

**LEE COUNTY ORDINANCE NO. 16-07
PINE ISLAND COMMUNITY PLAN UPDATE
(CPA2015-00013)**

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO THE PINE ISLAND COMMUNITY PLAN UPDATE (CPA2015-00013) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF "THE LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

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

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

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on December 14, 2015; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on January 20, 2016. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Pine Island Community Plan Update (CPA2015-00013) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the January 20, 2016 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on March 16, 2016, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

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

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map and text amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "Pine Island Community Plan Update Ordinance (CPA2015-00013)."**

SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, which amends the Lee Plan to incorporate updates to the Pine Island Community Plan. The amendments include changes to the Future Land Use Element, the Transportation Element, the Capital Improvement Element, the Conservation and Coastal Management Element, the Glossary and Tables 1(a), 2(a), and 2(b) of the Lee Plan, known as Pine Island Community Plan Update (CPA2015-00013).

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

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

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

SECTION FOUR: MODIFICATION

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

SECTION FIVE: GEOGRAPHIC APPLICABILITY

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

SECTION SIX: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

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

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

SECTION EIGHT: EFFECTIVE DATE

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

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

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

DONE AND ADOPTED this 16th day of March, 2016.

ATTEST:
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: Michelle Miller
Deputy Clerk

BY: Franklin B. Mann
Franklin B. Mann, Chair



DATE: 3/16/2016

Approved as to Form for the
Reliance of Lee County Only

[Signature]
County Attorney's Office

Exhibit A: Adopted revisions to Pine Island Community Plan
(Adopted by BOCC March 16, 2016)

EXHIBIT A

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

Text Amendments:

Future Land Use Element:

POLICY 1.1.2: The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers, East Fort Myers west of I-75, and South Fort Myers. By virtue of their location, the county's current development patterns, and the available and potential levels of public services, they are well suited to accommodate high densities and intensities. Planned mixed-use centers of high-density residential, commercial, limited light industrial (see Policy 7.1.6), and office uses are encouraged to be developed as described in Policy 2.12.3., where appropriate. As Lee County develops as a metropolitan complex, these centrally located urban nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. The standard density range is from ~~seven~~ eight dwelling units per acre (~~7-8~~ du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum total density is twenty-two dwelling units per acre (22 du/acre). The maximum total density may be increased to thirty dwelling units per acre (30 du/acre) utilizing Greater Pine Island Transfer of Development Units.

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units.

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, South Fort Myers, Iona/McGregor, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to

maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6) with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre). The maximum total density may be increased to fifteen dwelling units per acre (15 du/acre) utilizing Greater Pine Island Transfer of Development Units. ~~Any bonus densities approved on the properties added to the Urban Community future land use category in conjunction with CPA2010-00002 must be achieved through use of the transfer of development rights program.~~

POLICY 1.1.5: The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. ~~The standard residential densities are the same as the Urban Community category. Higher densities, Commercial development greater than neighborhood centers, and industrial land uses are not permitted.~~ This category has a standard density range from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre). The maximum total density may only be increased to eight dwelling units per acre (8 du/acre) utilizing Greater Pine Island Transfer of Development Units. Other forms of bonus densities are not allowed.

POLICY 1.4.7: The Coastal Rural land use category is established for the Greater Pine Island Planning Community to address the area's predominantly rural character, coastal environment, existing agricultural uses, limited public infrastructure, and its location within and proximity to the Coastal High Hazard Area and Hurricane Vulnerability Zone. ~~areas will remain rural except for portions of properties where residential lots are permitted in exchange for permanent preservation or restoration of native upland habitats or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, on the remainder of the property.~~

The standard maximum density is one dwelling unit per 2.7 acres (1 du/2.7 acres) ~~ten acres (1 DU/10 acres).~~ Maximum densities ~~may~~ will be increased to an "Adjusted Maximum Density" of one dwelling unit per acre (1 du/acre) where 70% of the overall development parcel(s) is: maintained as native habitat; or restored as native habitat; or maintained in agricultural use on those parcels identified as existing farmland on Lee Plan Map 21. ~~as higher percentages of native habitat are permanently preserved or restored on the uplands portions of the site, or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, in accordance with the chart below.~~

Residential developments containing ten (10) or more dwelling units must be approved through the planned development rezoning process and as part of the planned development

process must: a) demonstrate the implementation of adopted design standards and development approaches that support and maintain the rural character; b) provide notification to property owners of permitted adjacent agricultural uses and their right to continue operations; and c) provide mitigation for impacts to hurricane evacuation clearance times and shelter needs.

Permitted land uses include agriculture, fill-dirt extraction, conservation uses, minimal non-residential land uses, limited to marinas, fish houses, and minor commercial uses that are necessary to provide basic commercial services to serve the island residents and visitors as set forth in Policy 14.4.5, and low density residential uses up to the following densities. Bonus densities are not allowed in this land use category.

Percentage of the on-site uplands that are preserved or restored native habitats or continued in agricultural use on existing farmland	Maximum density if undeveloped land will be permanently preserved or restored as native habitats	Maximum density if undeveloped land will be continued in agricultural use on existing farmland
0%	1 DU/ 10 acres	1 DU/ 10 acres
5%	1 DU/ 9 acres	
10%	1 DU/ 8 acres	1 DU/ 9 acres
15%	1 DU/ 7 acres	
20%	1 DU/ 6 acres	1 DU/ 8 acres
30%	1 DU/ 5 acres	1 DU/ 7 acres
40%	1 DU/ 4 acres	1 DU/ 6 acres
50%	1 DU/ 3 acres	1 DU/ 5 acres
60%	1 DU/ 2 acres	1 DU/ 3 acres
70%	1 DU/ 1 acres	1 DU/ 2 acres

Existing farmland is depicted on Map 21. Areas for buffers, lakes, and utilities may consist of up to 10% of the upland preserve areas.

POLICY 4.2.4: The Mixed Use Overlay may include areas within the Coastal High Hazard Area when unique public benefits exist. Such benefits may include providing workforce housing options for employees of businesses located on barrier islands when transit is provided between the workforce housing and the employment areas. Bonus densities within the Coastal High Hazard Area may only be achieved through the site-built affordable housing program.

POLICY 4.2.7: ~~Development located in the Mixed Use Overlay applying Chapter 32—Compact Communities of the Lee County Land Development Code will not be subject to the site location standards listed in Policy 6.1.2 and 6.1.2.7.~~

POLICY 4.3.8: ~~Properties in a Mixed Use Overlay Zone, not within the Coastal High Hazard Area, will be considered as~~ are preferred receiving areas for Transferable Development Rights (TDRs) and will allow these TDRs to serve as a method for obtaining achieving allowable bonus densities. Projects utilizing Greater Pine Island TDUs are eligible for increased maximum total densities, as set forth in this plan, and additional development incentives to encourage a compact and functional development pattern.

POLICY 6.1.2: Commercial development in non-urban future land use categories is limited to minor commercial and located so that the retail use, including buildings and outdoor sales area, is located at the intersection (within 330 feet of the adjoining rights-of-way of the intersecting roads) of arterial and collector roads or two collector roads with direct access to both intersecting roads. Direct access may be achieved with an internal access road to either intersecting roads. On islands, without an intersecting network of collector and arterial roads, commercial development may be located at the intersection of local and collector, or local and arterial, or collector and collector roads. Commercial development must be consistent with the location criteria in this policy except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Policy 32.2.4 or located in the Mixed Use Overlay utilizing Chapter 32—Compact Communities of the Land Development Code.

