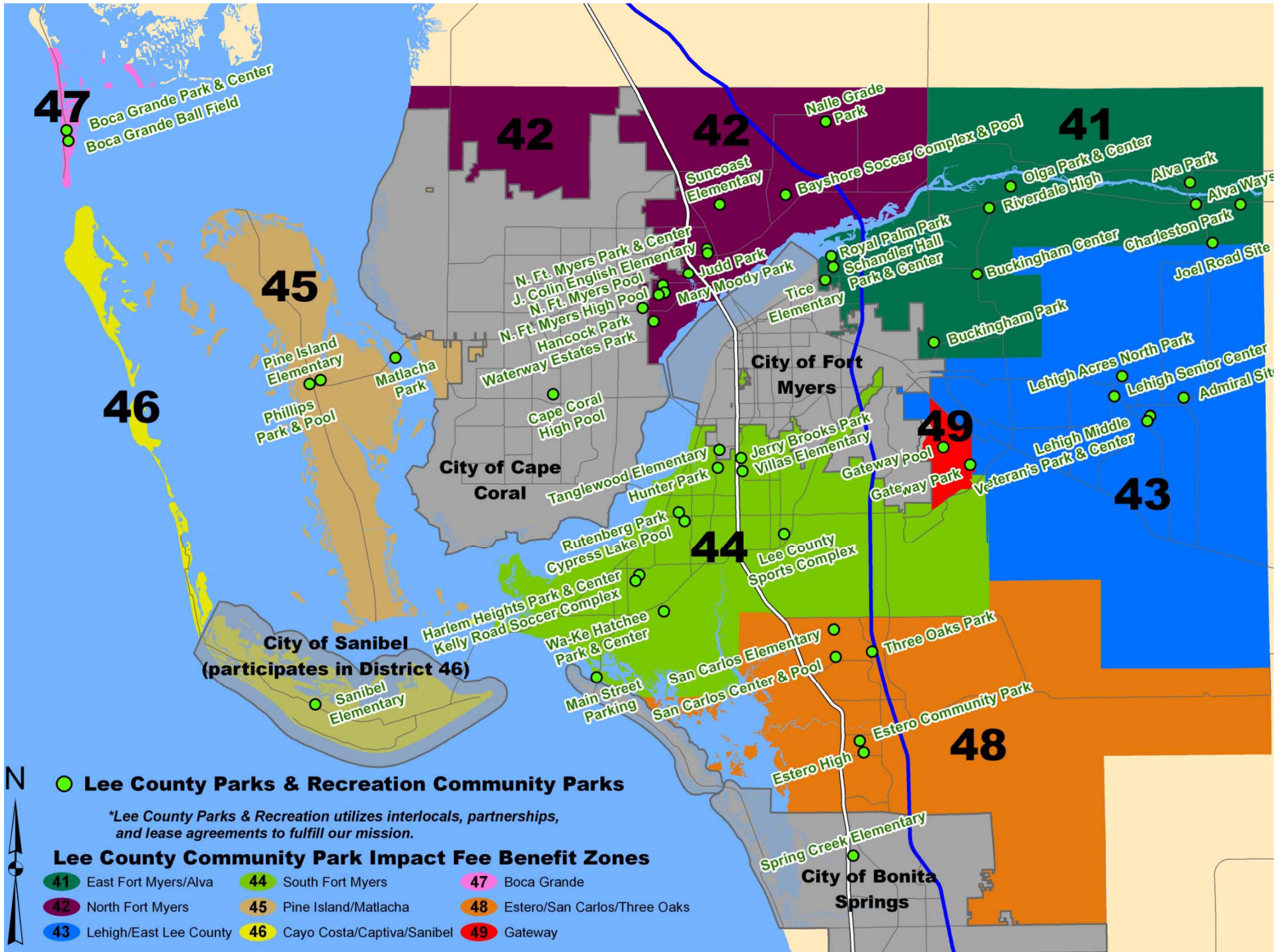
By: _____
Office of County Attorney



Lee County Community Park Proposed Impact Fee Benefit Districts



For planning purposes only.



47

Boca Grande Park & Center
Boca Grande Ball Field

42

42

Nalle Grade Park

41

Suncoast Elementary

Bayshore Soccer Complex & Pool

Riverdale High

Alva Park

Alva Ways

45

Pine Island Elementary

Matlacha Park

N. Ft. Myers Park & Center
J. Colin English Elementary
N. Ft. Myers Pool

N. Ft. Myers High Pool
Hancock Park
Waterway Estates Park

Judd Park
Mary Moody Park

Royal Palm Park
Schandler Hall Park & Center

Buckingham Center

Charleston Park
Joel Road Site

46

Phillips Park & Pool

City of Cape Coral
Cape Coral High Pool

Tanglewood Elementary
Hunter Park

City of Fort Myers
Jerry Brooks Park
Villas Elementary

49

Gateway Pool
Gateway Park

Lehigh Acres North Park

Lehigh Senior Center
Admiral Site

43

Lehigh Middle
Veteran's Park & Center

44

Rutenberg Park
Cypress Lake Pool

Lee County Sports Complex

City of Sanibel
(participates in District 46)
Sanibel Elementary

Harlem Heights Park & Center
Kelly Road Soccer Complex

Wa-Ke Hatchee Park & Center

San Carlos Elementary
San Carlos Center & Pool

Three Oaks Park

48

Main Street Parking

Estero Community Park

Estero High

Spring Creek Elementary

City of Bonita Springs



CPA2013-09

CAPITAL IMPROVEMENT

ELEMENT

**CPA2013-09
CAPITAL IMPROVEMENT
ELEMENT TABLES UPDATE
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

Lee County Board of County Commissioners
Sponsored Amendment and Staff Analysis

**LPA Public Hearing Document
For the
January 27, 2014 Public Hearing**

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 533-8585*

January 17, 2014

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2013-09**

Text Amendment

Map Amendment

This Document Contains the Following Reviews	
<input checked="" type="checkbox"/>	Staff Review
	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: January 17, 2014

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. EXECUTIVE SUMMARY

This amendment proposes to update the Capital Improvement Element with information from the latest adopted Capital Improvement Plan (CIP) which Lee County uses to fund improvements to public facilities. State statutes require that this plan be updated regularly.

2. RECOMMENDATION

Staff recommends that the Board of County Commissioners amend the Capital Improvements Element by **adopting** revised Tables 3 & 4 to reflect the latest adopted Capital Improvement Program. Staff also recommends that the Board **adopt** the updated Lee County School Districts School Capital Improvement Program as Table 3(a) of the Capital Improvement Element.

3. APPLICANT/REPRESENTATIVES:

Lee County Board of County Commissioners/Lee County Division of Planning staff

4. REQUEST:

Amend the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program for Lee County. Amend the Lee Plan Capital Improvement Element, Table 3(a), to incorporate the latest adopted Lee County School District Facilities Work Plan.

B. BACKGROUND INFORMATION

The Capital Improvement Plan is the means by which the County anticipates needed public facility improvement projects and allocates projected revenues to meet these needs. Table 3 lists the funding for various projects over the next five years. These projects have been nominated by various departments to meet projected level of service needs. Table 4 is a summary of the total revenue for these projects. Table 3(a) is the same as Table 3, but for the Lee County School District. Florida State Statute requires that this amendment be updated regularly. Florida Statute 163.3177(3)(b) allows this amendment to be adopted without a transmittal phase.

C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

BASIS AND RECOMMENDED FINDINGS OF FACT:

- In 2010, Lee County adopted CPA2010-09, which last updated the Lee Plan Capital Improvement Element (Tables 3 and 4) and incorporated the Lee County School District CIP as Table 3(a).
- The updated CIP and School District CIP cover Fiscal Years FY 13/14-17/18.
- Florida Statute Section 163.3180 requires that each local government adopt a Public School Facilities Element.
- Florida Statutes provide that amendments to the Capital Improvement Plan require only a single public hearing for adoption.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The latest CIP adopted by the Board of County Commissioners covers fiscal years FY10/11 to FY14/15. In order to keep the Lee Plan up-to-date with the County's latest plans, revised Tables 3 and 4 have been prepared and are attached to this report. Revised Table 3 is a direct reproduction of relevant sections of the CIP. Revised Table 4 addresses the relation of individual capital projects with the Lee Plan. It lists the total revenue and capital improvement expenditures for the five year period covering FY13 to FY18. The total five-year revenue on Table 4 is \$378,461,000. This matches the listed total five year expenditures for capital improvements. Therefore, the proposed five-year Capital Improvement Plan demonstrates financial feasibility. Adoption of this amendment will bring the Lee Plan into compliance with the requirements to annually update the CIP.

B. CONCLUSIONS

Adopting the updated Tables 3, 3(a) and 4 will bring the Lee Plan into conformance with state statutes. It will also keep the Capital Improvement Element consistent with the latest adopted CIP.

C. STAFF RECOMMENDATION

Staff recommends that the board of County Commissioners **adopt** the updated Tables 3, 3(a) and 4 as part of the Lee Plans Capital Improvement Element.

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

DATE OF PUBLIC HEARING: January 27, 2014

A. LOCAL PLANNING AGENCY REVIEW

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF
FACT SUMMARY**

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS	_____
STEVE BRODKIN	_____
WAYNE DALTRY	_____
JIM GREEN	_____
MITCH HUTCHCRAFT	_____
ANN PIERCE	_____
ROGER STRELOW	_____

CIP FY 13/14 - 17/18 TOTAL PROJECTS LIST

PROJ #	APPROVED PROJECT NAME	COMP PLAN CODE	FUNDING SOURCE	CIP BUDGET	CIP BUDGET	CIP BUDGET	CIP BUDGET	CIP BUDGET	CIP BUDGET	CIP BUDGET
				FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 13/14 - 17/18	YEARS 6-10
FUNDING SOURCE CODES: A = AD VALOREM; D = DEBT FINANCE; E = ENTERPRISE FUND; G = GRANT; GT = GAS TAX; I = IMPACT FEES; LA = LIBRARY AD VALOREM; S = SPECIAL; T = TDC; M = MSBU/TU										
COMP PLAN CODES: R = REQUIRED; NR = NOT REQUIRED; F = FURTHERS SPECIFIC OR GENERALIZED REQUIREMENT OF LEE PLAN; CATEGORY CODE 1 THROUGH 5										

NATURAL RESOURCES

208588	Caloosahatchee TMDL Compliance	2	A-30100	1,000,000	1,000,000	1,000,000	2,000,000	2,000,000	7,000,000	30,000,000
208589	Charlotte Harbor TMDL Compliance	2	A-30155	0	0	0	0	0	0	1,209,916
203072	Eagle Ridge/Legends Interconnect	4	A-30155	0	0	0	0	0	0	450,000
208591	Everglades-West Coast TMDL Compliance	2	A-30100	200,000	200,000	200,000	200,000	200,000	1,000,000	18,000,000
208548	Fichter Creek Restoration	5	A-30100,55	0	1,400,000	0	0	0	1,400,000	0
208567	Nalle Grade Stormwater Park	4	A-30155	0	0	3,000,000	0	0	3,000,000	0
208563	NFM Surface Water Improvements	1	A-30155	0	1,000,000	1,000,000	1,000,000	1,000,000	4,000,000	0
208569	Palmona Park Water Quality Improvements	1	A-30100	500,000	0	0	0	0	500,000	0
208538	Spanish Creek Restoration	3	A-30100	100,000	400,000	0	0	0	500,000	0
208557	Sunniland/Nine Mile Run Drainage Improve	3	A-30155	0	100,000	350,000	0	0	450,000	0
208509	Yellow Fever Creek Chain Improvements	5	A-30100	0	571,000	0	0	0	571,000	0
NATURAL RESOURCES CAPITAL TOTAL				1,800,000	4,671,000	5,550,000	3,200,000	3,200,000	18,421,000	49,659,916

TRANSPORTATION DEPARTMENT

205075	Alico Rd 4L - Ben Hill/Airport Rd	5	GT	170,000	0	8,350,000	540,000	0	9,060,000	0
206002	Bicycle/Pedestrian Facilities	4	GT,I-21/25	467,000	740,000	180,500	1,014,000	1,006,000	3,407,500	3,700,000
205724	Big Carlos Pass Bridge Replacement	1	E	1,500,000	3,500,000	3,500,000	3,000,000	3,000,000	14,500,000	27,400,000
205723	Bonita Beach Road - Phase III	5	I-24,A,S	0	0	0	0	0	0	22,800,000
206758	Briarcliff/Ripp Signalization	3	GT	200,000	0	0	0	0	200,000	0
204088	Burnt Store Road Four Laning-78 to Van Buren	5	E, A, I-22	1,008,000	9,137,000	790,000	5,500,000	240,000	16,675,000	12,920,000
	Corbett Rd Widening/Resurfacing	3	GT	0	150,000	690,000	0	0	840,000	0
	Crystal Drive 2 Lane Divided	5	GT	0	0	0	0	850,000	850,000	6,275,000

CIP FY 13/14 - 17/18 TOTAL PROJECTS LIST

PROJ #	APPROVED PROJECT NAME	COMP PLAN CODE	FUNDING SOURCE	CIP BUDGET	CIP BUDGET	CIP BUDGET	CIP BUDGET	CIP BUDGET	CIP BUDGET	CIP BUDGET
				FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 13/14 - 17/18	YEARS 6-10
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COMP PLAN CODES: R = REQUIRED; NR = NOT REQUIRED; F = FURTHERS SPECIFIC OR GENERALIZED REQUIREMENT OF LEE PLAN; CATEGORY CODE 1 THROUGH 5										
205077	Crystal/Plantation Roundabout	4	GT	450,000	0	0	0	0	450,000	0
205067	Estero Blvd Improvements	3	GT,S	7,000,000	300,000	0	750,000	7,000,000	15,050,000	31,000,000
205605	Fiber Ring	NR	E	350,000	0	0	0	0	350,000	0
205063	Homestead 4L / Sunrise-Alabama	5	I-23,A,Loan	3,400,000	150,000	12,100,000	690,000	0	16,340,000	0
	Kismet/Littleton Realignment	5	I-22	0	0	0	137,500	675,000	812,500	693,500
205068	Luckett Road 4L / Ortiz to I-75	5	I-23,A	0	0	0	0	0	0	3,069,000
205078	North Airport Road Reconstruction	3	GT	1,800,000	0	0	0	0	1,800,000	0
	Ortiz 4L / Colonial-MLK	5	I-23,A	0	0	0	0	0	0	10,819,000
205056	Ortiz Avenue/SR80 - Luckett	5	I-23,A	0	0	0	0	0	0	10,650,000
204072	Ortiz Four Laning - MLK to Luckett	5	I-23,A,G	0	0	0	0	0	0	9,725,000
206759	Signal System ATMS Upgrades	3	GT	750,000	750,000	750,000	0	0	2,250,000	0
204053	Three Oaks Pkwy Extension, North	R	I-24,A,GT	0	0	0	0	0	0	39,776,883
205818	Toll Interoperability	3	E	750,000	0	0	0	0	750,000	0
	Toll System Replacement	NR	E	0	0	0	4,540,000	2,200,000	6,740,000	1,960,000
TRANSPORTATION CAPITAL TOTAL				17,845,000	14,727,000	26,360,500	16,171,500	14,971,000	90,075,000	180,788,383

UTILITIES

	Airport Mitigation Park ASR System	5	E	0	0	0	0	0	0	21,970,000
207614	Alico Rd 4L-Ben Hill/Airport Haul-WM Reloc	3	E	0	0	3,750,000	0	0	3,750,000	0
	Bayshore Rd 24" WM-Samville to N. Tamiami	5	E	0	0	0	0	0	0	3,450,000
	Ben Hill Griffin Force Main Improve South	5	E	0	425,000	4,575,000	0	0	5,000,000	0
	Colonial 30" Water Main-Ortiz to Gumnery	5	E	0	0	0	0	0	0	8,400,000
207158	Corkscrew Road & I-75 Interchange	5	E	0	0	0	0	0	0	3,000,000
	County 951 Utility Relocation	4	E	0	0	0	0	0	0	350,000
207448	County-Wide Fiber Network	1	E	100,000	100,000	100,000	0	0	300,000	0
	Customer Service Center Expansion	3	E	0	0	0	0	0	0	750,000
207146	Daniels Parkway & I-75 Interchange	3	E	0	0	0	0	0	0	2,356,000

CIP FY 13/14 - 17/18 TOTAL PROJECTS LIST

PROJ #	APPROVED PROJECT NAME	COMP PLAN CODE	FUNDING SOURCE	CIP BUDGET	CIP BUDGET	CIP BUDGET	CIP BUDGET	CIP BUDGET	CIP BUDGET	CIP BUDGET
				FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 13/14 - 17/18	YEARS 6-10
FUNDING SOURCE CODES: A = AD VALOREM; D = DEBT FINANCE; E = ENTERPRISE FUND; G = GRANT; GT = GAS TAX; I = IMPACT FEES; LA = LIBRARY AD VALOREM; S = SPECIAL; T = TDC; M = MSBU/TU										
COMP PLAN CODES: R = REQUIRED; NR = NOT REQUIRED; F = FURTHERS SPECIFIC OR GENERALIZED REQUIREMENT OF LEE PLAN; CATEGORY CODE 1 THROUGH 5										
207307	Daniels Pkwy Force Main Ext to Gateway	5	E	0	0	500,000	1,750,000	0	2,250,000	0
	Deep Injection Well - #2	5	E	0	0	400,000	0	0	400,000	6,000,000
207606	Del Prado Water Main Replacement	3	E	400,000	0	1,075,000	0	0	1,475,000	0
207429	Electrical Equipment Upgrades & Replacements	3	E	286,200	436,100	280,400	216,200	0	1,218,900	2,300,000
207446	Energy Management Initiatives Program	NR	E	100,000	100,000	100,000	100,000	100,000	500,000	0
207326	Estero Blvd Force Main Relocation	3	E	1,500,000	0	0	0	0	1,500,000	5,625,000
207447	Facility Wide Security System	2	E	25,000	25,000	25,000	25,000	0	100,000	175,000
207304	FGCU Sewer	4	E	3,000,000	300,000	0	0	0	3,300,000	0
207197	FGCU Water	4	E	1,050,000	275,000	0	0	0	1,325,000	0
207292	FGCU/Miromar Reuse Extension	5	E	0	0	0	0	0	0	200,000
207613	Fiber Optic Upgrades	3	E	250,000	0	0	0	0	250,000	0
207293	Fiesta Village Sewer Collection System Improve	5	E	0	0	0	600,000	0	600,000	0
	Fiesta Village WWTP RM Upgrade	3	E	0	0	0	0	0	0	4,925,000
207450	Fiesta WWTP Sludge Handling	1	E	250,000	850,000	0	0	0	1,100,000	0
207451	FMB WWTP Controls System Replacement	3	E	600,000	0	0	0	0	600,000	0
	FMB WWTP EQ Tank Replacement	3	E	0	0	425,000	6,075,000	0	6,500,000	0
207452	Gateway Operations Building/Sludge Cover	3	E	320,000	0	0	0	0	320,000	0
207308	Gateway WWTP ASR Well System	3	E	0	0	0	100,000	210,000	310,000	3,373,000
207323	Gateway WWTP - Davco Rehab	3	E	2,000,000	0	0	0	0	2,000,000	0
207247	Inflow & Infiltration Improvements	3	E	500,000	500,000	500,000	500,000	500,000	2,500,000	2,000,000
207430	Instrumentation Upgrades & Improvements	3	E	106,100	115,100	152,500	0	0	373,700	600,000
	Interconnect Pinewoods Distribution Sys	3	E	0	0	0	0	0	0	4,850,000
207444	LCU Generator Replace & Improve	3	E	200,000	340,000	340,000	198,000	0	1,078,000	1,000,000
207190	Lime Sludge Handling Facilities Improvements	3	E	0	0	0	0	0	0	900,000
207252	Matanzas Pass Force Main	4	E	350,000	0	0	0	0	350,000	0
207453	McGregor Blvd Water Main Replacement	3	E	1,000,000	3,000,000	3,000,000	0	0	7,000,000	0
207611	N Cleveland Water Main Replacement	3	E	350,000	1,525,000	0	0	0	1,875,000	0

CIP FY 13/14 - 17/18 TOTAL PROJECTS LIST

PROJ #	APPROVED PROJECT NAME	COMP PLAN CODE	FUNDING SOURCE	CIP BUDGET	CIP BUDGET	CIP BUDGET	CIP BUDGET	CIP BUDGET	CIP BUDGET	CIP BUDGET
				FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 13/14 - 17/18	YEARS 6-10
FUNDING SOURCE CODES: A = AD VALOREM; D = DEBT FINANCE; E = ENTERPRISE FUND; G = GRANT; GT = GAS TAX; I = IMPACT FEES; LA = LIBRARY AD VALOREM; S = SPECIAL; T = TDC; M = MSBU/TU										
COMP PLAN CODES: R = REQUIRED; NR = NOT REQUIRED; F = FURTHERS SPECIFIC OR GENERALIZED REQUIREMENT OF LEE PLAN; CATEGORY CODE 1 THROUGH 5										
207618	NLC WTP Deep Injection Well Backup	3	E	52,500	5,350,000	425,000	0	0	5,827,500	0
207602	North Lee County RO Plant Wellfield Expansion	5	E	1,400,000	0	0	0	0	1,400,000	0
	North Lee County WTP Expansion to 15 MGD	5	E	0	0	0	2,300,000	26,000,000	28,300,000	0
207619	NLC WTP Wellfield Expansion to 15 MGD	5	E	2,620,000	0	0	0	10,580,000	13,200,000	0
	North-South 30" Water Main-SR80 to AHR	3,5	E	0	0	0	0	0	0	28,200,000
	N Tamiami 24" WM-Pondella to Cleveland	5	E	0	0	0	0	0	0	5,600,000
207311	Olga WTP Alternative Water Source & Process Imp	3	E	0	0	0	0	0	0	81,800,000
207454	Operations Building Replacement	3	E	30,000	150,000	0	1,500,000	0	1,680,000	0
	Orange Grove WM-Pondella to Hancock	3	E	0	0	0	700,000	0	700,000	0
	Ortiz FM - Palm Beach to Ballard	3	E	0	0	0	2,000,000	0	2,000,000	0
	Ortiz Ave Utility Relocation-MLK to SR80	3	E	0	0	0	0	0	0	6,000,000
207127	Page Park Waterline Improvements	3	E	2,500,000	1,300,000	0	0	0	3,800,000	0
207238	Pine Island Sewer Transmission System	5	E	0	0	0	0	0	0	1,200,000
207239	Pine Island WWTP Expansion	5	E	0	0	0	0	0	0	1,000,000
207615	Pinewoods Chemical Tank Replacements	3	E	450,000	0	0	0	0	450,000	0
	Pinewoods Odor Control Scrubber	3	E	0	0	0	200,000	0	200,000	0
207607	Pinewoods Wellfield Electrical Improvements	3	E	2,600,000	0	0	0	0	2,600,000	0
	Pinewoods WTP Degasifiers Replacement	3	E	0	0	759,000	0	0	759,000	0
207284	Reclaim Water ASR	5	E	0	0	0	0	0	0	5,370,000
207324	Regional WWTP Study	5	E	0	0	0	0	0	0	250,000
207455	Reuse System & Site Improvements	3	E	1,000,000	1,000,000	1,300,000	0	0	3,300,000	0
207162	San Carlos Blvd Improv-Linda Loma to Kelly	3	E	0	0	0	0	0	0	1,800,000
207320	San Carlos FM - Main to Hurricane Pass	1	E	0	0	0	0	0	0	1,000,000
207329	San Carlos WWTP Diversion to 3 Oaks WWTP	3	E	200,000	0	0	0	0	200,000	0
207424	SCADA Upgrades & Improvements	3	E	326,200	600,000	300,000	300,000	300,000	1,826,200	1,000,000
207456	Secondary Containments-Chemical Tanks	3	E	150,000	0	0	0	0	150,000	0
207184	SFM Water Transmission Line Improvements	5	E	0	0	0	0	0	0	2,119,000

CIP FY 13/14 - 17/18 TOTAL PROJECTS LIST

PROJ #	APPROVED PROJECT NAME	COMP PLAN CODE	FUNDING SOURCE	CIP BUDGET	CIP BUDGET	CIP BUDGET	CIP BUDGET	CIP BUDGET	CIP BUDGET	CIP BUDGET
				FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 13/14 - 17/18	YEARS 6-10
FUNDING SOURCE CODES: A = AD VALOREM; D = DEBT FINANCE; E = ENTERPRISE FUND; G = GRANT; GT = GAS TAX; I = IMPACT FEES; LA = LIBRARY AD VALOREM; S = SPECIAL; T = TDC; M = MSBU/TU										
COMP PLAN CODES: R = REQUIRED; NR = NOT REQUIRED; F = FURTHERS SPECIFIC OR GENERALIZED REQUIREMENT OF LEE PLAN; CATEGORY CODE 1 THROUGH 5										
207194	Summerlin Road Water System Improvements	5	E	0	0	0	0	0	0	6,379,248
207325	Three Oaks Oxidation Ditch Improvements	4	E	0	0	2,500,000	0	0	2,500,000	0
	Three Oaks WWTP Expansion to 9 MGD	5	E	0	0	200,000	0	0	200,000	45,000,000
207164	Tice Street Loop	3	E	0	1,200,000	0	0	0	1,200,000	0
	Treeline WM-Terminal Access to Daniels	5	E	0	0	0	0	0	0	4,430,000
207170	US 41 Watermain Improvement	3	E	0	2,500,000	2,500,000	0	0	5,000,000	0
207229	Wastewater System Improvements	3	E	250,000	250,000	150,000	150,000	150,000	950,000	1,000,000
207138	Wastewater Treatment Plant Improvements	1	E	95,000	770,000	1,300,000	450,000	150,000	2,765,000	5,375,000
207094	Water System Improvements	3	E	500,000	500,000	500,000	500,000	500,000	2,500,000	3,000,000
207193	Water Transmission Ben Hill To Treeline	5	E	0	0	0	0	0	0	6,960,000
207268	Water Treatment Plant Improvements	1	E	411,400	180,600	0	0	0	592,000	0
207426	Water/Sewer Line Relocation-Three Oaks Ext.	3	E	0	0	0	0	0	0	300,000
207149	Well Redevelopment/Upgrade & Rebuild	3,5	E	460,000	130,000	130,000	130,000	130,000	980,000	450,000
207183	WWE Water Transmission Line Improvement	5	E	0	0	0	1,100,000	0	1,100,000	0
207315	WWE WWTP Flow Diversion	3	E	400,000	0	0	0	0	400,000	0
207274	WWTP Odor Control System Improvements	3	E	0	0	50,000	0	0	50,000	1,062,750
207620	Work Dr Industrial Pk WM Improvements	3,4	E	300,000	2,075,000	0	0	0	2,375,000	0
207621	Yacht Club Colony Distribution Sys Rehab	1	E	2,500,000	0	0	0	0	2,500,000	0
UTILITIES CAPITAL TOTAL				28,632,400	23,996,800	25,336,900	18,894,200	38,620,000	135,480,300	281,519,998

SOLID WASTE

200939	Electric System Improvements	3	E	750,000	0	0	0	0	750,000	0
200936	Landfill Gas Collection System	NR	E	3,250,000	0	0	0	0	3,250,000	2,000,000
200931	Lee Hendry Landfill Leachate Treatment	1	E	0	0	0	0	0	0	2,600,000
200937	Lee Hendry Landfill Expansion 2014	5	E	14,500,000	0	0	0	0	14,500,000	1,000,000

CIP FY 13/14 - 17/18 TOTAL PROJECTS LIST

PROJ #	APPROVED PROJECT NAME	COMP PLAN CODE	FUNDING SOURCE	CIP	CIP	CIP	CIP	CIP	CIP	CIP
				BUDGET FY 13/14	BUDGET FY 14/15	BUDGET FY 15/16	BUDGET FY 16/17	BUDGET FY 17/18	BUDGET FY 13/14 - 17/18	BUDGET YEARS 6-10
FUNDING SOURCE CODES: A = AD VALOREM; D = DEBT FINANCE; E = ENTERPRISE FUND; G = GRANT; GT = GAS TAX; I = IMPACT FEES; LA = LIBRARY AD VALOREM; S = SPECIAL; T = TDC; M = MSBU/TU										
COMP PLAN CODES: R = REQUIRED; NR = NOT REQUIRED; F = FURTHERS SPECIFIC OR GENERALIZED REQUIREMENT OF LEE PLAN; CATEGORY CODE 1 THROUGH 5										
	Processing Facility (Future)	5	E	0	0	0	0	0	0	75,000,000
	Scale Improvements	5	E	0	450,000	0	0	0	450,000	0
SOLID WASTE CAPITAL TOTAL				18,500,000	450,000	0	0	0	18,950,000	80,600,000
COUNTY LANDS										
208800	Conservation 2020		A	125,485	22,700,000	22,700,000	22,700,000	22,700,000	90,925,485	0
COUNTY LANDS CAPITAL TOTAL				125,485	22,700,000	22,700,000	22,700,000	22,700,000	90,925,485	0
GOVERNMENT FACILITIES										
203414	Beach Park & Ride	5	A, G	500,000	0	0	0	3,000,000	3,500,000	0
208904	Bus Rapid Transit	5	A, G	550,000	300,000	0	0	0	850,000	5,427,000
	Charlotte County Connector	5	G	0	0	0	0	3,000,000	3,000,000	0
208836	New EMS Station - Matlacha	5	A	0	0	0	0	0	0	2,263,109
208894	Park & Ride/Transit Stations	3	A, E, G	0	0	0	0	0	0	1,000,000
	Rosa Parks Intermodal Center Expansion	5	G	0	0	0	6,000,000	0	6,000,000	0
208864	Transit Passenger Amenities	1	A, G	100,000	100,000	500,000	1,000,000	1,000,000	2,700,000	5,000,000
GOVERNMENT FACILITIES CAPITAL TOTAL				1,150,000	400,000	500,000	7,000,000	7,000,000	16,050,000	13,690,109
LIBRARY PROJECTS										
	Bonita Library Replacement	5	LA	0	0	0	0	0	0	12,000,000
	Fort Myers Library Fresh Air Unit Replacement	3	LA	0	0	0	0	0	0	125,000
	North Ft Myers Library Replacement	4	LA	0	0	0	0	0	0	12,000,000
LIBRARY CAPITAL TOTAL				0	0	0	0	0	0	24,125,000

CIP FY 13/14 - 17/18 TOTAL PROJECTS LIST

PROJ #	APPROVED PROJECT NAME	COMP PLAN CODE	FUNDING SOURCE	CIP BUDGET	CIP BUDGET	CIP BUDGET	CIP BUDGET	CIP BUDGET	CIP BUDGET	CIP BUDGET
				FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 13/14 - 17/18	YEARS 6-10
FUNDING SOURCE CODES: A = AD VALOREM; D = DEBT FINANCE; E = ENTERPRISE FUND; G = GRANT; GT = GAS TAX; I = IMPACT FEES; LA = LIBRARY AD VALOREM; S = SPECIAL; T = TDC; M = MSBU/TU										
COMP PLAN CODES: R = REQUIRED; NR = NOT REQUIRED; F = FURTHERS SPECIFIC OR GENERALIZED REQUIREMENT OF LEE PLAN; CATEGORY CODE 1 THROUGH 5										

PARKS - COMMUNITY & REGIONAL

202146	Brooks Park Master Plan & Improvements	5	I-24	0	0	0	0	0	0	1,250,000
202153	Caloosahatchee Reg Pk Maint Building	3	I-R	100,000	0	475,000	0	0	575,000	0
202154	Greenways	5	I-R	50,000	100,000	75,000	250,000	300,000	775,000	400,000
	Idalia Park	5	I - R	0	0	0	0	0	0	100,000
	Pine Island Comm Marina Mstr Plan & Impr	3	A	0	0	0	0	0	0	1,050,000
PARKS CAPITAL TOTAL				150,000	100,000	550,000	250,000	300,000	1,350,000	2,800,000

TOTAL CAPITAL BUDGET				68,202,885	67,044,800	80,997,400	68,215,700	86,791,000	371,251,785	633,183,406
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TABLE 3(a)
Lee County School District Five-Year Capital Improvement Program

Project description	Location	Planned Cost:						Funded
		2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	Total	
CAPACITY PROJECT SCHEDULES								
Addition	DUNBAR HIGH SCHOOL	\$30,793,335	\$0	\$0	\$0	\$0	\$30,793,335	Yes
CAPACITY PROJECT SUB TOTAL		\$30,793,335	\$0	\$0	\$0	\$0	\$30,793,335	
OTHER PROJECT SCHEDULES								
Balance remaining within project /not closed.	HARNS MARSH MIDDLE SCHOOL	\$8,349	\$0	\$0	\$0	\$0	\$8,349	Yes
Balance remaining within project /not closed.	TORTUGA PRESERVE ELEMENTARY	\$1,483	\$0	\$0	\$0	\$0	\$1,483	Yes
Treeline Staging School	CAPE CORAL SENIOR HIGH	\$62,727	\$0	\$0	\$0	\$0	\$62,727	Yes
Balance remaining within project /not closed	TICE ELEMENTARY	\$3,823,861	\$0	\$0	\$0	\$0	\$3,823,861	Yes
OTHER PROJECT SCHEDULES SUB TOTAL		\$3,896,420	\$0	\$0	\$0	\$0	\$3,896,420	
TOTAL							\$34,689,755	

TABLE 4

LEE COUNTY, FLORIDA
CAPITAL IMPROVEMENT PROGRAM FY 13/14 - 17/18
TOTAL REVENUE AND PROJECT SUMMARY
FIGURES EXPRESSED IN THOUSANDS

CATEGORY OF IMPROVEMENT	PROJECT COSTS FY 13/14 - 17/18	CAPITAL IMPROVEMENT FUND (1)	TRANSPORTATION IMPROVEMENT FUND (2)	LONG-TERM DEBT GRANT FUNDS OR LEASE/PURCH (3)	WATER & SEWER REV/DEBT (4)	SOLID WASTE FEES/DEBT (5)	IMPACT FEES & DEVELOP AGREEMENTS	TOTAL
COUNTY LANDS	\$ 90,925	\$ 90,925	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 90,925
GOVERNMENT FACILITIES	16,050	1,600	0	14,450	0	0	0	16,050
LIBRARY	0	0	0	0	0	0	0	0
NATURAL RESOURCES	18,421	18,421	0	0	0	0	0	18,421
COMMUNITY AND REGIONAL PARKS	1,350	0	0	0	0	0	1,350	1,350
SOLID WASTE	18,950	0	0	0	0	18,950	0	18,950
TRANSPORTATION - MAJOR ROADS	90,075	2,400	82,575	0	0	0	5,100	90,075
UTILITIES	135,480	0	0	0	135,480	0	0	135,480
FY 13/14 - 17/18 TOTAL CIP	\$ 371,251	\$ 113,346	\$ 82,575	\$ 14,450	\$ 135,480	\$ 18,950	\$ 6,450	\$ 371,251

- (1) CAPITAL IMPROVEMENT FUND PRIMARY SOURCES OF REVENUE ARE AD VALOREM TAXES AND GRANTS.
(2) TRANSPORTATION IMPROVEMENT FUND PRIMARY SOURCES OF REVENUE ARE GASOLINE TAXES AND SURPLUS BRIDGE REVENUES
(3) NON-AD VALOREM REVENUE, FEE OR TOLL SUPPORTED DEBT, LEASE PURCHASES AND FEDERAL GRANT FUNDS.
(4) WATER AND SEWER REVENUES (CASH FLOW), INCLUDING LONG-TERM DEBT SUPPORTED BY THESE REVENUES.
(5) SOLID WASTE TIPPING FEE REVENUES (CASH FLOW), INCLUDING LONG-TERM DEBT SUPPORTED BY THESE REVENUES.

