

LEE COUNTY ORDINANCE NO. 19-13

Limerock Mining
(CPA2018-10014)

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 LIMEROCK MINING (CPA2018-10014) 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") 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 January 28, 2019; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on April 17, 2019. At that hearing, the Board approved a motion to send, and did later send, proposed amendments pertaining to Lee Plan Goals 1, 9, 10, 33, 47, and 114, Chapter XIII, and Map 14 (CPA2018-10014) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the April 17, 2019 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on June 19, 2019, 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 "Limerock Mining Ordinance (CPA2018-10014)."**

SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, which amends Lee Plan Goals 1, 9, 10, 33, 47, and 114, Chapter XIII, and Map 14 to: remove the requirements for a limerock supply inventory and demand analysis and for future limerock mines to be designated on Map 14; delete Map 14, the Future Limerock Mining Overlay; add a policy regarding compatibility of mining operations on airport capacities, facilities and operations; and, add a policy to require a public informational meeting prior to submittal of a mine excavation planned development rezoning application known as Limerock Mining (CPA2018-10014).

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

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

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

SECTION FOUR: MODIFICATION

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

SECTION FIVE: GEOGRAPHIC APPLICABILITY

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

SECTION SIX: SEVERABILITY

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

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

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

SECTION EIGHT: EFFECTIVE DATE

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

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

John Manning	Aye
Cecil Pendergrass	Aye
Vacant	_____
Brian Hamman	Aye
Frank Mann	Nay

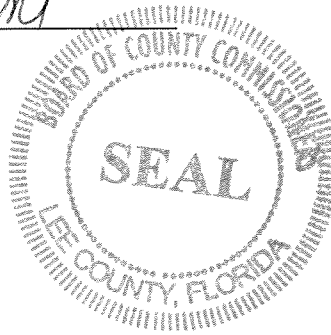
DONE AND ADOPTED this 19th day of June, 2019.

ATTEST:
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: Missy Flint
Deputy Clerk

BY: Brian Hamman
Brian Hamman, Vice Chair



DATE: 06/19/2019

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

Missy Flint
County Attorney's Office

Exhibit A: Adopted revisions to Lee Plan Goals 1, 9, 10, 33, 47, and 114, Chapter XIII, and Map 14 (Adopted by BOCC June 19, 2019)

EXHIBIT A

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

II. Future Land Use

POLICY 1.2.2 1.1.13: The Tradeport future land use category includes areas ~~are of~~ commercial and industrial lands adjacent to the airport ~~needed to accommodate projected growth through the year 2030.~~ These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; research and development activities; laboratories; ground transportation and airport-related terminals or transfer facilities; hotels/motels, meeting facilities; and office uses. Stand alone retail commercial uses intended to support and compliment the surrounding business and industrial land uses are permitted if they are approved as part of a Development of Regional Impact (DRI) or Planned Development rezoning. Stand alone retail commercial uses are limited to 1 acre out of every 10 Tradeport and preserved wetland acres within the project. To provide an incentive to preserve upland habitat, Developments of Regional Impact or Planned Developments may also receive additional stand alone retail acres at the rate of 1 additional acre out of every 10 acres of preserved and enhanced uplands within the project that protect wetlands, flowways or occupied listed species habitat. Ancillary retail commercial uses, related directly to the sale of products manufactured or services provided in the Tradeport, are allowed if they are part of a planned development. Residential uses, other than bona fide caretaker residences, are not permitted in this category. Caretaker residences are not permitted in the Airport Noise Zone B. ~~Limerock mining may be approved through the Mine Excavation Planned Development rezoning process for the land designated Tradeport on the Future Limerock Mining map (Map 14.) Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, s~~ Special environmental and design review guidelines will be applied to its development this future land use category because of its location within the Six Mile Cypress Basin and in order to maintain the appearance of this area as a primary point of entry into Lee County. Property in Section 1 and the east 1/2 of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential public services. During the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be rebuttably presumed to be necessary to protect potential groundwater resources in the area. (Ordinance No. 94-30, 02-02, 03-04, 04-16, 07-09, 09-06, 10-14, 10-20, 10-37, 18-05)