~~1. Minor Commercial~~

~~a. Major function: Provides for the sale of convenience goods and services.~~

~~b. Location: The retail use, including buildings and outdoor sales area, must be located as follows except where this plan provides specific exceptions (e.g., Policy 6.1.7):~~

~~(1) On or near At the intersection (within 330 feet of the adjoining rights-of-way of the intersection roads) of local and collector, local and arterial, or collector and collector roads. In Commercial Planned Developments where future road improvements that are included in the Capital Improvement Program will enable the property to qualify for the higher level of commercial development specified in Subsection 2 below, and which are conditioned to allow the increased commercial intensity when the roadway actually functions at the higher level of a collector road, the Minor Commercial use may extend beyond 330 feet of such intersections provided the Master Concept plan specifically indicates the phasing of the development from Minor to Neighborhood Commercial use. Proposed interconnections of future internal access roads or driveways servicing only the subject parcel with an arterial or collector will not comply with the requirements of this section;~~

~~(2) At the intersection (as defined below) of collector and arterial or arterial and arterial roads; or,~~

~~(3) Within a residential planned development provided it is located and designed primarily to meet the commercial needs of the residents of the development.~~

~~e. Site Area: Two acres or less.~~

~~d. Range of Gross Floor Area: Less than 30,000 square feet.~~

~~e. When developed as part of a mixed use planned development, and meeting the use limitations, modified setback standards, signage limitations and landscaping provisions, retail uses may deviate from the locational requirements and maximum square footage limitations, subject to conformance with the Estero Community Plan as outlined in Policies 19.2.3 and 19.2.4, and through approval by the Board of County Commissioners.~~

~~2. Neighborhood Commercial~~

~~a. Major function: Provide for the sale of convenience goods and personal services such as food, drugs, sundries, and hardware items.~~

~~b. Typical leading tenants: Supermarket and drug store.~~

~~c. Location: Must be located as follows (except where this plan provides specific exceptions):~~

~~At the intersection of an arterial and a collector or two arterials so that direct access is provided to both intersecting roads. Such direct access may be provided via an internal access road to either intersecting road. On Lee County's islands where there is no intersecting network of collectors and arterials, neighborhood commercial centers may be located using the standards for minor commercial centers.~~

~~d. Site Area: 2 to 10 acres.~~

~~e. Range of Gross Floor Area: 30,000 to 100,000 square feet.~~

~~f. In that portion of North Fort Myers lying between the Cape Coral city limits and the old S.A.L. railroad grade and north of the junction of the 41s, an exception to the strict adherence to the location standards in subsection (c) may be granted upon the approval of an application for Commercial Planned Development rezoning if the Board of County Commissioners makes a formal finding that the proposed project:~~

~~(1) is located on an existing arterial road;~~

~~(2) is located at the intersection of that arterial with a future collector or arterial that is indicated on the Official Trafficways Map; and (3) will provide (or at~~

least not interfere with) an acceptable alignment for the future roadway which is the justification for the approval, relative to both extensions from the point of intersection with the existing road.

3. ~~Community Commercial~~

- a. ~~Major function: Some functions of neighborhood commercial, in addition to providing for the sale of retail goods such as clothing, variety items, appliances, and furniture.~~
- b. ~~Typical leading tenants: Supermarket, drug store, minor department store, variety store, or discount center.~~

- e. ~~Location: Must be located as follows (except where this plan provides specific exceptions):~~

~~At the intersection of two arterials so that direct access is provided to both intersecting roads. Such direct access may be provided by an internal access road to either intersecting road.~~

- d. ~~Site Area: 10 to 35 acres~~

- e. ~~Range of Gross Floor Area: 100,000 to 400,000 square feet.~~

- f. ~~Notwithstanding prohibitions contained elsewhere in this plan, community commercial development may be granted in a portion of the Suburban land use category in North Fort Myers lying between the Cape Coral city limits and the old S.A.L. railroad grade and north of the junction of the 41s upon the approval of an application for Commercial Planned Development rezoning if the Board of County Commissioners makes a formal finding that the proposed project:~~

- (1) ~~is located on an existing arterial road;~~
- (2) ~~is located at the intersection of that arterial with a future arterial road that is indicated on the Official Trafficways Map; and~~
- (3) ~~will provide (or at least not interfere with) an acceptable alignment for the future roadway which is the justification for the approval, relative to both extensions of that future roadway from the point of intersection with the existing road.~~

4. ~~Regional Commercial~~

- a. ~~Major Function: Some functions of community commercial, in addition to providing a full range and variety of shopping goods for comparative shopping (such as general merchandise, apparel, furniture, and home furnishings).~~

- b. ~~Typical leading tenants: One or more full line department stores.~~
 - c. ~~Location: Must be located in such a manner as to provide direct access to two and preferably three arterial roads. Such direct access may be via an internal access road to one or more arterials.~~
 - d. ~~Site Area: 35 to 100 acres.~~
 - e. ~~Range of Gross Floor Area: 400,000 to 1 million square feet or more.~~
 - f. ~~The Commercial Site location standards described in this policy do not apply to Regional Commercial development approved as a single mixed-use Development of Regional Impact containing regional shopping opportunities on a 483-acre portion of Section 9, Township 47 South, Range 25 East, that is bounded on the west by U.S. 41, on the east by the Seminole Gulf Railroad tracks, on the south by Coconut Road, and on the north by a line located one half mile north of Coconut Road designated Urban Community, provided that the DRI specifically addresses:~~
 - 1) ~~Impacts to flow ways,~~
 - 2) ~~Community and Regional Park levels of service,~~
 - 3) ~~Roadway levels of service,~~
 - 4) ~~Public Schools,~~
 - 5) ~~Fire protection services, and~~
 - 6) ~~Affordable housing.~~
5. ~~Commercial development at the intersection will extend no more than one-quarter mile from the centerline of the intersection and must include proper spacing of access points, with the following exception: in a commercial development approved under the planned development rezoning process, at the intersection may extend beyond one-quarter mile from the intersection, provided that:~~
- a. ~~direct access is provided to the development within one-quarter mile of the intersection;~~
 - b. ~~an internal access road or frontage road provides access to the intersecting street prior to occupancy of the development; and~~
 - c. ~~all access points meet Land Development Code requirements for safety and spacing.~~
 - d. ~~the retail commercial use, including any outdoor sales, does not extend beyond one-half mile from the centerline of the intersection.~~