CPA2013-06

CONCURRENCY AMENDMENT

**CPA2013-06
CONCURRENCY UPDATE
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

Lee County Board of County Commissioners
Sponsored Amendment and Staff Analysis

**LPA Public Hearing Document
For the
January 27th, 2014 Public Hearing**

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 533-8585*

January 17, 2014

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2013-05**

Text Amendment

Map Amendment

This Document Contains the Following Reviews	
<input checked="" type="checkbox"/>	Staff Review
	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Transmittal
	Staff Response Review Agencies' Comments
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: January 17, 2014

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVES:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS / LEE COUNTY
DIVISION OF PLANNING

2. REQUEST:

Amend the Lee Plan to make it consistent with State regulatory and non-regulatory concurrency requirements.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Staff recommends that the Board of County Commissioners *transmit* the proposed amendments as identified in Attachment 1 to this staff report, including text and map amendments. Proposed text has been depicted in strikethrough and underline format as it relates to the existing provisions of the Lee Plan.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Board of County Commissioners initiated this plan amendment on August 27, 2013.
- Changes to the Florida Statutes in 2011, HB7207, amended concurrency statutes, which made concurrency for transportation facilities, parks and recreation facilities and public education facilities optional. If a local government elects to implement the optional concurrency it must be consistent with F.S. 163.3180, as revised by the legislature.
- The Lee Plan currently identifies regulatory standards for transportation facilities, parks and recreation facilities, and public education facilities which are inconsistent with Florida Statutes as amended.
- An interlocal agreement between the School District of Lee County and Lee County requires that regulatory standards are maintained for public education facilities.
- Lee County cannot terminate the interlocal agreement with the School District until March 18, 2015 and must notify the School district by November 18, 2014 if it wishes to do so.

C. BACKGROUND INFORMATION

The Community Planning Act of 2011 was adopted by the Florida Legislature and became law on June 2, 2011. The Act has revised concurrency management significantly. Parks and Recreation, Schools, and Transportation have been removed from the list of public facilities that are subject to regulatory concurrency requirements. Sanitary sewer, potable water, drainage (Stormwater management) and solid waste disposal are still subject to regulatory concurrency and it is intended that they will remain in the County's concurrency management program.

Currently Lee County has regulatory concurrency standards for Potable Water Facilities, Sanitary Sewer Facilities, Solid Waste, Stormwater Management, Regional and Community Parks, Roadway Facilities, and Public School Facilities. Lee County has non-regulatory standards for boat ramps, beach access, community recreation centers, libraries and emergency medical service.

Under the provisions of the 2011 Community Planning Act, the County now has the option to implement regulatory concurrency requirements on a local basis for Parks and Recreation, Schools, and Transportation. Should the County elect to implement concurrency requirements for these public facilities on a local basis, it must do so consistent with the requirements of Florida Statutes 163.3180.

On August 27, 2013, the Board of County Commissioners directed Staff to analyze and revise concurrency requirements for Parks and Recreation, Schools, and Transportation within The Lee Plan.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Following staff analysis, staff recommends that Lee County should eliminate regulatory standards for Parks and Recreation Facilities, and Transportation Facilities. These facilities are largely the responsibility of public agencies. Even though these facilities would not be regulatory staff recommends that Lee County continue to collect data in order to keep an accurate inventory for planning purposes. At this time, due to the obligations contained in the interlocal agreement between the county, five municipalities, and the School District, staff recommends that Public School facilities should remain regulatory.

Details for the three public facilities types that are currently regulatory but that Lee County now has the option to review as non-regulatory are provided below.

Parks and Recreation Facilities

Florida Statutes have been amended so that local governments are no longer required to maintain concurrency for parks and recreation facilities. Staff recommends that provision of parks and recreation facilities should be made a non-regulatory standard in the Lee Plan. Now that statutes have been modified to eliminate it as a mandatory requirement, permits cannot be denied based on deficiencies of parks and recreation facilities. This change is expected to have minimal to no impact to the development process, as no project has been denied because of deficiencies in parks and recreation facilities.

Future Recreational Uses, Generalized Service Area Boundaries – Map 11

The Lee Plan has no Goals, Objectives, or Policies that refer to Map 11. Lee Plan Map 11 is also not used for any purposes outside of the Lee Plan. Planning staff recommends that Map 11 should be deleted to simplify the Lee Plan.

Transportation Facilities

Florida Statutes now allow local governments to either eliminate transportation concurrency or to continue it with modifications. If the county elects to continue with transportation concurrency it must be done in accordance with Chapter 163.3180(5).

Staff recommends that the provision of transportation facilities be made a non-regulatory standard. Transportation concurrency was initially required by the Florida legislature to place the responsibility on local government to provide infrastructure meeting adopted Level of Service (LOS) standards concurrent with new development. For transportation infrastructure

this typically referred to roadway facilities. In Lee County the LOS is based on the operation of roadway facilities during the peak season daily peak hour and peak direction. If roadway infrastructure were not available on a facility, the county had the ability to deny applications for new development that impact those roadway facilities.

The 2011 legislation removed the ability of local government to deny applications for new development based on deficient transportation infrastructure. The statutes now allow development to go forward with payment of their proportionate share of roadway capacity improvements, even if that share does not remedy the deficiencies. This legislation places the full responsibility for deficient roadways on the local jurisdiction. Development impacting already deficient roadways is not required to pay a proportionate share.

This means that the county can no longer deny development approval based solely on transportation deficiencies. In addition, if Lee County were to maintain Transportation Concurrency, the county, not the developer, would be responsible for making improvements to the facility if there is an application for development on roadways identified in the Concurrency report as being or projected to be deficient.

Lee County 2030 Financially Feasible Highway Plan – Map 3A

As part of the Concurrency update staff recommends that the Lee County 2030 Financially Feasible Highway Plan should be updated to reflect the latest data from the Metropolitan Planning Organization. This map was last updated on March 17, 2006. On October 18 the Florida Department of Economic Opportunity (DEO) sent a letter to the Lee County Metropolitan Planning Organization identifying four road segments that were on the MPO Transportation Improvement Program that were not identified on Lee County's Future Transportation Map. The DEO recommended that Lee County should update its Future Transportation Plan to include these and other segments. Lee County Staff concurs with that recommendation.

Public Education Facilities

State statutes no longer require that School Concurrency be included in a local government comprehensive plan. To that end, staff is working with representatives of the Lee County School District to explore alternatives to the current School Concurrency Regulations. The School District has stated that it wishes to retain regulatory concurrency standards within the Lee Plan. Planning Staff understands that tracking existing and future school capacity and usage is an important planning function, however Staff believes that the Lee Plan could be modified to monitor non-regulatory levels of service. In order to effect this change, however, the County will first need to amend the Interlocal Agreement between the School District, the County, and all five municipalities that requires regulatory School Concurrency. Until that agreement is amended, Lee County cannot change the requirement for regulatory

School Concurrency. Therefore, no changes to School Concurrency regulations are recommended at this time. Those regulations can be amended after the Interlocal Agreement is amended. If an amendment cannot be agreed to, staff will look for direction from the Board of County Commissioners as whether or not to terminate the agreement.

School Concurrency was established in such a way that the three school zones, the East Zone, the South Zone and the West Zone, could all work in conjunction to calculate level of service on a county wide basis. Therefore, if capacity was lacking for a proposed development order in the East Zone, excess capacity in either the South Zone or the West Zone could be counted to achieve the required level of service standard. In effect, there is a countywide school concurrency policy. At this time there is excess capacity in all three zones and there are no foreseeable level of service issues.

Non-Regulatory Capacity Monitoring

Lee County currently publishes an annual Concurrency Report that inventories the public facilities related to solid waste, surface water management, potable water, sanitary sewer, schools, parks and recreation, and transportation. The report provides information related to facility capacity and usage. This information is used to help prioritize various potential capital improvement projects by the County. It is also been used in development review to insure that sufficient public facilities are available to support proposed development. The recent changes to Florida Statutes make concurrency for transportation and parks and recreation optional, and staff recommends that standards for these facilities should be made non-regulatory.

However, the proposed non-regulatory status of transportation and recreation facilities does not diminish the need for accurate facility inventories and capacity monitoring for planning purposes. Therefore, based on these changes, Staff recommends amending future Concurrency Reports to include only the public facilities that maintain regulatory standards. Staff will also continue to collect, inventory, and monitor non-regulatory standards for planning and capital improvement purposes only.

CONSISTENCY WITH THE LEE PLAN

Planning staff finds that allowing for the removal of the requirement for concurrency and regulatory standards for transportation and parks and recreation facilities by amending portions of the Future Land Use Element; Transportation Element; Parks, Recreation and Open Space Element, and the Capital Improvements Element is consistent with the remainder of the Lee Plan.

CONSISTENCY WITH FEDERAL AND STATE REQUIREMENTS

The amendment addresses changes to the Florida Statutes adopted by HB7207, which changed transportation and parks and recreation concurrency so that it is no longer a

statewide requirement. Concurrency for these types of public facilities is now optional. The proposed changes to the Lee plan text and maps are consistent with federal and state requirements.

B. STAFF RECOMMENDATION

County staff recommends that the Board of County Commissioners transmit the proposed amendments to the Lee Plan.

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

DATE OF PUBLIC HEARING: January 27, 2014

- A. LOCAL PLANNING AGENCY REVIEW**

- B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**
 - 1. RECOMMENDATION:**

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

- C. VOTE:**

NOEL ANDRESS	_____
DENNIS CHURCH	_____
JIM GREEN	_____
MITCH HUTCHCRAFT	_____
JAMES INK	_____
RICK JOYCE	_____
DAVID MULICKA	_____

TEXT AMENDMENTS:***FUTURE LAND USE ELEMENT, CHAPTER II***

POLICY 33.3.4: Owners of major DR/GR tracts without the ability to construct a Mixed-Use Community on their own land are encouraged to transfer their residential development rights to Future Urban Areas (see Objective 1.1), specifically the Mixed-Use Overlay, the Lehigh Acres Specialized Mixed-Use Nodes, and any Lee Plan designation that allows bonus density (see Table 1(a)), or to future Mixed-Use Communities, Rural Golf Course Communities, or Improved Residential Communities on land so designated on Map 17. These transfers would avoid unnecessary travel for future residents, increase housing diversity and commercial opportunities for nearby Lehigh Acres, protect existing agricultural or natural lands, and allow the conservation of larger contiguous tracts of land.

1. To these ends, Lee County will establish a program that will allow and encourage the transfer of upland and wetland development rights (TDR) to designated TDR receiving areas. This program will also allow limited development in accordance with Policy 16.2.6 and 16.2.7.
2. Within the Mixed-Use Communities shown on Map 17, significant commercial and civic uses are required. Each Mixed-Use Community adjoining S.R. 82 must be designed to include non-residential uses not only to serve its residents but also to begin offsetting the shortage of non-residential uses in adjoining Lehigh Acres. At a minimum, each community adjoining S.R. 82 must designate at least 10% of its developable land into zones for non-residential uses. Specific requirements for incorporating these uses into Mixed-Use Communities are set forth in the Land Development Code.
3. Mixed-Use Communities must be served by central water and wastewater services. All Mixed-Use Communities were added to the future water and sewer service areas for Lee County Utilities (Lee Plan Maps 6 and 7) in 2010. Development approvals for each community are contingent on availability of adequate capacity at the central plants and on developer-provided upgrades to distribution and collection systems to connect to the existing systems. Lee County Utilities has the plant capacity at this time to serve full build-out of all Mixed-Use Communities. Lee County acknowledges that the Three Oaks wastewater treatment plant does not have sufficient capacity to serve all anticipated growth within its future service area through the year 2030. Lee County commits to expand that facility or build an additional facility to meet wastewater demands. One of these improvements will be included in a future capital improvements program to ensure that sufficient capacity will be available to serve the Mixed-Use Communities and the additional development anticipated through the year 2030.

4. Development approvals for Mixed-Use Communities are contingent on adequate capacity in the public school system (see Goal 67).
- ~~5. The state has designated S.R. 82 as an “emerging component” of Florida’s Strategic Intermodal System, a designation that establishes the levels of service Lee County must adopt for S.R. 82. Lee County will seek to include the Mixed Use Communities and appropriate adjacent urban areas in a multimodal transportation district to mitigate regulatory barriers these levels of service would impose on Lee County’s ability to accomplish Objective 33.3 and its policies. As an alternative, Lee County may pursue a comparable mechanism, such as a transportation concurrency exception area, transportation concurrency management area, transportation concurrency backlog area/plan, long term concurrency management system, or FDOT level-of-service variance, that would achieve similar results. Lee County’s planning will include the following steps:~~
 - ~~a. Actively seek advice, technical assistance, and support from Florida DOT and DCA while formulating the scope of a technical evaluation of a potential multimodal transportation district that includes the four Mixed Use Communities adjoining S.R. 82 and appropriate adjacent urban areas.~~
 - ~~b. Conduct the necessary technical studies to determine the potential for substantial trip diversion from Lehigh Acres residents, the viability of transit service to these Mixed Use Communities and appropriate adjacent urban areas, and the practicality of maintaining the adopted level of service standards on S.R. 82.~~
 - ~~c. Adopt a Lee Plan amendment establishing a multimodal transportation district (or comparable mechanism).~~
- ~~6. Lee County will complete these three steps by 2016. Until step 5.c is adopted, TDR credits may not be redeemed in the Mixed Use Communities located along S.R. 82. No redemption of TDR credits that will increase dwelling units or non residential floor area will be permitted, if these increases would cause the adopted level of service for S.R. 82 to be exceeded (see Goal 37). This restriction applies unless a Mixed Use Community addresses its transportation impacts through the DRI process consistent with F.S. 163.3180(12).~~
 - ~~a5. This temporary restriction does not prohibit Lee County encourages landowners to concentrate from concentrating development rights from contiguous DR/GR property under common ownership or control.~~
 - ~~b6. Lee County encourages the creation of TDR credits from Southeast DR/GR lands and the transfer of those credits to all other designated receiving areas, including:
 - (1) Other Mixed-Use Communities;~~

- (2) Rural Golf Course Communities;
 - (3) Improved Residential Communities
 - (4) Future Urban Area (see Objective 1.1);
 - (5) Mixed-Use Overlay;
 - (6) Lehigh Acres Specialized Mixed-Use Nodes;
 - (7) Lee Plan designation that allow bonus density (see Table 1(a)); and,
 - (8) Incorporated municipalities that have formally agreed to accept TDR credits.
- (Added by Ordinance No. 10-43, Renumbered and Amended by Ordinance No. 12-24)

TRANSPORTATION ELEMENT, CHAPTER III

POLICY 37.1.2: Link-specific service volumes (capacities) have been established for arterials and collector roadways based on specific Lee County conditions, for use in the annual ~~concurrency~~ monitoring report. Because these service volumes are heavily dependent on existing geometrics, signal timing and spacing, variables subject to considerable change over time, the link-specific service volumes are appropriate only for short-term analyses (five years or less, as measured from the date of the last update of those service volumes). Lee County has also developed generalized service volumes for future year analyses. The Lee County Department of Transportation is responsible for keeping both sets of service volumes up to date. Preparers of Traffic Impact Statements for DRIs, rezonings and development orders and other transportation analyses must use the most appropriate and up-to-date set of service volumes, as determined by the Lee County Department of Transportation. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)

OBJECTIVE 37.3: TRANSPORTATION ~~CONCURRENCY~~ MANAGEMENT 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. ~~utilize a transportation concurrency management system consistent with the requirements of Chapter 163.3180, F.S., and Rule 9J-5.0055, F.A.C.~~ (Added by Ordinance No. 99-15, Amended by Ordinance No. 00-08)

POLICY 37.3.1: Lee County will measure ~~concurrency~~ 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 Chapter 163.3180, F.S., and Rule 9J-5.0055, F.A.C. ~~(i.e., transportation concurrency exception areas, transportation concurrency management areas, and multi-modal transportation districts).~~ Transportation ~~concurrency~~ for Pine Island will be governed by the policies under Objective 14.2 of this comprehensive plan. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15, Amended by Ordinance No. 00-08, 07-09)

POLICY 37.3.2: Lee County will continue to annually identify roadway conditions and available capacity on major roadways as part of its capacity monitoring ~~concurrency management~~ report. The report will identify existing traffic conditions (based on the

latest year's traffic counts), a one-year projection (adding traffic from projects with approved building permits) and forecast traffic conditions (adding traffic from projects with approved local 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 Capital Improvement Program or State Five-Year Work Program. (Added by Ordinance No. 00-08, Amended by Ordinance No.07-09)

POLICY 37.3.3: All proposed development activity (local development order requests); ~~except activity that affects constrained roads and roads subject to concurrency alternatives,~~ will be reviewed inventoried against the available capacity identified in the annual concurrency capacity monitoring report based on existing conditions. ~~If capacity is available, a concurrency certificate may be issued, good for three years; otherwise no concurrency certificate will be issued. (Amended and Relocated by Ordinance No. 99-15, Amended by Ordinance No. 00-08, 07-09)~~

~~OBJECTIVE 37.4: TRANSPORTATION CONCURRENCY ALTERNATIVES.~~ ~~Where appropriate, Lee County will employ alternatives to standard segment by segment transportation concurrency measurements consistent with the requirements of Chapter 163.3180, F.S. and Rule 9J-5.0055, F.A.C. (Added by Ordinance No. 00-08)~~

~~**POLICY 37.4.1:** Based on short term forecast conditions, Lee County by 2010 will investigate the creation of a Transportation Concurrency Exception Area in Lehigh Acres. (Added by Ordinance No. 00-08, Amended by Ordinance No. 07-09)~~

~~**POLICY 37.4.2:** Based on short term forecast conditions, Lee County by 2010 will investigate the creation of a Transportation Concurrency Management Area in Estero. (Added by Ordinance No. 99-15, Amended and Relocated by Ordinance No. 00-08, Amended by Ordinance No. 07-09)~~

~~**POLICY 37.4.4:** Lee County will continue to explore an area wide transportation concurrency approach for the entire county. (Added by Ordinance No. 07-09)~~

OBJECTIVE 37.5: PROPORTIONATE FAIR SHARE PROGRAM. Lee County will adopt maintain a Transportation Proportionate Fair Share Program, ~~consistent with the requirements of Subsection 163.3180(16), F.S., 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. (Added by Ordinance No. 07-09)~~

~~**POLICY 37.5.2:** The Proportionate Fair Share Program will not apply until a deficiency is identified through the County's Concurrency Management System. (Added by Ordinance No. 07-09)~~

POLICY 37.4.35.2: Concurrency vesting (i.e., a long-term concurrency certificate) may be granted for DRIs under limited circumstances, ~~in accordance with Chapter~~

163.3180(12), F.S., and including up to a 10-year time limitation, a limitation on changes to the DRI development parameters over time, and the execution of a local government development agreement in which the developer agrees to pay his full proportionate share/impact fee obligation up front. (Added by Ordinance No. 00-08)

PARKS, RECREATION AND OPEN SPACE ELEMENT, CHAPTER V

OBJECTIVE 83.1: STANDARD-COMMUNITY PARK STANDARD. Lee County will provide for the active recreational needs of unincorporated Lee County in standard community parks by providing 0.8 acres of developed Standard Community Parks open for public use per 1,000 population (minimum acceptable level of service, see Policy 95.1.3). By 1996 this standard will be increased to 1.75 acres per 1,000 population (desired future level of service, see Policy 95.1.4). By 1998 the county will provide 2 acres per 1,000 population (desired future level of service, see Policy 95.1.4), unincorporated county only. The population used for calculating these standards is the unincorporated Lee County permanent population. The acres used in calculating these standards are improved Standard Community Parks acres that are open for public use. ~~The 1996 and 1998 Community parks standards are non-regulatory, desired level of service standards and are not required for concurrency purposes.~~ (Amended by Ordinance No. 93-25, 94-30, 98-09, 00-22)

OBJECTIVE 84.1: Lee County must provide 6 acres per 1,000 population ~~(minimum acceptable level of service, see Policy 95.1.3). By 1998 this standard will be increased to 8 acres per 1,000 population (non-regulatory, desired future level of service, see Policy 95.1.4).~~ The population used for calculating this standard is the total seasonal population for all of Lee County. The acres used in calculating this standard are improved Regional Park acres that are open for public use. Federal and state facilities in Lee County are to be counted in meeting this standard. (Amended by Ordinance No. 94-30, 98-09, 00-22)

CAPITAL IMPROVEMENTS ELEMENT, CHAPTER VI

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

Two classes of standards are established. "Regulatory" standards are those which apply to facilities identified in state law or inter-local agreements as being essential to support development. These consist of facilities for the provision of public schools, potable water, sanitary sewer, disposal of solid waste, and stormwater management, ~~community and regional parks, and transportation.~~ (It is the intent of this element that these

standards will be the same as those established in the various relevant plan elements. If there are discrepancies between standards contained in the elements and standards as set forth herein, the standards as set forth herein will govern.) The second class, "non-regulatory" standards, are those which apply to other facilities for which the county desires to set standards for its own use. These consist of facilities for the provision of community and regional parks, and transportation. ~~compliance~~ Compliance with these non-regulatory standards will not be a requirement for continued development permitting, but will be used for facility planning purposes.

REGULATORY STANDARDS

1. Potable Water Facilities:

Minimum Acceptable Level of Service:

Within certificated, franchised, or designated service areas only: supply and treatment capacity of 250 gallons per day per Equivalent Residential Connection (ERC) for the peak month, except that facilities serving only mobile home residential structures must have a capacity of 187.5 gallons per day, and facilities serving only travel trailer residential structures must have a capacity of 150 gallons per day. Where a private water utility has provided an alternate standard for application within its certificated or franchised area, and that standard has been adopted into this comprehensive plan, that will be the standard to be used for concurrency management in the respective certificated or franchised area.

2. Sanitary Sewer Facilities:

Minimum Acceptable Level of Service:

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

3. Facilities for Disposal of Solid Waste:

Minimum Acceptable Level of Service:

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

4. Stormwater Management Facilities:

Minimum Acceptable Level of Service: INTERIM

(a) Existing Infrastructure/Interim Standard - The existing surface water management system in the unincorporated areas of the county will be sufficient to prevent the flooding of designated evacuation routes (see Map 15) from the 25-year, 3-day storm event (rainfall) for more than 24 hours.

- (b) Six Mile Cypress Watershed - The level-of-service standard for the Six Mile Cypress Watershed will be that public infrastructure remains adequate such that floor slabs for all new private and public structures which are constructed a minimum of one (1) foot above the 100-year, 3-day storm event flood plain level for Six Mile Cypress Watershed will be safe from flooding from a 100-year, 3-day storm event (rainfall). The 100-year level and watershed boundaries are as established in Volume IV of the Six Mile Cypress Watershed Plan.
- (c) Regulation of Private and Public Development - Surface water management systems in new private and public developments (excluding widening of existing roads) will be designed to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm event [rainfall]). Stormwater discharges from development must meet relevant water quality and surface water management standards as set forth in Chapters 17-3, 17-40, and 17-302, and Rule 40E-4, F.A.C. 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 flowways, whose preservation is deemed in the public interest.

75. Public School Facilities

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

- (a) Elementary Schools: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
 - (b) Middle Schools: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
 - (c) High Schools: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
 - (d) Special Purpose Facilities: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- (Added by Ordinance No. 08-17, Amended by Ordinance 08-27)

NON-REGULATORY STANDARDS

56. Parks and Recreation Facilities:

Minimum ~~Acceptable~~ Level of Service:

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

67. Roadway Facilities:

The minimum acceptable peak hour, peak season, peak direction roadway levels of service will be as follows:

	Peak Hour/Peak Season/Peak Direction
State & County Maintained Roads (Excluding FIHS, SIS and TRIP Roads)	
Expressways (Limited Access Facilities)	D
Controlled Access Arterials	E
Arterials	E
Major Collectors	E
Minor Collectors	E
FIHS Roads⁽⁴⁾	
I-75	
Collier County to SR 78	D
SR 78 to Charlotte County	C
SR 80 (Palm Beach Boulevard)	
I-75 to Werner Dr.	D
Werner Dr. to Hendry County	C
SIS Roads	
SR 82 (Immokalee Road)	
Lee Boulevard to Commerce Lakes Dr.	D
Commerce Lakes Dr. to Hendry County	C
Airport Connector	
I-75 to Ben Hill Griffin Parkway	D
TRIP Funded Roads	
Colonial Boulevard	
I-75 to Lee Boulevard	D
Imperial Parkway	
E. Terry Street to Bonita Bill Dr.	D
Six Mile Cypress Parkway	
Daniels Parkway to Winkler Avenue	D

⁽⁴⁾ The County may seek variances to the level of service of standards for the FIHS facilities as authorized under Section 120.542, F.S. If granted, the level of service standards for I-75 and SR 80 will be as approved by FDOT in the Order Granting Petition for Variance.

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

Due to scenic, historic, environmental, aesthetic, and right-of-way characteristics and considerations, Lee County has determined that certain roadway segments will not be

widened. Therefore, reduced peak hour levels of service will be accepted on those constrained roads within unincorporated Lee County as a trade-off for the preservation of the scenic, historic, environmental, and aesthetic character of the community. These constrained roads are defined in Table 2(a). ~~Growth on those constrained roads will be permitted only within the volume to capacity (v/c) ratios established in this plan and only if consistent with the Operational Improvement Program for those constrained roads.~~

The minimum ~~acceptable~~ level of service as specified above for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is subject to Policy 14.2.1 and Policy 14.2.2.

For minimum ~~acceptable~~ levels of service determination, the peak season, peak hour, peak direction condition will be defined as the 100th highest volume hour of the year in the predominant traffic flow direction. The 100th highest hour approximates the typical peak hour during the peak season. Peak season, peak hour, peak direction conditions will be calculated using K-100 factors and "D" factors from the nearest, most appropriate county permanent traffic count station.

(Amended by Ordinance No. 07-09, 10-36)

~~NON-REGULATORY STANDARDS~~

8. Recreation Facilities:

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

9. Libraries:

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

10. Emergency Medical Service:

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

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

POLICY 95.1.4: DESIRED FUTURE LEVEL-OF-SERVICE STANDARDS. For certain facilities, a second LOS standard, a "Desired Future Level of Service," is set forth.

These standards represent a community goal of higher levels of public service and facility provision than can be achieved with current resources. It is the intent of Lee County to achieve these levels of facility provision by the dates prescribed in this policy. However, failure to achieve these goals will not halt the issuance of development orders under the Concurrency Management System.

1. Stormwater Management Facilities:

To be established basin by basin subsequent to the county-wide surface water management master plan. Future service standards can only be finalized upon the completion of the basin studies and will be based upon providing a defined level of flood protection, balanced with the protection of natural flow ways and associated wetland systems.

The following additional standards are hereby established for the Six Mile Cypress Watershed:

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

2. Parks and Recreation Facilities:

a. Regional Parks:

~~By 1998~~, Lee County will provide 8 acres of improved regional park land open for public use per 1000 total seasonal population for all of Lee County.

b. Community Parks:

~~By 1996~~, Lee County will provide 1.75 acres of improved standard community parks open for public use per 1000 unincorporated Lee County permanent population; by September 30, 1998 the county will increase this to 2.0 acres of improved standard community parks open for public use per 1000 unincorporated Lee County permanent population.