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

1. New land uses in these areas that require rezoning or a development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels (~~except as provided in Policies 33.1.3 and 33.3.5~~) utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream, as well as adjacent to the site. Offsite mitigation may be utilized, and may be required, to demonstrate this compatibility. Evidence as to historic levels may **must** be submitted as part of the rezoning application and updated, if necessary, as part of the mining development order application. ~~during the rezoning or development review processes.~~

2. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum standard density of one dwelling unit per ten acres (1 du/10 acres). ~~See Policies 33.3.2, 33.3.3, 33.3.4, 33.3.5 and 33.3.6~~ See Objectives 33.2 and 33.3 for potential density adjustments resulting from concentration or transfer of development rights.
 - ~~a. For residential development, also see Objective 33.3 and following policies. Commercial and civic uses can be incorporated into Mixed-Use Communities to the extent specifically provided in those policies.~~
 - ~~b. Individual residential parcels may contain up to two acres of Wetlands without losing the right to have a dwelling unit, provided that no alterations are made to those wetland areas.~~
 - ~~c. The Future Limerock Mining overlay (Map 14) identifies sufficient land near the traditional Alico Road industrial corridor for continued limerock mining to meet regional demands through the Lee Plan's planning horizon (currently 2030). See Objective 33.1 and following policies.~~

3. *Remains unchanged.*

POLICY 1.7.6: The Planning Communities Map and Acreage Allocation Table (see Map 16, ~~and~~ Table 1(b), and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses ~~for the year 2030~~ through the Plan's horizon. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No development orders or extensions to development orders will be issued or approved by Lee County that would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded. This policy will be implemented as follows:

1. *Remains unchanged.*
2. Project reviews for development orders must include a review of the capacity, in acres, that will be consumed by buildout of the development order. No development

order, or extension of a development order, will be issued or approved if the project acreage for a land use, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Table 1(b), ~~Acreage Allocation Table~~ regardless of other project approvals in that Planning Community. For limerock mining in Planning Community #18, see special requirements in Policy 33.1.4 regarding industrial acreages in Table 1(b).

3. *Remains unchanged.*

~~POLICY 1.7.12:~~ The Future Limerock Mining overlay (Map 14) identifies sufficient land near the traditional Alico Road industrial corridor for continued limerock mining to meet regional demands through the Lee Plan's planning horizon (currently 2030). See Objective 33.1 and following policies. (Ordinance No. 10-20, 14-10)

~~POLICY 1.7.13~~ 1.7.12: Renumber.

~~POLICY 9.1.4:~~ Protect bonafide agricultural activities in Future Non-Urban Areas on lands designated as Agricultural on the agricultural overlay (see Map 20) from the impacts of new natural resource extraction operations, recreational uses, and residential developments. ~~However, in Future Limerock Mining areas (see Map 14) agricultural activities may be limited to the interim period prior to mining or may need to coexist with adjoining mining activities and mining pits.~~ (Ordinance No. 94-30, 02-02, 10-20)

~~POLICY 9.1.7:~~ Existing agricultural lands within the DR/GR land use category provide important surface and subsurface connections for water and wildlife resources. The county supports the integration of agriculture within a comprehensive and coordinated effort of county and regional agencies to manage the water resources in a manner that includes the protection and restoration of natural systems within Southeast Lee County. (Ordinance No. 10-19)

GOAL 10: NATURAL RESOURCE EXTRACTION. To protect areas containing commercially valuable natural resources from incompatible urban development, while insuring that natural resource extraction operations minimize or eliminate adverse effects on surrounding land uses and on other natural resources. (Ordinance No. 02-02, 10-20)

OBJECTIVE 10.1: ~~Designate through the rezoning process sufficient lands suitable for providing fill material, limerock, and other commercially valuable natural resources to meet the county's needs and to export to other communities, while providing adequate protection for the county's other natural resources.~~ Minimize or eliminate adverse effects of natural resource extraction operations through efficient use of land, natural resources, and reclamation. (Ordinance No. 10-20)