6. ~~Any contiguous property under one ownership may, at the discretion of the Board of County Commissioners, be developed as part of the interstate interchange, except in the Mixed Use Interchange district, provided the property under contiguous ownership to be developed as part of the interstate interchange does not extend beyond three-quarters of a mile from the interchange centerpoint. Applications seeking interstate uses outside of the interstate highway interchange area will be evaluated by the Board considering the following factors: percentage of the property within the interstate interchange; compatibility with existing adjacent land uses; and, compatibility with surrounding Future Land Use Categories. This is intended to promote planned developments under unified ownership and control, and to insure proper spacing of access points.~~
7. ~~The location standards specified in Subsections 1-4 will apply to the following commercial developments: shopping centers; free-standing retail or service establishments; restaurants; convenience food stores; automobile dealerships; gas stations; car washes; and other commercial development generating large volumes of traffic. These location standards will not apply to the following: banks and savings and loan establishments without drive-in facilities; hotels or motels; marinas; general, medical, or professional offices; industrial, warehouse, or wholesale development; clubs, as defined in Chapter 34 of the Land Development Code (commercial clubs excepted); and other similar development. The distinction in this subsection between these two major types of commercial uses does not apply in Lehigh Acres, where commercial uses are permitted in accordance with Policy 32.2.4. These location standards will not apply to property in the Mixed Use Overlay when Chapter 32-Compact Communities of the Land Development Code is applied.~~
8. ~~The standards specified in Subsections 1-4 for location, floor area and site area will serve as guidelines during the rezoning process (allowing limited discretion by the Board of County Commissioners in special cases in which retail uses are the only reasonable use of the parcel in light of its size, its proximity to arterials and collectors, and the nature of the existing and projected surrounding uses, including but not limited to environmental factors) but are strict requirements during the development order process in the case of zoning that existed prior to the effective date of the Lee Plan (December 21, 1984). The other standards specified in Subsections 1-4 will serve generally to indicate the types of development which are likely to fall within each commercial category. Proposed rezonings to commercial zoning districts that include both uses that are subject to the standards in Subsections 1-4 and uses that are not (see Subsection 7) may be found consistent with the Lee Plan by the Board of County Commissioners even if the subject parcel does not comply with the applicable location standard; provided, however, that no development orders will be issued on any such parcel for any use to which the standards in Subsection 1-4 is applicable, and all such development orders must be consistent with the level of service requirements in Policy 95.1.3.~~

9. ~~The location standards in this policy are not applicable in the following areas:~~
- a. ~~In the Interchange land use category~~
 - b. ~~In Lehigh Acres where commercial uses are permitted in accordance with Goal 32~~
 - c. ~~Within the Captiva community in the areas identified by Policy 13.2.1, in Area 9 of the University Community Conceptual Master Plan, or within the Mixed Use Overlay when utilizing Chapter 32 Compact Communities of the Land Development Code.~~
 - d. ~~In the Density Reduction/Groundwater Resource land use category where some commercial development is permitted under Objective 33.3.~~
10. ~~The Board of County Commissioners may approve applications for minor commercial centers that do not comply with the location standards for such centers but which are consistent with duly adopted CRA and Community plans.~~
11. ~~Uses that must comply with Subsections 1-4 may occur at the outside of a T-intersection so long as direct access is provided from at least two points on the adjacent intersecting road, one of which must be an extension of the other intersecting road.~~
12. ~~Map 19 illustrates the existing Lee County intersections that are deemed to be consistent with the standards in subsections 2 and 3. Neighborhood and community commercial centers must be located at one of the designated intersections, at another intersection utilizing the list of Functional Classification for Arterial and Collector Roads, or in accordance with one of the exceptions under Goal 6, or in Lehigh Acres in accordance with Policies 1.8.1 through 1.8.3. The map shows some intersections with half circles and others with full circles. Half circles indicate that only the two intersection quadrants shown on the map are deemed to be consistent with the standards. All of the quadrants of intersections designated with full circles are deemed to be consistent with the standards. Proposed neighborhood and community commercial centers that are located at the designated intersections are subject to all of the other Goals, Objectives and Policies of this Plan.~~

~~Functional classifications of new or improved streets will be established in accordance with the definitions of arterial and collector roads in Rule 9J-5.003. A list of Functional Classification for Arterial and Collector Roads, consisting of roads that meet this criteria, will be maintained by the Department of Transportation, for county maintained roads, and the Division of Development Services, for privately maintained roads. These functional classification lists will be adopted by Administrative Code. For the purpose of determining compliance with the locational standards of Policy 6.1.2, only those roads identified as Major Collector roads will be considered collector roads. Roads identified as Minor Collector or not included on the list will be considered local~~

roads. ~~The map will be revised annually during the county's regular plan amendment cycle.~~

- ~~13. Freestanding single use commercial retail development of five (5) acres or more does not qualify as a Neighborhood Center as that term is used in the Suburban and Outlying Suburban Future Land Use Categories. (Amended by Ordinance No. 93-25, 94-30, 98-09, 99-15, 99-18, 00-22, 02-02, 07-09, 10-05, 10-16, 10-19, 10-40, 11-18)~~

GOAL 14: GREATER PINE ISLAND. To manage future growth on and around Greater Pine Island so as to: maintain the island's unique natural resources, rural character, and coastal environment; ~~and its~~ support the viable and productive agricultural community and other local businesses; and to protect the public health, safety and welfare of ~~insure that~~ island residents and visitors ~~have a reasonable opportunity to evacuate~~ when a hurricane strike is imminent. For the purposes of this plan, the boundaries of Greater Pine Island are indicated on Lee Plan Map 1, Page 2 the Future Land Use Map.

OBJECTIVE 14.1: NATURAL RESOURCES. County regulations, policies, and discretionary actions affecting Greater Pine Island will permit no further degradation of estuarine and wetland resources, ~~and no unnecessary loss of~~ will serve the long-term preservation of native upland vegetation and wildlife habitat.

POLICY 14.1.3: Lee County will, ~~by 1996,~~ explore the possibility of estimating the aerial extent and maturity of mangroves in Greater Pine Island for the purpose of providing baseline data necessary to ensure that the cumulative impact of mangrove alteration does not decrease the combination of aerial extent and maturity of mangroves relative to the baseline data.

~~**POLICY 14.1.8:** The county reclassified all uplands on Pine Island previously designated as Rural to a new Coastal Rural designation on the Future Land Use Map. The purposes of this redesignation was to provide a clearer separation between rural and urban uses on Pine Island, to discourage the unnecessary destruction of native upland habitats, and to avoid placing more dwelling units on Pine Island that can be served by the limited road capacity to the mainland. The Coastal Rural designation is designed to provide land owners with maximum flexibility while accomplishing these public purposes.~~

POLICY 14.1.8: Lee County will support practices that reduce pesticides, fertilizers, animal waste, and other pollutants entering Greater Pine Island's estuarine and wetland resources.

POLICY 14.1.9: Lee County will support the use of central sanitary sewer service to reduce potential contamination to groundwater or the surrounding estuarine systems from on-site septic systems.

OBJECTIVE 14.2: ROAD IMPROVEMENTS. The county will continually monitor traffic levels within Greater Pine Island to ~~on Pine Island Road to insure that the sum of the current population plus development on previously approved land plus new development approvals will not exceed~~ maintain hurricane evacuation clearance times in accordance with Objective 14.8 the capacity of existing and committed roadways between Pine Island and mainland Lee County.

POLICY 14.2.1: Lee County will monitor impacts to the existing transportation infrastructure of Greater Pine Island recognizing the limited access to the community and the seasonal nature of infrastructure demand.

POLICY 14.2.2: By 2030 Lee County will work toward attaining a level of service for out of county hurricane evacuation for a Category 5 storm event that does not exceed 18 hours. Lee County will maintain a maximum hurricane evacuation clearance time of 18 hours for Greater Pine Island in accordance with Objective 14.8. When the evacuation clearance time reaches 16 hours, Lee County will develop mitigation regulations to address transportation deficiencies, sheltering needs, and other public safety measures. When the evacuation clearance time of 18 hours is exceeded, Lee County will impose the additional mitigation measures.

POLICY 14.2.3: Lee County with the Florida Department of Transportation to identify hurricane evacuation roadway capacity improvements in order to maintain evacuation clearance time standards for Greater Pine Island.