3. Libraries:

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

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

OBJECTIVE 95.3: OTHER FINANCING POLICIES. Establish a broad-based system of revenue regulations that ensure that new development pays ~~at least 90%~~ an appropriate share

of the capital costs of the public infrastructure directly attributable to that new development.
(Amended by Ordinance No. 94-30)

MAPS AMENDMENTS:

MAP 3A: Lee County 2030 Financially Feasible Highway Plan (Update)

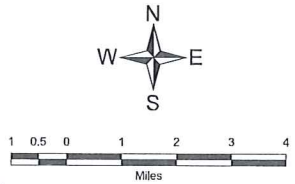
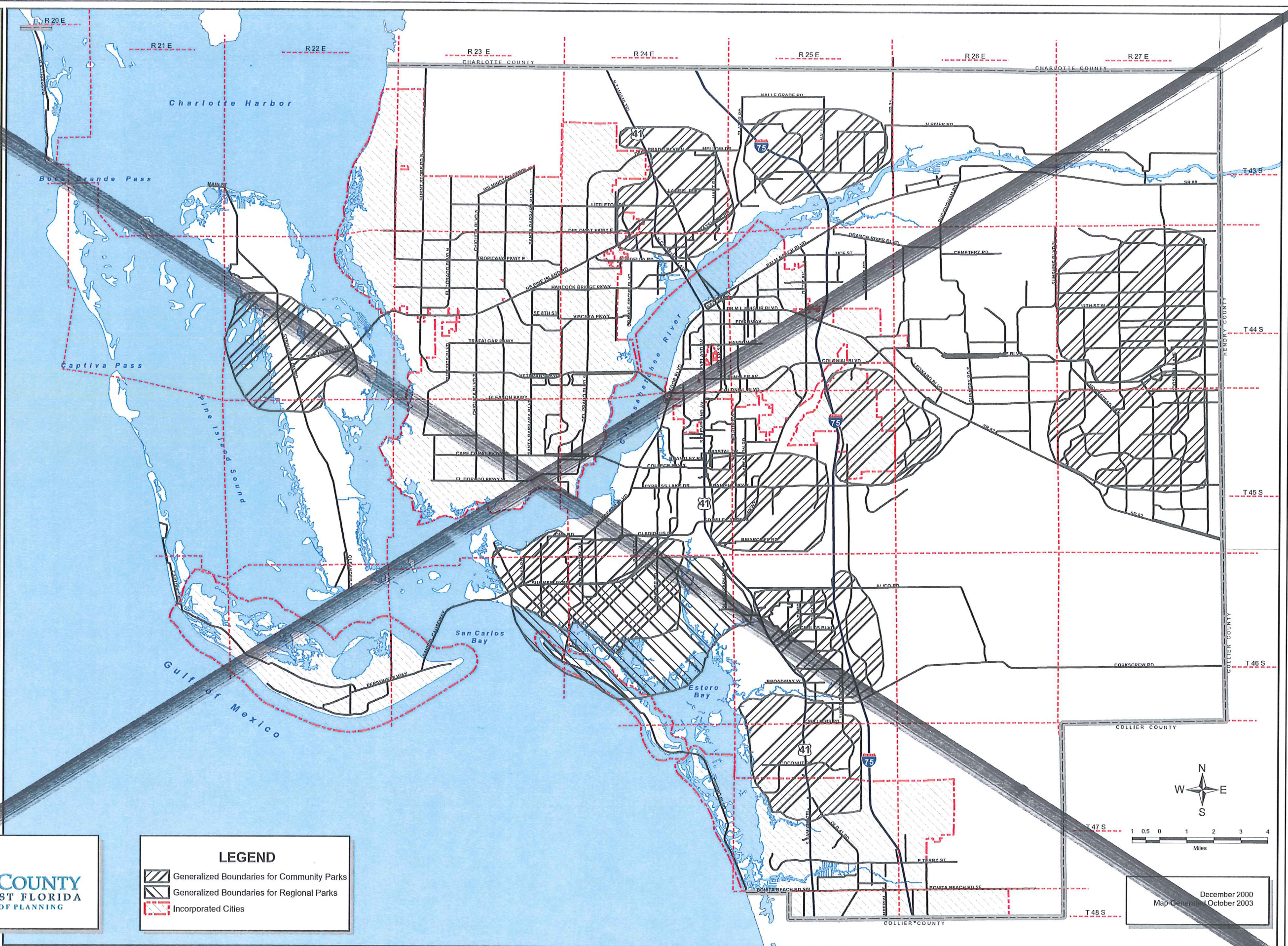
MAP 11: Future Recreational Uses, Generalized Service Area Boundaries (Delete)

**FUTURE RECREATIONAL USES
GENERALIZED SERVICE AREA BOUNDARIES**
(Lee Plan Map 11)



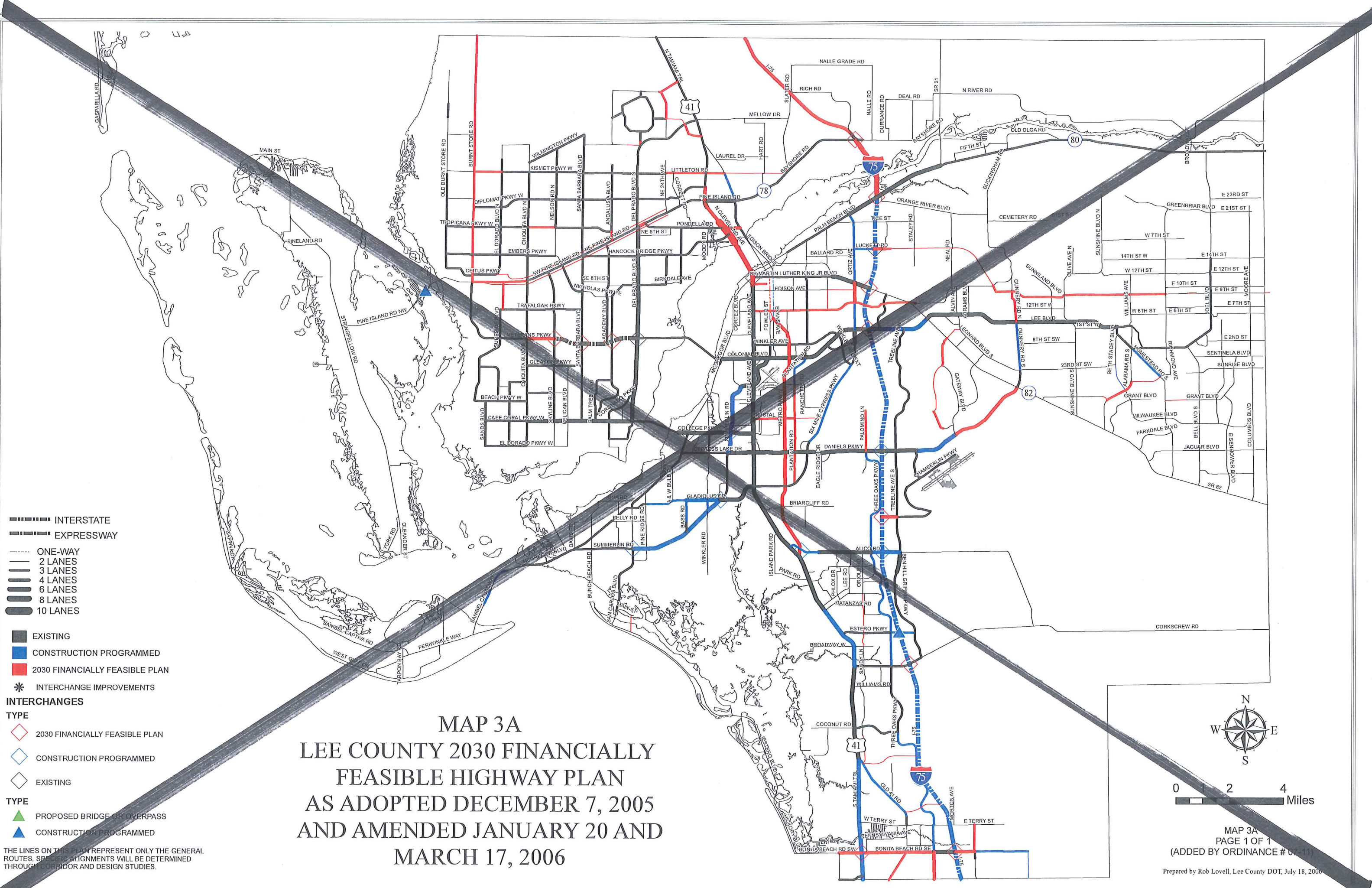
LEGEND

- Generalized Boundaries for Community Parks
- Generalized Boundaries for Regional Parks
- Incorporated Cities



December 2000
Map Generated October 2003

Reserved
for
Map 11

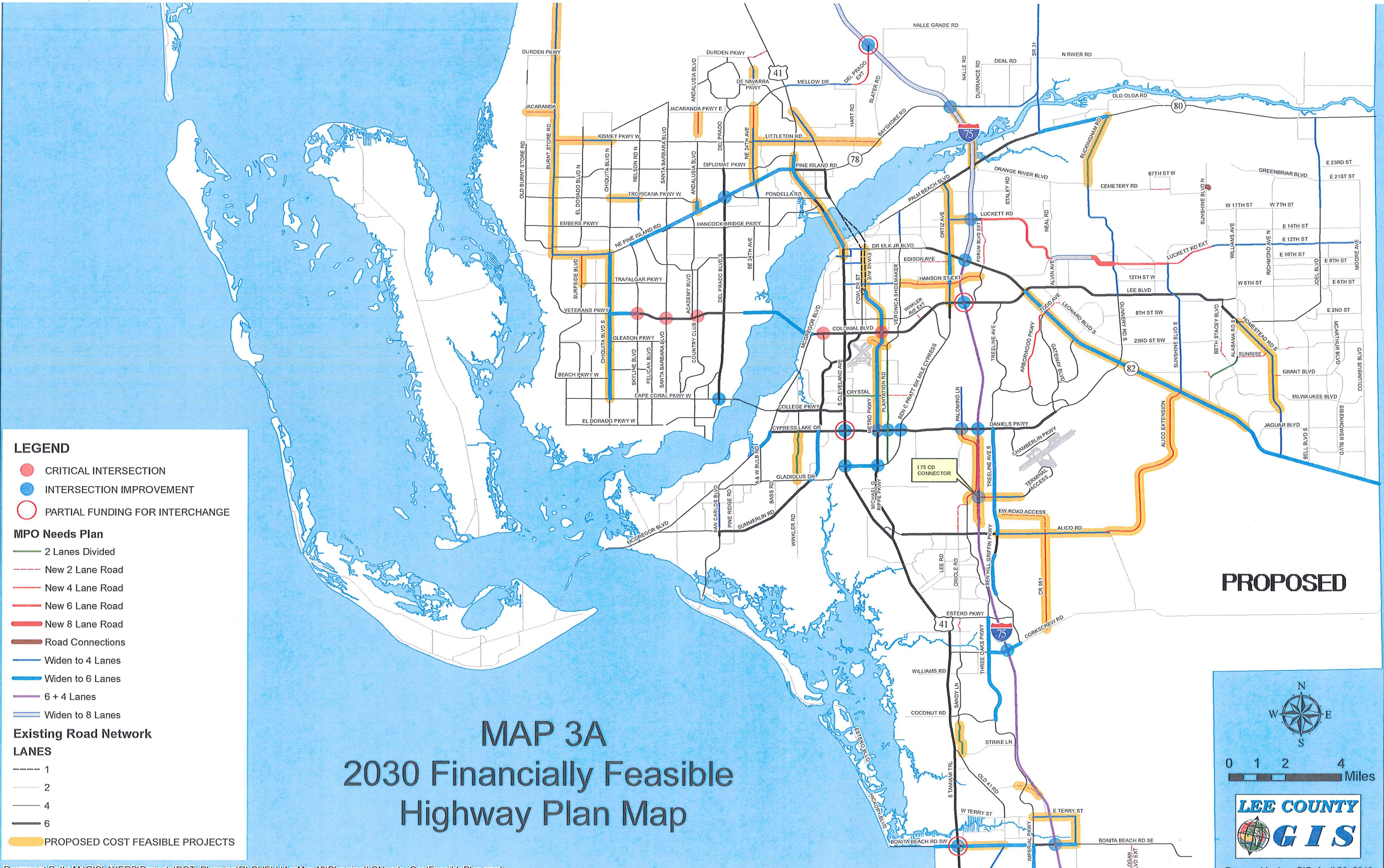


- INTERSTATE
- EXPRESSWAY
- ONE-WAY
- 2 LANES
- 3 LANES
- 4 LANES
- 6 LANES
- 8 LANES
- 10 LANES
- █ EXISTING
- █ CONSTRUCTION PROGRAMMED
- █ 2030 FINANCIALLY FEASIBLE PLAN
- * INTERCHANGE IMPROVEMENTS
- INTERCHANGES**
- ◇ TYPE
- ◇ 2030 FINANCIALLY FEASIBLE PLAN
- ◇ CONSTRUCTION PROGRAMMED
- ◇ EXISTING
- ◇ TYPE
- ▲ PROPOSED BRIDGE OR OVERPASS
- ▲ CONSTRUCTION PROGRAMMED

MAP 3A
LEE COUNTY 2030 FINANCIALLY
FEASIBLE HIGHWAY PLAN
AS ADOPTED DECEMBER 7, 2005
AND AMENDED JANUARY 20 AND
MARCH 17, 2006



THE LINES ON THIS PLAN REPRESENT ONLY THE GENERAL ROUTES. SPECIFIC ALIGNMENTS WILL BE DETERMINED THROUGH CORRIDOR AND DESIGN STUDIES.



LEGEND

- CRITICAL INTERSECTION
- INTERSECTION IMPROVEMENT
- PARTIAL FUNDING FOR INTERCHANGE

MPO Needs Plan

- 2 Lanes Divided
- New 2 Lane Road
- New 4 Lane Road
- New 6 Lane Road
- New 8 Lane Road
- Road Connections
- Widen to 4 Lanes
- Widen to 6 Lanes
- 6 + 4 Lanes
- Widen to 8 Lanes

Existing Road Network

LANES

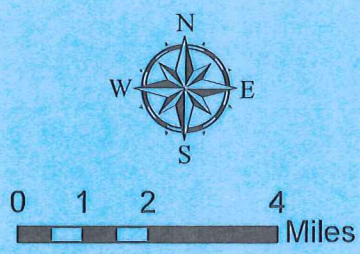
- 1
- 2
- 4
- 6

PROPOSED COST FEASIBLE PROJECTS

MAP 3A

2030 Financially Feasible Highway Plan Map

PROPOSED



Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

RECEIVED
OCT 23 2013

COMMUNITY DEVELOPMENT

October 18, 2013

Kevin Ruane, Chairman
Lee County Metropolitan Planning Organization
Post Office Box 150045
Cape Coral, Florida 33915-0045

Dear Chairman Ruane:

Thank you for submitting the Lee County MPO Transportation Improvement Program (TIP) for fiscal years 2013/2014 through 2017/2018. Pursuant to Section 339.175, Florida Statutes, the Department has reviewed the TIP for consistency with the applicable local government comprehensive plans.

Our review indicates that the TIP is generally consistent with the comprehensive plans of the County and municipalities within the MPO's area. However, Lee County's comprehensive plan does not reflect four projects on the Future Transportation Map Series. The County should update its Future Transportation Map to reflect these projects and, if the projects' construction phase is planned within the next five years, the Five-year Schedule of Capital Improvements. The following is the detailed information concerning the TIP projects:

- FPN #: 4258411, Project name: State Route 82, Project Limits: from CR 884 to Shawnee Road, Local Government Location: Lee County
- FPN #: 4258412, Project name: State Route 82, Project Limits: from Shawnee Road to Alabama Road South, Local Government Location: Lee County
- FPN#: 4258413, Project name: State Route 82, Project Limits: from Alabama Road South to Homestead Road South, Local Government Location: Lee County
- FPN#: 4258414, Project name: State Route 82, Project Limits: from Homestead Road South to Hendry County Line , Local Government Location: Lee County

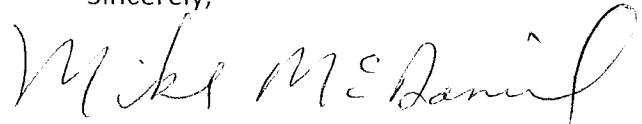
Kevin Ruane, Chairman

October 18, 2013

Page 2 of 2

We appreciate your efforts to coordinate the transportation projects in the TIP with local government comprehensive plans and have sent a copy of this letter to Lee County. Should you have any questions concerning this determination or the review process, please contact Chris A. Wigglesworth at (850) 717-8515.

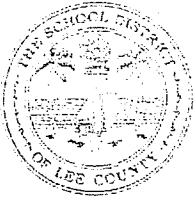
Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is written in a cursive, flowing style.

Mike McDaniel,
Comprehensive Planning Manager

MM/caw

cc: Paul O' Conner, AICP, Lee County Planning Division Director



THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966-1012 ♦ (239) 334-1102 ♦ WWW.LEESCHOOLS.NET

*Copy to: Paul Holt
Gibbs
9/11*

2011 SEP 16 PM 3:17

COMM. DEV./
PUB. WRKS. CNTR.
SECOND FLOOR

*CC: DIST 1, 2, 3, 4.
Karen Haest.
Mary Gibbs
Donna Mulla
Caldine*

- THOMAS SCOTT
CHAIRMAN, DISTRICT 5
- MARY FISCHER, M.A.
VICE CHAIRMAN, DISTRICT 1
- JEANNE S. DOZIER
DISTRICT 2
- JANE E. KUCKEL, PH.D.
DISTRICT 3
- DON H. ARMSTRONG
DISTRICT 4
- JOSEPH BURKE, ED.D.
SUPERINTENDENT
- KEITH B. MARTIN, ESQ.
BOARD ATTORNEY

September 14, 2011

Commissioner Frank Mann
Chair, Lee County Board of County Commissioners
PO Box 398
Fort Myers, FL 33902

RE: School Concurrency

Dear Commissioner Mann:

At its September 13, 2011 Briefing Meeting, information was presented to the School Board indicating that Lee County is considering the elimination of school concurrency. The School Board Members expressed a strong desire to retain school concurrency and asked that I express this desire to the Board of County Commissioners on their behalf. In Lee County, the School Board and the County Commissioners have always had a cooperative relationship and have worked together to ensure that the needs of school children in Lee County are met. During the years of intensive growth in the County, the School Board faced a number of challenges in ensuring that there were adequate facilities in place to serve the needs of the rapidly growing student population. The District was required to build a large number of school facilities in a short period of time. The Board of County Commissioners provided essential support to this District effort by adopting and implementing school impact fees. Although growth in some counties is currently stagnant, the District has seen an increase in the number of students that are being served this year and we expect that growth to continue. While it may not return to the rapid rate of growth that the County experienced a few years ago, the District will continue to have a responsibility to provide student stations for those additional students and, at the same time, provide for maintenance of existing facilities, to ensure that all of the children in Lee County have a safe environment in which to pursue their education. School Concurrency can play a vital role in ensuring that the District meets these obligations. While the school impact fee has provided valuable assistance to the District in fulfilling the needs resulting from student growth and will continue to do so in the future, the collection of the fee occurs at the time that each individual permit is pulled. Under school concurrency, if a developer is required to pay mitigation, those funds are received by the District at a time that allows the District to construct facilities in anticipation of those additional students. When the students move in to the homes in these developments, the schools will be available for them. This is especially important in a time when the revenue received from the state for capital projects continues to decline. Concurrency can also add to the District's ability to locate facilities in close proximity to developments, which will assist the District in minimizing the time that children spend on a bus travelling to and from school.

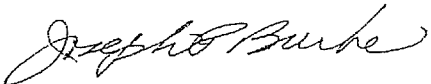
The support and assistance of the Lee County Board of County Commissioners, through the adoption of school concurrency and school impact fees, has been vital to ensuring the District has sufficient school facilities to serve all of its students. The result has been improved academic

Commissioner Frank Mann
September 14, 2011
Page 2

achievement for our students. The District has received an A grade from the Florida Department of Education for the last three years. In order to maintain this level of accomplishment, the District must continue to excel in all areas that serve the needs of students, including providing facilities that meet the needs of a growing population in a way that fosters student achievement. The continued support of the Lee County Board of County Commissioners by maintaining school concurrency and school impact fees is essential to meeting this need.

For all of the reasons mentioned above, the School Board would ask that you consider maintaining school concurrency in Lee County. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joseph P. Burke".

Joseph P. Burke, Ed.D.
Superintendent

cc: Thomas Scott, Chair
Mary Fischer, Vice Chair
Jeanne Dozier, Board Member
Dr. Jane Kuckel, Board Member
Don Armstrong, Board Member

INTERLOCAL AGREEMENT
ON SCHOOL CONCURRENCY

This agreement is made this 18th day of March 2008, by and between Lee County, a political subdivision of the State of Florida, hereinafter referred to as "County," and the School Board of Lee County, a public agency of the State of Florida, hereinafter referred to as "School Board."

WHEREAS, the School Board of Lee County has constitutional and statutory obligations to provide a uniform system of free public schools on a Countywide basis; and,

WHEREAS, Lee County's land use authority includes the authority to approve or deny Comprehensive Plan amendments, zoning applications, and development orders; and,

WHEREAS, Lee County and the School Board desire to establish mechanisms for coordinating the development, adoption, and amendment of Lee County's public school facilities element with each other and the plans of the School Board to ensure a uniform district-wide school concurrency system; and,

WHEREAS, Lee County and the School Board desire to specify uniform, district-wide level-of-service standards for public schools of the same type and the process for modifying the adopted level-of-service standards; and,

WHEREAS, Lee County and the School Board desire to establish a process for the preparation, amendment, and joint approval of a financially feasible Public School Capital Facilities Program, and a process and schedule for incorporation of the Public School Capital Facilities Program into the County's Comprehensive Plan on an annual basis; and,

WHEREAS, Lee County and the School Board desire to establish a uniform district-wide procedure for implementing school concurrency that provides for:

- a. the evaluation of development applications for compliance with school concurrency requirements, including information provided by the School Board on affected schools, impacts on levels-of-service, programmed improvements for affected schools, and options to provide sufficient capacity; and,
- b. monitoring and evaluation of the School Concurrency System; and,

WHEREAS, Lee County and the School Board desire to develop a process and uniform methodology for determining proportionate share mitigation for projects that are unable to achieve public school concurrency; and,

WHEREAS, Lee County and the School Board desire to establish options for proportionate share mitigation of impacts on public school facilities as contemplated in Florida Statutes, Section 163.3180(13)(e); and,

WHEREAS, Lee County and the School Board entered into an interlocal agreement for public educational facility planning and siting on August 20, 2002, that remains in full force and effect; and,

WHEREAS, that interlocal was subsequently amended on January 11, 2005; and,

WHEREAS, Florida Statutes 163.31777 and 163.3180(g) set forth requirements for school concurrency that must be implemented through interlocal coordination between the County and the School Board; and,

WHEREAS, the County and the School Board have met and coordinated with respect to the statutory requirements for a Countywide, uniform School Concurrency Program; and,

WHEREAS, the County must amend its Comprehensive Plan and Land Development Code in 2008 in order to effectuate its obligations under this agreement and State statutes; and,

WHEREAS, this interlocal agreement does not delegate or transfer land use planning or regulatory authority to the School Board.

NOW, THEREFORE, IT IS mutually agreed between the Lee County Board of Commissioners and the School Board of Lee County that the following requirements and procedures will be followed in connection with the implementation of a School Concurrency Program in Lee County.

1. Definitions.

a. Definitions. The terms used in this subsection are defined as follows:

- i. Available school capacity – the circumstance where there is sufficient school capacity, based on LOS standards, to accommodate the demand created by a proposed development.
- ii. Capacity – “capacity” as defined in the FISH Manual.
- iii. Existing school facilities – school facilities constructed and operational at the time a School Concurrency Application is submitted to the County.

- iv. FISH Manual – the document entitled “Florida Inventory of School Houses (FISH)”, 2006 edition, that is published by the Florida Department of Education, Office of Educational Facilities.
 - v. Permanent FISH Capacity – capacity that is added by permanent buildings, as defined in the FISH manual.
 - vi. Planned school facilities – school facility capacity that will be in place or under actual construction within three (3) years after the issuance of final subdivision or site plan approval; pursuant to the School Board’s adopted Work Program.
 - vii. Previously Approved Development – development approved as follows:
 - (1) Single family lots having received final plat approval prior to the effective date of the County’s School Concurrency Ordinance.
 - (2) Multi-Family residential development having received final site plan approval prior to the effective date of the County’s respective School Concurrency Ordinance.
 - viii. Concurrency Certificate – A certificate issued by the County stating that there is sufficient capacity by school type and by CSA to adequately serve the projected impacts of a proposed Development Order.
 - ix. Total school facilities – Existing school facilities and planned school facilities.
 - x. Used capacity – School facility capacity consumed by or reserved for preexisting development.
 - xi. Work Program – the financially feasible five-year school district facilities program adopted pursuant to section 1013.35, Florida Statutes. Financial feasibility shall be determined using professionally accepted methodologies.
2. Comprehensive Plan. No later than April 1, 2008, the County will adopt Comprehensive Plan Amendments to address school concurrency matters, including:
- a. A Public Schools Facilities Element, pursuant to Sections 163.3177 (12) and 163.3180, Florida Statutes.

- b. Changes to the Intergovernmental Coordination Element necessary to effectuate school concurrency methodologies and processes, as provided herein.
 - c. Changes to the Capital Improvements Element (CIE) necessary to effectuate school concurrency methodologies and processes, as provided herein.
- 3. Land Development Code. Following the amendment of the County's Comprehensive Plan to incorporate school concurrency, the County will amend the Land Development Code to implement school concurrency consistent with the Comprehensive Plan, sections 163.3180 and 163.3202, Florida Statutes and this Agreement.
- 4. Five-Year Facilities Work Program.
 - a. Annually, following adoption of this Agreement, but no later than December 1st, the County will amend the CIE of the Comprehensive Plan to incorporate the School Board's adopted Work Program. Following a Work Program update or amendment, the County will consider further amendments to its CIE to incorporate updates or amendments during the immediately subsequent round of Comprehensive Plan Amendments.
- 5. Level of Service Standards.
 - a. Pursuant to Section 163.3180(13)(b) Florida Statutes, the Level of Service (LOS) standards set forth herein will be applied consistently throughout the County for the purposes of implementing school concurrency, including determining whether sufficient capacity exists to accommodate a particular development proposal, and determining the financial feasibility of the School Board's Work Program.
 - b. The LOS standards set forth herein will be included in the CIE and will be applied consistently by the County and the School Board districtwide to all schools of the same type.
 - c. After consultation and agreement with Lee County and the School Board, the LOS standards may be amended only pursuant to an amendment to the Lee Plan and this interlocal agreement.
 - d. The LOS standards to be used by the County and the School Board to implement school concurrency are as follows:
 - i. Elementary: 100% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.

- ii. Middle: 100% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- iii. High: 100% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- iv. Special Purpose: 100% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.

A "measurable programmatic change" means a change to the operation of a school and measurable capacity impacts including, but not limited to, double sessions, floating teachers, year-round schools and special educational programs.

- v. Relocatable classrooms will be utilized to maintain the level of service on a temporary basis when construction to increase capacity is planned and is in process. The temporary capacity provided by relocatables may not exceed 20 percent of the permanent FISH capacity and may be used for a period of not to exceed three years. Relocatables may also be used to accommodate special education programs as required by law and to provide temporary classrooms while a portion of an existing school is under renovation.

6. School Concurrency Service Areas.

- a. Pursuant to Section 163.3180 (13)(c), School Concurrency Service Areas (CSAs) are initially established to be coterminous with the existing Student Assignment Zones for elementary, middle, and high schools shown on the attached map (Exhibit A).
- b. CSAs may be subsequently modified to maximize available school capacity and make efficient use of new and existing public school facilities in accordance with the LOS standards set forth in this Agreement. The School Board may amend the CSAs only after review and comment by the County. After the initial three years of implementing school concurrency, the School District may propose an amendment to the CSAs to make them coterminous with the existing Student Assignment sub-zones. Lee County will consider and process a Lee Plan amendment accordingly.
- c. The establishment and modification of CSAs will take into account school policies to:
 - i. minimize student transportation costs;

- ii. limit maximum student travel times;
 - iii. achieve socio-economic, racial and cultural diversity objectives;
 - iv. recognize capacity commitments resulting from local governments' development approvals for the CSA; and,
 - v. recognize capacity commitments resulting from local governments' development approvals for contiguous CSAs
- d. CSAs will be described geographically in the County's Comprehensive Plan pursuant to Section 163.3180(13)(g)(5), Florida Statutes.

7. Demand Monitoring and Evaluation.

- a. The County will provide the following information to the School Board on an annual basis to facilitate the projection of demand and student generation rate trends:
 - i. Geo-referenced building permit and certificate of occupancy data;
 - ii. Summary of actions on preliminary and final plats;
 - iii. Summary of site development plan approvals for multi-family projects; and,
 - iv. Summary of other actions that affect demands for public school facilities.
- b. The School Board will provide the County with a copy of each concurrency determination letter issued to a municipality. The County will reflect the data from the letters in the forecasted capacity commitments for the corresponding CSA.

8. Applicability.

- a. Except as provided in subsection b. below, school concurrency applies to residential uses that generate demands for public school facilities and are proposed or established after the effective date of the LDC amendments incorporating school concurrency.
- b. The following residential uses are exempt from the requirements of school concurrency:

- i. Single family lots having received final plat approval prior to the effective date of the applicable School Concurrency Ordinance.
- ii. Multi-family residential development having received final site plan approval prior to the effective date of the applicable amendments to the LDC incorporating school concurrency.
- iii. Amendments to residential development approvals issued prior to the effective date of the Lee Plan, that do not increase the number of residential units or change the type of residential units proposed.
- iv. Other uses as provided for in the Land Development Code.

9. Process for Determining School Facilities Concurrency.

- a. The School Board will annually compile a School Concurrency Inventory Report. The School Board will inventory current school capacity and current occupancy by school type and by CSA. Current capacity will be adjusted by adding in the expected capacity increase from new or expanded planned school facilities for the next three years, in accordance with the adopted School Board Capital Improvements Program. Current occupancy will then be subtracted from existing and expected capacity to calculate the available capacity by school type by CSA. The School Concurrency Inventory will then be transmitted to the County.
- b. Upon the receipt of a complete School Concurrency Inventory the County will formally incorporate the Inventory in the County's Concurrency Report. This information will be utilized to determine whether there is available school capacity for each level of school, to accommodate the proposed development, based on the LOS standards, CSAs, and other standards set forth herein and in the respective land development codes.
- c. Upon receipt of a Development Order application, the County will review the application and, based on the standards set forth in this Agreement and the information in the County's current Concurrency Report, make a determination as to:
 - i. whether adequate school capacity exists for each level of school, based on the standards set forth in this Agreement; or
 - ii. if adequate capacity does not exist, whether appropriate mitigation can be accepted, and, if so, acceptable options for mitigation, consistent with this Agreement.

- d. If the County determines that adequate capacity will not be in place or under actual construction within three years after the issuance of final subdivision or site plan approval and mitigation is not an acceptable alternative, the County will not issue a School Concurrency Certificate and will not approve the development application.
- e. If the County determines that adequate capacity does not exist but that mitigation is an acceptable alternative, the development application will remain active pending the conclusion of the mitigation negotiation period described below.
- f. The County will issue a School Concurrency Certificate only upon:
 - i. A determination that adequate school capacity for each level of school will be in place or under actual construction within three years after the issuance of the final subdivision or plat approval without mitigation; or,
 - ii. The execution of a legally binding mitigation agreement between the applicant and the School Board, as provided by this Agreement.

10. Rezoning Review.

When reviewing a proposed rezoning, the County will consider whether the CSA in which the proposed rezoning is situated has available school capacity.

- a. If the CSA where the proposed rezoning is situated does not have available school capacity, the County will determine whether a contiguous CSA (i.e. East Zone, West Zone or South Zone) has available school capacity by identifying the contiguous CSA with the most available school capacity for the particular type of school and assigning the demand from the proposed development to that CSA.
- b. If there is not sufficient capacity in the CSA where the proposed rezoning is situated and there is not sufficient capacity in a contiguous CSA, the County will not issue a concurrency certificate until capacity is in place as contemplated by the agreement, or the applicant provides appropriate mitigation consistent with this agreement.

11. Mitigation Alternatives. If the School Board reports that mitigation may be accepted in order to offset the impacts of a proposed development, the following procedure will be used.

- a. The applicant must initiate, in writing, mitigation negotiation with the School Board to establish an acceptable form of mitigation, pursuant to Section 163.3180(13)(e), Florida Statutes, the Lee Plan, LDC, and this Agreement.
- b. Acceptable forms of mitigation may include:
 - i. The donation of land or funding for land acquisition or construction of a public school facility sufficient to offset the demand for public school facilities anticipated from the proposed development; and,
 - ii. Establishment of a Charter School with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF) on a site that meets the minimum acreage provided in SREF and subject to guarantees that the facility will be conveyed to the School Board at no cost if the Charter School ceases to operate.
- c. The following standards apply to mitigation accepted by the School Board:
 - i. Mitigation must be directed towards a permanent school capacity improvement identified in the School Board's financially feasible Work Program and satisfy the demands created by the proposed development.
 - ii. Relocatable classrooms will not be accepted as mitigation.
- d. In accordance with section 163.3180(13)(e), Florida Statutes, the applicant's proportionate-share mitigation obligation to resolve a capacity deficiency will be based on the following formula, for each school level: Multiply the number of new student stations required to serve the new development by the average cost per student station. The average cost per student station must include school facility development costs and land costs. Pursuant to Section 163.3180(13)(e)(2), Florida Statutes, the applicant's proportionate share mitigation obligation will be credited toward impact fees or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis, at fair market value.
- e. If within 90 days of the date the applicant initiates mitigation negotiation, the applicant and the School Board agrees to an acceptable form of mitigation, the parties will execute a legally binding mitigation agreement. The mitigation agreement must include the terms of the mitigation, including the amount, nature and timing of donations or funding to be provided by the developer, and any other matter necessary to effectuate mitigation in accordance with this Agreement. The mitigation agreement must specify the

amount and timing of any impact fee credits or reimbursements that will be provided as required by state law.

- f. If, after 90 days, the applicant and the School Board are not able to agree to an acceptable form of mitigation, the School Board will report an impasse to the County in writing. The County will not issue a Concurrency Certificate for the proposed development.
 - g. Mitigation must be proportionate to the demand for public school facilities to anticipated from development of the property.
12. Amendments. This agreement may be amended only by the written consent of the Lee County School Board and the Lee County Board of Commissioners.
13. Oversight. The School Board and the County may appoint citizens to serve on an Oversight Committee to monitor the implementation of this agreement. The Committee may appoint a chairperson and meet annually to report to the County and the School Board and the general public on the effectiveness of the implementation of this interlocal agreement.
14. Termination. Pursuant to Section 1013.33, Florida Statutes, this agreement will be effective on the date it has been executed by all parties, and will continue in full force and affect thereafter. The agreement will automatically be renewed for one-year periods unless the County or the School Board signifies in writing its intent to terminate the agreement at least 120 days prior to the annual renewal date. Notice of Intent to Terminate must be in writing.
15. Dispute Resolution. The adjudication of disputes and disagreements under this agreement will be resolved in accordance with the Government Conflict Resolution Procedures specified in Chapters 164 and 186 of the Florida Statutes.
16. Supplement. This agreement is intended to supplement the interlocal agreement between the County and the School Board dated August 20, 2002, and later amended on January 11, 2005.
17. Counterpart Execution. This agreement may be executed in any number of counterparts, each of which will be deemed an original; but, which together, will constitute one and the same instrument and be the agreement of the parties.
18. Notice. All notices and other communications provided for in this agreement must be in writing. Such notices will be deemed properly delivered when delivered:
- a. Personally;

- b. By facsimile transmission providing the sending party received electronic confirmation thereof; or,
- c. By the mailing of such notice by registered or certified mail to the following address:
 - i. If to the School Board:
 - Office of the Superintendent
 - Lee County School District
 - 2855 Colonial Boulevard
 - Fort Myers, FL 33966
 - Telephone - 239-337-8512
 - Fax - 239-337-8683
 - ii. If to the County:
 - Office of the Lee County Attorney
 - 2115 Second Street, Sixth Floor
 - Fort Myers, FL 33901
 - Telephone - 239-533-2236
 - Fax - 239-485-2106

IN WITNESS WHEREOF, this Interlocal Agreement has been executed on March 18, 2008.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: Marcia Wilson
Deputy Clerk

By: Ry Judd
Chair

(Seal)

Date: 3/18/08

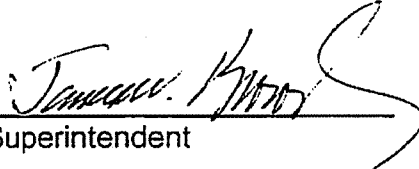



APPROVED AS TO FORM:

By: Donna Marie Collins
Donna Marie Collins
Lee County Attorney's Office

ATTEST:

THE SCHOOL BOARD OF LEE COUNTY,
FLORIDA

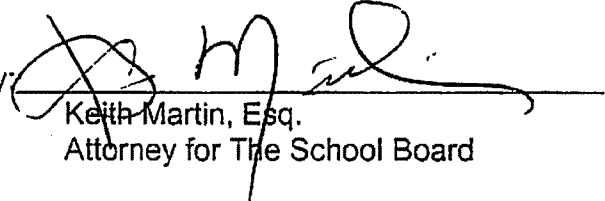
By: 
Superintendent

By: 
Chairman of the Board

Date: _____

APPROVED

FEB 26 2008
SCHOOL BOARD OF
LEE COUNTY

APPROVED AS TO FORM:
By: 
Keith Martin, Esq.
Attorney for The School Board

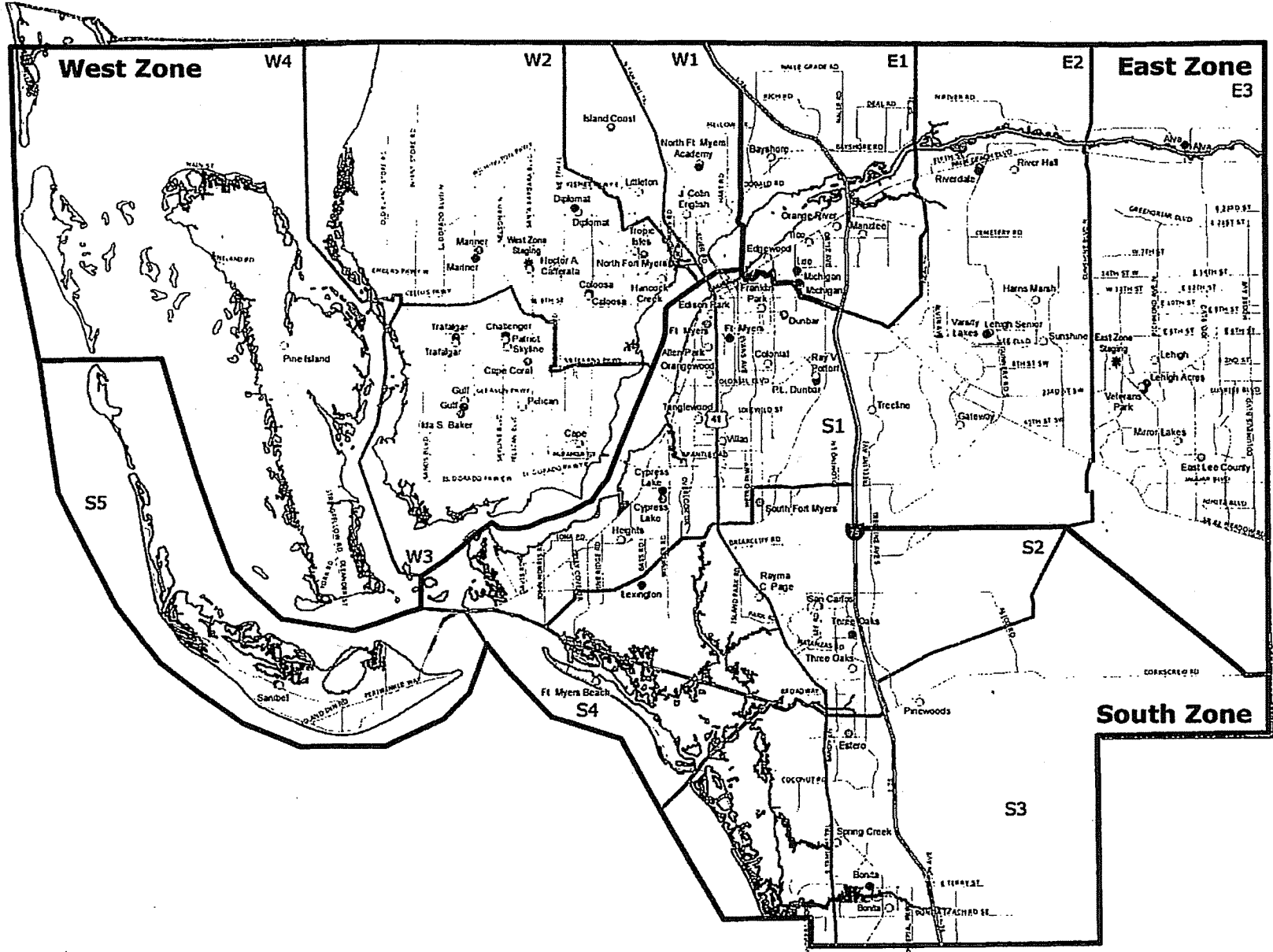
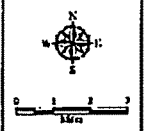
Exhibits: School Attendance Zones

STUDENT ASSIGNMENT ZONES
2007-2008

- Legend**
- ASSIGNMENT ZONES
 - EAST
 - SOUTH
 - WEST
 - Sub-Zones
- SCHOOLS**
- * Staging
 - Elementary
 - Middle
 - High

Please read:
All information taken from this map should be verified by the Parent Information Center.