~~POLICY 10.2.3~~ 10.1.1: Limit ~~the depth of mining for a proposed excavations will be limited as necessary in order to prevent any breach of an aquaclude or confining layer. (Ordinance No. 10-20)~~

~~POLICY 10.1.1~~ 10.1.2: Encourage ~~The sale of overburden from approved limerock mines, is encouraged because converting overburden into fill material avoids additional mining at other locations. However, shallow mines that produce primarily fill dirt should be sited as close as possible to locations of high demand to minimize the distance fill material must be trucked to likely destinations (see also Policy 33.1.5). (Ordinance No. 10-20)~~

POLICY 10.1.3: Supplement limerock supply by encouraging public and private entities to recycle asphalt and concrete materials.

~~POLICY 10.1.4: Limerock mining may be permitted only in accordance with Objective 33.1 and its policies. Other natural resource extraction activities, such as fill dirt operations (and ancillary industrial uses may be permitted as follows:~~

- ~~1. In areas indicated on the Future Land Use Map as Rural, Coastal Rural, Open Lands, and Density Reduction/Groundwater Resource provided they have there is adequate fire protection, transportation facilities, wastewater treatment and water supply, and provided further that they have no significant adverse effects such as dust and noise on compatibility with surrounding land uses and natural resources. In the Density Reduction/Groundwater Resource category, fill dirt operations are further restricted in accordance with Policy 33.1.5.~~
- ~~2. In order to reduce transport costs and minimize wear on the county's roadways, the extraction and transport of fill material may also be permitted as an interim use in the Future Urban Areas provided that the above requirements are met; however, special restrictions may also be applied to protect other land uses. These determinations will be made during the rezoning process. Ancillary crushing of limerock strata embedded within fill material may be permitted for use on-site.~~

~~(Ordinance No. 94-30, 00-22, 02-02, 10-20)~~

~~POLICY 10.1.5: Lee County will support efforts by government, community leaders, and the extractive industry owners and businesses to incorporate reclaimed mining pits into a comprehensive and coordinated effort of county and regional agencies Encourage a collaborative effort between public and private entities to maximize the potential of reclaimed mining pits for to enhancing wildlife habitat values, minimizing or repairing the long-term impacts to adjoining natural systems, providing for human recreation, education, and other appropriate uses, and/or strengthening community environmental benefits. (Ordinance No. 99-15, 02-02, 10-20)~~

POLICY 10.1.6: Maintain land development regulations to minimize or eliminate adverse effects of natural resource extraction operations.

POLICY 10.1.7: Wetland impacts that were approved through a rezoning, as a result of being identified on the Future Limerock Mining Overlay, prior to the adoption of Ord. 19-XX or approved through a MEPD rezoning application that was found sufficient prior to adoption of Ord. 19-XX, will be deemed consistent with current Lee Plan wetland provisions.

OBJECTIVE 10.2: ~~Coordinate mining activities, including evaluation,~~ Ensure new and expanded natural resource extraction operations are compatible with the environment and surrounding land uses through requirements for monitoring, reclamation, and redevelopment, with water supply planning, surface and groundwater management activities, wetland protection, and wildlife conservation, ~~and future residential activities.~~ Consider the cumulative and watershed-wide impacts of ~~mining activities~~ natural resource extraction operations, not just the direct impacts of each individual mine in isolation. (Ordinance No. 10-20)

POLICY 10.2.2: Applications for natural resource extraction permits for new or expanding areas must include an environmental assessment. The assessment will include (but not be limited to) consideration of air emissions, impact on environmental and natural resources, effect on nearby land uses, degradation of water quality, ~~depletion of water quantity~~ water budget, drainage, fire and safety, noise, odor, visual impacts, transportation including access roads, sewage disposal, and solid waste disposal. Assessments will also include:

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

~~**POLICY 10.1.2**~~ **10.2.3:** ~~The future~~ All proposed uses of any new or existing natural resource extraction operation must be evaluated at the time the property is rezoned ~~undergoes planned development zoning review~~. Site plans should be designed to incorporate proposed future uses, including open space, and to ensure the protection of surface and ground water resources, wildlife, and native plant communities. Uses may be added to an approved zoning through the appropriate planned development zoning review process. (Ordinance No. 10-20)