POLICY 14.2.1: The minimum acceptable level-of-service standard for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is hereby established as LOS D on an annual average peak hour basis and LOS "E" on a peak season, peak hour basis. This standard will be measured at the county's permanent count station on Little Pine Island and using the methodology described in the 1985 Highway Capacity Manual, Special Report 209.

POLICY 14.2.2: In order to recognize and give priority to the property rights previously granted by Lee County for about 6,675 additional dwelling units, the county will keep in force effective development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. These regulations will reduce certain types of approvals of at established thresholds prior to the capacity of Pine Island Road being reached, measured as follows at the permanent count station on Little Pine Island at the western edge of Matlacha:

- ~~When traffic on Pine Island Road reaches 810 peak hour, annual average two-way trips, the regulations will restrict further rezonings which would increase traffic on Pine Island Road through Matlacha. These regulations shall provide reasonable exceptions for minor rezonings on infill properties surrounded by development at similar intensities and those with inconsequential or positive effects on peak traffic flows~~

~~through Matlacha, and may give preference to rezonings for small enterprises that promote the nature and heritage of Greater Pine Island.~~

- ~~• When traffic on Pine Island Road reaches 910 peak hour, annual average two-way trips, the regulations will provide restrictions on the further issuance of residential development orders (pursuant to chapters 10 of the Land Development Code), or other measures to maintain the adopted level of service until improvements can be made in accordance with this plan. The effect of these restrictions on residential densities must not be more severe than restricting densities to one-third of the maximum density otherwise allowed on that property.~~

~~The 810 and 910 thresholds were based on 80% and 90% of level of service "D" capacity calculated using the 1965 Highway Capacity Manual, as documented in the 2001 Greater Pine Island Community Plan Update. These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or site plan approval under Ordinance 86-36.~~

~~POLICY 14.2.3:~~ ~~In addition to enforcing the restrictions in Policy 14.2.2, the county will take whatever additional actions are feasible to increase the capacity of Pine Island Road. The following measures will be evaluated:~~

- ~~• The construction of left turn lanes at intersections with local roads in Matlacha.~~
- ~~• Improvements to Burnt Store Road and Pine Island Road to the east of Burnt Store that will prevent premature closure of those roads during an evacuation, closures which now limit the number of Greater Pine Island and Cape Coral residents able to evacuate.~~

~~POLICY 14.2.4:~~ ~~The county will make every effort to continue extending the bicycle path to run the entire length of Stringfellow Road. Wherever possible, ~~t~~This path should be designed as a major public amenity similar to the high-quality design used for similar to the bicycle path north of Pineland that was completed in 2001.~~

~~POLICY 14.2.5:~~ ~~Lee County will investigate the merits of creating a concurrency exception area for a portion of Pine Island Center. The concurrency exception area will promote the expansion of public transportation to and from the Greater Pine Island area.~~

POLICY 14.2.5: Lee County will continue to evaluate pedestrian safety and circulation, and will seek to minimize pedestrian-vehicular conflicts within the Matlacha Historic District.

POLICY 14.2.6: Lee County will assess the benefits of expanding mass transit services to Greater Pine Island to minimize the number of vehicular trips through Matlacha, and will encourage projects to accommodate bus stops, multi-modal opportunities, ride share lots, water taxis, and/or pedestrian connectivity.

OBJECTIVE 14.3: RESIDENTIAL LAND USES. County regulations, policies, and discretionary actions will recognize certain unique characteristics of Greater Pine Island which justify different treatment of existing and future residential areas than in mainland Lee County, as described in the following policies.

POLICY 14.3.1: Due to the constraints on future development posed by the limited road connections to mainland Lee County, ~~bonus densities only~~ Greater Pine Island TDUs of any kind are not permitted in Greater Pine Island consistent with Table 1(a), Note 4. Only the portion of Greater Pine Island defined as Pine Island Center is eligible to receive Greater Pine Island TDUs. This prohibition includes, housing density bonuses, off site transfers from environmentally critical areas, and transfer from on site wetlands at rates above the standard density rates for environmentally critical areas.

POLICY 14.3.3: Adjusted Maximum Density is not permitted to be located within Coastal Rural designated lands within the Coastal High Hazard Area.

POLICY 14.3.4: Dwelling units may be transferred from parcels that have a future land use designation of Coastal Rural to parcels with urban future land use categories on Greater Pine Island, subject to the following:

1. The receiving and transferring lands are under the same ownership at the time this policy was adopted, and remain under the same ownership at the time units are transferred;
2. The maximum allowable density that may be transferred from Coastal Rural parcels is limited to one dwelling unit per 2.7 acres (1 du/2.7 acres);
3. The property receiving the additional dwelling units is rezoned to a planned development.
4. Density can be allocated across the planned development-zoned property, including those lands within the planned development that are designated Coastal Rural, provided that the density developed within Coastal Rural designated property does not to exceed 1 dwelling unit per 2.7 acres (1 du/2.7 acres);
5. Development rights for each unit transferred from the transferring parcel are extinguished through a recorded instrument acceptable to the County Attorney's Office and provided to the Department of Community Development with the planned development rezoning application for the receiving parcel;
6. The allowable density on the receiving parcels will be the sum of the allowable densities for the receiving and transferring parcel, subject to the Coastal Rural density limitations set forth in subsection 4 above; and
7. Bona fide agricultural uses on the transferring parcel may continue in accordance with Policy 14.6.1.

POLICY 14.3.3: ~~The county's Land Development Code will continue to state that no building or structure on Greater Pine Island will be erected or altered so that the peak of the roof exceeds thirty-eight (38) feet above the average grade of the lot in question, or~~

forty-five (45) feet above mean sea level, whichever is the lower. No deviations from these height restrictions may be granted through the planned development process. These height restrictions will not be measured from minimum flood elevations nor will increases in building height be allowed in exchange for increased setbacks. Industrial buildings must also comply with these height restrictions.

~~**POLICY 14.3.4:** The county Zoning Regulations will continue to allow storage of commercial fishing equipment at a fisherman's private residence as a permitted use in residential districts on Pine Island. Reasonable restrictions not having the effect of prohibiting such storage may be developed.~~

~~**POLICY 14.3.5:** The county will amend its land development code to provide specific regulations for neighborhood connectivity and walls and gates on Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These regulations would require interconnections between adjoining neighborhoods wherever feasible and would no longer allow perimeter walls around larger developments.~~

OBJECTIVE 14.4: COMMERCIAL LAND USES. County regulations, policies, and discretionary actions will recognize certain unique characteristics of Greater Pine Island which justify different treatment of existing and future commercial areas than in mainland Lee County, as described in the following policies.

POLICY 14.4.1: Future Urban Areas at in Pine Island Center is are targeted for most future commercial and industrial uses as permitted by other portions of this plan. Non-residential developments within Pine Island Center are encouraged to provide employment opportunities; serve the day to day needs of residents and visitors; demonstrate a positive impact on traffic patterns within Greater Pine Island; and reduce the number of vehicular trips through Matlacha.

POLICY 14.4.2: Commercial development at other locations outside on Greater Pine Island Center, but within future urban land use categories (such as Bokeelia, Pineland, Matlacha, and St. James City) should be limited must be sited and designed to minimize impacts to residential and adjacent agricultural uses. Permitted uses should be restricted to the following: to marinas; fish houses; and minor commercial uses to serve the day to day needs of local residents and island visitors. Such development must be sited and designed to minimize disruptive influences to the greatest degree possible.