MAP DISCLAIMER:
Map and associated data available to the public by the Lee County Property Appraiser's Office are not legally recorded maps as surveys and courses are not intended to be used as such. The map and documents are created as part of a Geographic Information System (GIS) that receives, stores, information, and data from various departments, such as, county, state, and federal agencies. The names, data and symbols shown on this map are intended to represent the geographic information associated with the data on which this map is based for information related to accuracy, currency, and boundaries.



CPA2011-03

COMMUNITY FACILITIES

AND SERVICES

CPA2011-03
COMMUNITY FACILITIES AND
SERVICES ELEMENT
BOCC SPONSORED
EAR BASED AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

Publicly Sponsored Amendment and Staff Analysis

LPA Public Hearing Document
For the
January 27, 2014 Public Hearing

Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 533-8585

January 17, 2014

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2011-03**

Text Amendment

Map Amendment

	This Document Contains the Following Reviews
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: July 20, 2012

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

Lee County Board of County Commissioners
Represented by Lee County Division of Planning

2. REQUEST:

Amend the Lee Plan to amend the Community Facilities and Services Element, incorporating the recommendations of County staff and the March 1, 2011 Evaluation and Appraisal Report.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Staff recommends that the Board of County Commissioners **transmit** the proposed amendment to the Community Facilities and Services Element of the Lee Plan as presented in this staff report.

2. RECOMMENDED LANGUAGE FOR TRANSMITTAL:

The proposed changes to the element are shown in Attachment 1 in clean language. The proposed changes are shown in the staff report depicted in strikethrough and underline format as it relates to the existing provisions of the Lee Plan.

3. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Board of County Commissioners initiated this plan amendment on March 1, 2011, with the adoption of the Evaluation and Appraisal Report.
- The Community Facilities and Services Element is a required element for a comprehensive plan.
- The adopted New Horizon 2035 Evaluation and Appraisal Report found that the updated Lee Plan should address issues regarding element clarity and effectiveness.
- Existing goals, objectives and policies are being revised to reduce redundancy, address new areas of concern, and streamline the existing element.
- The proposed amendments to the Community Facilities and Services Element are consistent with the Evaluation and Appraisal Report recommendations.
- The proposed amendments meet the statutory requirements of FS 163.3177(6)(c).

C. BACKGROUND INFORMATION

The Community Facilities and Services Element of the Comprehensive Plan addresses the need to provide public services and infrastructure systems within Lee County. The purpose of the element is to ensure that such services and infrastructure systems are provided based upon current and future population demands. The element was originally incorporated into the Lee Plan in 1984, and helps ensure public and private development efforts support the county's quality of life.

The Community Facilities and Services Element is a required element as defined by Chapter 163.3177(6)(c), Florida Statutes (F.S.). Specifically, the statute states, "A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may be a detailed engineering plan including a topographic map depicting areas of prime groundwater recharge." The statute goes on to clarify that:

1. Each local government shall address in the data and analyses required by this section those facilities that provide service within the local government's jurisdiction. Local governments that provide facilities to serve areas within other local government jurisdictions shall also address those facilities in the data and analyses required by this section, using data from the comprehensive plan for those areas for the purpose of

projecting facility needs as required in this subsection. For shared facilities, each local government shall indicate the proportional capacity of the systems allocated to serve its jurisdiction.

2. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs, including correcting existing facility deficiencies. The element shall address coordinating the extension of, or increase in the capacity of, facilities to meet future needs while maximizing the use of existing facilities and discouraging urban sprawl; conserving potable water resources; and protecting the functions of natural groundwater recharge areas and natural drainage features.

3. Within 18 months after the governing board approves an updated regional water supply plan, the element must incorporate the alternative water supply project or projects selected by the local government from those identified in the regional water supply plan pursuant to s. 373.709(2)(a) or proposed by the local government under s. 373.709(8)(b). If a local government is located within two water management districts, the local government shall adopt its comprehensive plan amendment within 18 months after the later updated regional water supply plan. The element must identify such alternative water supply projects and traditional water supply projects and conservation and reuse necessary to meet the water needs identified in s. 373.709(2)(a) within the local government's jurisdiction and include a work plan, covering at least a 10-year planning period, for building public, private, and regional water supply facilities, including development of alternative water supplies, which are identified in the element as necessary to serve existing and new development. The work plan shall be updated, at a minimum, every 5 years within 18 months after the governing board of a water management district approves an updated regional water supply plan. Local governments, public and private utilities, regional water supply authorities, special districts, and water management districts are encouraged to cooperatively plan for the development of multijurisdictional water supply facilities that are sufficient to meet projected demands for established planning periods, including the development of alternative water sources to supplement traditional sources of groundwater and surface water supplies.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

This analysis of the Community Facilities and Services Element is presented in policy order, with the recommended changes to language for those specific goals, objectives and policies shown in strikethrough for deletions and underline for additions, with a brief description of the reason for the change.

This element has been reorganized. Some parts have been relocated to more appropriate elements, others have been updated and combined. Several goals, objectives, and policies have been proposed to be removed from the Community Facilities and Services Element. Although the New Horizon 2035: Evaluation and Appraisal Report (EAR) did not identify a need for it, the

goals addressing public safety within the Community Facilities element were determined to be better located within a proposed Community Safety and Wellbeing Element. Staff has determined that other goals addressing stormwater and surface water management, watersheds, and basins are proposed to be moved to the Conservation and Coastal Management Element. Goal 71, concerning energy conservation, is recommended to be moved to the proposed Form and Character Element.

A short list of the revisions to the element includes:

- The current element does not have a goal to address general concerns for community facilities and services.
- Several goals addressing public safety service providers are better suited to other elements such as Conservation and Coastal Management Element, the proposed Community Wellbeing and Safety Element and the proposed Form and Character Element.
- Recent changes to the Florida Statutes have made School Concurrency optional. Staff, along with the Lee District Schools staff, are recommending that School Concurrency remain regulatory. This will be explained under the staff discussion under Goal 3, Education.
- School Facility policies are currently too spread out among a large number of goals and objectives.
- There are several redundant policies within the education and school facility goals.
- Several Potable Water and Sanitary Sewer policies have been combined.
- The Solid Waste Division has completed several of the intended tasks identified in Goal 62: Solid Waste.
- The Lee County Libraries System is developing new practices to address changes in technology.

Following is a list of the organization of the proposed Community Facilities and Services Element's sub-elements:

Goal 1: Community Facilities and Services

Goal 2: Libraries

Goal 3: Education

Goal 4: Surface Water Management for Protection of Life and Property

Goal 5: Coordination of Surface Water Management and Future Land Use Planning

Goal 6: Protection of Water Resources

- Goal 7: Solid Waste
- Goal 8: Water Supply
- Goal 9: Potable Water and Sanitary Sewer Infrastructure
- Goal 10: Regulatory Standards
- Goal 11: Water Conservation

Goal 1 is a new goal. It contains policies to address all community facilities and services within Lee County. This goal contains policies intended to maintain the proper siting and maintenance of County facilities as well as their efficient operation. This goal also contains policies on sustainable practices and the integration of public facilities into their communities.

Goal 2 (formerly Goal 64) has been revised with input from Lee County Library staff. The changes are based on new technologies and greater internet access and distribution. The library system is also proposing greater use of its facilities for hosting public events. Due to the number of changes, all of the existing objectives and policies are recommended to be deleted and replaced by the proposed language.

Goal 3 addresses education facilities. The existing Education and Public School Facilities goals, 66 and 67, are reorganized into a single goal in order to eliminate redundant policies. Other changes are the result of the recent change in school concurrency mandated by Florida Statutes. Additional discussion on this issue is included under Goal 3. In addition, many policies address the need to better connect school facilities with their surroundings have been recommended for inclusion. These include policies concerning the shared use of public facilities and measures to increase the walkability of schools and accessibility to alternative travel modes.

The Natural Resource Goals, currently under goals 59, 60 and 61, address the protection of the County's water supply from pollution and flooding. Stormwater management, groundwater protection, watersheds and basins are also included in these goals now identified as goals 4, 5, and 6.

The proposed changes to existing goal 62 are the result of Lee County Solid Waste Division meeting its stated development and practice goals. Therefore, the proposed changes address sustaining a high level of service and innovation to improve efficient operation. This is now Proposed Goal 7 in this element.

Potable Water and Sanitary Sewer service goals have been reorganized. Existing goals 53, 54, 55, 56, 57, 58 and 63 are now proposed Goals 8 through 11. Redundant goals, objectives, and policies have been eliminated.

B. TEXT AMENDMENTS:

The adopted New Horizon 2035 Evaluation and Appraisal Report included several organizational recommendations. One of these recommendations was to provide a clear overview section in each element that sets the context for the goals, objectives, and policies that follow, in addition to describing the relationships and linkages to other elements in the plan. Therefore, staff recommends that the following overview be incorporated as the preamble to the Community Facilities and Services Element:

The intent of the Community Facilities and Services Element is to describe how, when and where public facilities and services are to be provided in Lee County. The Community Facilities and Services Element provides an organized and efficient approach to the provision and management of community facilities, schools and libraries by considering appropriate location, timing and form in relation to land use, transportation systems, community character, context, long-term costs, energy efficiency, relationship to development patterns and compatibility with surrounding communities. These same criteria are used in the provision of services such as potable water, sanitary sewer, reclaimed water and surface water management. All of these facilities and services are managed within the coastal, urban, suburban and rural contexts described in the Lee Plan.

The proposed language for this element follows. It incorporates changes originally proposed by staff in an underline/strikethrough format. Changes recommended during the July 30, 2012 LPA hearing and by other parties are shown in double underline/strikethrough format.

GOAL 1: COMMUNITY FACILITIES AND SERVICES. Provide and maintain appropriate levels of community facilities and services for the benefit of current and future citizens and visitors. These facilities and services include schools, libraries, potable water and sanitary sewer service, solid waste collection and disposal, stormwater and surface water management. (ADDED)

Proposed Goal 1 contains objectives and policies applicable to all the community facilities and services included in this element. Efficient operating practices by all facilities and services contribute to the overall benefit of Lee County.

~~**OBJECTIVE 1.1: SUSTAINABILITY.** Provide community facilities and services in order to serve both the needs of the public and to address environmental issues. (ADDED)~~

OBJECTIVE 1.1: PROVISION OF SERVICES. Provide community facilities and services in a way that sustainably meets public needs including social and economic viability and environmental protection.

Proposed Objective 1.1 addresses the organization and efficient operational practices for community facilities. Public facilities address not only the needs of the public by providing services, they also help protect Lee County’s natural resources such as potable water supplies and surface water. Upon the recommendation of the Local Planning Agency and the Community Sustainability Advisory Committee, this objective has been reworded.

POLICY 1.1.1: ~~Utilities or other community facilities will not be provided in a manner that will result in the creation of urban or suburban levels of development within rural areas. Nor will~~ †The presence of community facilities will not be used as the sole justification for increasing levels of development in rural areas to urban or suburban levels. (ADDED)

Proposed Policy 1.1.1 addresses the appropriate location of utilities. It is important that the presence of utilities such as potable water or sanitary sewer within an area not result in inappropriate levels of development in the rural portions of the County. The LPA, concerned that the original wording was too strict, recommended that the first sentence be deleted and additional language be inserted into the remaining text.

POLICY 1.1.2: ~~Urban areas will receive the highest~~ most intense levels of service from, and access to, community facilities. Suburban areas will receive lower levels of service and rural areas will receive the lowest levels of access to community facilities. (ADDED)

Proposed Policy 1.1.2 addresses development in the Urban, Suburban and Rural context. In order to reduce sprawl and the encroachment of higher density development into rural areas, services and facilities will be prioritized in developing and already developed areas, as appropriate. The LPA recommended the change to “most intense” for clarity.

POLICY 1.1.3: Incorporate Community facilities as part of mixed use centers and integrate them into the design of the center. (ADDED)

Proposed Policy 1.1.3 concerns the use of efficient urban design for community facilities. Including public facilities such as libraries and government offices into mixed use centers allows them to serve a greater number of people more efficiently. It also contributes to the positive effects of mixed use design by placing those people closer to commercial uses and shortening the distance between the public facilities and the communities that they serve.

POLICY 1.1.4: Incorporate sustainable practices as far as practicable in the design and operation of community facilities. These facilities will implement green principles and use recycled or “green” products to the greatest extent possible and will use

environmentally-friendly construction techniques which emphasize recycling and waste reduction of waste and recycling. (ADDED) (LDC)

Proposed Policy 1.1.4 encourages environmentally safe practices to reduce the environmental impact of facilities and services. Many of these practices also reduce costs. The LPA stated concern about making regulations that were too restrictive and recommended language to encourage sustainable practices without making them absolutely mandatory. The CSAC recommended rewording the recycling language for clarity.

POLICY 1.1.5: By 2015, develop and maintain regulations to define and determine green standards for future community facility development and redevelopment.

This policy has been added at the recommendation of the CSAC. Defining green standards is the first step to providing clear, understandable regulations governing green development. Staff has included “Community development” in the language in order to better tie the policy to its objective.

OBJECTIVE 1.2: NEEDS OF THE PUBLIC. Community facilities and services will meet the needs of the public in an efficient and sustainable manner that ensures that the needs of the public remain the county’s priority. (ADDED)

Proposed Objective 1.2 contains policies intended to ensure that community facilities adequately meet the requirements of County residents. Additional language was inserted to address concerns of the CSAC.

POLICY 1.2.1. The construction and maintenance of community facilities and services as identified in this element will be provided for by the implementation of the Capital Improvement Plan. (ADDED)

Proposed Policy 1.2.1 addresses proper fiscal planning for current and future community facilities. A properly maintained Capital Improvement Plan improves the efficient provision of facilities and services.

POLICY 1.2.2 Locate community facilities and services in areas that support compact development patterns, a healthy mix of public and private uses, and conservation of resources. (ADDED)

Proposed Policy 1.2.2 addresses the efficient provision of services through proper siting of facilities. Properly located and designed community facilities contribute to the positive effect

created by mixed use development and reduce travel time for residents. Improperly sited facilities create inefficient service by forcing residents to travel farther.

POLICY 1.2.3 Locate community facilities and services in conformance with the land use and transportation strategies identified in the Future Land Use, Transportation, Capital Improvements, Communities, Conservation and Coastal Management, and Community Safety and Well Being elements of the Lee Plan. (ADDED)

The provision of County facilities and services should further the purposes of the various elements of the Lee Plan and prevent or reduce conflict with those elements.

POLICY 1.2.4: Encourage the integration of appropriately scaled and designed community facilities and services within future mixed use areas, activity centers, and other appropriate locations identified within this plan.. (ADDED)

Proposed Policy 1.2.4 is intended consider the context of an area when sizing and designing facilities and services.

OBJECTIVE 1.3: ENHANCE COMMUNITIES. Use community facilities and services to enhance the community ~~character~~ function of the urban, suburban, rural and coastal contexts. These facilities will also promote efficiency, health, and long-term cost savings. (ADDED)

Proposed Objective 1.3 addresses the effect that community facilities can have on their community. A properly designed and located facility can contribute to the positive character of a community. The LPA recommended changing “Character” to “Function” while the additional sentence was recommended by the CSAC. This additional language further explains the role of community facilities within their communities.

POLICY 1.3.1: Community facilities and services will be of a scale and design appropriate to their context within Lee County’s coastal, urban, suburban, and rural communities.(ADDED) (LDC)

Proposed Policy 1.3.1 concerns the impact of a facility’s design on its community. A single design for any given type of facility may not be appropriate for all locations. Consideration must be given to the surrounding community when creating new facilities.

POLICY 1.3.2: Public facilities and services will be ~~used in a manner~~ developed to provide flexibility of use and operation to maximize their service capacity and efficiency. (ADDED) (LDC)

Proposed Policy 1.3.2 is about operating community facilities providing services as efficiently as possible. Increasing the efficiency of County facilities reduces the amount of such facilities needed to serve the community. The LPA recommended the additional language in order to increase the potential usefulness of community facilities. The LPA stated that community facilities could be designed to allow a greater range of purposes.

POLICY 1.3.3 ~~The cost and capacity of Public facilities and services within the rural and coastal context will be designed in a scale and style sensitive to~~ with full consideration of their unique community character and function. (ADDED) (LDC)

Policy 1.3.3 concerns those portions of the County that are most susceptible to storm surge or are in low-density areas. It is important that community facilities are compatible with these rural and coastal areas. These facilities should be designed so as to minimize the risk of increasing residential density or excessive development in these areas. The changes recommended by the LPA were out of concern that public facilities be of the proper scale for their community.

POLICY 1.3.4 Allow the public opportunities to comment on and shape the construction, expansion, development and maintenance of public facilities and services in and around their communities. (ADDED)

Proposed Policy 1.3.4 addresses public participation. Public input on the development of community facilities is important to ensuring that those facilities are as compatible as possible with their surroundings. Public input also helps ensure that the facilities are meeting the needs of the community they serve.

With the advent of the internet and improved technology, it is now possible to provide a greater amount of library services electronically and/or remotely. Consequently, the Lee County Library System is revising the goals, objectives, and policies in this element to better address this change in library service.

GOAL 2: LIBRARIES. ~~To increase the availability of information services throughout Lee County by increasing the size and quality capabilities of the Lee County Library System to outreach to its residents, and by ensuring~~ Ensure that library services are provided in a manner that is responsive to the needs of the community and ~~of specific targeted constituencies residents.~~ (MODIFIED) (Formerly Goal 64)

Goal 2 is recommended to be updated to include new terminology.

Existing Objectives 64.1 and 64.2 (Libraries) and their policies are being deleted and replaced with the following Language:

OBJECTIVE 2.1: ACCESSIBILITY. Ensure that library services, programs and facilities are accessible. (ADDED) (LDC)

Objective 2.1 concerns not only access to the services provided by the library, it also concerns physical access to library facilities in their design and location.

POLICY: 2.1.1: Ensure there is an equitable distribution of libraries, of varied sizes, throughout the County, based on an identified average travel distance for residents and area population. (ADDED)

Proposed Policy 2.1.1 addresses the siting of libraries within the County as a whole. The proper siting of library facilities can, in conjunction with the policies of Goal 1, shorten travel times for library patrons and reduce demand on the county transportation system.

POLICY 2.1.2: Establish a balance between physical and virtual services. Increase focus on virtual services rather than building new, or expanding current, library facilities. (ADDED)

Proposed Policy 1.2.2 is intended to enhance customer service. Many of the needs of Lee County residents can be addressed through electronic media and internet access. Facilitating services for these needs reduces the demand on physical facilities.

POLICY 2.1.3: Monitor library performance to ensure that community needs are satisfied through:

1. On-going customer satisfaction surveys; and
2. Periodic surveys of the service and information needs and preferences of current and future library users. (ADDED)

Proposed Policy 2.1.3 concerns library performance. Continuous monitoring of customer needs is necessary to maintain efficient operation.

POLICY 2.1.4: Bicycle and pedestrian facilities and access to the street networks and transit routes will be ~~considered~~ required for future facility site design where practicable. Libraries will connect to bicycle and pedestrian facilities in mixed-use, urban, and suburban areas. (ADDED) (LDC)

Proposed Policy 2.1.4 is intended to reduce the demand on the transportation system by increasing the connectivity of library facilities for alternative travel modes. “Considered” has been replaced with “Required” at the recommendation of the CSAC.

OBJECTIVE 2.2: SERVICES AND RESOURCES: Ensure that the library’s content and services are efficiently managed. (ADDED)

Proposed Objective 2.2 contains policies addressing the provision of services by the library system.

POLICY 2.2.1: Expand and develop the collection of electronic resources. (ADDED)

Proposed Policy 2.2.1 addresses the need of the library system to keep up with changing technology. Electronic media and systems are becoming more prevalent and the demand for such resources is expected to increase.

POLICY 2.2.2: By 2015, the circulation of electronic resources of the Lee County Library System will reach 1,000,000 items annually. (ADDED)

Proposed Policy 2.2.2 provides the library systems’ standard of measure for electronic resources.

POLICY 2.2.3: Expand the model of increased partnership with the community. Focus on personal activities with community organizations and individuals, with less emphasis on the book warehouse function. (ADDED)

Proposed Policy 2.2.3 is about keeping up with changing library practices. The library system seeks to provide greater accessibility to the public for alternative activities within library facilities in addition to obtaining resources such as books.

GOAL 3: EDUCATION AND PUBLIC SCHOOL FACILITIES. To assist the Lee County School District Board and other providers of education (where appropriate) with the planning, development and siting of new schools to offer a high quality educational environment, accessibility for all students, and school capacity to accommodate enrollment demand. (EDITED) (Formerly Goals 66 and 67)

Proposed Goal 3 is recommended for adoption as the single education and schools goal. The language in Goals 66 and 67 has been combined.

OBJECTIVE 3.1: SCHOOL LOCATION PLANNING. Cooperate with the Lee County School District Board of Education 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. (EDITED) (Formerly Objective 66.1)

POLICY 3.1.1: ~~The County will work in collaboration~~ Collaborate with the ~~Lee County School District, Board of Education and~~ representatives of private and parochial school associations, and other interested institutions, for the location and development of educational systems consistent with ~~Chapter 235, F.S. Florida statutes~~ and the policies of this plan. (EDITED) (Formerly Policy 66.1.1)

POLICY 3.1.2: ~~All e~~ Educational institutions will comply with the policies of this plan and the Land Development Code where not pre-empted by state statutes or administrative rules. (EDITED) (Formerly Policy 66.1.2)

POLICY 3.1.3: ~~Lee County will continue to m~~ Maintain and regularly update a school impact fee. (EDITED) (Formerly Policy 66.1.3)

Objective 3.1 and policies 3.1.1 through 3.1.3 are recommended to be edited for grammar.

POLICY 3.1.4: ~~The County, in concert~~ Together with the ~~Lee County School District School Board,~~ will assist developers considering school site contributions ~~by providing with~~ information ~~relating to~~ on land availability, use and ~~other pertinent~~ parcel data. Current and future multi-modal site accessibility will also be considered. (EDITED) (Formerly Policy 66.1.4) (LDC)

Proposed Policy 3.1.4 is recommended to be edited for Grammar. The LPA recommended the additional language to encourage reduced impact of schools on transportation demand.

POLICY 3.1.5: ~~Lee County will~~ Proactively ~~e~~Coordinate with the State Board of ~~Regents-Governors~~ on the development of the Florida Gulf Coast University through the Campus Master Plan process, ~~and~~ the required Development Agreement, and ~~through~~ other means of intergovernmental coordination. (Formerly Policy 66.1.5)

Proposed Policy 3.1.5 is recommended to be edited for Grammar and to update the “Board of Regents” to “Board of Governors” which is now the relevant agency. The LPA recommended the additional language to give greater weight to the policy.

POLICY 3.1.6: ~~To the maximum extent possible, Lee County will s~~ Seek opportunities to collocate for adjacent school sites or the collocation of public facilities and resources, such as parks, libraries, and community centers, with public schools. (Formerly Policy 66.1.6) (LDC)

The CSAC has recommended the addition of language concerning the need to share resources. However, this is already covered by proposed Policy 3.3.7.

POLICY 3.1.7: ~~The County will a~~Assist the School District in the development of siting criteria that encourages the location of public schools in close proximity to urban residential areas. (EDITED) (Formerly Policy 66.2.4) (LDC)

Policy 3.1.7 is recommended to be edited for grammar.

OBJECTIVE 3.2: LAND USE COMPATIBILITY. ~~The county will seek to have the siting of all new schools follow those~~ Encourage the siting of schools to comply with policies aimed at land use and transportation compatibility. (EDITED) (Formerly Objective 66.3)

Proposed Objective 3.2 is recommended to be edited for grammar.

POLICY 3.2.1: Protect the integrity of schools so that educational functions are not disrupted by the intrusion of incompatible land uses. Prohibit school sites that will be exposed to physical constraints, hazards, or nuisances detrimental to the health and safety of students and to the operation of the school. This policy does not preclude the location of schools in infill areas and being appropriately integrated into existing neighborhoods surrounded by residential, commercial, community facilities, natural preserves, and other compatible uses. (MODIFIED) (Formerly Policies 66.3.1 and 66.3.10) (LDC)

Proposed Policy 3.2.1 is recommended for amendment. Language from existing Policy 66.3.10 is being incorporated into this policy to remove a redundancy.

POLICY 3.2.2: Cooperate with the School ~~Board~~ District in the planning and selection of future school sites and the development of mutually acceptable guidelines for ~~the site selection of such sites.~~ (EDITED) (Formerly Policy 66.3.2) (LDC)

POLICY 3.2.3: Encourage the acquisition of school sites appropriate to their neighborhoods while still large enough to accommodate accommodating projected increases in enrollment. (EDITED) (Formerly Policy 66.3.3)

POLICY 3.2.4: Encourage the location of neighborhood elementary schools within walking distance of the residential areas ~~they serve.~~ (EDITED) (Formerly Policy 66.3.6)

POLICY 3.2.5: Require ~~that~~ new residential developments to provide for adequate pedestrian and bicycle access for school children. (EDITED) (Formerly Policy 66.3.7) (LDC)

Proposed policies 3.2.2, through 3.2.5 are recommended to be edited for grammar.

~~**POLICY 66.3.4:** Consider the shared use of park and school sites when a surplus of school land is available (see also Goal 87).~~

Existing policy 66.3.4 is recommended to be deleted because it is redundant due to the language in Proposed Policy 3.1.6.

~~**POLICY 66.3.5:** Land uses and development will not be permitted to the extent that it could necessitate the relocation~~

Existing Policy 66.3.5 is recommended to be deleted because it is redundant due to the language in Proposed Policy 3.2.1.

POLICY 3.2.6: Remove or reduce existing barriers to pedestrian and bicycle access for school children. (ADDED) (LDC)

Policy 3.2.6 is recommended for adoption. Removing barriers to walking and biking increases the ability of students to reach schools without the use of an automobile.

POLICY 3.2.7: ~~In order to~~ Reduce hazardous walking conditions and improve walkability to schools, the County, in coordination with the Lee County School Board District will by implementing the following strategies with the school district:

1. ~~Encourage~~ Encourage ~~N~~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~~ will to connect to the neighborhood's existing and proposed pedestrian improvements.⁵
2. ~~In order to e~~Ensure continuous pedestrian access to public schools; ~~provisions for construction of~~ by constructing facilities to address hazardous walking conditions; ~~pursuant to Section 1006.23, Florida Statutes, will be i~~Included the construction of pedestrian access in the schedule of capital improvements adopted each fiscal year.⁵

3. Evaluate school zones to consider safe crossing of children ~~along major roadways~~ walking along transportation facilities and prioritize areas for sidewalk and walkability improvements to increase the ability of children to walk safely to school and wherever possible show preference for routes that do not run along transportation facilities and have high visibility.~~and~~
4. Coordinate existing and planned public school facilities with the plans for supporting infrastructure to assure safe access and walkability to schools, including sidewalks, crosswalks, and bicycle paths, and where appropriate or warranted, street lighting, traffic calming, turn lanes, and pedestrian crossing signalization.
5. Identify school sites that are highly walkable.
6. Identify locations for school sites where walking distances for students can be shortened and barriers to pedestrian access to schools can be removed.
7. Participate in and promote the Safe Routes to School program. (MODIFIED)
(Formerly Policy 67.3.7) (LDC)

Proposed Policy 3.2.7 is recommended for amendment. Several strategies to improve walkability have been added. “Require” Part 1 has been changed to “encourage.” The LPA recommended the language in part 3 for added visibility on pedestrian routes out of concern for preventing criminal activity. The policy is also recommended to be edited for grammar.

POLICY 3.2.8: Encourage the selection of 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. (EDITED) (Formerly Policy 66.3.1) (Formerly Policy 66.3.8)

POLICY 3.2.9: When possible, elementary schools ~~whenever possible~~ must have access to local or collector streets; secondary schools must have access to a collector or arterial street. (EDITED) (Formerly Policy 66.3.9) (LDC)

POLICY 3.2.10: Prohibit the location of schools in the areas designated on the Future Land Use Map as *Airport Noise Zone B* or within other high noise impact areas. Additionally, in accordance with Florida Statutes ~~Chapter 333,~~ prohibit the construction of a public or private school ~~is prohibited~~ within ~~an area~~ areas extending five miles along the extended centerline of a runway (either existing or proposed) with a width one half the length of the runway. ~~As per State Statute,~~ Grant ~~Exceptions~~ exceptions approving construction of ~~an educational facility~~ ies ~~within these delineated areas~~ shall only be granted when the

~~political subdivision administering the zoning regulations makes after specific findings detailing how of the public policy reasons for allowing the construction outweigh health and safety concerns prohibiting such a the location.” (EDITED) (Formerly Policy 66.3.11) (LDC)~~

POLICY 3.2.11: ~~The County will p~~Promote smaller, geographically-diversified neighborhood school campuses, ~~which that~~ are incorporated into ~~relevant~~ community plans. (EDITED) (Formerly Policy 66.3.13) (LDC)

Proposed Policy 3.2.8, 3.2.9, 3.2.10, and 3.2.11, are recommended to be edited for grammar.

~~**POLICY 66.3.10:** 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.~~

~~**POLICY 66.3.12:** The county will cooperate with the School Board to encourage consideration in the design and construction of new schools that they may be expected to serve as hurricane evacuation and emergency shelters.~~

Existing Policy 66.3.10 is recommended for deletion. Its language is being incorporated into Proposed Policy 3.2.1. Existing Policy 66.3.12 is recommended for deletion because it is redundant with Proposed Policy 3.3.2.

OBJECTIVE 3.3: COORDINATION AND COOPERATION ~~All n~~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. (EDITED) (Formerly Objective 67.3)

Proposed Objective 3.3 is recommended to be edited for grammar.