~~**POLICY 10.1.3**~~ **10.2.8:** ~~Reclamation is intended to replace or offset ecological benefits lost during extraction, including the creation of conditions that will support a healthy water body to the extent practicable.~~ Applications for ~~n~~Natural resource extraction

permits for new or expanding sites, or for future use of such sites, ~~must include~~ are required to submit a reclamation plan that provides assurance of implementation. This plan must address the reclamation and sustainable management of all existing and future mining pits, preserves, and buffer areas that are or may in the future be related to the mining operation. Reclamation plans in Future Limerock Mining areas (see Map 14) must include littoral shelves suitable for native wetland plants, revegetation of disturbed land, allowance for wildlife movement, and minimization of long term effects on surrounding surface and groundwater levels. Reclamation plans for mines providing primarily fill material should provide more extensive littoral shelves and describe how shorelines will be configured and managed and how disturbed uplands will be restored or converted to other acceptable land uses. Reclamation plans in or near important surface and groundwater resource areas must also be designed to minimize the possibility of contamination of the surface and groundwater during mining and after completion of the reclamation. (Ordinance No. 00-22, 02-02, 10-20)

POLICY 10.2.9: As part of the MEPD rezoning application, a public informational meeting which meets the requirements of Policy 17.3.4 must be held prior to the submittal of the rezoning application and within three miles of the boundary of the affected Community Plan Area.

~~OBJECTIVE 10.3:~~ ~~Determine and maintain a balance between the county's petroleum resources and the public health, safety and welfare. (Ordinance No. 98-09, 10-20, 17-13)~~

~~GOAL 33: SOUTHEAST LEE COUNTY.~~ ~~To protect natural resources in accordance with the county's 1990 designation of Southeast Lee County as a groundwater resource area., augmented through a comprehensive planning process that culminated in the 2008 report, *Prospects for Southeast Lee County*. To achieve this goal, it is necessary to address the inherent conflict between retaining shallow aquifers for long-term water storage and extracting the aquifer's limestone for processing into construction aggregate. The best overall balance between these demands will be achieved through a pair of complementary strategies: consolidating future mining in the traditional Alico Road industrial corridor while initiating a long-term restoration program to the east and south to benefit water resources and protect natural habitat. Residential and commercial development will not be significantly increased except where development rights are being explicitly concentrated by this plan. Agriculture uses may continue, and environmental restoration may begin. This goal and subsequent objectives and policies apply to Southeast Lee County as depicted on Map 1, Page 2. Protect Southeast Lee County's natural resources through public and private acquisition and restoration efforts. Development incentives will be utilized as a mechanism to preserve, enhance, and protect natural resources, such as regional flow-ways and natural habitat corridors in the development of privately owned land. Allowable land uses will include conservation, agriculture, public facilities, low density or clustered residential, natural resource extraction operations, and private recreation facilities; allowable land uses must be compatible with protecting Southeast Lee County's environment. (Ordinance No. 10-20)~~

OBJECTIVE 33.1: LIMEROCK MINING. Designate on a Future Land Use Map overlay sufficient land near the traditional Alico Road industrial corridor for continued limerock mining to meet regional demands through this plan's horizon (currently 2030). (Ordinance No. 10-20)

POLICY 33.1.1: Limerock mining is a high-disturbance activity whose effects on the surrounding area cannot be completely mitigated. To minimize the impacts of mining on valuable water resources, natural systems, residential areas, and the road system, Map 14 identifies Future Limerock Mining areas that will concentrate limerock mining activity in the traditional Alico Road industrial corridor east of I-75. By formally identifying such areas in this plan and allowing rezonings for new and expanded limerock mines only in the areas identified in Map 14, limerock resources in or near existing disturbed areas will be more fully utilized and the spread of limerock mining impacts into less disturbed environments will be precluded until such time as there is a clear necessity to do so (and Map 14 is amended accordingly). Inclusion of land on Map 14 does not restrict the rights of landowners to use their land for other allowable purposes. (Ordinance No. 10-20)