POLICY 14.4.3: The county will ~~expand the commercial design standards in its land development code to provide specific architectural and site design standards for Greater Pine Island in the Land Development Code if an acceptable proposal is submitted by the Greater Pine Island community.~~ These standards must: would promote but not mandate rehabilitation over demolition; require smaller rather than larger buildings address the size and scale of building mass in relationship to the built and natural environment; establish community-specific architectural standards in support of Greater Pine Island's coastal rural character; avoid standardized franchise buildings; preserve mature trees wherever

possible; and encourage the location of off-street place-most parking to the side and rear of buildings to preserve viewsheds along public roadways; require large windows and forbid most blank walls; and encourage metal roofs and other features of traditional "Old Florida" styles. The new commercial design standards will reflect the different characteristics of Bokeelia, Pineland, Matlacha, and St. James City. Deviations from these standards may not be granted unless the request meets the County approval criteria for variances set forth in Chapter 34 of the Land Development Code.

~~**POLICY 14.4.4:** The county will expand its current sign regulations to include specific standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would reduce the size of ground mounted signs, discourage or disallow internally lit box signs, allow wall signs on buildings near the right-of-way, and allow small directional signs on Stringfellow Road for businesses not visible from the road.~~

~~**POLICY 14.4.5:** The county will establish a prioritized schedule for an effort to rezone land to zoning districts that properly reflect its development potential under the Lee Plan.~~

POLICY 14.4.65: In the Coastal Rural future land use category, non-residential development is limited restricted to minor commercial development. ~~New commereial~~ All zoning requests for commercial projects must utilize the ~~Pplanned D~~development rezoning process and be consistent with the following limitations:

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

~~**POLICY 14.4.7:** During the Comprehensive Plan Evaluation and Appraisal Report process the County will analyze commercial rezoning and commercial development in the Coastal Rural areas and assess their impacts to the Greater Pine Island Community and identify any needed policy modifications.~~

OBJECTIVE 14.6: AGRICULTURAL USES GREATER PINE ISLAND TRANSFER OF DEVELOPMENT RIGHTS PROGRAM. To promote and preserve the rural character of Pine Island Lee County will ~~strive to foster a viable and productive agricultural community on the island.~~ Lee County will pursue the incorporation of Greater Pine Island's ~~incorporate~~ several land use "tools" such as purchase and transfer of development rights programs into the Lee County Land Development Code ~~to preserve agricultural uses on Pine Island.~~

POLICY 14.6.1: Lee County will amend its Land Development Code to implement Transfer of Development Rights (TDR) and Purchase of Development Rights (PDR) programs for Greater Pine Island. The new programs will create incentives for property owners within Greater Pine Island to transfer development rights associated with their parcels to: receiving lands outside of the planning community; future urban areas within the planning community that are targeted for development in accordance with these provisions; or, Lee County. The programs will allow for continued agricultural uses on sending lands, in addition to limited non-residential uses that directly support the agricultural operations.

POLICY 14.6.2: The Greater Pine Island TDR program will have the following characteristics:

a. Creation of Transferable Development Units.

1. Up to one (1) TDU may be created per five (5) acres of wetlands.
2. Up to one (1) TDU may be created per one (1) acre of uplands located in non-urban future land use categories.
3. Up to three (3) TDUs may be created per one (1) acre of uplands located in the Outlying Suburban future land use categories.
4. Up to two (2) TDUs may be created in a single-family lot or parcel designated as wetlands that holds an affirmative determination of the single-family residence provision pursuant to Chapter XIII of the Lee Plan.

b. Receiving area Density and Intensity Equivalents of Greater Pine Island TDUs.

1. One (1) Greater Pine Island TDU will be equal up to two (2) dwelling units when transferred to eligible receiving lands outside of the Greater Pine Island Planning Community.
2. One (1) Greater Pine Island TDU will be equal up to one (1) dwelling unit when transferred to receiving lands in Pine Island Center.
3. Lee County may establish non-residential incentives for the use of Greater Pine Island TDUs within Future Urban Areas of the unincorporated Lee County.

- c. The Land Development Code may include regulations that permit the County to evaluate the effectiveness of the Greater Pine Island TDR program and make changes that may further condition or restrict the use of Greater Pine Island TDUs.

POLICY 14.6.1: Lee County will maintain a map (Map 21) of all existing farmland on Pine Island. These mapped existing farmlands and Pine Island lands containing indigenous vegetation are the primary targeted sending areas for the creation of transfer of development rights (TDR) on Pine Island.

POLICY 14.6.23: The county will administer the TDR program and will develop clear and concise forum to disseminate program information and records, including but not limited to a: TDR program website that will provide general program information, rules and guidelines; TDU administrative determination application; county-approved form of conservation easement; certified TDU database with ownership information; and, for-sale TDU clearinghouse information for those individuals that request to be included within the TDU clearinghouse program.

POLICY 14.6.2: Lee County, by 2009, will evaluate creating a Purchase of Development Rights Program with the objective of preserving Pine Island agricultural uses.

POLICY 14.6.3: By 2007 Lee County will amend the Lee County Land Development Code to establish a Pine Island Transfer of Development Rights (TDR) program to supplement the existing wetland TDR program. The program will be encouraged for properties depicted on Map 21 as well as other Pine Island lands as promoting reduced densities in the Coastal High Hazard Area.

POLICY 14.6.4: The property owners of lands designated Intensive Development, Central Urban, or Urban Community are eligible to receive Pine Island TDRs. The property owners of lands designated Suburban and Outlying Suburban are eligible to receive Pine Island TDRs consistent with the Lee Plan's definition of Density and if approved through the planned development rezoning process. The land development code will maintain several approval processes such as by right, administrative and planned development approval. Developments receiving TDR units will be evaluated for the following criteria: compact site design, innovative open space design, well designed pedestrian/bicycle connections to commercial and employment areas, locations on or a walkable distance to mass transit service, and mixed use buildings. Utilization of in-fill and brownfield sites are encouraged. Land Development Code incentives will be given to projects that incorporate concepts from traditional neighborhood design, transit oriented development, and new urbanism principles.

POLICY 14.6.5: Participation in the Pine Island TDR by right and administrative approval processes for receiving sites requires that the subject property be already conventionally zoned in a zoning district that would permit the proposed development consistent with allowable densities and with the zoning district's lot size, setback, open space and height requirements. The by right process will be limited to adding one additional dwelling unit to a receiving parcel that is one acre or less in size. If the receiving

parcel is larger than one acre, TDR units may be used to add one dwelling unit per acre by right. The resulting density may not exceed the maximum total density range for the land use category of the subject site.