~~**OBJECTIVE 66.2: COOPERATION. POLICY 3.3.1:** The County will develop programs of collaboration Collaborate with between economic development agencies, the Lee County School District Board of Education, the Edison Florida Southwestern State Community College District, the administration of Florida Gulf Coast University, and USF at Fort Myers and other relevant educational institutions to ensure participation and achievement of shared economic goals. (MODIFIED) (Formerly Objective 66.2)~~

Proposed Policy 3.3.1 is recommended for amendment. Under the reorganized Education goals, Existing Objective 66.2 is recommended to be changed to a policy under Proposed

Objective 3.3 because it concerns governmental coordination. It is also recommended to be edited for grammar

POLICY 3.3.2 ~~Lee County will e~~Continue programs to allocate responsibility and costs for supporting the use of schools as emergency shelters. (EDITED) (Formerly Policy 66.2.1)

POLICY 3.3.3: ~~The County will p~~Provide technical information to the School District Board of Education to assist in identifying suitable sites for new schools. (EDITED) (Formerly Policy 66.2.2)

POLICY 3.3.4: ~~The County will e~~Collaborate with the School District Board of Education 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. (EDITED) (Formerly Policy 66.2.3)

POLICY 3.3.5: ~~The County and the School District will j~~Jointly determine with the School District 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. (EDITED) (Formerly Policy 67.3.1)

POLICY 3.3.6: ~~The County may e~~Enter into an interlocal agreements with the School District Board to ~~identifying~~ the timing, location, and ~~the party or parties~~ responsible for constructing, operating, and maintaining off-site improvements necessary to support new school facilities (EDITED) (Formerly Policy 67.3.2)

Policies 3.3.2 through 3.3.6 are recommended to be edited for grammar.

Policy 3.3.7 (Formerly Policy 67.3.3) is similar to Proposed Policy 3.1.6 but is being kept in the plan because it addresses the collocation issue from a cooperation standpoint while 3.1.6 addresses it from a locational standpoint. No change is recommended for this policy.

POLICY 3.3.8: ~~The County will f~~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 i~~Inform the School District of the effect of proposed amendments upon school capacity. (EDITED) (Formerly Policy 67.3.4)

POLICY 3.3.9: The School District will periodically review the education and public school facilities ~~element~~ goals, objectives and policies and present proposed modifications to staff for initial comments and input. ~~If the School District desires amendments, to the 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~~ applicant for ~~any desired~~ amendments to the education and public school facilities element goals, objectives and policies. (EDITED) (Formerly Policy 67.3.5)

POLICY 3.3.10: ~~The County, in conjunction~~ In collaboration with the School District and the municipalities, ~~within the County, will~~ identify issues relating to public school emergency preparedness, ~~such as~~ including:

1. ~~The d~~Determination of evacuation zones, evacuation routes, and shelter locations.
 2. ~~The d~~Design and use of public schools as emergency shelters.
 3. ~~The d~~Designation of sites other than public schools as long-term shelters, to allow schools to resume normal operations following emergency events. (EDITED)
- (Formerly Policy 67.3.6)

Proposed Policies 3.3.8 through 3.3.10 are recommended to be edited for grammar.

~~GOAL 67: 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.~~

Existing Goal 67 is recommended for deletion. Under the reorganization of Education goals, the language for this goal has been combined with Existing Goal 66 into Proposed Goal 3 and the policies under this goal have been included under Proposed Objective 3.4.

SCHOOL CONCURRENCY:

State statutes no longer require that School Concurrency be included in a local government comprehensive plan. To that end, staff is working with representatives of the Lee County School District to explore alternatives to the current School Concurrency Regulations. County Planning Staff understanding and tracking existing and future school capacity is an important planning function. Staff believes that the Lee Plan should be modified to monitor non-regulatory levels of service. In order to effect this change, however, the County will first need to amend the Interlocal Agreement between the School District, the County, and all five municipalities that

requires regulatory School Concurrency. Until that agreement is amended, staff cannot change the requirement for regulatory School Concurrency. Therefore, no changes to School Concurrency regulations are recommended at this time. Those regulations can be amended after the Interlocal Agreement is amended.

BACKGROUND: When school concurrency was first required by the Florida Statutes, Lee County was one of the five pilot counties in the state who were given assistance by the then Department of Community Affairs to establish an Interlocal Agreement between the School District, the County, and the five municipalities. This agreement outlined the parameters for the School Concurrency program. Lee County was the lead agency in this effort and considerable time and effort went into crafting an agreement that the elected officials of all seven parties would sign onto. That agreement was the basis for the comprehensive plan amendment that enacted School Concurrency and the agreement is still in effect. Eliminating School concurrency would violate the terms of this agreement. Therefore, the Interlocal Agreement will have to be modified or terminated to allow any such changes.

The latest Interlocal Agreement was signed in 2008 and contains a termination clause. Under normal conditions, the agreement automatically renews on an annual basis. In order to terminate the agreement either the School Board or the County must signify their intent to terminate in writing at least 120 days prior to the annual renewal date. The annual renewal date is March 18 and therefore the county has already passed the time limit (November 18) for issuing a letter of intent for termination of the Interlocal Agreement for this year. Therefore, staff proposes to keep the school concurrency language as proposed until after the agreement is revisited.

School Concurrency was established in such a way that the three school zones, the East Zone, the South Zone and the West Zone, could all work in conjunction to calculate level of service on a county wide basis. Therefore, if capacity was lacking for a proposed development order in the East Zone, excess capacity in either the South Zone or the West Zone could be counted to achieve the required level of service standard. In effect, there is a countywide school concurrency policy. At this time there is excess capacity in all three zones and there are no foreseeable level of service issues.

OBJECTIVE 3.4: ADEQUATE SCHOOL FACILITIES. Establish and maintain ~~specific~~ level of service standards for public schools ~~in order to ensure that there is~~ adequate school capacity for ~~all~~ existing and expected High School, Middle School, Elementary School, and Special Purpose students. ~~Incorporate and maintain~~ Lee Plan Map, Map 23-(TBD), ~~depicting the existing and planned educational and public~~ School District facilities in Lee County. ~~This Map also generally depicts the anticipated location of educational and ancillary plants over the five year and long term planning period.~~ (EDITED) (Formerly Objective 67.1)

Objective 3.4 is recommended to be edited for grammar.

POLICY 3.4.1: ~~The County adopts the following~~ Maintain a non-regulatory Level of Service of 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes (LOS) standards for public elementary, middle, and high schools, as well as special purpose facilities, based upon Permanent Florida Inventory School Houses (FISH) capacity.

~~a. Elementary Schools: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.~~

~~b. Middle Schools: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.~~

~~c. High Schools: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.~~

~~d. Special Purpose Facilities: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.~~

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

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

Relocatables may ~~also~~ be used to accommodate special education programs ~~as required by law~~ and to provide temporary classrooms while a portion of an existing school is under renovation. (EDITED) (Formerly Policy 67.1.1)

Policy 3.4.1 is recommended to be edited for grammar. In the LPA staff report, the term “Non-regulatory” was used when “regulatory” was intended. Despite the request of a one LPA member to keep the term “Non-” staff are correcting this to just “regulatory” for reasons stated in the school concurrency explanation.

POLICY 3.4.2: ~~Any modifications of to the public school LOS standards must be accomplished by amending the 2008 Lee Plan and the most current School Concurrency Interlocal Agreement and the adoption of amendments to the County's comprehensive plan. No LOS will be amended without a showing that the amended LOS is financially feasible, supported by adequate data and analysis, and can be achieved and maintained within the period covered by the School District's Five Year Capital Facilities Plan. (MODIFIED) (Formerly Policy 67.1.2)~~

Policy 3.4.2 is recommended for amendment. Florida Statutes no longer require school financial feasibility criteria within the comprehensive plan.

POLICY 3.4.3: ~~The County adopts Adopt the School Board's current School Choice Zone boundaries depicted on Lee Plan Map 24, as Concurrency Service Areas (CSAs). CSAs exclude multizone magnet schools and Special Purpose Facilities from CSAs. Measure Concurrency for new development will be measured against capacity in the 3 Student Assignment Zones (West Zone, East Zone, and South Zone) depicted on Map 24 (TBD). Add Special Purpose Facility capacity will be added to the total CSA capacity as these facilities potentially provide service to students from all CSAs. Following the release of the 2010 census data, 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. (MODIFIED) (Formerly Policy 67.1.3)~~

Policy 3.4.3 is recommended for amendment and to be edited for grammar. The last sentence is recommended for deletion because it has been evaluated and no need for additional areas was found.

POLICY 67.1.4: ~~The School District staff and County staff will discuss the need to amend the CSAs, as contained in the Lee Plan, prior to the initiation of the annual regular amendment cycle following the release of the 2010 census data. School District staff will informally present any proposed modification to Lee County staff for initial comments and input. The School District will be the lead agency and will make application for an amendment to the Lee Plan to change the CSAs.~~

POLICY 67.1.5: ~~Any proposed boundary changes to the CSAs require a demonstration by the School District that the change complies with the adopted LOS standard and that utilization of school capacity is maximized to the greatest extent possible.~~

Existing Policies 67.1.4 and 67.1.5 are recommended for deletion because the CSA boundaries are remaining the same.

POLICY 3.4.4: ~~The County, with the assistance of~~ In collaboration with the School District, ~~will~~ annually identify available school capacity as part of its the 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 Capital Improvement Program; student enrollment by school type by CSA; and, capacity information by school type by CSA. (EDITED) (Formerly Policy 67.2.2)

POLICY 3.4.5: ~~All proposed~~ Review 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 if capacity is not available and there has not been agreement on mitigation. ~~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~~ Maintain provisions in the Land Development Code for the renewal of concurrency certificates. ~~applicable to Development Orders.~~ (EDITED) (Formerly Policy 67.2.3)

POLICY 3.4.6: The following residential uses are exempt from the requirements of school concurrency:

1. Single family lots ~~having received with~~ final plat approval prior to ~~the effective date of this policy~~ November 7, 2008.
2. Multi-family residential development ~~having received with~~ a final development order and concurrency certificate issued prior to ~~the effective date of this policy~~ November 7, 2008 and ~~said~~ the 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~~ For example, licensed Adult or Assisted 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. Developments of Regional Impact approved pursuant to *Chapter 380*, Florida Statutes prior to July 1, 2005, but only as to the number of residential units authorized in the DRI Development Order. (EDITED) (Formerly Policy 67.2.5)

POLICY 3.4.7: ~~For school concurrency purposes, t~~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 most recently adopted School Impact Fee Update Study prepared by Duncan Associates adopted on September 23, 2008. The projected number of students is the product of the number of residential units multiplied by the student generation rate for each unit type. (EDITED) (Formerly Policy 67.2.6)

Proposed Policies 3.4.4 through 3.4.7 are recommended to be edited for grammar.

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

~~The donation of land or funding of land acquisition or construction of a public school facility sufficient to offset the demand for public school facilities created by the proposed development; and~~

~~Establishment of a Charter School with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF) on a site that meets the minimum acreage provided in SREF and subject to guarantees that the facility will be conveyed to the School Board at no cost to the Board if the Charter School ceases to operate.~~

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

~~Relocatable classrooms will not be accepted as mitigation.~~

Existing Policy 67.2.4 is recommended for deletion because the measures it requires have been accomplished.

~~**OBJECTIVE 67.4: ELIMINATION OF SCHOOL DEFICIENCIES.** To prioritize the Elimination of Existing School Facility Deficiencies.~~

Existing Objective 67.4 is recommended for deletion. It contained only one policy which is being incorporated into Proposed Objective 3.4.

POLICY 3.4.8: The School District Capital Improvement Program, ~~which will annually be incorporated into the Lee Plan's Capital Improvement Element,~~ will prioritize projects that eliminate existing school facility deficiencies and projects that are needed to meet future level of service standards. (MODIFIED) (Formerly Policy 67.4.1)

Proposed Policy 3.4.8 is recommended for amendment. The deleted language is no longer required by Florida Statutes.

~~**OBJECTIVE 66.4: 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.~~

Existing Objective 66.4 is recommended for deletion and its language included in proposed Policy 3.4.9.

POLICY 3.4.9: Support and promote a three-tiered program of land use education including environmental education issues targeting Pre-K through 12th grade school children, the general adult population, and newcomers to heighten awareness of the County's special land use issues such as economic and environmental characteristics. ~~Support a~~ This includes coordinated community education and outreach programs ~~that to~~ fosters the construction and implementation of environmental projects, such as ~~the~~ filter marshes, land acquisition, and local mitigation opportunities. (MODIFIED) (Formerly Policy 66.4.1)

Proposed Policy 3.4.9 is recommended for amendment. Some of the additional language is taken from Existing Objective 66.4. The LPA recommended that the policy be expanded to include more types of education than just environmental. The words "and promote" have been deleted at the request of the CSAC.

OBJECTIVE ~~67.2-3.5~~: PUBLIC SCHOOL CONCURRENCY MANAGEMENT SYSTEM. Lee County will utilize a public school concurrency management system consistent with the requirements of Section 163.3180, F.S., and Rule 9J-5.025, F.A.C.

POLICY ~~67.2.1 3.5.1~~: By December 2008, the County will adopt school concurrency provisions into its Land Development Regulations (LDRs).

Objective 3.5 and Policy 3.5.1 (formerly 67.2 and 67.2.1) were originally recommended for deletion due to staffs original recommendation to consolidate the educational Goals, Objectives and Policies into a new single Goal. However, staff has decided to retain all concurrency language in the Lee Plan until the Interlocal Agreement has been amended to allow School Concurrency to be made non-regulatory. Once that has been completed, the language in these policies will be addressed.

GOAL 4: SURFACE WATER MANAGEMENT FOR 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. (EDITED) (Formerly Goal 59)

OBJECTIVE 4.1: ~~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.~~ Develop surface water management plans, an up-to-date body of technical information, regulatory mechanisms, and facilities to improve the protection of real property from stormwater flooding, while preserving and/or enhancing the natural environment (land) and natural resources (water). (EDITED) (Formerly Objective 59.1)

Proposed Goal 4 and Objective 4.1 are recommended to be edited for grammar.

POLICY 4.1.1: ~~The County will~~ Update and implement the comprehensive county-wide surface water management master plan, with ~~full~~ attention to issues of regional water quality and environmental integrity. (EDITED) (Formerly Policy 59.1.1)

POLICY 4.1.2: Establish and utilize criteria derived ~~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. (Formerly Policy 59.1.2)

POLICY 4.1.3: ~~By 2007 Lee County will u~~Update its flood plain regulations in accordance with the ~~2006~~ 2012 Flood Insurance Rate Map (FIRM) and other available sources by 2015. (EDITED) (Formerly Policy 59.1.3)

POLICY 4.1.4: ~~Continue to d~~Develop, update, and improve technical information, with the assistance of the U.S.D.A. Natural Resources Conservation Service, United States Geological Survey, Federal Emergency Management Agency, South Florida Water Management District, and other agencies, ~~in order~~ to better determine the current flooding risks associated with severe rainfall events. (EDITED) (Formerly Policy 59.1.4)

POLICY 4.1.5: ~~The County will, t~~Through appropriate land use and engineering regulations, ~~continue to~~ control the introduction of obstructions or impediments within floodways. (EDITED) (Formerly Policy 59.1.5)

POLICY 4.1.6: ~~The County will, t~~Through appropriate regulations, ~~continue to~~ By 2015, develop standards to provide standards for construction of artificial drainageways compatible with natural flow ways and ~~otherwise~~ provide for the reduction of the risk of flood damage to new development. (EDITED) (Formerly Policy 59.1.6)

The CSAC expressed concerns with this policy, stating that it does not clearly address Low Impact Development (LID). Planning and Natural Resources staff agree that the policy is not intended for this purpose since LID is normally done within developments whereas this policy addresses flowways in the County at large, rather than in specific developments. In addition, the generally high water table in Lee County can preclude many LID measures. The CSAC has also recommended the inclusion of “By 2015, develop standards to provide...” This change has been included.

POLICY 4.1.7: Limit 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. (EDITED) (Formerly Policy 59.1.7)

POLICY 4.1.8: ~~The County will continue to m~~Monitor water quality in the Imperial River and navigational access and tidal flushing through New Pass and Big Hickory Pass. (EDITED) (Formerly Policy 59.1.8)

Proposed Policies 4.1.1 through 4.1.5 and 4.1.7 through 4.1.8 are recommended to be edited for grammar.

GOAL 5: ~~COORDINATED~~ COORDINATION OF 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. (Formerly Goal 60)

OBJECTIVE 5.1: BASIN PROGRAM. Promote water management permitting on a basin-wide basis, ~~as opposed in addition~~ to the current individual-site approach, used by Lee County and the South Florida Water Management District. (EDITED) (Formerly Objective 60.2)

Proposed Goal 5 and Objective 5.1 are recommended to be edited for grammar. The latest change in language is prompted by the LPA which stated that water quality management needs to be done on both macro and micro levels. One LPA member also suggested adding the word “transportation” into the title of Goal 5 since roadways have an effect on surface water flows. This is unnecessary as the effect of roads is an inherent part of current water management. The CSAC has recommended the inclusion of “planning and design.” Planning and Natural Resources staff have found this to be excessive and unnecessary.

Existing Objective 60.1 and policies 60.1.1, 60.1.2, 60.1.3, 60.1.4, and 60.1.5 (concerning flow ways and other surface water issues) are recommended to be relocated in the Conservation and Coastal Management Element.

No changes are recommended for Proposed Policy 5.1.1 (Formerly Policy 60.2.1).

POLICY 5.1.2: Taxing/benefit districts or other financing mechanisms established pursuant to the Goal 3 Future Land Use Element of this plan will include an examination of the potential for basin-wide surface water management within the designated area. (EDITED) (Formerly Policy 60.2.2)

POLICY 5.1.3: ~~The County will utilize the Water Conservation Utility to implement the provision and maintenance of collection and disposal systems for stormwater and the regulation of groundwater.~~ By the end of 1996, **2015** the county will establish a dedicated funding source for the effective operation of the Stormwater Management Utility System. (EDITED) (Formerly Policy 60.2.3)

Proposed Policies 5.1.2 and 5.1.3 are recommended to be edited for grammar.

OBJECTIVE 5.2: LEVEL-OF-SERVICE STANDARDS. ~~Level of Service Standards have been established for basins identified in the surface water master plan and are provided in the following policies. The Level of Service Standards will be updated as necessary based on new basin studies or more accurate information. Update the level of service standards established for basins using information from new basin studies.~~ Update the level of service standards established for basins using information from new basin studies. (EDITED) (Formerly Objective 60.3)

Proposed Objective 5.2 is recommended to be edited for grammar.

POLICY 5.2.1: The following surface water management standards are ~~adopted~~ as the minimum acceptable levels of service for unincorporated Lee County (see ~~Policy 95.1.3~~ the Capital Improvements Element)

~~A. Existing Infrastructure/Interim Standard~~

~~The existing surface water management system in the unincorporated areas of the county will be sufficient to prevent the flooding of designated evacuation routes (see Map 15) from the 25 year, 3 day storm event (rainfall) for more than 24 hours.~~

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

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

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

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

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

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

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

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

- ~~1. Floor slabs for all new private and public structures which are constructed a minimum of one (1) foot above the 100-year, 3-day storm event flood plain level will be safe from flooding from a 100-year, 3-day storm event (rainfall).~~
- ~~2. Water quality will be improved in accordance with EPA's NPDES and Rule 17-40 F.A.C. criteria for stormwater discharges.~~

A. Stormwater Management:

1. Existing Infrastructure – The existing surface water management system in the unincorporated areas of the county is expected to prevent the flooding of designated evacuation routes from the 25-year, 3-day storm event (rainfall) for more than 24 hours;

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

3. The Six Mile Cypress Slough and its major tributaries as identified in the Six Mile Cypress Watershed Plan (February 1990) must accommodate the associated discharge from the 25 year, 3-day storm event (rainfall). [Ref: Six Mile Cypress Watershed Plan (February 1990) -Volume II, Pages 10-5.]

4. The North Fort Myers Surface Water Management Plan developed in March 2010 and adopted by the Board of County Commissioners covers a 21-watershed area between US 41 and SR 31, north of the Caloosahatchee River. The proposed level of service for the area covered by the plan is as follows:

- County roads must meet or exceed a 5-year, 24-hour storm event
- Evacuation routes must meet or exceed a 25-year, 3-day storm event
- Major collectors and arterial roadways must have no more than 6 inches of water for a 25-year, 3-day storm event
- Finished floor elevations of structures must meet or exceed a 100-year, 3-day storm event

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

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

Floor slabs for all new private and public structures which are constructed a minimum of one (1) foot above the 100-year, 3-day storm event flood plain level will be safe from flooding from a 100-year, 3-day storm event (rainfall).

D.B. Regulation of Private and Public Development

Surface water management systems in new private and public developments (excluding widening of existing roads) must be designed to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm event [rainfall]). Stormwater discharges from development must meet relevant water quality and surface water management standards as set forth in Chapters 17-3, 17-40, and 17-302, and rule 40E-4, F.A.C. New developments must be designed to avoid increased flooding of surrounding areas. Development must be designed to minimize increases of discharge to public water management infrastructure (or to evapotranspiration) that exceed historic rates, to approximate the natural surface water systems in terms of rate, hydroperiod, basin and quality, and to eliminate the disruption of wetlands and flow-ways, whose preservation is deemed in the public interest.

E. C. Water Quality

Bring ~~D~~designated impaired water bodies ~~will be improved towards~~ into compliance with State and Federal water quality criteria in accordance with the Total Maximum Daily Load and NPDES programs as soon as feasible.
(MODIFIED) (Formerly Policy 60.3.1)

Proposed Policy 5.2.1 is recommended to be amended. The proposed language updates the existing policy and adds water quality as part of the level of service policy. The LPA recommended additional language addressing federal and state compliance.

POLICY 5.2.2: ~~The County will continue to m~~Maintain and annually update annually the CIP to provide for the needs of the surface water management program. (EDITED) (Formerly 60.3.2)

POLICY 5.2.3: ~~The base~~ revised levels of service required to guide future investments in surface water management facilities ~~will be based~~ on the recommendations of the Surface Water Management Master Plan, as updated, and establish procedures ~~will be established~~ to keep current the levels of service, remaining capacity of existing facilities, and demand for new facilities. (EDITED) (Formerly 60.3.3)

POLICY 5.2.4: Evaluate and rank ~~W~~water management projects ~~will be evaluated and ranked~~ according to the priorities adopted into this plan. Give Mmajor 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. (EDITED) (Formerly 60.3.4)

POLICY 5.2.5: ~~The County will continue to i~~Identify and map flow-ways as part of the Lee County Surface Water Management Plan. The Plan provides a general depiction of watersheds and their trunk and major tributaries and has been expanded to some degree in the DRGR area. As new information is assembled, update the Plan ~~will be updated~~ for public use. Due to its magnitude and need for site specific information, not all flow-ways will be shown. (EDITED) (Formerly 60.5.4)

POLICY 5.2.6: ~~The County will continue to e~~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. (EDITED) (Formerly 60.5.5)

POLICY 5.2.7: Develop a capital improvements program ~~to provide for supporting~~ the reconstruction and maintenance of all prioritized flowways ~~and include including~~ incentives for private participation. (EDITED) (Formerly 60.5.6)

Proposed Policies 5.2.2 through 5.2.7 are recommended to be edited for grammar.

Existing Objectives 60.4 and 60.5 and their policies (concerning critical areas and green infrastructure) are proposed to be relocated in the Conservation and Coastal Management Element

GOAL 6: PROTECTION OF WATER RESOURCES. ~~To p~~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. (EDITED) (Formerly Goal 61)

Proposed Goal 6 is recommended to be edited for grammar.

OBJECTIVE 6.1: ~~WATER SUPPLY PLANNING.~~ ~~All eCounty water supply planning will recognize include the recognition of surface water runoff as a possible resource and will consider integrating integrate the use of surface water runoff into any supply programs or strategy and strategies that results.~~ **SURFACE WATER.** Develop options to address surface water runoff as a resource within the County. (MODIFIED) (Formerly Objective 61.1)

Proposed Objective 6.1 has been recommended to be rewritten to better reflect the policies it contains. The original proposed language has been edited and moved under Proposed Objective 8.1 as a policy. This change is based on concerns by both the LPA and the CSAC. The LPA suggested that Proposed Goal 6 could be consolidated with Proposed Goal 8. The CSAC stated that Proposed Goals 6 and 8 may be redundant.

POLICY 6.1.1: 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 of 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 a use, consistent with financial and technical constraints. (MODIFIED) (Formerly 61.1.1)

Proposed Policy 6.1.1 is recommended to be edited for grammar. The LPA recommended that item #2 be deleted as it is redundant with the Reclaimed Water section. Utilities staff noted that item 2 is already performed by the South Florida Water Management District.

POLICY 6.1.2: ~~The County will e~~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 e~~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 Florida DEP and USEPA regulations governing receiving waters will be met through treatment ~~as required~~. Define excess surface water runoff ~~will be defined~~ as ~~that~~ water not required to maintain or restore estuarine waters or other valued wetland systems. (EDITED) (Formerly Policy 61.1.2)

POLICY 6.1.3: 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 data available. (EDITED) (Formerly Policy 61.1.3)

Proposed Policy 6.1.4 (Formerly Policy 61.1.4) is recommended for no change. Existing Policy 61.1.5 is recommended to be edited for grammar and placed under Proposed Objective 6.2.

OBJECTIVE 6.2: WATERSHED PROTECTION Improve water quality in impaired water bodies and their watersheds in order to attain state and federal water quality standards. (ADDED)

Proposed Objective 6.2 is recommended for adoption. Addressing water quality on a watershed basis allows for a more comprehensive approach to water quality issues.

POLICY 6.2.1: Promote development practices that reduce the pollutant load within watersheds where the receiving body has failed to meet state water quality standards, been determined by a State of Florida assessment to be impaired, or determined by Lee County to have a declining water quality trend. (ADDED)

Proposed Policy 6.2.1 is recommended for adoption. This proposed policy addresses the general impact of development on water quality.

POLICY 6.2.2: Work Collaborate 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. agencies and stakeholders to improve water quality in the Tidal Caloosahatchee River Watershed, to benefit public health, recreation and the associated ecosystem. (MODIFIED) (Formerly 61.1.5)

Proposed Policy 6.2.2 is recommended for amendment. The proposed additional language specifically names the subject area and replaces vague wording. It is also recommended to be edited for grammar.

POLICY 6.2.3: Promote the reduction of stormwater impacts from new development and redevelopment through the use of low impact development principles ~~including: the reduction in impervious surfaces, use of swales, reduction of flow and volume of stormwater, and adherence to the principles of the Florida Yard and Neighborhood program.~~ (ADDED)

Proposed Policy 6.2.3 is recommended for adoption. Use of low impact development principles will help reduce both stormwater flow and sources of runoff pollution. The LPA recommended deletion of the list of principles in order to increase the policy's inclusiveness.

POLICY 6.2.4: Identify, monitor and reduce non-point source pollution influences such as ~~failing~~ septic systems, ~~misapplied~~ fertilizer products, or other ground and surface water impacts. (ADDED)

Proposed Policy 6.2.4 is recommended for adoption. This will allow the County to better address a wider range of pollution sources. The CSAC stated that the policy should address potential for pollution from all septic systems and fertilizer and suggested the above deletions.

POLICY 6.2.5: Maintain regulations to permit Lee County inspectors to monitor water quality on construction sites with an active development order. (ADDED)

Proposed Policy 6.2.5 is recommended for adoption. This proposed policy will allow Natural Resources staff greater ability to address water quality in the County.

Existing Objective 61.2, 61.3, and their policies are recommended to be moved to the Conservation and Coastal Management Element.

GOAL 7: SOLID WASTE. ~~To ensure the health, safety, and general welfare of the citizens of Lee County by protecting~~ Protect the quality of the environment through the proper management and disposal of solid waste. (EDITED) (Formerly Goal 62)

Goal 7 is recommended to be edited for grammar.

OBJECTIVE 7.1: SOLID WASTE COLLECTION. Continue programs to segregate construction and demolition debris and to separate newspaper, aluminum cans, and ~~glass bottles for recycling~~ other appropriate recycling commodities using economical resource recovery practices. (~~Amended by Ordinance No. 94-30~~) (MODIFIED) (Formerly Objective 62.1)

Proposed Objective 7.1 is recommended for amendment in order to include a wider range of materials as part of recycling efforts. The LPA recommended inserting the word “appropriate” in order to allow the policy to be applied to a wider variety of resources.

POLICY 7.1.1: ~~Continue to m~~Monitor and enforce the county's mandatory garbage and solid waste collection regulations. ~~ordinance (Ordinance No. 86-14) and subsequent amending ordinance (Ordinance No. 86-38).~~ (EDITED) (Formerly Policy 62.1.1)

POLICY 7.1.2: ~~Design and implement~~ Maintain resource recovery and recycling programs for ~~glass,~~ paper, plastic, and nonferrous metal containers. (EDITED) (Formerly Policy 62.1.2)

POLICY 7.1.3: ~~Develop~~ Maintain programs ~~which will result in a~~ to decrease ~~in~~ the volume of materials in the solid waste stream requiring landfilling (i.e. ~~source separation~~ of materials which that can be reused or disposed of in another manner). (EDITED) (Formerly Policy 62.1.3)

POLICY 7.1.4: Develop programs ~~which will~~ to reduce the volume of roadside litter and the amount of illegal dumping in the unincorporated county. (EDITED) (Formerly Policy 62.1.4)

Proposed Policies 7.1.1 through 7.1.4 are recommended to be edited for grammar.

POLICY 7.1.5: Continue to research and implement methods to improve programs for solid waste collection, processing, and landfilling as well as recycling programs. (ADDED)

Proposed Policy 7.1.5 is recommended for adoption. The policy addresses the need for the County to continue to develop the most effective waste management techniques possible.

OBJECTIVE 7.2: SOLID WASTE DISPOSAL. Continue operation of ~~a~~ waste to energy and resource recovery facilities~~y~~ ~~and continue to explore means to reduce the volume of solid waste.~~ (MODIFIED) (Formerly Objective 62.2)

Proposed Objective 7.2 is recommended to be amended. The deleted language is already addressed by Proposed Policy 7.1.3.

POLICY 7.2.1: ~~The County will continue to s~~Study and implement as appropriate available disposal technologies and volume reduction by recycling and resource recovery. ~~to meet Objectives 62.1 and 62.2. Particular attention will be paid to~~ Focus on reducing the volume reduction of bulky and potentially recyclable items such as horticultural waste, rubber tires, appliances, etc. (EDITED) (Formerly Policy 62.2.1)

POLICY 7.2.2: ~~The County will continue to p~~Pursue a “clean community” campaign of education and information to reduce litter. ~~The county will s~~Solicit operational funds from major sources of litter materials such as fast-food franchises and convenience market operators. (EDITED) (Formerly Policy 62.2.2)

Proposed Policies 7.2.1 and 7.2.2 are recommended to be edited for grammar.

POLICY 7.2.3: ~~The County will p~~Pursue efforts to control the disposal of hazardous wastes. ~~The county will continue to i~~Identify and monitor the disposal activities of hazardous wastes generators through cooperative programs with state agencies. Pursue efforts to ensure compliance with state and federal hazardous waste treatment and disposal requirements. (EDITED) (Formerly Policy 62.2.3)

Proposed Policy 7.2.3 is recommended to be edited for grammar. The LPA recommended the additional language in order to bring County efforts into line with state and federal regulations.

POLICY 7.2.4: ~~The county will initiate~~ Maintain a local program to collect (and properly dispose of) small quantities of hazardous household chemical materials such as pesticides, paint, used motor oil, etc. (EDITED) (Formerly Policy 62.2.4)

POLICY 7.2.5: The minimum acceptable level-of-service standard for ~~availability of~~ solid waste disposal and resource recovery facilities ~~will be~~ is 7 pounds (or equivalent volume) per capita per day (see also ~~Policy 95.1.3~~ the Capital Improvements Element) (EDITED) (Formerly Policy 62.2.5)

Proposed Policies 7.2.4 and 7.2.5 are recommended to be edited for grammar.

POLICY 7.2.6: ~~The county will immediately construct a~~ Periodically evaluate the need for new landfill capacity to serve the entire county including ~~all~~ municipalities. (MODIFIED) (Formerly Policy 62.2.6)

Proposed Policy 7.2.6 is recommended for amendment because the County has constructed the facilities required by the existing language. It is also recommended to be edited for grammar.

POLICY 7.2.7: ~~Provide and verify~~ Maintain a program of responsible recycling of electronic waste and ensure dismantling procedures that promote proper health, environmental, worker, and data protection. Prohibit exportation of electronic waste (e-waste). (ADDED)

Proposed Policy 7.2.7 was originally recommended for adoption at the request of the CSAC. Portions of the language were subsequently deleted at the request of Solid Waste staff in order to allow more efficient and cost effective practices.

GOAL 8: GROUNDWATER. WATER SUPPLY. ~~To protect the County's groundwater supplies from those activities having the potential for depleting or degrading those supplies.~~ Provide an adequate water supply to meet the County's need for potable water and protect this supply from depletion or degradation. (Formerly Goal 63) (MODIFIED)

Recommend amendment of Proposed Goal 8. Under the proposed reorganization of utilities goals (Proposed Goals 8 through 11), the first issue is the supply of potable water for Lee County.

OBJECTIVE 8.1: WATER SUPPLY PLANNING. Identify projected demand for potable water and identify sources to meet these needs and plan for developing these resources. (ADDED)

Recommend adoption of Proposed Objective 8.1. This objective is proposed to contain policies addressing planning for future water needs within Lee County.

POLICY 8.1.1: Identify water ~~needs~~ demands consistent with projections of human population and the needs of natural systems in order to determine the future demands for groundwater. (EDITED) (Formerly Policy 63.2.3)

POLICY 8.1.2: ~~For~~ To maximum maximize the 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. (EDITED) (Formerly Policy 63.2.1)

Proposed Policies 8.1.1 and 8.1.2 are recommended to be edited for grammar.