POLICY 33.1.2: Most land identified on Map 14 is in the Density Reduction/Groundwater Resource land use category (see Policy 1.4.5) and will also be subject to those special requirements. Future Limerock Mining land outside the DR/GR area will also be subject to requirements of the appropriate designation on Map 14. Goal 10 and its objectives and policies contain additional guidance on mining. The Land Development Code will continue to provide additional details on mining approvals and operations. (Ordinance No. 10-20)

POLICY 33.1.3: Concurrent with the update of Map 14 in 2010, the Lee Plan was amended to improve the ability to efficiently mine in Future Limerock Mining areas. An exception was made to the requirement in Policy 1.4.5 that DR/GR land uses must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels. Under this exception, land in Future Limerock Mining areas may be rezoned for mining when the impacts to natural resources including water levels and wetlands are offset through appropriate mitigation within Southeast Lee County. The Land Development Code will be amended and maintained to include provisions for assessing and mitigating mining impacts and for transferring residential development rights from land zoned for limerock mining pits. Appropriate mitigation for water levels will be based upon site-specific data and modeling acceptable to the Division of Natural Resources. Appropriate wetland mitigation may be provided by preservation of high quality indigenous habitat, restoration or reconnection of historic flowways, connectivity to public conservation lands, restoration of historic ecosystems or other mitigation measures as deemed sufficient by the Division of Environmental Sciences. It is recommended that, whenever possible, wetland mitigation be located within Southeast Lee County. The Land Development Code will be revised to include provisions to implement this policy. (Ordinance No. 10-20)

POLICY 33.1.4: Table 1(b) contains industrial acreage in Southeast Lee County that reflects the acreage of limerock mining pits needed to meet local and regional demand through the year 2030. The parcel-based database of existing land uses described in Policy 1.7.6 will be updated at least every seven years to reflect additional data about limerock mining in Southeast Lee County, including mining acreage zoned (project acres and mining pit acreage), pit acreage with active mine operation permits, acreage actually mined, and acreage remaining to be mined. Current totals are based on data compiled in *Prospects for Southeast Lee County* for the year 2006. Future amendments will reflect any additional data that becomes available through routine monitoring reports and bathymetric surveys or other credible sources. The industrial acreage totals for Southeast Lee County that are found in Table 1(b) for Planning Community #18 will be used for the following purposes:

1. In accordance with Policies 1.1.1 and 1.7.6, new mine development orders and mine development order amendments may be issued provided that the industrial acreage totals in Table 1(b) are not exceeded. For purposes of this computation, the proposed additional limerock pit acreage, when added to the acreage of limerock pits already dug, cannot exceed the acreage limitation established in Table 1(b) for Planning Community #18.
2. By monitoring the remaining acreage of land rezoned for mining but not yet mined, Lee County will have critical information to use in determining whether and to what extent the Future Limerock Mining areas in Map 14 may need to be expanded in the future to meet local and regional demands.

(Ordinance No. 10-20)

POLICY 33.1.5: The sale of overburden from approved limerock mines is encouraged because converting overburden into fill material avoids additional mining at other locations. However, shallow mines that produce primarily fill dirt should be sited as close as possible to locations of high demand to minimize the distance that fill material must be trucked to likely destinations (see also Policy 10.1.1). In Southeast Lee County shallow mines are generally unnecessary because fill dirt is available as a byproduct of limerock mines; however, shallow mines may be permitted on sites immediately adjoining areas of high demand for fill dirt such as Lehigh Acres. (Ordinance No. 10-20)

POLICY 33.1.6: Asphalt and concrete can be recycled to produce aggregate that is comparable to the products of limerock mines. Lee County should be a leader in using recycled aggregate in its construction projects and in encouraging privately operated recycling facilities in appropriate locations to minimize the need to mine or import additional aggregate. (Ordinance No. 10-20)

POLICY 33.1.7: Protect agricultural activities on lands designated as Agricultural on the agricultural overlay (see Map 20) from the impacts of new natural resource extraction operations, recreational uses, and residential developments. However, in Future Limerock Mining areas (see Map 14), agricultural activities may be limited to the interim period prior to mining or may need to coexist with adjoining mining activities and mining pits. (Ordinance No. 10-20)