~~**POLICY 14.6.6:** Adding Pine Island TDR units in excess of one dwelling unit per acre in conventional zoning districts requires administrative approval. The Lee County Department of Community Development director may administratively approve the use of TDR units to increase the density of a proposed development provided that the proposed development is: in compliance with the Lee Plan; zoned for the type and number of dwelling units proposed to be constructed; designed so that the resulting development does not have substantially increased intensities of land uses along its perimeter, unless adjacent to existing or approved development of a similar intensity; in a location where the additional traffic will not be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road; in a location outside of the Category 1 Storm Surge Zone for a land falling storm as defined by the October 1991 Hurricane Storm Tide Atlas for Lee County prepared by the Southwest Florida Regional Planning Council; not in a location where existing and committed public facilities are so overwhelmed that a density increase would be contrary to the overall public interest, and; will not decrease required open space, buffering, landscaping and preservation areas or cause adverse impacts on surrounding land uses.~~

~~**POLICY 14.6.7:** The Land Development Code will be amended to specify that Pine Island TDRs may be utilized through the Planned Development approval and amendment rezoning processes for land owners seeking to add additional dwelling units utilizing TDR units. The Code will specify that the application for the rezoning and the request to utilize TDR units may be submitted at the same time for concurrent review.~~

~~**POLICY 14.6.8:** The generation rate for Pine Island TDRs will be limited by the Land Development Code to two Transfer of Development Rights per acre for the Coastal Rural land use category, to six Transfer of Development Rights per acre for the Future Urban land use categories, and one Transfer of Development Right per five acres of wetland. The Land Development Code will be amended to establish a creation of development rights process as well as a receiving process.~~

OBJECTIVE 14.8: HURRICANE PREPAREDNESS, EVACUATION AND MITIGATION. Lee County will provide for the protection of Greater Pine Island residents, visitors and property from the physical and economic effects of hurricanes and tropical storms. The following policies will supplement Goal 109 of the Conservation and Coastal Management Element of this plan, as it relates to the hurricane preparedness, evacuation, mitigation and sheltering for residents of Greater Pine Island.

POLICY 14.8.1: Lee County will work to maintain hurricane evacuation clearance times for Greater Pine Island, and continue to incorporate those times into the county-wide evacuation decision-making planning.

POLICY 14.8.2: Lee County will continue to include Greater Pine Island specific issues in its Comprehensive Emergency Management Plan (CEMP) and related evacuation planning documents.

POLICY 14.8.3: Comprehensive Plan amendments within Greater Pine Island must be found consistent with Policy 109.1.5. ~~In the event of a pending hurricane (defined as Categories 1-5) Lee County shall maintain an evacuation clearance time of 18 hours for the resident population of Greater Pine Island. The evacuation clearance time is defined as the time necessary to safely evacuate people from the point when the evacuation order is given until the last evacuee can either leave Greater Pine Island, or arrive at safe shelter within Lee County. In order to maintain the 18-hour evacuation clearance time for residents, mandatory evacuation of non-residents, visitors, recreational vehicles, travel trailers (transient and non-transient) may occur in a phased approach to address evacuation in advance of tropical storm winds in accordance with the CEMP.~~

POLICY 14.8.4: Lee County will continue to include Greater Pine Island in its year-round public information program focused on disaster preparedness. The program will include information on hurricane risk, the need for timely evacuation, the availability and location of hurricane shelters and the actions necessary to minimize property damage to protect human life.

POLICY 14.8.5: New residential development and redevelopment within, or partially within, the Hurricane Vulnerability Zone must mitigate hurricane sheltering and evacuation impacts in accordance with Chapter 2, Article XI of the Land Development Code.

POLICY 14.8.6: Shelters will not be built on barrier or coastal islands within Greater Pine Island. Where financially feasible, geographically appropriate, and in the interest of public health, safety and welfare, Lee County will make every effort to construct new public buildings to hurricane shelter standards.

POLICY 14.8.7: Where feasible, Lee County will evaluate the purchase of lands within Greater Pine Island identified as Coastal High Hazard in order to reduce the expansion of new development within vulnerable areas.

POLICY 14.8.8: The county will evaluate alternative mechanisms to improve evacuation clearance times within the planning community, including but not limited to: access control; mandatory evacuation notices; one-way evacuation routes; and the preparation and implementation of community-specific mitigation measures.

POLICY 14.8.9: Deviations relating to setbacks, lot coverage, and density within the Coastal High Hazard Area may not be granted, unless the request meets the County approval criteria for variances set forth in Chapter 34 of the Land Development Code.

Transportation Element:

OBJECTIVE 37.1: GENERAL STANDARDS. From time of plan adoption, new facilities will be added at a rate equal to growth demands. Establish non-regulatory level of service (LOS) standards on county and state transportation facilities within Lee County. Cooperate with municipalities on the facilities maintained by Lee County within the municipalities and with FDOT on state transportation facilities.

POLICY 37.1.1: The minimum acceptable peak hour, peak season, peak direction roadway levels of service (see also Policy 95.1.3) will be as follows:

Minimum Level of Service	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 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.

The minimum acceptable level of service ~~as specified above~~ for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is also subject to Objective 14.2 Policies 14.2.1 and 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. 98-09, 99-15, 00-08, 07-09, 10-36)

POLICY 37.3.1: Lee County will measure traffic volumes and capacity on all roads on a roadway segment-by-segment basis, except for constrained roads and where alternatives are established pursuant to Chapter 163.3180, F.S., ~~and Rule 9J-5.0055, F.A.C.~~ Transportation 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, 14-09)

Capital Improvements Element:

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

No changes to number 1 through 6

7. Roadway Facilities:

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

Due to scenic, historic, environmental, aesthetic, and right-of-way characteristics and considerations, Lee County has determined that certain roadway segments will not be widened. Therefore, reduced peak hour levels of service will be accepted on those constrained roads within unincorporated Lee County as a trade-off for the preservation of the scenic, historic, environmental, and aesthetic character of the community. These constrained roads are defined in Table 2(a).

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

~~For minimum 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.~~

Conservation and Coastal Management Element:

GOAL 109: EVACUATION AND SHELTER. To provide evacuation and shelter capabilities adequate to safeguard the public against the effects of hurricanes and tropical storms

OBJECTIVE 109.1: EVACUATION. By 2030 Lee County will work towards attaining a level of service for out of county hurricane evacuation for a Category 5 storm event that does not exceed 18 hours.

POLICY 109.1.1: The county will assess the impact of all new residential development upon the projected hurricane evacuation network and upon projected hurricane evacuation times, and will require mitigation either through structural (on-site, off-site shelter) provisions or through non-structural methods or techniques. Pursuant to Policy 14.8.4, all new residential development and redevelopment within the Hurricane Vulnerability Zone in Greater Pine Island must mitigate hurricane sheltering and evacuation impacts in accordance with Chapter 2, Article XI of the Land Development Code.

POLICY 109.1.2: ~~By 1995,~~ Periodic updates of the hurricane evacuation portion of the Comprehensive Emergency Management Plan will be coordinated with computer transportation modeling to identify critical roadway links.

POLICY 109.1.3: Critical roadway links causing congestion on evacuation routes will receive high priority for capital improvement expenditures.

POLICY 109.1.4: New or replacement bridges on evacuation routes spanning major or marked navigable waterways will be designed, constructed, and operated to adequately accommodate the safe and timely evacuation needs of both motor vehicle and marine traffic. For the purposes of accommodating hurricane evacuation, a new bridge to Pine Island is strongly discouraged due to the costs, design constraints, and potential impacts to growth patterns within Greater Pine Island.