POLICY 8.1.3: Encourage utilities to consider alternative water sources to meet future demands for potable water and employ an Integrated Water Resource Management approach to potable water supply development. ~~Integrated Water Resource Management is the development of water resources that balances social and economic needs while ensuring the protection of ecosystems. Water supply and management decisions consider the effects of each use on the other taking into account the overall social and economic goals, including the achievement of sustainable development that is consistent with protection and restoration of the environment. Consideration is given to all water sources to be used in an integrated manner for future sustainable supply with consideration of fiscal responsibility, regulatory drivers and environmental stewardship.~~ (ADDED)

Proposed Policy 8.1.3 is recommended for adoption. This policy explains the basic principles of County water supply planning and Integrated Water Resource Management. The LPA recommended deleting the language after the first sentence, stating that it can be placed in the glossary instead. Planning and Utilities staff concur.

POLICY 8.1.4: ~~Lee County will continue to e~~Collect data from private suppliers of potable water, including reporting of water flows, storage capacity, pressures, number of customers, and committed future connections, and proposed expansion plans. ~~This data will be updated~~ Update the data on a yearly basis. (EDITED) (Formerly Policy 55.1.4)

Proposed Policy 8.1.4 is recommended to be edited for grammar.

POLICY 8.1.5: ~~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~~ to avoid impairing the native groundwater quality or ~~create~~ creating other environmental damage. ~~Criteria for safe yield determinations will be determined by the SFWMD, the agency charged with permitting these activities.~~ Determinations and reviews will include the review of the alternative source aquifers. (MODIFIED) (Formerly Objective 63.2)

Proposed Policy 8.1.5 is recommended to be changed from an objective to a policy under the proposed reorganization. It is also recommended to be amended by including additional language that clarifies review requirements.

POLICY 8.1.6: ~~Lee County Division of Natural Resources in conjunction with Lee County Utilities will p~~Perform groundwater modeling and analysis for new development, as needed, to assess the potential impact of land use changes on the water resources of Lee the County. The analysis will focus on the following issues:

- ~~Adequacy~~ Availability of water ~~supply~~ supplies, including groundwater quality and water level draw-down.
- Avoidance of adverse impacts on natural systems from water supply withdrawals.

This does not substitute for site specific analysis necessary for new development but is available for the applicants use. (MODIFIED) (Formerly Policy 55.1.2)

Proposed Policy 8.1.6 is recommended to be amended to include language for clarity. It is also recommended to be edited for grammar.

POLICY 8.1.7: Lehigh Acres (as defined by outer boundaries of its Privately Funded Infrastructure overlay on the Future Land Use Map) is ~~hereby declared~~ a critical area for future potable water supply due to fluctuating water levels in the Sandstone aquifer. In response to this designation, ~~the county will amend current~~ regulations to ~~provide that~~ require new wells in Lehigh Acres ~~must to~~ be constructed to accommodate submersible pumps. ~~(Also see Policy 1.7.10 for new permit requirements for irrigation wells in Bonita Springs, and Policy 2.4.2 (Future Land Use) for special requirements for amendments to the Future Land Use Map.)~~ (MODIFIED) (Formerly Policy 54.1.9)

Proposed Policy 8.1.7 is recommended for amendment by deleting unnecessary and confusing references to other Lee Plan policies. It is also recommended to be edited for grammar.

POLICY 8.1.8: WATER SUPPLY CONCURRENCY. ~~Lee County will i~~ncorporate water supply into the concurrency management system consistent with the requirements of ~~Section 163.3180(2) (a), F.S.~~ Florida Statutes. (EDITED) (Formerly Objective 53.2)

Proposed Objective 53.2 is recommended to be changed to Proposed Policy 8.1.8 under the proposed reorganization of utilities goals. It is placed under Proposed Objective 8.1 because it addresses water supply planning.

POLICY 8.1.9: ~~Lee County will actively i~~Implement the Water Supply Facilities Work Plan as adopted ~~by the Board of County Commissioners~~ on February 25, 2009. ~~Lee County will u~~Utilize the document as the County's work plan as the guide to water supply facility planning with a planning horizon through the year ~~2030~~ 2035. ~~A copy of the adopted~~ Maintain the Water Supply Facilities Work Plan ~~will be maintained and kept~~ on file by Lee County Utilities. (EDITED) (Formerly Policy 55.1.3)

Proposed Policy 8.1.9 is recommended to be edited for grammar.

POLICY 8.1.10: ~~The County will e~~Expand potable water facilities consistent with those improvements identified in Table 6, the 10 Year Water Supply Development Projects Table. Amend Table 6 will be amended as projects are completed and technological advancements in water supply facilities are made. Review Table 6 annually following adoption of the Lee County Capital Improvement Program (CIP) to determine if revision to the table is warranted based on projects included in the current CIP. (MODIFIED) (Formerly Policy 53.1.11)

Proposed Policy 8.1.10 is recommended for amendment. Annual review of future water supply projects is a necessary part of utilities management. The map and table numbers are yet to be determined.

POLICY 8.1.11: ~~County~~ Maintain development regulations ~~will be amended to specify that no~~ to prohibit the issuance of building permits under the Land Development Code will be issued in a franchised or certificated water service areas, or within Lee County Utilities' future service area, unless potable water supply will be available to meet current and projected growth demands, or surety is given that it will be available prior to occupancy. This policy does not exempt development of any size from meeting the levels of service required for concurrency under Policies ~~53.1.2~~ 9.1.2 above and ~~95.1.3~~ the Capital Improvements Element. (EDITED) (Formerly Policy 53.2.1)

Proposed Policy 8.1.11 is recommended to be edited for grammar.

POLICY 8.1.12: Pursue methods to use surface water runoff as a resource for water supplies for human use and the natural environment as outlined in Objective 6.1, Community Facilities and Services. (ADDED)

Proposed Policy 8.1.12 is recommended to be adopted to refer to policies addressing surface water management. This reflects the importance of surface water to Lee County Utilities Division in addition to the Natural Resources Division.

POLICY 8.1.13: County water supply planning will recognize surface water runoff as a possible resource and will integrate the use of surface water runoff into any supply programs and strategies. (ADDED) (Formerly 61.1.1)

Proposed Policy 8.1.13 is recommended to be adopted to allow the County to properly manage potentially under-utilized fresh water resources. This language was originally part of proposed Objective 6.1 but following the LPA hearing has been determined to be better suited for inclusion under Goal 8. New language for Proposed Objective 6.1 has been drafted to better reflect its policies.

OBJECTIVE 8.2: PREVENT DEGRADATION OF WATER SUPPLY. Protect the potable water supply from activities that may degrade that supply. (ADDED)

Proposed Objective 8.2 is recommended for adoption under the proposed reorganization in order to contain polices addressing water quality.

POLICY 8.2.1: WELLFIELD PROTECTION. ~~The county will m~~ Maintain a wellfield protection ordinance to provide regulations protecting the quality of water flowing into potable water wellfields. (EDITED) (Formerly Objective 63.1)

POLICY 8.2.2: ~~The wellfield protection ordinance will be amended whenever better technical data is developed and whenever additional potable wellfields are proposed. The~~ Division of Natural Resources will periodically review the Wellfield Protection Ordinance and update as necessary to reflect current conditions. (EDITED) (Formerly Policy 63.1.1)

POLICY 8.2.3: Require review and comment by a ~~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. (EDITED) (Formerly Policy 63.1.2)

POLICY 8.2.4: Require review and comment by a ~~The staff hydrogeologist will review and comment on all~~ development applications proposed in the DR/GR area. (EDITED) (Formerly Policy 63.1.3)

Proposed Policies 8.2.1 through 8.2.4 are recommended to be edited for grammar.

POLICY 8.2.5: Collaborate with the Department Of Health, Department of Environmental Protection, and South Florida Water Management District ~~Institute a program~~ to identify sources of groundwater pollutants, including saline intrusion, in Lee County and to map these (point and non-point) sources on a county-wide basis. (MODIFIED) (Formerly Policy 63.2.2)

Proposed Policy 8.2.5 is recommended to be amended to list specific governmental agencies and to be edited for grammar.

POLICY 8.2.6: Expand current programs to identify and map the contamination potential of groundwater resources ~~for those areas of Lee County not currently under public~~ in areas under private ownership. (EDITED) (Formerly Policy 63.2.4)

POLICY 8.2.7: ~~Lee County, in~~ In cooperation with other agencies and the municipalities, ~~will budget to maintain its a current~~ program of plugging ~~non-valved, abandoned, or improperly-constructed~~ constructed artesian wells on a funding-available basis so that at least seventy five of these wells are plugged each year until such wells are eliminated. (EDITED) (Formerly Policy 63.2.5)

Proposed Policies 8.2.6 and 8.2.7 are recommended to be edited for grammar.

GOAL 9: POTABLE WATER AND SANITARY SEWER INFRASTRUCTURE. ~~To ensure the public health, welfare, and safety by the provision of~~ Provide high-quality central potable water service, sanitary sewer service, and wastewater treatment and disposal throughout the future urban areas of unincorporated Lee County, ~~and to e~~Ensure that the costs of providing facilities for the supply of potable water are is borne by those who benefit ~~from them.~~ (MODIFIED) (Formerly Goals 53 and 56)

Under the proposed reorganization, a single goal now addresses both potable water and sanitary sewer service. Proposed Goal 9 is recommended for amendment to include this change. The CSAC recommended the removal of “sewer” from the first sentence. However, Utilities staff have stated that it is needed for clarity. The LPA suggested that the county to address and explore decentralized water and waste water management. Although it may be possible to explore possible cases of decentralized operation, the current mode of operation by Lee County Utilities is through centralized systems that provide the benefit of economy of scale.

~~**GOAL 56: SANITARY SEWER INFRASTRUCTURE.** To protect the public health and environmental quality by encouraging and ensuring the provision of sanitary sewer service and wastewater treatment and disposal throughout the future urban areas of the unincorporated county and to Fort Myers Beach.~~

Existing Goal 56 is recommended for deletion because its language has been incorporated into Proposed Goal 9.

OBJECTIVE 9.1: LEVEL OF SERVICE STANDARDS. ~~The County will e~~Ensure the provision of acceptable levels of potable water and sanitary sewer treatment and disposal service throughout the future urban areas of the unincorporated county, either ~~directly~~ by Lee County Utilities, or ~~indirectly~~ through franchised utility companies. (MODIFIED) (Formerly Objectives 53.1 and 56.1)

Proposed Objective 9.1 is recommended for amendment to include language for both potable water and sanitary sewer systems. The additional language “treatment and disposal” was suggested by the LPA. The policy has also been edited for grammar.

~~**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.~~

Existing Objective 56.1 is recommended for deletion because its language has been incorporated into Proposed Objective 9.1.

~~**POLICY 9.1.1:** The Board of County Commissioners hereby establishes Establish service areas for the Lee County Utilities water and sanitary sewer systems, throughout which it will provide standard service as required by demand, and within which it will eChallenge applications by private water and sanitary sewer utilities to obtain a Certificate of Operation from the Florida Public Service Commission and ~~Reject~~ all applications for a county franchise therein in the service area. These service areas are illustrated in Maps 6 and 7. Within the Fort Myers urban reserve area, the service areas shown on the map are subject to modifications in accordance with existing and future interlocal agreements. (MODIFIED) (Formerly Policies 53.1.1 and 56.1.1)~~

Proposed Policy 9.1.1 is recommended for amendment to include language for both potable water and sanitary sewer systems. The LPA was concerned that this policy may be too inflexible and acts as a mandate. The policy could potentially force a developer to take excessive expenses in order to hook up to County utilities if their project is within County Water and Sewer Service areas. Planning and Utilities staff feel that a more flexible policy may be worked out in the future but for now the policy should be left as it is.

~~**POLICY 56.1.1:** The Board of County Commissioners hereby establishes service areas for the Fort Myers Beach/Iona sewer system, the South Fort Myers sewer system, the East Lee County sewer system, and the Matlacha sewer system throughout which it will provide standard service as required by demand, and within which it will challenge applications by private sanitary sewer utilities to obtain a Certificate of Operation from the Florida Public Service Commission and reject all applications for a county franchise therein. These service areas are illustrated in Map 7. Within the Fort Myers urban reserve area, the service areas shown on the map are subject to modifications in accordance with existing and future interlocal agreements.~~

Existing Policy 56.1.1 is recommended for deletion because its language has been incorporated into Proposed Policy 9.1.1.

~~**POLICY 9.1.2:** The minimum acceptable level-of-service standards (see Policy 95.1.3 Capital Improvements Element) for potable water and sanitary sewer connections ~~to Lee~~ that provide service in unincorporated Lee County Utilities will be:~~

~~An available supply and treatment capacity of 250 gallons per day per equivalent residential connection (ERC) for the peak month, except that facilities serving only mobile home residential structures must have a capacity of 187.5 200 gallons per day and facilities serving only travel trailer residential structures must have a capacity of 150 100 gallons per day.~~

Potable Water

Treatment Capacity: 250 gallons per day per equivalent residential unit for peak month

200 gallons per day for mobile home residential unit for peak month

100 gallons per day for travel trailer residential unit for peak month

System Pressure: 40 pounds per square inch (wp PSI static) at the meter anywhere on the individual system (excluding fire flow conditions)

Sanitary Sewer

Available Basic Facility Capacity: 200 gallons per day per equivalent residential connection for the Peak Month

160 gallons per day for residential mobile home unit for the peak month

80 Gallons per day for travel trailer residential unit for peak month

(MODIFIED) (Formerly Policies 53.1.2, 53.1.4, and 56.1.2)

Under the proposed utility reorganization, Proposed Policy 9.1.2 is recommended for amendment. The levels of service from three existing policies are proposed to be listed in this single policy. It is noted that the relevant policy of the Capital Improvements Element should be amended to match this format for relevant standards.

~~POLICY 53.1.4:~~ ~~The Board of County Commissioners urges all utilities to construct and install sufficient treatment facilities and distribution systems that will meet or exceed the minimum acceptable service standards and with the capacity to deliver water at a pressure of 20 pounds per square inch (wp PSI static) at the meter anywhere on the individual system (excluding fire flow conditions). In addition, by September 30, 1994, all utilities are urged to deliver water pressure of 40 pounds per square inch (static~~

~~pressure, excluding fire flow conditions). Each utility is encouraged to advise the planning and engineering staffs of the county regarding system expansions or modifications to ensure coordination with other utilities and with all other issues of public interest and to prevent duplication of facilities and services.~~

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

~~• available basic facility capacity (see glossary) to treat and dispose of a volume of wastewater equal to 200 gallons per day per equivalent residential connection (ERC) for the peak month, except that facilities serving only mobile home residential structures shall have a capacity of 150 gallons per day and facilities serving only travel trailer residential structures must have a capacity of 120 gallons per day.~~

Existing Policies 53.1.4 and 56.1.2 are recommended for deletion because their language has been incorporated with Existing Policy 53.1.2 into Proposed Policy 9.1.2.

~~**POLICY 9.1.3:** The Board of County Commissioners encourages all private utilities to set a minimum acceptable level of service to be adopted herein for use in the concurrency management system within their respective franchised or certificated areas. After the effective date of this plan or September 1, 1989, whichever is later, if the county has not adopted such standards into this plan, the standards The minimal acceptable level of service standards adopted for the Lee County Utilities' water and sanitary sewer systems will apply ~~in~~ to those certificated or franchised areas of private utilities and will be used in enforcing concurrency regulations (see ~~Policy 95.1.3~~ the Capital Improvements Element).~~

~~After the deadline set above any private utility utilities that cannot meet the Level-of-Service standards set forth for Lee County Utilities will have the opportunity to may petition for a Plan Amendment for a revised Level-of-Service requirement for the specific private utility ~~plant~~ system if it can be proved that ~~such~~ the utility has sufficient plant and system capacity to ~~properly service it's~~ the franchised or /certificated area. The proof will be in the form of ~~properly documented daily~~ must include flow reports, occupancy rates or related statistical information, and ~~any other necessary information that may be pertinent information~~ to the justification of the requested action, to establish a new individual Level Of Service standard. This The data should must be for cover a period covering at least the last two prior years. (MODIFIED) (Formerly Policies 53.1.3 and 56.1.3)~~

Proposed Policy 9.1.3 recommended for amendment to reflect changes in the Florida Statutes regarding concurrency management. It is also recommended to be edited for grammar.

POLICY 9.1.4: ~~The county will e~~Encourage utilities to maintain or plan sufficient treatment capacity for near-term (2 5 years) availability to ~~provide~~ ensure capacity for unserved development surrounded by ~~existing~~ areas with sewer service. (EDITED) (Formerly Policy 56.2.3)

POLICY 9.1.5: ~~The Board of County Commissioners u~~Urges all utilities to construct and install sufficient treatment facilities and collection systems ~~that will to~~ meet or exceed the minimum acceptable service standards. ~~and with~~ These facilities will have the capacity to service the demand so generated and will meet or exceed the minimum requirements of the Department of Environmental Protection, the Department of Health and Rehabilitative Services, U.S. Environmental Protection Agency, or ~~any~~ local ordinances ~~which that~~ exceeds the foregoing those requirements. ~~Each utility is encouraged~~ Utilities to will advise ~~the planning and utility engineering staffs of~~ the county regarding of system expansions or modification to ensure coordination ~~with other utilities and with all other issues of public interest and to prevent duplication of facilities and services~~. (EDITED) (Formerly Policy 56.1.4)

Proposed Policies 9.1.4 and 9.1.5 are recommended to be edited for grammar.

No change is recommended for Proposed Policy 9.1.6 (Formerly Policy 53.1.8).

~~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. (DELETE)~~

Existing Policy 53.1.9 is recommended for deletion because it is redundant with Proposed Policy 9.1.6

OBJECTIVE 9.2: CONNECTION REQUIREMENTS. ~~The County will m~~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. (EDITED) (Formerly Objective 56.2)

Proposed Objective 9.2 is recommended to be edited for grammar. Under the proposed reorganization of the utilities goals, Objective 9.2 contains those policies addressing the necessity of certain locations to connect to utilities.

POLICY 9.2.1: ~~No county development order under the Land Development Code for a residential development more intense than 2.5 dwelling units per gross acre, for a commercial development of more than 30,000 square feet of gross floor area, or for any~~

~~industrial plant of more than 30,000 square feet of gross floor area, will be issued in any franchised or certificated water service area, or within Lee County Utilities' future service area, unless potable water service, at the minimum acceptable level of service, is available at the property line, or surety is given that it will be installed prior to occupancy. This policy will in no way exempt any development of any size from meeting the levels of service required for concurrency under Policies 53.1.2 and 95.1.3. Maintain regulations that require residential development exceeding 2.5 dwelling units per gross acre and commercial or industrial development exceeding 30,000 square feet of gross floor area to connect to potable water service. Development located in franchise/certificated water service areas will connect to potable water service, if capacity is available at the minimum adopted levels of service, at the property line. (MODIFIED) (Formerly Policy 53.1.5)~~

Proposed Policy 9.2.1 is recommended for amendment to provide greater clarity.

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

Existing Policy 53.1.10 is recommended for deletion because its language has been incorporated into Proposed Policy 9.2.1.

~~**POLICY 9.2.2:** County Maintain development regulations will be amended to specify that require no county development order under the Development Standards Ordinance for a residential development more intense than exceeding 2.5 dwelling units per gross acre, ~~or for any~~ and commercial or industrial development that generates more than 5,000 gallons of sewage per day, ~~will be issued in any that are located in~~ franchised/ ~~or~~ certificated sanitary sewer service area, ~~without a connection to such~~ to connect to service if capacity is available at the minimum ~~acceptable~~ adopted level of service ~~anywhere~~ within 1/4 mile of the development. Apply this standard to development that constitutes a change in use or intensity. This policy will in no way exempt any development of any size from meeting the levels of service required for concurrency under Policies 56.1.2 and 95.1.3. (EDITED) (Formerly Policy 56.1.5)~~

~~**POLICY 9.2.3:** Lee County Utilities will continue to Identify those properties within the Fort Myers Beach Fire Control District the sanitary sewer service areas that are not fully~~

connected to the wastewater collection system and require ~~them to connect~~ connection when central sewer is available in accordance with Policy 9.2.2. (EDITED) (Formerly Policy 56.1.9)

POLICY 9.2.4: It is ~~hereby declared that~~ in the interests of preserving public health and of preserving and enhancing environmental quality, it is ~~in the public interest~~ to abate and cease use of septic tanks and wastewater treatment package plants ~~where and~~ when central sewer is available. (EDITED) (Formerly Policy 56.2.1)

POLICY 9.2.5: ~~With the cooperation of the respective utility firms or agencies, the county will m~~Maintain a program~~s~~ for the abatement of septic tanks and package plants in areas ~~in which~~ where sewer is ~~presently~~ available and in areas ~~encompassed by included in~~ assessment districts established for upgrading sewer availability. (EDITED) (Formerly Policy 56.2.2)

Proposed Policies 9.2.2 through 9.2.5 are recommended to be edited for grammar.

~~**POLICY 56.1.8:** County development regulations will be amended to specify that any change in use or intensity in an approved development order will be subject to compliance with Policy 56.1.5. (DELETED)~~

Existing Policy 56.1.8 is recommended to be deleted because the relevant development regulations have been adopted.

POLICY 9.2.6: ~~No permit will be issued allowing any~~ Do not issue permits to allow a 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 prior to obtaining written evidence that~~ the other utility concurs ~~in writing. This will be enforced~~ Enforce this policy along municipal and state rights-of-way by interlocal agreement and memorandum of agreement ~~as required.~~ (MODIFIED) (Formerly Policies 53.1.6 and 56.1.6)

Proposed Policy 9.2.6 is recommended for amendment so that language in existing Policy 56.1.6 can be incorporated with Existing Policy 53.1.6.

~~**POLICY 56.1.6:** 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 memorandum of agreement as required.~~

~~**POLICY 56.1.7:** 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.~~

Existing Policy 56.1.6 is recommended for deletion because its language has been incorporated into Proposed Policy 9.2.6. Existing Policy 56.1.7 is recommended for deletion because its language has been incorporated into Proposed Policy 9.3.4.

OBJECTIVE 9.3: ORGANIZATION OF SERVICE AND FACILITY DELIVERY. To provide Facilitate greater local coordination of the activities of public and private utilities within the county. (EDITED) (Formerly Goals 55 and 58)

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

Existing Goals 55 and 58 of the Lee Plan are recommended to be combined into a single objective (Proposed Objective 9.3) under the reorganized utilities goals. The language of the two goals is identical. Existing Goal 58 is recommended for deletion.

~~**OBJECTIVE 58.1:** Oversee sewer service delivery management through a joint effort between Lee County and the various private sector providers. Re-evaluate, as needed the effectiveness of this effort. (DELETED)~~

Existing Objective 58.1 is recommended for deletion because its single policy is being incorporated into Proposed Objective 9.3.

POLICY 9.3.1: Ensure an adequate, reliable, and economical supply of potable water and sanitary sewer service to meet the forecasted needs for all residents of Lee County through the year 2020 through regional planning and intergovernmental participation. (EDITED) (Formerly Objective 55.1)

POLICY 9.3.2: Lee County Utilities and Lee County Division of Natural Resources will plan and coordinate with other government agencies in the development of comprehensive plans as they relate to for wellfield protection, aquifer recharge, water supply, sanitary sewer service, and related capital facilities. (EDITED) (Formerly Policy 55.1.1)

POLICY 9.3.3: Provide greater local coordination of the activities of public and private utility facilities within the county. ~~Lee County will continue to collect by collecting and annually updating data from private potable water and sanitary sewer providers, including reporting of water flows, storage capacity, pressures, sewage flows, holding and treatment capacity, number of customers, committed future connections, and proposed expansion plans. Thereafter, this data will be updated on a yearly basis.~~ (EDITED)
(Formerly Policy 58.1.1)

Proposed Policy 9.3.1 is recommended to be edited for grammar and to remove outdated terminology. Proposed Policies 9.3.2 and 9.3.3 are recommended to be edited for grammar.

POLICY 9.3.4: In allocating Industrial Development Revenue Bond capacity, the county will give priority to private water utility firms and private sanitary sewer utilities proposing to construct basic facilities and to provide or upgrade infrastructure serving developed areas and antiquated subdivisions undergoing redevelopment (Formerly Policies 53.1.7 and 56.1.7)

Proposed Policy 9.3.4 is proposed for amendment so that it may incorporate language from Existing Policy 56.1.7.

POLICY 9.3.5: ~~Priority in the use of~~ Give priority to Industrial Development Revenue Bonds or other mechanisms of public finance ~~will be given~~ to regulated private utilities ~~where~~ when not prohibited by ~~the Florida constitution or statutes~~ law in order to achieve these public ends. (Formerly Policy 54.1.8)

Proposed Policy 9.3.5 is recommended to be edited for grammar

POLICY 57.1.9: ~~Priority in the use of Industrial Development Revenue Bonds or other mechanisms of public finance will be given to regulated private utilities where not prohibited by the Florida constitution or statutes in order to achieve these public ends.~~

Existing Policy 57.1.9 is recommended for deletion as it is redundant with Proposed Policy 9.3.5.

GOAL 10: REGULATORY STANDARDS. Provide and maintain utility systems that meet or exceed federal, state and local ~~exceed~~ regulatory standards. (ADDED)

Proposed Goal 10 is recommended for adoption under the reorganized utilities goals. This goal contains language to address those regulatory standards not covered under Proposed Goal 9. The second “Exceed” is a scrivener’s error. The LPA made recommendations that are covered under the discussion for Policy 10.1.7.

OBJECTIVE 10.1: OPERATIONAL PRACTICES. Operate utility infrastructure, including potable water and wastewater systems to meet ~~or exceed~~ regulatory standards established by federal, state and local agencies. (ADDED)

Proposed Objective 10.1 is recommended for adoption under the reorganized utilities goals to contain policies addressing wastewater and related issues. The LPA recommended deleting the words, “or exceed.”

POLICY 10.1.1: Maintain and enforce the ordinances necessary to prevent discharges of inadequately treated wastewater and reduce wastewater effluent discharges. (ADDED)

Proposed Policy 10.1.1 is recommended for adoption in order to provide regulatory authority to address wastewater issues.

POLICY 10.1.2: ~~The County will continue to~~ Implement and enforce regulations to reduce the amount of effluent being discharged into surface waters. Promote the beneficial use of reclaimed water by encouraging its use and discouraging disposal through surface water discharge. (MODIFIED) (Formerly Policy 54.1.10)

Proposed Policies 10.1.2 is recommended to be edited for grammar.

POLICY 10.1.3: Continue enforcement of the Industrial Pretreatment Program. (ADDED)

Pretreatment of industrial wastes reduces the amount of material that enters the waste stream. Proposed Policy 10.1.3 is recommended for adoption in order to decrease the waste load for Lee County Utilities.

POLICY 10.1.4: ~~Consider~~ Promote programs to reduce the time and cost to treat wastewater ~~will be considered~~, including discouraging excessive use of garbage grinders or toxic discharges ~~which may stop or that~~ inhibit the treatment process. (EDITED) (Formerly Policy 57.1.2)

Proposed Policy 10.1.4 is originally recommended to be edited for grammar. “Consider” has been replace with “Promote” to align with the CSAC recommendation that this policy be strengthened.

POLICY 10.1.5: ~~The County will e~~Ensure that the disposal of grease and septage are either recycled as a beneficial product or disposed of properly. (EDITED) (Formerly Objective 56.3)

Proposed Policy 10.1.5 is recommended to be changed from an objective under the existing utilities goals to a policy under Proposed Objective 10.1 since it addresses wastewater. It is also recommended to be edited for grammar.

POLICY 10.1.6: Support and enforce the Grease Management Ordinance. (ADDED)

Grease is a difficult problem for wastewater treatment systems. Proposed Policy 10.1.6 is recommended for adoption in order to reduce this problem.

POLICY 10.1.7: ~~The County will maintain regulations that p~~Prohibit the disposal of grease and septage by landspreading or other means without ~~first being properly treated~~ proper treatment to ensure that these products are ~~either~~ recycled as a beneficial product or disposed of properly. (EDITED) (Formerly Policy 56.3.1)

The LPA recommended adopting a policy requiring the County to re-examine the issue of landspreading for grease and septage. There is currently no policy in place to determine the volume of septage or the economic feasibility of treating it. Utilities staff has stated that the issue is not under the purview of Lee County Utilities. Therefore, such a policy may be premature at this time. The policy is also recommended to be edited for grammar.

POLICY 10.1.8: Promote the beneficial use of bio-solids generated at domestic wastewater treatment facilities. Explore innovative regional solutions to providing for the beneficial use of bio-solids. (ADDED)

POLICY 10.1.9: Determine the feasibility of implementing a program of inspections for privately held and operated package plants and other wastewater treatment facilities. This program would include periodic reporting by the plant operators in addition to site inspections by County personnel. (ADDED)

POLICY 10.1.10: Determine the feasibility of a program of inspections for septic tanks. (ADDED)

Proposed Policy 10.1.8 is recommended for adoption in order to further reduce the amount of bio-solids that must be disposed. The LPA recommended that the facilities provide innovative solutions for handling septage. County wastewater treatment facilities do not treat septage (i.e., the contents of septic tanks). However, the Proposed Policy 10.1.8 has been edited to apply the LPA recommendation to wastewater treatment. Proposed Policies 10.1.9 and 10.1.10 are based

on recommendations by the LPA that the County monitor potential hazards arising from poorly operated package plants and septic tanks that have become potentially hazardous to groundwater quality. Natural Resources Staff concur that such programs would be beneficial to the County. However, at this time, the increased cost of such programs may be too great for the County to undertake. Policies 10.1.9 and 10.1.10 are proposed to determine if the County is able to take on the additional burden of monitoring both private package plants and/or septic tanks.

GOAL 11: WATER 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. (EDITED) (Formerly Goal 54)

Proposed Goal 11 is recommended to be edited for grammar. Under the reorganized utilities goals it includes conservation polices for both potable and reclaimed water.

OBJECTIVE 11.1: Encourage the beneficial use of reclaimed water and provide incentives for its use.

Proposed Objective 11.1 is recommended to be adopted in order to create a single objective for existing policies regarding reclaim water use.

POLICY 11.1.1: Continue to encourage new and existing developments to utilize reclaimed water distribution systems, the Fort Myers Beach/Iona McGregor sewer system's dual water system. (MODIFIED) (Formerly Policy 54.1.11)

Proposed Policy 11.1.1 is recommended to be updated with new terminology. This policy is not to be confused with Proposed Policy 11.1.3. This policy encourages reclaimed water use in existing development whereas 11.1.3 requires reclaimed water use in new development.

POLICY 11.1.2: It is hereby declared that The conservation of potable water supply and facility capacity is of such importance to the orderly growth of the community that in order to ~~further provide incentive for~~ incentivize its use, ~~reuse reclaimed water may be provided at a price significantly lower than finished potable water (the residual costs of operation being will be~~ reuse reclaimed water may be provided at a price significantly lower than finished potable water (the residual costs of operation will be charged to the sewer users as part of the cost of effluent disposal). (EDITED) (Formerly Policy 54.1.7)

Policy 11.1.2 recommended to be edited for grammar.

POLICY 11.1.3: Enforce ~~d~~Development regulations will continue to require that any that require new development ~~will pay the appropriate fees and to~~ connect to a re-use

~~reclaimed water system if such a system is near or adjacent to the development and has sufficient capacity. ~~surplus to supply~~ the development. Regulations will be amended further as follows:~~

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

~~(MODIFIED) (Formerly Policy 54.1.6)~~

Proposed Policy 11.1.3 is recommended for amendment. Portions of the policy are recommended for deletion because the required changes to development regulations have already been adopted. The LPA has recommended that the term “near” be better defined. Utilities staff have recommended keeping the language as it is in order to provide flexibility for staff in the application of this policy. The term “capacity” has also been incorporated as it more accurately reflects the issue of water supply.

POLICY 11.1.4: ~~Require Development regulations will continue to require that any development will to pay the appropriate fees and connect to a reuse reclaimed water system if such a system is near or adjacent to the development and has sufficient ~~surplus to supply~~ capacity for the development (EDITED) (Formerly Policy 57.1.5)~~

Proposed Policy 11.1.4 is recommended to be updated to include new terminology. The CSAC recommends removal of “Surplus to.” Utilities staff had no objection to this change. The LPA has recommended that the term “near” be better defined. Utilities staff have recommended keeping the language as it is in order to provide flexibility for staff in the application of this policy. The term “capacity” has also been incorporated as it more accurately reflects the issue of water supply.

POLICY 11.1.5: ~~In the design of each new wastewater treatment plant, the county will dispose of effluent through reuse water systems Design and construct new wastewater treatment plants to be water reclamation facilities producing reclaimed water for beneficial use. (EDITED) (Formerly Policy 57.1.4)~~

Policy 11.1.5 is recommended to be edited for grammar.

No change is recommended for policy 11.1.6 (Formerly Policy 57.1.6)

POLICY 11.1.7: To ensure its effectiveness as an effluent disposal system, ~~reuse~~ reclaimed water may be provided at cost. (EDITED) (Formerly Policy 57.1.7)

POLICY 11.1.8: In order to ensure the equitable distribution of the costs of a ~~reuse~~ reclaimed water system, the costs of operation not covered by the commodity charge should fall to the sewer users as a charge for effluent disposal. (EDITED) (Formerly Policy 57.1.8)

Proposed Policies 11.1.7 and 11.1.8 are recommended to be updated to include new terminology.

POLICY 11.1.9: Wastewater utilities are encouraged to utilize available technologies that allow for maximizing the use of reclaimed water. (ADDED)

Policy 11.1.9 is recommended to be adopted to increase the use of reclaimed water in Lee County.