OBJECTIVE 33.2 33.1: WATER, HABITAT, AND OTHER NATURAL RESOURCES. ~~Designate on a Future Land Use Map overlay the land in Southeast Lee County that is most critical toward restoring historic surface and groundwater levels and for improving the protection of other natural resources such as wetlands and wildlife habitat. Protect and restore natural resources within Southeast Lee County including, but not limited to, surface and ground water, wetlands, and wildlife habitat. (Ordinance No. 10-19)~~

POLICY 33.2.1 33.1.1: Large-scale ecosystem integrity in Southeast Lee County should be maintained and restored. Protection and/or restoration of land is of even higher value when it connects existing corridors and conservation areas. Restoration is also highly desirable when it can be achieved in conjunction with other uses on privately owned land including agriculture. ~~Lee County Natural Resources, Conservation 20/20, and Environmental Sciences staff will work with landowners who are interested in voluntarily restoring native habitats and landowners who are required to conduct restoration based upon land use changes. The parameters for the required restoration will be established in the Land Development Code by 2012 or within planned development zoning approvals as established in Objective 33.3. (Ordinance No. 10-19, 15-13)~~

POLICY 33.2.2 33.1.2: The DR/GR Priority Restoration overlay depicts seven tiers of land where protection and/or restoration would be most critical to restore historic surface and groundwater levels and to connect existing corridors or conservation areas (see Policy 1.7.7 and Map 1, Page 4). Within these tiers, density incentives will be utilized as a mechanism to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species; with Tier 1 and Tier 2 being the most incentivized tiers. ~~This overlay identifies seven tiers of land potentially eligible for protection and restoration, with Tier 1 and Tier 2 being the highest priority for protection from irreversible land use changes. Lee County will may evaluate consider amendments to this overlay map every 7 years to determine if based on changes in public ownership, land use, new scientific data, and/or demands on natural resources justify updating this map. This overlay does not restrict the use of the land, in and of itself. It will be utilized as the basis for incentives and for informational purposes since this map will represent a composite of potential restoration and acquisition activities in the county. (Ordinance No. 10-19)~~

POLICY 33.2.3 33.1.3: ~~It is in southwest Florida's interest for public and nonprofit agencies to actively pursue acquisition of (partial or full interest) of in land within the Tier 1 areas in this the DR/GR Priority Restoration overlay through direct purchase; partnerships with other government agencies; long-term purchase agreements; right of first refusal contracts; land swaps; and or other appropriate means. These lands would to provide critical connections to other conservation lands that serve as the backbone for water resource management and wildlife movement within the DR/GR Southeast Lee County. Tier 2 lands are of equal ecological and water resource importance as Tier 1 but have better potential to remain in productive agricultural use as described in Policies 33.2.5 and 33.2.6. Tier 3 lands and the southern two miles of Tiers 5, 6, and 7 can provide an important wildlife connection to conservation lands in Collier County and an~~

anticipated regional habitat link to the Okaloacoochee Slough State Forest. Tiers 1, 2, 3, and the southern two miles of Tiers 5, 6, and 7 may qualify for unique development incentives outlined in Objectives 33.2 and 33.3 due to the property's potential for natural resource benefits and/or wildlife connections. Additionally, the county may consider incentives, within all tiers, for private landowners to improve water resources and natural ecosystems.

- ~~1. The county will consider incentives for private landowners to maintain and improve water resources and natural ecosystems on properties within Tier 2 through Tier 7, including but not limited to acquiring agricultural or conservation easements; compensation for water storage that is in the public interest; and providing matching funds to secure federal and state funds/grants for improving agricultural best management practices or protection/restoration of wetlands on existing agricultural operations.~~
- ~~2. Tiers 1, 2, 3, and the southern two miles of Tiers 5, 6, and 7 will qualify for incentives when development rights are transferred to less sensitive sites in accordance with Policies 33.3.3 and 33.3.5.~~
- ~~3. Permanent protection of land within all tiers may also occur through:
 - a. Using resource extraction mitigation fees to acquire land;
 - b. Establishing a Regional Offsite Mitigation Area (ROMA); or
 - c. Concentrating development as depicted in the Southeast DR/GR Residential Overlay (Map 17) as detailed in Policies 33.3.2, 33.3.3, 33.3.4 and 33.3.5.~~

(Ordinance No. 10-19, 12-24)

POLICY 33.2.4 33.1.4: Renumbered.