POLICY 109.1.5: Comprehensive plan amendments that increase density within coastal high hazard areas or on islands must meet one of the following criteria in accordance with Section 163.3178(89), F.S.:

1. The proposed amendment will not exceed a 16 hour out of county hurricane evacuation time for a category 5 storm event; or
2. Maintain a 12 hour evacuation time to shelter for a Category 5 storm event and ensure shelter space is available to accommodate the additional residents of the development allowed by the proposed comprehensive plan amendment; or
3. Provide appropriate mitigation to satisfy the provisions of either of the previous two paragraphs, which may include without limitation, the payment of money, contribution of land, or construction of hurricane shelters and transportation facilities. The developer must enter into a binding agreement to memorialize the mitigation plan prior to adoption of the plan amendment.
4. ~~Any comprehensive plan amendment that increases density within Coastal High Hazard Areas in Greater Pine Island must meet one of the above criteria, in addition to the community specific requirements set forth in Goal 14 of this plan.~~

GOAL 110: HAZARD MITIGATION. To provide through county plans, programs, and regulations means to minimize future property losses from natural disasters such as flooding, tropical storms and hurricanes. (See also Goal 105.) (Amended by Ordinance No. 94-30)

OBJECTIVE 110.1: DEVELOPMENT REGULATIONS. ~~By 2007,~~ aAll development regulations will be reviewed and revised to require that the vulnerability of future development in the Coastal High Hazard Area (CHHA) and the A-Zone (as defined by the Federal Emergency Management Agency) be reduced. (Amended by Ordinance No. 94-30, 00-22, 07-12)

POLICY 110.1.1: Regulations and incentives will be examined for additional setbacks in critical erosion areas, conservation and enhancement of dunes and vegetation,

floodproofing of utilities, and appropriate requirements for structural wind resistance and floodplain management.

POLICY 110.1.2: The county will not permit new or expanded mobile home or recreational vehicle development on barrier islands or in V-Zones as defined by the Federal Emergency Management Agency. (Amended by Ordinance No. 94-30, 00-22)

POLICY 110.1.3: All new residential development of more than 50 units will be required to provide continuing information to residents concerning hurricane evacuation and shelters, through the establishment of a homeowners' or residents' association. (Amended by Ordinance No. 94-30, 00-22, 07-12)

POLICY 110.1.4: All new residential development of more than 100 units will be required to formulate an emergency hurricane preparedness plan; this plan is subject to the approval of the Lee County Division of Public Safety. (Amended by Ordinance No. 94-30, 00-22, 07-12)

POLICY 110.1.5: The County will maintain the flood plain management plan and will analyze the flooding problem of the unincorporated areas of Lee County, inventory the flood hazard area, review possible activities to remedy identified flooding problems, select appropriate alternatives, and formulate a schedule for implementation. (Amended by Ordinance No. 92-35, 94-30, 00-22, 07-12)

POLICY 110.1.6: Maintain the provisions of the Flood Plain Management Ordinance that interpret the 50% improvement threshold as cumulative for any improvement, modification, addition or reconstruction project to an existing building or structure identified as part of a repetitive loss property by the Federal Emergency Management Agency (FEMA). A repetitive loss property is defined as one for which two or more National Flood Insurance Program (NFIP) losses of at least \$1000.00 each have been paid since 1978. (Amended by Ordinance No. 92-35, 94-30)

POLICY 110.1.7: Maintain the current county development regulations requiring that any building that is improved, modified, added on to, or reconstructed by more than twenty five (25) percent of its replacement value and which has recorded a repetitive loss as defined by the Federal Emergency Management Agency will be brought into compliance with current regulatory standards for new construction. (Amended by Ordinance No. 92-35, 94-30, 00-22, 03-04)

POLICY 110.1.8: Transferable Development Units (TDUs) may not be utilized on property located within the coastal high hazard area.

Glossary:

COASTAL HIGH HAZARD AREA – The area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH)

computerized storm surge model and delineated by Map 5 of the Lee Plan as Future Land Use Map Series required by Chapter 163.3177(6)(a)10.c.(VI), F.S.

COMMERCIAL DEVELOPMENT,

MINOR- Commercial development that provides for the sale of convenience goods and services and contains less than 30,000 square feet of gross floor area.

NEIGHBORHOOD- Commercial development that provides for the sale of convenience goods and personal services, such as food, drug, sundries, and hardware items and has a gross floor area range of 30,000 to 100,000 square feet.

COMMUNITY- Commercial development that provides for the sale of retail goods such as clothing, variety items, appliances, and furniture as well as goods that may be found in a neighborhood commercial development and has a gross floor area range of 100,000 to 400,000 square feet.-

REGIONAL- Commercial development that provides some functions of community commercial, in addition to providing a full range and variety of shopping goods for comparative shopping (such as general merchandise, apparel, furniture, and home furnishings) and has a gross floor area range of 400,000 to 1 million square feet.

DENSITY – The number of residential dwelling or housing units per gross acre (du/acre). Densities Specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies contained within the residential development. When the calculation of the gross density of a development results in a fractional density, 0.50 of a dwelling unit or greater shall be rounded up to the next whole number and fractions less than 0.50 shall be rounded down. No further rounding is permitted. Fractional density rounding may not be applied to parcels subject to the Gasparilla Island Conservation District Act of 1980 (as amended) or existing, undersized parcels that would require a determination through the Single Family Residence provision of the Lee Plan, Chapter XIII to permit one single-family residence on said parcel. Fractional density rounding may not be applied to parcels of land created (subdivided or combined) after [DATE OF ADOPTION] in a manner that would permit greater gross density than that was permitted (with fractional density rounding) prior to creation of the new parcel. Lands for commercial, office, industrial uses natural water bodies, and other non-residential uses must not be included, except within areas identified on the Mixed Use Overlay Map (Future Land Use Map Series Map 1 page 6 of 8) that have elected to use the process described in Objective 4.2 and except within areas identified as Mixed-Use Communities as identified on Map 17 where development rights are concentrated or transferred using the process described under Objective 33.3. Within the Captiva community in the areas identified by Policy 13.2.1, commercial development that includes commercial and residential

uses within the same project or the same building do not have to exclude the commercial lands from the density calculation. For true mixed use developments located on the mainland areas of the County, the density lost to commercial, office and industrial acreage can be regained through the utilization of TDRs that are either created from Greater Pine Island Coastal Rural future land use category or previously created TDRs. True mixed use developments must be primarily multi-use structures as defined in this Glossary as a mixed use building. If development is proposed in accordance with Policy 2.12.3, residential densities are calculated using the total land area included in the mixed use portion of the development.

HURRICANE VULNERABILITY ZONE - The areas delineated by the area below the elevation of the category 3 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. ~~requiring evacuation in the event of a specified event (hurricane) as determined by the SLOSH computer model (see the October 1991, Hurricane Storm Tide Atlas for Lee County, prepared by the Southwest Florida Regional Planning Council).~~ This zone is subdivided into maximum areas subject to flooding by each of the five storm categories.

PINE ISLAND CENTER – Central Urban-designated lands that are generally located at the arterial intersection of Pine Island Road and Stringfellow Road within the Greater Pine Island Planning Community.

TABLE 1(a)
SUMMARY OF RESIDENTIAL DENSITIES¹

FUTURE LAND USE CATEGORY	STANDARD OR BASE DENSITY RANGE		BONUS DENSITY
	MINIMUM ² (Dwelling Units per Gross Acre)	MAXIMUM (Dwelling Units per Gross Acre)	MAXIMUM TOTAL DENSITY ³ (Dwelling Units per Gross Acre)
Intensive Development ¹⁴	8	14	22
Central Urban ¹⁵	4	10	15
Urban Community ^{4,5,16}	1	6	10
Suburban ¹⁷	1	6	No Bonus
Outlying Suburban	1	3	No Bonus
Sub-Outlying Suburban	1	2	No Bonus
Rural ¹⁰	No Minimum	1	No Bonus
Outer Islands	No Minimum	1	No Bonus
Rural Community Preserve ⁶	No Minimum	1	No Bonus
Open Lands ⁷	No Minimum	1 du/5 acres	No Bonus
Density Reduction/Groundwater Resource	No Minimum	1 du/10 acres	No Bonus
Wetlands ⁸	No Minimum	1 du/20 acres	No Bonus
New Community	1	6	No Bonus
University Community ⁹	1	2.5	No Bonus
Destination Resort Mixed Use Water Dependent ¹¹	6	9.36	No Bonus
Burnt Store Marina Village ¹²	No Minimum	160 Dwelling Units; 145 Hotel Units	No Bonus
Coastal Rural ¹⁸	No Minimum	1 du/2.7 acres	No Bonus

CLARIFICATIONS AND EXCEPTIONS

¹See the glossary in Chapter XII for the full definition of “density”.