OBJECTIVE 11.2: ~~The County will e~~Continue its programs in education, technical advice, demonstration, rate revisions, and reuse to reduce potable water consumption and the consumption of large volumes of potentially potable water. ~~Water consumption per Equivalent Residential Unit will be decreased by 2.5% annually through the year 2000.~~ (EDITED) (Formerly Objective 54.1)

Under the proposed utilities reorganization, Proposed Objective 11.2 is recommended to be adopted to include those policies that address the conservation of potable water.

POLICY 11.2.1: Using the personnel and resources of various county agencies, ~~Lee County will~~ continue to offer a program of public information and education. ~~This p~~Programs should include the use of print media, advertising, and public service announcements on radio and television highlighting and advocating various strategies of water conservation, including, ~~but not limited to:~~

- ~~• creating incentives for “gray” water systems or other recycling activities;~~
- ~~adopting~~ incentives for household and commercial use of appliances and ultralow volume plumbing fixtures with low water consumption rates;
- advising householders to reduce water use;
- ~~• creating a demand for low water use appliances by publishing ratings of water use efficiency for appliances analogous to the energy efficiency ratings for electrical appliances;~~
- advocating the cost-effective use of appliances and water: i.e. run only full loads or use low water settings when appropriate;
- encouraging the building or grounds manager, including the individual householder, to maintain the maintenance of water systems, i.e. timely repair of

dripping faucets, leaking water closets, broken or maladjusted sprinkler heads, etc.;

- installing alternatives to spray irrigation devices for lawns and grounds management such as drip or seep systems, or at least attending to the ambient humidity and evapo-transpiration rates in controlling sprinkler systems;
- require the installation of a “rain sensor device” or “automatic switch” on all new irrigation systems on County facilities which will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred pursuant to Section 373.62, F.S.:
- encouraging the use of drought-tolerant ground covers and shrubbery according to the principles of “xeriscape” “Florida Friendly” (~~see glossary and Objective 117.2~~) and demonstrating the uses of native vegetation in landscaping; and
- ~~generally~~ encouraging the thoughtful use of water ~~in all necessary activities.~~
(MODIFIED) (Formerly Policy 54.1.1)

Policy 11.2.1 is recommended to be updated to include new terminology and to be edited for grammar. The list of water conservation strategies is recommended to be amended so that it will address potable water only. Reclaimed water strategies are located in Proposed Policy 11.3.2.

POLICY 11.2.2: Promote water conservation through the use of incentives, ~~and~~ ~~e~~Evaluate and apply a community based planning approach to water conservation, enabling more precision to be applied in achieving reduction targets. (EDITED)
(Formerly Policy 54.1.12)

Policy 11.2.2 is recommended to be edited for grammar. One LPA member noted that new metering technology is being introduced that gives home owners greater detail in their water use. The LPA member suggested that the Lee Plan include a policy to recognize this technology. However, listing specific technologies such as improved meters is too detailed for a county-wide comprehensive plan. Such measures are already included implicitly under policies such as 11.2.1 and 11.2.2.

POLICY 11.2.3: Promote and enforce the Water Conservation Ordinance limiting residential irrigation to two days per week. (ADDED)

Proposed Policy 11.2.3 is recommended for adoption in order to reduce the demand for potable water.

POLICY 11.2.4: ~~The Board of County Commissioners will p~~Periodically re-examine the “step rate” structure for the Lee County Utilities water systems ~~which~~ that 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. (MODIFIED) (Formerly Policy 54.1.4)

Proposed Policies 11.2.4 is recommended to be edited for grammar.

POLICY 11.2.5: ~~The Board of County Commissioners will~~ encourage privately operated potable water utilities with a franchise granted by the County to adopt a “conservation” rate structure for ~~users in~~ their respective service areas and employ water conservation programs as described in Policy 11.2.1. (MODIFIED) (Formerly Policy 54.1.5)

Proposed Policy 11.2.5 is recommended to include language to reference conservation programs under the proposed Objective 11.1. It is also recommended to be edited for grammar.

POLICY 11.2.6: ~~The Board of County Commissioners will~~ encourage privately operated sanitary sewer utilities to adopt a “conservation” rate structure ~~for users in their respective service areas.~~ (EDITED) (Formerly Policy 57.1.3)

Policy 11.2.6 is recommended to be edited for grammar.

OBJECTIVE 11.3: 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. (EDITED) (Formerly Goal 57)

Existing Goal 57 is recommended to become an objective. Under the recommended reorganization of utilities goals, Proposed Objective 11.3 has been created to contain existing policies that address wastewater and reclaimed water. It is also recommended to be edited for grammar.

POLICY 11.3.1: ~~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. (EDITED) (Formerly Objective 57.1)

Proposed Objective 57.1 is recommended to be changed to a policy in order to better fit within the reorganized utilities goals. It is placed under the Resource Management objective as it addresses reclaimed water. It is also recommended to be edited for grammar.

POLICY 11.3.2: Using ~~the personnel and~~ resources of various county agencies, ~~Lee County will continue to~~ design programs of public information and education to reduce

demands on sewer facilities and natural systems. ~~This programs should~~ will include ~~the use of~~ print media, advertising, and public service announcements on radio and television highlighting and advocating various strategies to reduce demand for wastewater services, including, but not limited to:

- creating incentives for “~~gray~~-reclaimed water” systems or other recycling activities;
- ~~adopting incentives for household and commercial use of appliances with low water consumption rates;~~
- advising householders to reduce water use;
- ~~supporting various aspects of the concurrent water conservation program, particularly reliance on appliances and fixtures that use less water and maximizing the cost effective use of those appliances;~~
- providing information on proper maintenance of septic tanks and package plants; and
- ~~generally~~ encouraging the thoughtful use of water in ~~all necessary activities that generate wastewater.~~(MODIFIED) (Formerly Policy 57.1.1)

The identified items in proposed Policy 11.3.2 addressing potable water are recommended for deletion as they are addressed by policy 11.2.1.

POLICY 11.3.3: In developing and implementing local landscape regulations including the preservation, reforestation, and wetlands restoration requirements, give preference ~~will be given~~ to native species which are adapted to the region's climatic regime. (EDITED) (Formerly Policy 54.1.2)

Policy 11.3.3 recommended to be edited for grammar.

POLICY 11.3.4: ~~Xerie~~ Emphasize the use of Florida Friendly landscaping, ~~stressing and~~ 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. Enact and maintain ordinances consistent with Florida Statutes requiring the use of Florida-Friendly landscaping as a water conservation or water quality protection or restoration measure. (MODIFIED) (Formerly Policy 54.1.3)

The recommended changes in Proposed Policy 11.3.4 will increase the level of water conservation by reducing the demand for water for landscaping needs.

Goal 65, concerning fire protection, has been moved to the proposed Community Safety and Wellbeing Element.

Goal 68, concerning emergency medical services, has been moved to the proposed Community Safety and Wellbeing Element.

Goal 69, concerning pollution control, has been moved to the proposed Community Safety and Wellbeing Element.

Goal 70, concerning law enforcement, has been moved to the proposed Community Safety and Wellbeing Element.

Goal 71, concerning energy conservation, has been moved to the proposed Form and Character Element.

C. STAFF RECOMMENDATION

County staff recommends that the Board of County Commissioners **transmit** the proposed Community Facilities and Services Element of the Lee Plan.

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

DATE OF PUBLIC HEARING: July 30, 2012
DATE OF SECOND PUBLIC HEARING: January 27, 2014

A. LOCAL PLANNING AGENCY REVIEW

Planning staff gave a brief presentation on the proposed amendment. A member of the public spoke on the amendment raising concern over the level of service standard for water pressure. He also expressed concern over how the levels of service stated in proposed Policy 1.1.2 would be implemented in Lehigh Acres. Utilities staff responded that the listed levels of service were adequate for that area.

The LPA suggested modifications to 29 Goals, Objectives, and Policies in the proposed element. Some of the suggestions were approved by a motion while others were simply stated to staff. These suggestions have been incorporated into Part II. B of this report along with a fuller discussion under each policy recommended for change. Most of these changes have also been incorporated into Attachment 1. These are the recommended changes:

Objective 1.1: Change to “Provision of Services. Provide community facilities and services in a way that sustainably meets public needs including social and economic viability and environmental protection.”

Policy 1.1.1: Suggest redrafting this policy to act as a “guiding principal.”

Policy 1.1.2: Change “highest” to “most intense.”

Policy 1.1.4: Insert “in so far as practicable” and “implement green principles and.”

Objective 1.3: Change “character” to “function.”

Policy 1.3.2: Insert “developed to provide flexibility of use and operation.”

Policy 1.3.3: Change to “The cost and capacity of Public facilities and services within the rural and coastal context will be designed with full consideration of their unique community character and function.”

Policy 3.1.4: Add “and information regarding current and future multi-modal site accessibility.”

Policy 3.1.5: Add “Proactively.”

Policy 3.2.7: Add “and maintain high visibility.”

Policy 3.4.9: Suggested expanding the policy to include additional subjects for education.

Goal 5: Add “Transportation” to title.

Policy 5.2.1 part C: Add language similar to “Bring into compliance.”

Objective 6.1: Possibly consolidate with Objective 8.1; Remove the word “possible.”

Policy 6.2.3: Either list all principals or none in this policy.
Objective 7.1: suggest inserting “appropriate” in front of “other.”
Policy 7.2.3: Suggested changing language to “Pursue efforts to ensure compliance with state and federal hazardous waste treatment and disposal requirements.”
Policy 7.2.7: suggested deleting “and verify” and the second sentence.
Policy 8.1.3: Suggested moving all language after the first sentence to the Glossary.
Goal 9: Suggested replacing “sewer” with “Sewage”; Add “consistent with applicable state and federal standards” after “Disposal”; Add “and treatment and disposal” after “sanitary sewer”; encourage decentralized sanitation and wastewater treatment.
Objective 9.1: Suggested adding “and treatment and disposal” after “sanitary sewer.”
Policy 9.1.1: Suggested changing the language so this it is not a mandate.
Goal 10: Noted a need for additional policies addressing volume of septage, required reporting by private package plants, and maintenance of septic tanks.
Objective 10.1: Suggested deletion of “or exceed.”
Policy 10.1.7: suggested an additional policy to examine landspreading practices.
Policy 10.1.8: suggested encouraging use of innovative solutions for septage.
Policy 11.1.3: Suggested defining the word “near.”
Policy 11.1.4: Same as 11.1.3.
Policy 11.2.2: Suggested a policy to better meter water usage.

On August 1, 2012, the Community Sustainability Advisory Committee provided recommendations on the proposed Community Facilities and Services element. Changes to proposed language based on recommendations by the CSAC have been incorporated into Part II.B of this report. The changes have also been incorporated into Attachment 1. In summary, there are 17 Goals, Objectives, or Policies for which the CSAC has recommended changes. These are the recommended changes:

Objective 1.1: Change “Sustainability” to “Resource Allocation and Service Provision.”
Policy 1.1.4: Include “ongoing”; remove “and recycling”; include language addressing operational sustainability; add policy to develop green regulations.
Policy 1.1.5: Add policy to create regulations for defining green standards.
Objective 1.2: Include “sustainable”; include language concerning the needs of the public.
Objective 1.3: Revise to include additional language for health, safety, and savings.
Policy 2.1.4: Replace “Consider” with “Require.”
Policy 3.1.6: Include language to concerning shared resources.
Policy 3.4.9: Remove either “Support” or “Promote.”
Policy 4.1.6: Include “By 2015, develop standards to provide”; Include reference policy for Coastal Element.
Objective 5.1: Include “planning and design.”

- Goal 6: Review this goal and policies for redundancy.
- Policy 6.2.4: Remove “failing” and “misapplied.”
- Policy 7.2.7: Do not remove “Verify.”
- Goal 8: Review this goal and policies for redundancy.
- Goal 9: Recommend rewording.
- Goal 10: remove second “exceed.”
- Policy 10.1.4: Recommend strengthening policy.
- Policy 11.1.4: Remove “surplus to.”

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** The LPA recommends that the board **transmit** the proposed document with the recommended changes.

- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:**
 With the exception of the recommended changes, the LPA concurs with the findings of fact presented by staff.

C. VOTE:

NOEL ANDRESS	AYE

WAYNE DALTRY	AYE

JIM GREEN	AYE

MITCH HUTCHCRAFT	AYE

RONALD INGE	AYE

ANN PIERCE	AYE

ROGER STRELOW	AYE

COMMUNITY FACILITIES AND SERVICES

The intent of the Community Facilities and Services Element is to describe how, when and where public facilities and services are to be provided in Lee County. The public facilities addressed in this element include Lee County schools, libraries, solid waste processing and disposal sites, and potable water and sanitary sewer facilities such as water and sewage treatment plants. County services addressed in this element include the provision of stormwater management, water conservation, and potable water and sanitary sewer service. This element uses criteria such as transportation systems, community character, long-term costs, energy efficiency, development patterns and compatibility with surrounding communities to address these facilities and services. (ADDED)

GOAL 1: COMMUNITY FACILITIES AND SERVICES. Provide and maintain appropriate levels of community facilities and services for the benefit of current and future citizens and visitors. These facilities and services include schools, libraries, potable water and sanitary sewer service, solid waste collection and disposal, stormwater and surface water management. (ADDED)

OBJECTIVE 1.1: PROVISION OF SERVICES. Provide community facilities and services in a way that sustainably meets public needs including social and economic viability and environmental protection.

POLICY 1.1.1: The presence of community facilities will not be used as the sole justification for increasing levels of development in rural areas to urban or suburban levels. (ADDED)

POLICY 1.1.2: Urban areas will receive the most intense levels of service from, and access to, community facilities. Suburban areas will receive lower levels of service and rural areas will receive the lowest levels of access to community facilities. (ADDED)

POLICY 1.1.3: Incorporate Community facilities as part of mixed use centers and integrate them into the design of the center. (ADDED)

POLICY 1.1.4: Incorporate sustainable practices as far as practicable in the design and operation of community facilities. These facilities will implement green principles and use recycled or “green” products to the greatest extent possible and will use environmentally-friendly construction techniques which emphasize recycling and waste reduction. (ADDED) (LDC)

POLICY 1.1.5: By 2015, develop and maintain regulations to define and determine green standards for future community facility development and redevelopment.

OBJECTIVE 1.2: NEEDS OF THE PUBLIC. Community facilities and services will meet the needs of the public in an efficient and sustainable manner that ensures that the needs of the public remain the county’s priority. (ADDED)

POLICY 1.2.1: The construction and maintenance of community facilities and services as identified in this element will be provided for by the implementation of the Capital Improvement Plan. (ADDED)

POLICY 1.2.2: Locate community facilities and services in areas that support compact development patterns, a healthy mix of public and private uses, and conservation of resources. (ADDED)

POLICY 1.2.3: Locate community facilities and services in conformance with the land use and transportation strategies identified in the Future Land Use, Transportation, Capital Improvements, Communities, Conservation and Coastal Management, and Community Safety and Well Being elements of the Lee Plan. (ADDED)

POLICY 1.2.4: Encourage the integration of appropriately scaled and designed community facilities and services within future mixed use areas, activity centers, and other appropriate locations identified within this plan. (ADDED)

OBJECTIVE 1.3: ENHANCE COMMUNITIES. Use community facilities and services to enhance the community function of the urban, suburban, rural and coastal contexts. These facilities will also promote efficiency, health, and long-term cost savings. (ADDED)

POLICY 1.3.1: Community facilities and services will be of a scale and design appropriate to their context within Lee County's coastal, urban, suburban, and rural communities. (ADDED)

POLICY 1.3.2: Public facilities and services will be developed to provide flexibility of use and operation to maximize their service capacity and efficiency. (ADDED) (LDC)

POLICY 1.3.3 The cost and capacity of Public facilities and services within the rural and coastal context will be designed with full consideration of their unique community character and function. (ADDED) (LDC)

POLICY 1.3.4 Allow the public opportunities to comment on and shape the construction, expansion, development and maintenance of public facilities and services in and around their communities. (ADDED)

GOAL 2: LIBRARIES. Increase the availability of information services by increasing the capabilities of the Lee County Library System to outreach to its constituents. Ensure that library services are provided in a manner that is responsive to the needs of the community and targeted residents. (MODIFIED) (Formerly Goal 64)

OBJECTIVE 2.1: ACCESSIBILITY. Ensure that library services, programs and facilities are accessible. (ADDED)

POLICY: 2.1.1: Ensure that there is an equitable distribution of libraries, of varied sizes, throughout the County, based on an identified average travel distance for residents and area population. (ADDED)

POLICY 2.1.2: Establish a balance between physical and virtual services. Increase focus on virtual services rather than building new, or expanding current, library facilities. (ADDED)

POLICY 2.1.3: Monitor library performance to ensure that community needs are satisfied through:

1. On-going customer satisfaction surveys; and
2. Periodic surveys of the service and information needs and preferences of current and future library users. (ADDED)

POLICY 2.1.4: Bicycle and pedestrian facilities and access to the street networks and transit routes will be required for future facility site design where practicable. Libraries will connect to bicycle and pedestrian facilities in mixed-use, urban, and suburban areas. (ADDED) (LDC)

OBJECTIVE 2.2: SERVICES AND RESOURCES. Ensure that the library's content and services are efficiently managed. (ADDED)

POLICY 2.2.1: Expand and develop the collection of electronic resources. (ADDED)

POLICY 2.2.2: By 2015, the circulation of electronic resources of the Lee County Library System will reach 1,000,000 items annually. (ADDED)

POLICY 2.2.3: Expand the model of increased partnership with the community as modeled by the Fort Myers Regional Library. Focus on personal activities with community organizations and individuals, with less emphasis on the book warehouse function. (ADDED)

GOAL 3: EDUCATION AND PUBLIC SCHOOL FACILITIES. Assist the School District and other providers of education (where appropriate) with the planning, development and siting of new schools to offer a high quality educational environment, accessibility for all students, and school capacity to accommodate enrollment demand. (EDITED) (Formerly Goals 66 and 67)

OBJECTIVE 3.1: SCHOOL LOCATION PLANNING. Cooperate with the Lee County School District and representatives of private and parochial school associations to ensure school locations are consistent with county growth policies and the needs of the future population. (EDITED) (Formerly Objective 66.1)

POLICY 3.1.1: Collaborate with the School District, representatives of private and parochial school associations, and other interested institutions, for the location and development of educational systems consistent with Florida statutes and the policies of this plan. (EDITED) (Formerly Policy 66.1.1)

POLICY 3.1.2: Educational institutions will comply with the policies of this plan and the LDC where not pre-empted by state statutes or administrative rules. (EDITED) (Formerly Policy 66.1.2)

POLICY 3.1.3: Maintain and regularly update a school impact fee. (EDITED) (Formerly Policy 66.1.3)

POLICY 3.1.4: Together with the School District, assist developers considering school site contributions with information on land availability, use and parcel data. Current and future multi-modal site accessibility will also be considered. (EDITED) (Formerly Policy 66.1.4) (LDC)

POLICY 3.1.5: Proactively coordinate with the State Board of Regents on development of the Florida Gulf Coast University through the Campus Master Plan process, the required Development Agreement, and other means of intergovernmental coordination. (EDITED) (Formerly Policy 66.1.5)

POLICY 3.1.6: Seek opportunities for adjacent school sites or the collocation of public facilities and resources, such as parks, libraries, and community centers, with public schools. (EDITED) (Formerly Policy 66.1.6)

POLICY 3.1.7: Assist the School District in the development of siting criteria that encourages the location of public schools in close proximity to urban residential areas. (EDITED) (Formerly Policy 66.2.4)

OBJECTIVE 3.2: LAND USE COMPATIBILITY. Encourage the siting of schools to comply with policies aimed at land use and transportation compatibility. (EDITED) (Formerly Objective 66.3)

POLICY 3.2.1: Protect the integrity of schools so that educational functions are not disrupted by the intrusion of incompatible land uses. Prohibit school sites that will be exposed to physical constraints, hazards, or nuisances detrimental to the health and safety of students and to the operation of the school. This policy does not preclude the location of schools in infill areas and being appropriately integrated into existing neighborhoods surrounded by residential, commercial, community facilities, natural preserves and other compatible uses. (MODIFIED) (Formerly Policies 66.3.1 and 66.3.10)

POLICY 3.2.2: Cooperate with the School District in the planning and selection of future school sites and the development of mutually acceptable guidelines for site selection. (EDITED) (Formerly Policy 66.3.2)

POLICY 3.2.3: Encourage the acquisition of school sites appropriate to their neighborhoods while still accommodating projected increases in enrollment. (EDITED) (Formerly Policy 66.3.3)

POLICY 3.2.4: Encourage the location of neighborhood elementary schools within walking distance of the residential areas. (EDITED) (Formerly Policy 66.3.6)

POLICY 3.2.5: Require new residential developments to provide pedestrian and bicycle access for school children. (EDITED) (Formerly Policy 66.3.7)

POLICY 3.2.6: Remove or reduce barriers to pedestrian and bicycle access for school children. (ADDED)

POLICY 3.2.7: Reduce hazardous walking conditions and improve walkability to schools, by implementing the following strategies with the school district:

1. Require new development adjacent to school properties to provide a right of way and a direct safe access path for pedestrian travel to existing and planned school sites and to connect to the neighborhood's existing and proposed pedestrian improvements;
2. Ensure continuous pedestrian access to public schools by constructing facilities to address hazardous walking conditions. Include the construction of pedestrian access in the schedule of capital improvements adopted each fiscal year;
3. Evaluate school zones to consider safe crossing of children walking along transportation facilities and prioritize areas for sidewalk and walkability improvements to increase the ability of children to walk safely to school and wherever possible show preference for routes that do not run along transportation facilities and have high visibility; and
4. Coordinate existing and planned public school facilities with the plans for supporting infrastructure to assure safe access and walkability to schools, including sidewalks, crosswalks, and bicycle paths, and where appropriate or warranted, street lighting, traffic calming, and pedestrian crossing signalization.
5. Identify school sites that are highly walkable.
6. Identify locations for school sites where walking distances for students can be shortened and barriers to pedestrian access to schools can be removed.
7. Participate in and promote the Safe Routes to School program. (MODIFIED) (Formerly Policy 67.3.7)

POLICY 3.2.8: Encourage the selection of School sites in advance of the developments they are intended to serve and based upon planned densities and development patterns. (EDITED) (Formerly Policy 66.3.1) (Formerly Policy 66.3.8)

POLICY 3.2.9: When possible, elementary schools must have access to local or collector streets; secondary schools must have access to a collector or arterial street. (EDITED) (Formerly Policy 66.3.9)

POLICY 3.2.10: Prohibit the location of schools in the areas designated on the Future Land Use Map as *Airport Noise Zone B* or within other high noise impact areas. Additionally, in accordance with Florida Statutes, prohibit the construction of a public or private school within areas extending five miles along the extended centerline of a runway (either existing or proposed) with a width one half the length of the runway. Grant exceptions approving construction of educational facilities in these areas only after specific findings of the public policy reasons for allowing the construction outweigh health and safety concerns prohibiting the location." (EDITED) (Formerly Policy 66.3.11)

POLICY 3.2.11: Promote smaller, geographically-diversified neighborhood school campuses that are incorporated into community plans. (EDITED) (Formerly Policy 66.3.13)

OBJECTIVE 3.3: COORDINATION AND COOPERATION. New public schools will be consistent with the future land use map designation, will be co-located with other appropriate public facilities (when possible), and will have supporting infrastructure. (EDITED) (Formerly Objective 67.3)

POLICY 3.3.1: Collaborate with economic development agencies, the School District, Florida Southwestern State College, Florida Gulf Coast University, and other relevant educational institutions to achieve shared economic goals. (MODIFIED) (Formerly Objective 66.2)

POLICY 3.3.2: Continue programs to allocate responsibility and costs for supporting the use of schools as emergency shelters. (EDITED) (Formerly Policy 66.2.1)

POLICY 3.3.3: Provide technical information to the School District to assist in identifying suitable sites for new schools. (EDITED) (Formerly Policy 66.2.2)

POLICY 3.3.4: Collaborate with the School District when planning and making decisions regarding population projections. In order to maximize the benefits to be gained from joint planning efforts, coordinate with the School District to base respective plans on consistent projections of the amount, type, and distribution of population growth and student enrollment. (EDITED) (Formerly Policy 66.2.3)

POLICY 3.3.5: Jointly determine with the School District the need for and timing of on-site and off-site improvements to support new school facilities. The County and the School District will explore opportunities for shared funding of necessary infrastructure improvements. (EDITED) (Formerly Policy 67.3.1)

POLICY 3.3.6: Enter into interlocal agreements with the School District to identify the timing, location, and parties responsible for constructing, operating, and maintaining off-site improvements necessary to support new school facilities. (EDITED) (Formerly Policy 67.3.2)

POLICY 3.3.7: 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. (NO CHANGE) (Formerly Policy 67.3.3)

POLICY 3.3.8: Forward applications for rezonings and comprehensive plan amendments that increase density on the Future Land Use Map to the School District for review. Inform the School District of the effect of proposed amendments upon school capacity. (EDITED) (Formerly Policy 67.3.4)

POLICY 3.3.9: The School District will periodically review education and public school facilities goals, objectives and policies and present proposed modifications to staff for initial comments and input. The School District will be the lead agency and applicant for amendments to education and public school facilities goals, objectives and policies. (EDITED) (Formerly Policy 67.3.5)

POLICY 3.3.10: In collaboration with the School District and the municipalities, identify issues relating to public school emergency preparedness, including:

1. Determination of evacuation zones, evacuation routes, and shelter locations.
2. Design and use of public schools as emergency shelters.
3. Designation of sites other than public schools as long-term shelters, to allow schools to resume normal operations following emergency events. (EDITED) (Formerly Policy 67.3.6)

OBJECTIVE 3.4: ADEQUATE SCHOOL FACILITIES. Establish and maintain level of service standards for public schools to ensure adequate school capacity for existing and expected High School, Middle School, Elementary School, and Special Purpose students. Lee Plan Map, Map (*TBD*), depicts existing and planned School District facilities in Lee County. (EDITED) (Formerly Objective 67.1)

POLICY 3.4.1: Maintain a regulatory Level of Service of 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes for elementary, middle, and high schools, as well as special purpose facilities, based upon Permanent Florida Inventory School Houses (FISH) capacity.

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

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

Relocatables may be used to accommodate special education programs and to provide temporary classrooms while a portion of an existing school is under renovation. (EDITED) (Formerly Policy 67.1.1)

POLICY 3.4.2: Modifications to the public school LOS standards must be accomplished by amending the Lee Plan and the most current School Concurrency Interlocal Agreement. (EDITED) (Formerly Policy 67.1.2)

POLICY 3.4.3: Adopt the School Board’s current School Choice Zone boundaries as Concurrency Service Areas (CSAs). Exclude multizone magnet schools and Special Purpose Facilities from CSAs. Measure concurrency for new development against capacity in the 3 Student Assignment Zones (West Zone, East Zone, and South Zone) depicted on Map (*TBD*). Add Special Purpose Facility capacity to the total CSA capacity as these facilities potentially provide service to students from all CSAs. (EDITED) (Formerly Policy 67.1.3)

POLICY 3.4.4: In collaboration with the School District, annually identify available school capacity as part of the 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 Capital Improvement Program; student

enrollment by school type by CSA; and, capacity information by school type by CSA. (EDITED) (Formerly Policy 67.2.2)

POLICY 3.4.5: Review residential local development order requests against the available total capacity by school type identified in the annual concurrency report. If capacity is available or mitigation has been agreed to by the County and the School District, a concurrency certificate may be issued, valid for three years. No concurrency certificate will be issued if capacity is not available and there has not been agreement on mitigation. Maintain provisions in the Land Development Code for the renewal of concurrency certificates. (EDITED) (Formerly Policy 67.2.3)

POLICY 3.4.6: The following residential uses are exempt from the requirements of school concurrency:

1. Single family lots with final plat approval prior to November 7, 2008.
2. Multi-family residential development with a final development order and concurrency certificate issued prior to November 7, 2008 and the 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.
4. Other residential uses that do not generate school-age children. For example, licensed Adult or Assisted Living Facilities or age-restricted residential developments prohibiting persons under the age of 18 from residing there as permanent residents.
5. Developments of Regional Impact approved pursuant to *Chapter 380*, Florida Statutes prior to July 1, 2005, but only as to the number of residential units authorized in the DRI Development Order. (EDITED) (Formerly Policy 67.2.5)

POLICY 3.4.7: 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 most recently adopted School Impact Fee Update 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. (EDITED) (Formerly Policy 67.2.6)

POLICY 3.4.8: The School District Capital Improvement Program will prioritize projects that eliminate existing school facility deficiencies and projects that are needed to meet future level of service standards. (MODIFIED) (Formerly Policy 67.4.1)

POLICY 3.4.9: Support a three-tiered program of land use education including environmental issues targeting Pre-K through 12th grade school children, the general adult population, and newcomers to heighten awareness of the County's special land use issues such as economic and environmental characteristics. This includes coordinated community education and outreach programs to foster the construction and implementation of environmental projects, such as filter marshes, land acquisition, and local mitigation opportunities. (MODIFIED) (Formerly Policy 66.4.1)

GOAL 4: SURFACE WATER MANAGEMENT FOR PROTECTION OF LIFE AND PROPERTY. 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. (EDITED) (Formerly Goal 59)

OBJECTIVE 4.1: Develop surface water management plans, an up-to-date body of technical information, regulatory mechanisms, and facilities to improve the protection of real property from stormwater flooding, while preserving and/or enhancing the natural environment (land) and natural resources (water). (EDITED) (Formerly Objective 59.1)

POLICY 4.1.1: Update and implement the comprehensive county-wide surface water management master plan, with attention to issues of regional water quality and environmental integrity. (EDITED) (Formerly Policy 59.1.1)

POLICY 4.1.2: Establish and utilize criteria derived from technical data underlying the surface water management plan, to identify floodways and other areas of special flood risk not already identified by the Federal Flood Hazard Map and Flood Insurance Study. (EDITED) (Formerly Policy 59.1.2)

POLICY 4.1.3: Update flood plain regulations in accordance with the 2012 Flood Insurance Rate Map (FIRM) and other available sources by 2015. (EDITED) (Formerly Policy 59.1.3)

POLICY 4.1.4: Develop, update, and improve technical information, with the assistance of the U.S.D.A. Natural Resources Conservation Service, United States Geological Survey, Federal Emergency Management Agency, South Florida Water Management District, and other agencies, to better determine the current flooding risks associated with severe rainfall events. (EDITED) (Formerly Policy 59.1.4)

POLICY 4.1.5: Through land use and engineering regulations, control the introduction of obstructions or impediments within floodways. (EDITED) (Formerly Policy 59.1.5)

POLICY 4.1.6: By 2015, develop standards to provide for construction of artificial drainageways compatible with natural flow ways and provide for the reduction of the risk of flood damage to new development. (EDITED) (Formerly Policy 59.1.6)

POLICY 4.1.7: Limit priorities in public investment in surface water management facilities 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. (EDITED) (Formerly Policy 59.1.7)

POLICY 4.1.8: Monitor water quality in the Imperial River and navigational access and tidal flushing through New Pass and Big Hickory Pass. (EDITED) (Formerly Policy 59.1.8)

GOAL 5: COORDINATION OF SURFACE WATER MANAGEMENT AND LAND USE PLANNING. 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. (EDITED) (Formerly Goal 60)

OBJECTIVE 5.1: BASIN PROGRAM. Promote water management permitting on a basin-wide basis in addition to the current individual-site approach. (EDITED) (Formerly Objective 60.2)

POLICY 5.1.1: 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 of this plan.

(NO CHANGE) (Formerly Policy 60.2.1)

POLICY 5.1.2: Taxing/benefit districts or other financing mechanisms established pursuant to the Future Land Use Element of this plan will include an examination of the potential for basin-wide surface water management within the designated area. (EDITED) (Formerly Policy 60.2.2)

POLICY 5.1.3: By the end of 2015 the county will establish a dedicated funding source for the effective operation of the Stormwater Management System. (EDITED) (Formerly Policy 60.2.3)

OBJECTIVE 5.2: LEVEL-OF-SERVICE STANDARDS. Update the level of service standards established for basins using information from new basin studies. (MODIFIED) (Formerly Objective 60.3)

POLICY 5.2.1: The following surface water management standards are the minimum acceptable levels of service for unincorporated Lee County (see the Capital Improvements Element)

A. Stormwater Management:

1. Existing Infrastructure: The existing surface water management system in the unincorporated areas of the county is expected to prevent the flooding of designated evacuation routes from the 25-year, 3-day storm event (rainfall) for more than 24 hours;
2. Six Mile Cypress Watershed: The floor slabs for all new private and public structures which are constructed a minimum of one (1) foot above the 100-year, 3-day storm event flood plain level will be safe from flooding from a 100-year, 3-day storm event (rainfall). The 100-year flood plain level and watershed boundaries are as established in Volume IV of the Six Mile Cypress Watershed Plan;

3. The Six Mile Cypress Slough and its major tributaries as identified in the Six Mile Cypress Watershed Plan (February 1990) must accommodate the associated discharge from the 25 year, 3-day storm event (rainfall). [Ref: Six Mile Cypress Watershed Plan (February 1990) -Volume II, Pages 10-5.]
4. The North Fort Myers Surface Water Management Plan developed in March 2010 and adopted by the Board of County Commissioners covers a 21-watershed area between US 41 and SR 31, north of the Caloosahatchee River. The proposed level of service for the area covered by the plan is as follows:
 - County roads must meet or exceed a 5-year, 24-hour storm event
 - Evacuation routes must meet or exceed a 25-year, 3-day storm event
 - Major collectors and arterial roadways must have no more than 6 inches of water for a 25-year, 3-day storm event
 - Finished floor elevations of structures must meet or exceed a 100-year, 3-day storm event
5. Gator Slough, Yellow Fever Creek, Yellow Fever Creek-East Branch, Powell Creek, Billy Creek, Whiskey Creek, Deep Lagoon, Cow Creek, Hendry Creek, Ten Mile Canal, and Imperial River Watersheds.