POLICY 33.2.5 33.1.5: Renumbered.

POLICY 33.2.6 33.1.6: Renumbered.

POLICY 33.2.7 33.1.7: Renumbered.

POLICY 33.1.8: The county supports a comprehensive and coordinated effort to manage water resources in a manner that includes the protection and restoration of natural systems within Southeast Lee County.

OBJECTIVE 33.3 33.2: Renumbered.

POLICY 33.3.1 33.2.1: Renumbered.

POLICY 33.3.2 33.2.2: Renumbered.

POLICY 33.3.3 33.2.3: Renumbered.

POLICY 33.3.4 33.2.4: Renumbered.

OBJECTIVE 33.4 33.3: Renumbered.

POLICY 33.4.1 33.3.1: Renumbered.

POLICY 33.4.2 33.3.2: Renumbered.

POLICY 33.4.3 33.3.3: Renumbered.

III. Transportation

POLICY 47.2.7: In the interest of the safety of air commerce, the county will not approve mining operations unless it is demonstrated that no adverse vibration, noise, air, and water quality impacts on existing and planned airport capacities, facilities, and operations will result from the proposed mining operation.

VII. Conservation and Coastal Management

POLICY 124.1.1: Ensure that development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII of this plan, and except that owners of wetlands adjacent to Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, and Outlying Suburban areas may transfer densities to developable contiguous uplands under common ownership in accordance with Footnote 8b of Table 1(a), Summary of Residential Densities. ~~In Future Limerock Mining areas only (see Map 14), impacts to wetlands resulting from mining will be allowed when those impacts are offset through appropriate mitigation, preferably within Southeast Lee County (see also Policy 33.1.3). Appropriate wetland mitigation may be provided by preservation of high quality indigenous habitat, restoration or reconnection of historic flowways, connectivity to public conservation lands, and restoration of historic ecosystems or other mitigation measures as deemed sufficient by Lee County. (Ordinance No. 94-30, 00-22, 10-20, 18-06, 18-28)~~

POLICY 124.1.2: The county’s wetlands protection regulations will be consistent with the following:

1. The county will not undertake an independent review at the Development Order stage of the impacts to wetlands resulting from development in wetlands that is specifically authorized by a DEP or SFWMD dredge and fill permit or exemption.
2. No development in wetlands regulated by the State of Florida will be permitted by Lee County without the appropriate state agency permit or authorization.
3. Lee County will incorporate the terms and conditions of state permits into county permits and will prosecute violations of state regulations and permit conditions through its code enforcement procedures.
4. Every reasonable effort will be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques.

On- or off-site mitigation will only be permitted in accordance with applicable state standards.

5. Mitigation banks and the issuance and use of mitigation bank credits will be permitted to the extent authorized by applicable state agencies.

~~6. Lee County supports a more lenient wetland protection standard for limerock mines within the Future Limerock Mining overlay (Map 14). Lee County's overall wetland protection goals are better served by concentrating mining activity than by preserving small isolated wetlands on mining sites.~~

~~7~~ 6. Wetland density will be determined by the jurisdictional wetland line. Impacted wetlands may not be calculated at the underlying upland density rate. Density calculations for impacted wetlands must be at 1 dwelling unit per 20 acres. (Ordinance No. 94-30, 00-22, 07-12, 10-20, 10-39, 18-28)