²Adherence to minimum densities is not mandatory but is recommended to promote compact development.

³These maximum densities may be permitted by transferring density from non-contiguous land through the provisions of the Bonus Density Program identified in chapter 2 of the Land Development Code Housing Density Bonus Ordinance (No. 89-45, as amended or replaced) and the Transfer of Development Rights Ordinance (No. 86-18, as amended or replaced).

⁴Within the Future Urban Areas of Pine Island Center, rezonings that will allow in excess of 3 dwelling units per gross acre must “acquire” the density above 3 dwelling units per gross acre utilizing TDRs TDUs that were created from Greater Pine Island Coastal Rural or Greater Pine Island Urban Categories (see Policy 14.3.14), or transfer dwelling units in accordance with Policy 14.3.45.

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

⁶Within the Buckingham area, new residential lots must have a minimum of 43,560 square feet.

⁷The maximum density of 1 unit per 5 acres can only be approved through the planned development process (see Policy 1.4.4), except in the approximately 135 acres of land lying east of US41 and

north of Alico Road in the northwest corner of Section 5, Township 46, Range 25.

⁸Higher densities may be allowed under the following circumstances where wetlands are preserve on the subject site:

- (a) If the dwelling units are relocated off-site through the provision of Transfer of Development Rights Ordinance (86-18, as amended or replaced); or
- (b) Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, Central Urban, Urban Community, Suburban, Sub-Outlying Suburban, from preserved freshwater wetlands at the same underlying density as permitted for those uplands. Impacted wetlands will be calculated at the standard Wetlands density of 1 dwelling units per 20 acres. Planned Developments or Development Orders approved prior to October 20, 2010 are permitted the density approved prior to the adoption of CPA2008-18.

⁹Overall average density for the University Village sub-district must not exceed 2.5 du/acre. Clustered densities within the area may reach 15 du/acre to accommodate university housing.

¹⁰In the Rural category located in Section 24, Township 43 South, Range 23 East and south of Gator Slough, the maximum density is 1 du/2.25 acres.

¹¹Overall number of residential dwelling units is limited to 271 units in the Destination Resort Mixed Use Water Dependent district.

¹²The residential dwelling units and hotel development portions of this redevelopment project must be located outside of the designated Coastal High Hazard Area in accordance with Lee Plan, Map 5.

¹³See Policies 33.3.2, 33.3.3, and 33.3.4 for potential density adjustments resulting from concentration or transfer of development rights.

¹⁴The maximum total density may be increased to 30 du/acre utilizing Greater Pine Island TDUs.

¹⁵The maximum total density may be increased to 20 du/acre utilizing Greater Pine Island TDUs.

¹⁶The maximum total density may be increased to 15 du/acre utilizing Greater Pine Island TDUs.

¹⁷The maximum total density may be up to 8 du/acre when utilizing Greater Pine Island TDUs.

¹⁸The standard maximum density is 1 du/2.7 acres unless the "Adjusted Maximum Density" of 1 du/acre is achieved in accordance with requirements of Policy 1.4.7 and Chapter 33 of the Land Development Code.

TABLE 2(a)
CONSTRAINED ROADS
STATE AND COUNTY ROADS

ROADWAY	SEGMENT	MAINTENANCE RESPONSIBILITY	CONSTRAINED CONDITIONS
Captiva Road	Blind Pass/South Seas Plantation	County	ROW, Scenic, Aesthetic, Environmental
Daniels Parkway	Metro Parkway/I-75	County	ROW
Estero Boulevard	Center Street/Big Carlos Pass	County	ROW, Scenic, Aesthetic
Hickory Boulevard	Big Carlos Pass/Bonita Beach Road	County	Scenic, Aesthetic, Environmental
McGregor Boulevard (SR 867)	Colonial Boulevard/College Parkway	State	ROW, Scenic, Aesthetic, Historic, Environmental
Pine Island Road (Matlacha)	Shoreview Drive/Little Pine Island	County	ROW, Scenic, Aesthetic, Historic, Environmental
San Carlos Boulevard (SR 865) (Mantanzas Bridge)	Center Street/Main Street	State	ROW, Scenic, Aesthetic, Environmental
US 41	South of Daniels Road/North Airport Road	State	ROW
Gulf Boulevard	Boca Grande	County	Scenic, Aesthetic, Historic, Environmental
Stringfellow Road	8th Avenue/Main Street	County	Environmental

TABLE 2(b)

RECOMMENDED OPERATIONAL IMPROVEMENTS ON CONSTRAINED ROADS

ROADWAY	SEGMENT (or INTERSECTION)	AUXILIARY LANES	GEOMETRICS	SIGNAL TIMING PROGRE SSION	MISC.
Captiva Road	Blind Pass/South Seas Plantation	(1)	(1)	(1)	
Daniels Parkway	Metro Parkway/I-75	Provide frontage road connections	Potential removal of direct left turns @ Brookshire/ International (2); Close median openings at minor side street approaches (2); Potentially eliminate EB left turn and NB/SB left turns at Danport Blvd. signal (2).	Continue monitoring/ updating of signal system.	Access management
Estero Boulevard	Center Street/Big Carlos Pass	(1)	(1)	(1)	
Hickory Boulevard	Big Carlos Pass/Bonita Beach Road	Left turn lane at new park entrance on Lovers Key.	(1)	(1)	
McGregor Boulevard (SR 867)	Colonial Boulevard/Winkler Road	Provide a NB right-turn lane Davis Dr. to Colonial Blvd. (2)	(1)	(1)	
Pine Island Road (Matlacha)	Shoreview Drive/Little Pine Island	Construct left turn lanes at intersections with local roads, where feasible	(1)	(1)	
San Carlos Boulevard (SR 865)	Center Street/Main Street	(1)	(1)	Consider alternating signal for southbound approach lands and signal/lane controls to create a preferential transit lane.	Encourage transit ridership

US 41	S. of Daniels Parkway/North Airport Road	(1)	(1)	Continue monitoring/ updating of signal system	Maintain access control. Pursue installation of bike paths through MPO process.
Gulf Boulevard	Boca Grande	(1)	(1)	(1)	
<u>Stringfellow Road</u>	<u>8th Avenue/Main Street</u>	<u>Improved route efficiency, shelters</u>	<u>Greenway, add/widen sidewalks, improved pedestrian crossings in activity centers</u>	<u>Bicycle lanes or shared lanes</u>	<u>Turn lanes. On-street parking</u>

Footnotes:

- (1) ~~No specific operational improvement identified at this time, but operational improvements may still be possible and warranted in relation to development approval requests. Additional operational improvements may still be possible and warranted in relation to development approval requests.~~
- (2) ~~Indicates that the recommended improvement should increase the estimated service volume multimodal system capacity of the facility.~~



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

March 17, 2016

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

Attention: Michelle Miller

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy for Lee County Ordinance No. 16-07, which was filed in this office on March 17, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

RECEIVED

By mmmiller at 8:47 am, Mar 18, 2016