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

Floor slabs for all new private and public structures which are constructed a minimum of one (1) foot above the 100-year, 3-day storm event flood plain level will be safe from flooding from a 100-year, 3-day storm event (rainfall).

B. Regulation of Private and Public Development

Surface water management systems in new private and public developments (excluding widening of existing roads) must be designed to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm event [rainfall]). Stormwater discharges from development must meet relevant water quality and surface water management standards in Chapters 17-3, 17-40, and 17-302, and rule 40E-4, F.A.C. New developments must be designed to avoid increased flooding of surrounding areas. Development must be designed to minimize increases of discharge to public water management infrastructure (or to evapotranspiration) that exceed historic rates, to approximate the natural surface water systems in terms of rate, hydroperiod, basin and quality, and to eliminate the disruption of wetlands and flowways, whose preservation is deemed in the public interest.

C. Water Quality

Bring designated impaired water bodies into compliance with State and Federal water quality criteria in accordance with the Total Maximum Daily Load and NPDES programs as soon as feasible. (MODIFIED) (Formerly Policy 60.3.1)

POLICY 5.2.2: Maintain and annually update the CIP to provide for the needs of the surface water management program. (EDITED) (Formerly Policy 60.3.2)

POLICY 5.2.3: Base revised levels of service required to guide future investments in surface water management facilities on the recommendations of the Surface Water Management Master Plan, as updated, and establish procedures to keep current the levels of service, remaining capacity of existing facilities, and demand for new facilities. (EDITED) (Formerly Policy 60.3.3)

POLICY 5.2.4: Evaluate and rank Water management projects according to the priorities adopted into this plan. Give major emphasis 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. (EDITED) (Formerly Policy 60.3.4)

POLICY 5.2.5: Identify and map flow-ways as part of the Lee County Surface Water Management Plan. The Plan provides a general depiction of watersheds and their trunk and major tributaries and has been expanded to some degree in the DRGR area. As new information is assembled, update the Plan for public use. Due to its magnitude and need for site specific information, not all flow-ways will be shown. (EDITED) (Formerly Policy 60.5.4)

POLICY 5.2.6: Coordinate the review of flow-ways with the other regulatory agencies and assist in the development of incentives and credits for implementation of regional surface water management systems that address flood protection, water quality/ environmental enhancement and water conservation. (EDITED) (Formerly Policy 60.5.5)

POLICY 5.2.7: Develop a capital improvements program supporting the reconstruction and maintenance of prioritized flowways including incentives for private participation. (EDITED) (Formerly Policy 60.5.6)

GOAL 6: PROTECTION OF WATER RESOURCES. Protect 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. (EDITED) (Formerly Goal 61)

OBJECTIVE 6.1: SURFACE WATER Develop options to address surface water runoff as a resource within the County. (MODIFIED) (Formerly Objective 61.1)

POLICY 6.1.1: 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 of ensuring sufficient water is available to maintain or restore valued natural systems. (EDITED) (Formerly Policy 61.1.1)

POLICY 6.1.2: 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. 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 Florida DEP and USEPA regulations governing receiving waters will be met through treatment. Define excess surface water runoff as water not required to maintain or restore estuarine waters or other valued wetland systems. (EDITED) (Formerly Policy 61.1.2)

POLICY 6.1.3: 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, sponsor, in collaboration with other agencies, institutions, and organizations, research programs to make data available. (EDITED) (Formerly Policy 61.1.3)

POLICY 6.1.4: 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 Density Reduction/Groundwater Resource land use category. (NO CHANGE) (Formerly Policy 61.1.4)

OBJECTIVE 6.2: WATERSHED PROTECTION. Improve water quality in impaired water bodies and their watersheds in order to attain state and federal water quality standards. (ADDED)

POLICY 6.2.1: Promote development practices that reduce the pollutant load within watersheds where the receiving body has failed to meet state water quality standards, been determined by a State of Florida assessment to be impaired, or determined by Lee County to have a declining water quality trend. (ADDED)

POLICY 6.2.2: Collaborate with agencies and stakeholders to improve water quality in the Tidal Caloosahatchee River Watershed, to benefit public health, recreation and the associated ecosystem. (MODIFIED) (Formerly Policy 61.1.5)

POLICY 6.2.3: Promote the reduction of stormwater impacts from new development and redevelopment through the use of low impact development principles. (ADDED)

POLICY 6.2.4: Identify, monitor and reduce non-point source pollution influences such as septic systems, fertilizer products, or other ground and surface water impacts. (ADDED)

POLICY 6.2.5: Maintain regulations to permit Lee County inspectors to monitor water quality on construction sites with an active development order. (ADDED)

GOAL 7: SOLID WASTE. Protect the quality of the environment through the proper management and disposal of solid waste. (EDITED) (Formerly Goal 62)

OBJECTIVE 7.1: SOLID WASTE COLLECTION. Continue programs to segregate construction and demolition debris and to separate newspaper, aluminum cans, and other appropriate recycling commodities using economical resource recovery practices. (MODIFIED) (Formerly Objective 62.1)

POLICY 7.1.1: Monitor and enforce the county's mandatory garbage and solid waste collection regulations. (EDITED) (Formerly Policy 62.1.1)

POLICY 7.1.2: Maintain resource recovery and recycling programs for paper, plastic, and nonferrous metal containers. (EDITED) (Formerly Policy 62.1.2)

POLICY 7.1.3: Maintain programs to decrease the volume of materials in the solid waste stream requiring landfilling (i.e. separate materials that can be reused or disposed of in another manner). (EDITED) (Formerly Policy 62.1.3)

POLICY 7.1.4: Develop programs to reduce the volume of roadside litter and the amount of illegal dumping in the unincorporated county. (EDITED) (Formerly Policy 62.1.4)

POLICY 7.1.5: Continue to research and implement methods to improve programs for solid waste collection, processing, and landfilling as well as recycling programs. (ADDED)

OBJECTIVE 7.2: SOLID WASTE DISPOSAL. Continue operation of waste to energy and resource recovery facilities. (MODIFIED) (Formerly Objective 62.2)

POLICY 7.2.1: Study and implement disposal technologies and volume reduction by recycling and resource recovery. Focus on reducing the volume of bulky and potentially recyclable items such as horticultural waste, rubber tires, appliances, etc. (EDITED) (Formerly Policy 62.2.1)

POLICY 7.2.2: Pursue a "clean community" campaign of education and information to reduce litter. Solicit operational funds from major sources of litter materials such as fast-food franchises and convenience market operators. (EDITED) (Formerly Policy 62.2.2)

POLICY 7.2.3: Pursue efforts to control the disposal of hazardous wastes. Identify and monitor the disposal activities of hazardous wastes generators through cooperative programs with state agencies. Pursue efforts to ensure compliance with state and federal hazardous waste treatment and disposal requirements. (EDITED) (Formerly Policy 62.2.3)

POLICY 7.2.4: Maintain a local program to collect (and properly dispose of) small quantities of household chemical materials such as pesticides, paint, used motor oil, etc. (EDITED) (Formerly Policy 62.2.4)

POLICY 7.2.5: The minimum acceptable level-of-service standard for solid waste disposal and resource recovery facilities is 7 pounds (or equivalent volume) per capita per day (see also Capital Improvements Element). (EDITED) (Formerly Policy 62.2.5)

POLICY 7.2.6: Periodically evaluate the need for new landfill capacity to serve the entire county including municipalities. (MODIFIED) (Formerly Policy 62.2.6)

POLICY 7.2.7: Maintain a program of responsible recycling of electronic waste and ensure dismantling procedures that promote proper health, environmental, worker, and data protection. (ADDED)

GOAL 8: WATER SUPPLY. Provide an adequate water supply to meet the County's need for potable water and protect supply from depletion or degradation. (Formerly Goal 63) (MODIFIED)

OBJECTIVE 8.1: WATER SUPPLY PLANNING. Identify projected demand for potable water and identify sources to meet these needs and plan for developing these resources. (ADDED)

POLICY 8.1.1: Identify water demands consistent with projections of human population and the needs of natural systems to determine the future demands for groundwater. (EDITED) (Formerly Policy 63.2.3)

POLICY 8.1.2: To maximize the protection of groundwater resources, identify future wellfields and 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. (EDITED) (Formerly Policy 63.2.1)

POLICY 8.1.3: Encourage utilities to consider alternative water sources to meet future demands for potable water and employ an Integrated Water Resource Management approach to potable water supply development. (ADDED)

POLICY 8.1.4: Collect data from private suppliers of potable water, including reporting of water flows, storage capacity, pressures, number of customers, committed future connections, and proposed expansion plans. Update the data on a yearly basis. (EDITED) (Formerly Policy 55.1.4)

POLICY 8.1.5: Base future development and use of groundwater resources on determinations of the safe yield of the aquifer system(s) to avoid impairing the native groundwater quality or creating other environmental damage. Determinations and reviews will include the review of the alternative source aquifers. (MODIFIED) (Formerly Objective 63.2)

POLICY 8.1.6: Perform groundwater modeling and analysis, as needed, to assess the potential impact of land use changes on the water resources of the County. The analysis will focus on the following issues:

- Availability of water supplies, including groundwater quality and water level draw-down.

- Avoidance of adverse impacts on natural systems from water supply withdrawals.

This does not substitute for site specific analysis necessary for new development but is available for the applicants use. (MODIFIED) (Formerly Policy 55.1.2)

POLICY 8.1.7: Lehigh Acres (as defined by outer boundaries of its Privately Funded Infrastructure overlay on the Future Land Use Map) is a critical area for future potable water supply due to fluctuating water levels in the Sandstone aquifer. In response to this designation, amend regulations to require new wells in Lehigh Acres to be constructed to accommodate submersible pumps. (MODIFIED) (Formerly Policy 54.1.9)

POLICY 8.1.8: Incorporate water supply into the concurrency management system consistent with the requirements of Florida Statutes. (EDITED) (Formerly Objective 53.2)

POLICY 8.1.9: Implement the Water Supply Facilities Work Plan adopted on February 25, 2009. Utilize the work plan as the guide to water supply facility planning with a planning horizon through the year 2035. Maintain the Water Supply Facilities Work Plan on file by Lee County Utilities. (EDITED) (Formerly Policy 55.1.3)

POLICY 8.1.10: Expand potable water facilities consistent with those improvements identified in Table 6, the 10 Year Water Supply Development Projects Table. Amend Table 6 as projects are completed and technological advancements in water supply facilities are made. Review Table 6 annually following adoption of the Capital Improvement Program (CIP) to determine if revision to the table is warranted based on projects included in the current CIP. (MODIFIED) (Formerly Policy 53.1.11)

POLICY 8.1.11: Maintain development regulations to prohibit the issuance of building permits in franchised or certificated water service areas, or within Lee Counties Utilities' future service areas, unless potable water supply will be available to meet current and projected growth demands, or surety is given that supply will be available prior to occupancy. This policy does not exempt development of any size from meeting the levels of service required for concurrency under Policies 9.1.2 above and the Capital Improvements element. (EDITED) (Formerly Policy 53.2.1)

POLICY 8.1.12: Pursue methods to use surface water runoff as a resource for water supplies for human use and the natural environment as outlined in Objective 6.1, Community Facilities and Services. (ADDED)

POLICY 8.1.13: County water supply planning will recognize surface water runoff as a possible resource and will integrate the use of surface water runoff into any supply programs and strategies. (ADDED) (Formerly 61.1.1)

OBJECTIVE 8.2: PREVENT DEGRADATION OF WATER SUPPLY. Protect the potable water supply from activities that may degrade that supply. (ADDED)

POLICY 8.2.1: WELLFIELD PROTECTION. Maintain a wellfield protection ordinance to provide regulations protecting the quality of water flowing into potable water wellfields. (EDITED) (Formerly Objective 63.1)

POLICY 8.2.2: The Division of Natural Resources will periodically review the Wellfield Protection Ordinance and update as necessary to reflect current conditions. (EDITED) (Formerly Policy 63.1.1)

POLICY 8.2.3: Require review and comment by a staff hydrogeologist on development applications near public utility potable water wellfields, with particular attention to proposed land uses within a 10-year travel time from the wellheads. (EDITED) (Formerly Policy 63.1.2)

POLICY 8.2.4: Require review and comment by a staff hydrogeologist on development applications proposed in the DR/GR area. (EDITED) (Formerly Policy 63.1.3)

POLICY 8.2.5: Collaborate with the Department Of Health, Department of Environmental Protection, and South Florida Water Management District to identify sources of groundwater pollutants, including saline intrusion, and map point and non-point sources on a county-wide basis. (MODIFIED) (Formerly Policy 63.2.2)

POLICY 8.2.6: Expand current programs to identify and map the contamination potential of groundwater resources in areas under private ownership. (EDITED) (Formerly Policy 63.2.4)

POLICY 8.2.7: In cooperation with other agencies and the municipalities, maintain a program of plugging abandoned or improperly constructed artesian wells on a funding-available basis. (EDITED) (Formerly Policy 63.2.5)

GOAL 9: POTABLE WATER AND SANITARY SEWER INFRASTRUCTURE. Provide high-quality central potable water service, sanitary sewer service, and wastewater treatment and disposal throughout the future urban areas of the unincorporated County. Ensure the cost of providing facilities is borne by those who benefit. (MODIFIED) (Formerly Goals 53 and 56)

OBJECTIVE 9.1: LEVEL OF SERVICE STANDARDS. Ensure acceptable levels of potable water and sanitary sewer treatment and disposal service throughout the future urban areas of the unincorporated county, either by Lee County Utilities, or through franchised utility companies. (MODIFIED) (Formerly Objectives 53.1 and 56.1)

POLICY 9.1.1: Establish service areas for the Lee County Utilities water and sanitary sewer systems. Challenge applications by private water and sanitary sewer utilities to obtain a Certificate of Operation from the Florida Public Service Commission. Reject applications for county franchises in the service area. These service areas are illustrated in Maps 6 and 7. (MODIFIED) (Formerly Policies 53.1.1 and 56.1.1)

POLICY 9.1.2: The minimum acceptable level-of-service standards (see the Capital Improvements Element) for potable water and sanitary sewer connections that provide service in unincorporated Lee County will be:

Potable Water

Treatment Capacity: 250 gallons per day per equivalent residential unit for peak month
200 gallons per day for mobile home residential unit for peak month
100 gallons per day for travel trailer residential unit for peak month

System Pressure: 40 pounds per square inch (wp PSI static) at the meter anywhere on the individual system (excluding fire flow conditions)

Sanitary Sewer

Available Basic Facility Capacity: 200 gallons per day per equivalent residential connection for the Peak Month
160 gallons per day for residential mobile home unit for the peak month
80 Gallons per day for travel trailer residential unit for the peak month

(MODIFIED) (Formerly Policies 53.1.2, 53.1.4, and 56.1.2)

POLICY 9.1.3: The minimal acceptable level of service standards adopted for the Lee County Utilities' water and sanitary sewer systems apply to certificated or franchised areas of private utilities and will be used in enforcing concurrency regulations (see the Capital Improvements Element).

Private utilities that cannot meet the Level-of- Service standards may petition for a Plan Amendment for a revised Level-of-Service 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, and other pertinent information. The data must cover the last two prior years. (MODIFIED) (Formerly Policies 53.1.3 and 56.1.3)

POLICY 9.1.4: Encourage utilities to maintain or plan sufficient treatment capacity for near-term (5 years) availability to ensure capacity for unserved development surrounded by areas with sewer service. (EDITED) (Formerly Policy 56.2.3)

POLICY 9.1.5: Urge utilities to construct and install sufficient treatment facilities and collection systems to 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 Department of Environmental Protection, the Department of Health and Rehabilitative Services, U.S. Environmental Protection Agency, or local ordinances that exceed those requirements. Utilities will advise the county of system expansions or modification to ensure coordination. (EDITED) (Formerly Policy 56.1.4)

POLICY 9.1.6: 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. (NO CHANGE) (Formerly Policy 53.1.8)

OBJECTIVE 9.2: CONNECTION REQUIREMENTS. Maintain and enforce ordinances to require the connection of commercial and larger residential establishments to public or private central utility systems when those systems are available for service. (EDITED) (Formerly Objective 56.2)

POLICY 9.2.1: Maintain regulations that require residential development exceeding 2.5 dwelling units per gross acre and commercial or industrial development exceeding 30,000 square feet of gross floor area to connect to potable water service. Development located in franchise/certificated water service areas will connect to potable water service, if capacity is available at the minimum adopted levels of service, at the property line. (MODIFIED) (Formerly Policy 53.1.5)

POLICY 9.2.2: Maintain regulations that require residential development exceeding 2.5 dwelling units per gross acre, and commercial or industrial development that generates more than 5,000 gallons of sewage per day, that are located in franchised/certificated sanitary sewer service area, to connect to service if capacity is available at the minimum adopted level of service within 1/4 mile of the development. Apply this standard to development that constitutes a change in use or intensity. (EDITED) (Formerly Policy 56.1.5)

POLICY 9.2.3: Identify properties within the sanitary sewer service areas that are not fully connected to the wastewater collection system and require connection when central sewer is available in accordance with Policy 9.2.2. (MODIFIED) (Formerly Policy 56.1.9)

POLICY 9.2.4: It is in the interest of preserving public health and of preserving and enhancing environmental quality, to abate and cease use of septic tanks and wastewater treatment package plants when central sewer is available. (EDITED) (Formerly Policy 56.2.1)

POLICY 9.2.5: Maintain programs for the abatement of septic tanks and package plants in areas where sewer is available and in areas included in assessment districts established for upgrading sewer availability. (EDITED) (Formerly Policy 56.2.2)

POLICY 9.2.6: Do not issue permits to allow a 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, prior to obtaining written evidence that the other utility concurs. Enforce this policy along municipal and state rights-of-way by interlocal agreement and memorandum of agreement. (MODIFIED) (Formerly Policies 53.1.6 and 56.1.6)

OBJECTIVE 9.3: ORGANIZATION OF SERVICE AND FACILITY DELIVERY. Facilitate greater local coordination of the activities of public and private utilities within the county. (EDITED) (Formerly Goals 55 and 58)

POLICY 9.3.1: Ensure an adequate, reliable, and economical supply of potable water and sanitary sewer service to meet the forecasted needs for residents through regional planning and intergovernmental participation. (EDITED) (Formerly Objective 55.1)

POLICY 9.3.2: Plan and coordinate with other government agencies in the development of comprehensive plans for wellfield protection, aquifer recharge, water supply, sanitary sewer service, and related capital facilities. (EDITED) (Formerly Policy 55.1.1)

POLICY 9.3.3: Provide greater local coordination of the activities of public and private utility facilities within the county, by collecting and annually updating data from private potable water and sanitary sewer providers, including water flows, storage capacity, pressures, sewage flows, holding and treatment capacity, number of customers, committed future connections, and expansion plans. (EDITED) (Formerly Policy 58.1.1)

POLICY 9.3.4: In allocating Industrial Development Revenue Bond capacity, the county will give priority to private water utility firms and private sanitary sewer utilities proposing to construct basic facilities and to provide or upgrade infrastructure serving developed areas and antiquated subdivisions undergoing redevelopment (MODIFIED) (Formerly Policies 53.1.7 and 56.1.7)

POLICY 9.3.5: Give priority to Industrial Development Revenue Bonds or other mechanisms of public finance to regulated private utilities when not prohibited by law in order to achieve these public ends. (EDITED) (Formerly Policy 54.1.8)

GOAL 10: REGULATORY STANDARDS. Provide and maintain utility systems that meet or exceed federal, state and local regulatory standards. (ADDED)

OBJECTIVE 10.1: OPERATIONAL PRACTICES. Operate utility infrastructure, including potable water and wastewater systems to meet regulatory standards established by federal, state and local agencies. (ADDED)

POLICY 10.1.1: Maintain and enforce the ordinances necessary to prevent discharges of inadequately treated wastewater and reduce wastewater effluent discharges. (ADDED)

POLICY 10.1.2: Implement and enforce regulations to reduce the amount of effluent discharged into surface waters. Promote the beneficial use of reclaimed water by encouraging its use and discouraging disposal through surface water discharge. (MODIFIED) (Formerly Policy 54.1.10)

POLICY 10.1.3: Continue enforcement of the Industrial Pretreatment Program. (ADDED)

POLICY 10.1.4: Promote programs to reduce the time and cost to treat wastewater, including discouraging excessive use of garbage grinders or toxic discharges that inhibit the treatment process. (EDITED) (Formerly Policy 57.1.2)

POLICY 10.1.5: Ensure that the disposal of grease and septage are either recycled as a beneficial product or disposed of properly. (EDITED) (Formerly Objective 56.3)

POLICY 10.1.6: Support and enforce the Grease Management Ordinance. (ADDED)

POLICY 10.1.7: Prohibit the disposal of grease and septage by landspreading or other means without proper treatment to ensure that the products are recycled as a beneficial product or disposed of properly. (EDITED) (Formerly Policy 56.3.1)

POLICY 10.1.8: Promote the beneficial use of bio-solids generated at domestic wastewater treatment facilities. Explore innovative regional solutions to providing for the beneficial use of bio-solids. (ADDED)

POLICY 10.1.9: Determine the feasibility of implementing a program of inspections for privately held and operated package plants and other wastewater treatment facilities. This program would include periodic reporting by the plant operators in addition to site inspections by County personnel. (ADDED)

POLICY 10.1.10: Determine the feasibility of a program of inspections for septic tanks. (ADDED)

GOAL 11: WATER CONSERVATION. Ensure 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. (EDITED) (Formerly Goal 54)

OBJECTIVE 11.1: Encourage the beneficial use of reclaimed water and provide incentives for its use. (ADDED)

POLICY 11.1.1: Encourage existing developments to utilize reclaimed water distribution systems. (MODIFIED) (Formerly Policy 54.1.11)

POLICY 11.1.2: The conservation of potable water supply and facility capacity is of such importance to the orderly growth of the community that in order to incentivize its use, reclaimed water may be provided at a price significantly lower than finished potable water (the residual costs of operation will be charged to the sewer users as part of the cost of effluent disposal). (EDITED) (Formerly Policy 54.1.7)

POLICY 11.1.3: Enforce development regulations that require new development to connect to a reclaimed water system if a system is near the development and has sufficient capacity. (MODIFIED) (Formerly Policy 54.1.6)

POLICY 11.1.4: Require development to pay the fees and connect to a reclaimed water system if a system is near or adjacent to the development and has sufficient capacity for the development. (EDITED) (Formerly Policy 57.1.5)

POLICY 11.1.5: Design and construct new wastewater treatment plants to be water reclamation facilities producing reclaimed water for beneficial use. (MODIFIED) (Formerly Policy 57.1.4)

POLICY 11.1.6: On-site sewer plants serving new golf course communities must be designed to reuse effluent for irrigation purposes. (NO CHANGE) (Formerly Policy 57.1.6)

POLICY 11.1.7: To ensure its effectiveness as an effluent disposal system, reclaimed water may be provided at cost. (EDITED) (Formerly Policy 57.1.7)

POLICY 11.1.8: To ensure the equitable distribution of the costs of a reclaimed water system, the costs of operation not covered by the commodity charge should fall to the sewer users as a charge for effluent disposal. (EDITED) (Formerly Policy 57.1.8)

POLICY 11.1.9: Wastewater utilities are encouraged to utilize available technologies that allow for maximizing the use of reclaimed water. (ADDED)

OBJECTIVE 11.2: 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. (EDITED) (Formerly Objective 54.1)

POLICY 11.2.1: Using the personnel and resources of various county agencies, continue to offer a program of public information and education. Programs should include the use of print media, advertising, and public service announcements on radio and television highlighting and advocating various strategies of water conservation, including:

- Incentives for household and commercial use of appliances and ultralow volume plumbing fixtures with low water consumption rates;
- advising householders to reduce water use;
- 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;
- require the installation of a “rain sensor device” or “automatic switch” on all new irrigation systems on County facilities which will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred pursuant to Section 373.62, F.S.;
- encouraging the use of drought-tolerant ground covers and shrubbery according to the principles of “Florida Friendly” and demonstrating the uses of native vegetation in landscaping; and
- encouraging the thoughtful use of water. (MODIFIED) (Formerly Policy 54.1.1)

POLICY 11.2.2: Promote water conservation through incentives. Evaluate and apply a community based planning approach to water conservation, enabling more precision to be applied in achieving reduction targets. (EDITED) (Formerly Policy 54.1.12)

POLICY 11.2.3: Promote and enforce the Water Conservation Ordinance limiting residential irrigation to two days per week. (ADDED)

POLICY 11.2.4: Periodically re-examine the “step rate” structure for the Lee County Utilities water systems that 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. (EDITED) (Formerly Policy 54.1.4)

POLICY 11.2.5: Encourage privately operated potable water utilities with a franchise granted by the County to adopt a “conservation” rate structure for their respective service areas and employ water conservation programs described in Policy 11.2.1. (MODIFIED) (Formerly Policy 54.1.5)

POLICY 11.2.6: Encourage privately operated sanitary sewer utilities to adopt a “conservation” rate structure. (MODIFIED) (Formerly Policy 57.1.3)

OBJECTIVE 11.3: RESOURCE MANAGEMENT. 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. (EDITED) (Formerly Goal 57)

POLICY 11.3.1: Continue programs in education, technical advice, demonstration, rate revisions, and reuse to reduce per-capita water consumption and subsequent wastewater generation. (EDITED) (Formerly Objective 57.1)

POLICY 11.3.2: Using resources of various county agencies, design programs of public information and education to reduce demands on sewer facilities and natural systems. Programs will include print media, advertising, and public service announcements on radio and television highlighting and advocating various strategies to reduce demand for wastewater services, including, but not limited to:

- creating incentives for “reclaimed water” systems or other recycling activities;
- advising householders to reduce water use;
- providing information on proper maintenance of septic tanks and package plants; and
- encouraging the thoughtful use of water.

(MODIFIED) (Formerly Policy 57.1.1)

POLICY 11.3.3: In developing and implementing local landscape regulations including the preservation, reforestation, and wetlands restoration requirements, give preference to native species which are adapted to the region's climatic regime. (EDITED) (Formerly Policy 54.1.2)

POLICY 11.3.4: Emphasize the use of Florida Friendly landscaping, and the use of native vegetation, through modifications to the development regulations and through direct action while landscaping county-owned projects. Enact and maintain ordinances consistent with Florida Statutes requiring the use of

Florida-Friendly landscaping as a water conservation or water quality protection or restoration measure.
(MODIFIED) (Formerly Policy 54.1.3)

CPA2011-14
VISION STATEMENT

DIVISION OF PLANNING
MEMORANDUM



to: Local Planning Agency
from: Kathie Ebaugh, AICP, Principal Planner
subject: Proposed Vision Statement
date: January 16, 2014

Attached are two versions of the Vision Statement. The first is a strike-through/underline version of the Vision Statement that you reviewed on September 13, 2013, dated January 16, 2014. The second is a clean version. The September 13, 2013 document was the second draft Vision Statement that was presented to the LPA for public comment. At the September LPA public hearing, the LPA asked staff continue working on the document in order to better address the following issues:

- Strengthen the relationship between the county's overall vision and the role local communities play in achievement of that vision for 2035;
- Better emphasize quality of life attributes, agricultural resources, and community planning practices; and
- Review the format of the document to ensure that it clearly articulated the county's future goals and priorities.

Staff revised the document accordingly and presented a revised draft of the Vision Statement to the Community Sustainability Advisory Committee at their January 15, 2014 meeting. While the committee agreed that the changes improved the direction of the Vision Statement, the committee felt that further changes were needed. Specifically, the committee asked staff to make the following additional changes:

- Reinforce the county's commitment to the vision adopted as part of the New Horizon 2035:EAR by reintroducing the full language adopted through that process, not just the second sentence as had been originally proposed by staff;
- Strengthen commitment to local job creation, business retention, and economic development; and
- Clarify the document and remove redundant statements.

Staff has addressed the above comments and submits the following revised Vision Statement to the LPA for review and consideration. This draft clearly articulates the county's vision, planning priorities, and development commitments for the next twenty years. We ask that you transmit this document as part of the overall EAR-based Amendments to the Lee Plan to the Board of County Commissioners for their consideration.

Lee County - A Vision for 2035

Lee County will be a highly desirable place to live, work, and visit—recognized for its commitment to a sustainable future; characterized by a healthy economy, environment, and community. Because of its commitment, Lee County will be a community of choice valued for its quality of life; varied natural environment; distinct urban, suburban, coastal, and rural communities; healthy economy and diverse workforce; and unique sense of history and place.

~~Lee County can best be described as a multiplicity of development forms and land use patterns. Since the first comprehensive planning efforts in the 1970's the county has strived to maintain a high quality of life for its citizens while adapting to the challenges posed by growth and an expanding population by supporting the attributes and qualities that make Lee County a distinct place. to the adoption of the County's first future land use map in 1984, the County has attempted to deal with the pressures of growth and a rapidly increasing population. The County recognizes the importance of its natural resources and unique ecological qualities and strives to create an urban-rural boundary, along with varied intensities of land forms, that serves to preserve and expand options characteristic of a diverse population.~~

~~Lee County will maintain the urban-rural boundary while accommodating the diverse growth that is anticipated over the coming decades within its urban areas. In addition to preserving The county's future planning priorities will enable it to achieve its vision by 2035 through planning and development efforts that promote its distinct communities, preserve its unique natural resources and critical ecological values, support its agricultural features, and expand and interconnect its economic centers. Additionally, the County is also committed to growing its employment base through the support for existing businesses, attraction of new businesses, support for existing businesses, and redevelopment of its urban areas into higher quality living and working spaces.~~

~~Because of its commitment, Lee County will be a community of choice—valued for its quality of life; varied natural environment; distinct urban, suburban, coastal, and rural communities; diverse economy and workforce; and unique sense of history and place. Overall, In order to achieve this vision for 2035, Lee County has incorporated three central themes which are to be implemented through the Lee Plan. These three central themes include the following are:~~

- ~~1. Strengthening the county's unique communities and high quality of life by promoting the distinction between urban, suburban, and rural land forms; recognizing the unique coastal communities that presently exist in each of these areas; and encouraging a better integrated, further connected, and more efficient land form in urban and suburban communities. in those areas most appropriate for redevelopment.~~
2. Facilitating the expansion of the County's economic base, to include both existing economic engines within the County (e.g., tourism, development, agriculture, retirement)

and emerging areas for economic growth (e.g., health care, research and university-related, and airport and trade related).

3. Protecting and enhancing the County's unique natural resources for environmental, recreational, economic, and other purposes.

Lee County will implement these central themes by continuing to support localized community planning efforts that fully engage local citizens and the businesses sector in the overall planning process and provide opportunities for meaningful interaction between the county and community planning panels.

The result of this vision is that in 2035 Lee County will be characterized by urban, suburban, and rural development, broad areas of restored habitat and natural preserves, a vibrant economy based upon traditional and evolving economic areas, high employment and a strong tax base, a diverse population, a strong urban core with higher densities encouraged by redevelopment incentives, a variety of mobility options, and a more efficient and cost-effective system to deliver public services. As with any system in transition, the changes envisioned will bring challenges. ~~The County's challenge will be balancing the competing interests to evolve a resilient and flexible growth management system that will result in positive outcomes.~~ This future vision will be overcome these challenges through a community planning and development strategy that balances competing interests and results in positive outcomes for all Lee County.

Lee County - A Vision for 2035

Lee County will be a highly desirable place to live, work, and visit—recognized for its commitment to a sustainable future; characterized by a healthy economy, environment, and community. Because of its commitment, Lee County will be a community of choice valued for its quality of life; varied natural environment; distinct urban, suburban, coastal, and rural communities; healthy economy and diverse workforce; and unique sense of history and place.

Since the first comprehensive planning efforts in the 1970's the county has strived to maintain a high quality of life for its citizens while adapting to the challenges posed by growth and an expanding population by supporting the attributes and qualities that make Lee County a distinct place.

The county's future planning priorities will enable it to achieve its vision by 2035 through planning and development efforts that promote its distinct communities, preserve its unique natural resources and critical ecological values, support its agricultural features, and expand and interconnect its economic centers. Additionally, the county is also committed to growing its employment base through the support for existing businesses, attraction of new businesses, and redevelopment of its urban areas into higher quality living and working spaces.

In order to achieve this vision for 2035, Lee County has incorporated three central themes which are to be implemented through the Lee Plan. These three central themes are:

1. Strengthening the county's unique communities and high quality of life by promoting the distinction between urban, suburban, and rural land forms; recognizing the unique coastal communities that presently exist in each of these areas; and encouraging a better integrated, further connected, and more efficient land form in urban and suburban communities.
2. Facilitating the expansion of the County's economic base, to include both existing economic engines within the County (e.g., tourism, development, agriculture, retirement) and emerging areas for economic growth (e.g., health care, research and university-related, and airport and trade related).
3. Protecting and enhancing the County's unique natural resources for environmental, recreational, economic, and other purposes.

Lee County will implement these central themes by continuing to support localized community planning efforts that fully engage local citizens and the businesses sector in the

overall planning process and provide opportunities for meaningful interaction between the county and community planning panels.

The result of this vision is that in 2035 Lee County will be characterized by urban, suburban, and rural development, broad areas of restored habitat and natural preserves, a vibrant economy based upon traditional and evolving economic areas, high employment and a strong tax base, a diverse population, a strong urban core with higher densities encouraged by redevelopment incentives, a variety of mobility options, and a more efficient and cost-effective system to deliver public services. As with any system in transition, the changes envisioned will bring challenges. This future vision will be overcome these challenges through a community planning and development strategy that balances competing interests and results in positive outcomes for all Lee County.