XIII. Administration

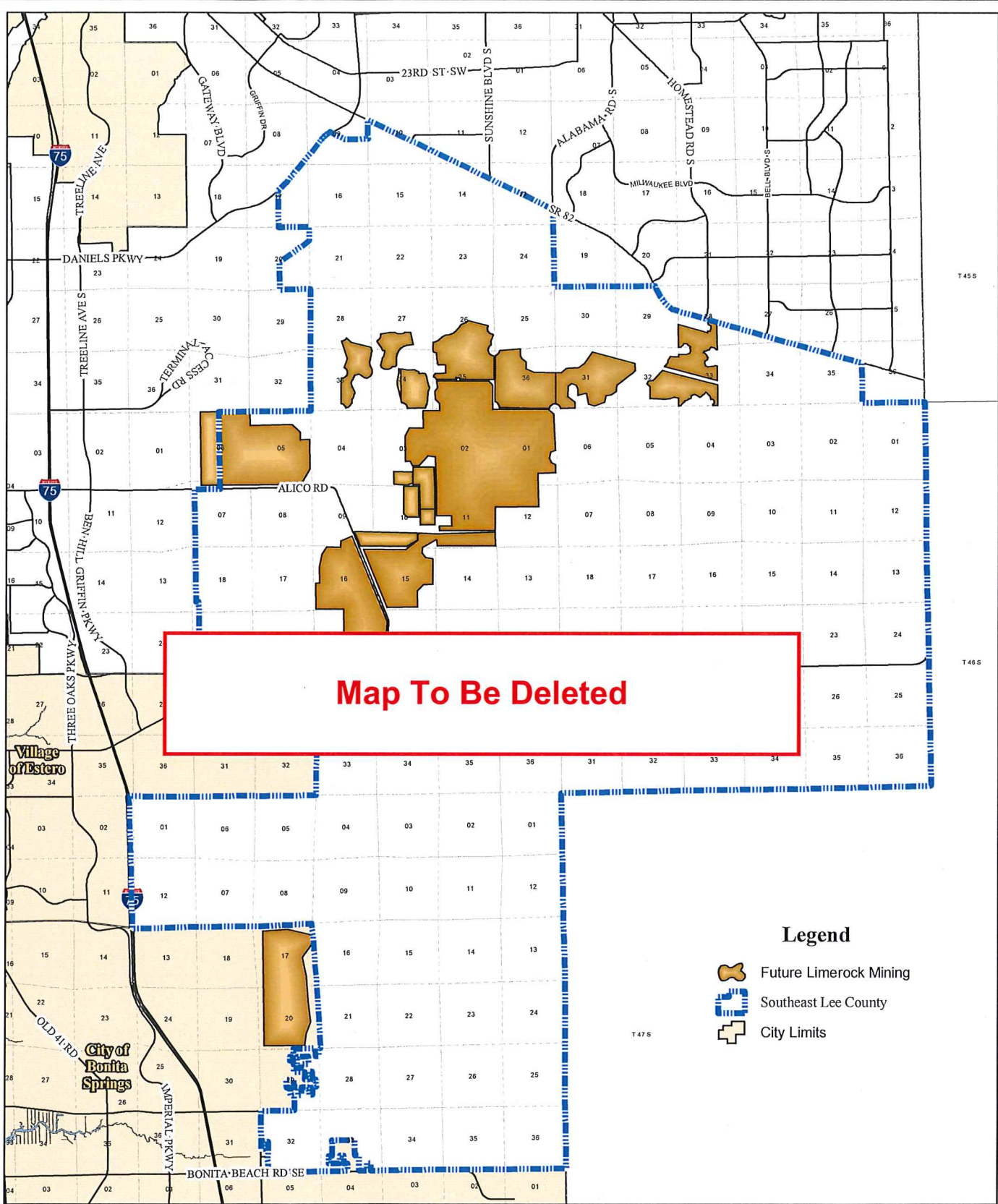
b. Administrative Interpretation of the Plan

2. Standards for Administrative Interpretations

e. In addition to the above, interpretations for a Minimum Use Determination (MUD) will be determined under the following standards:




(1) – (7): Unchanged.

(8) A property that is 10 or more acres in size with at least 8 acres of land designated as DR/GR and no more than 2 acres of Wetlands, provided that no alterations are made to those wetland areas, may be permitted one single family residence.



Map To Be Deleted

Legend

-  Future Limerock Mining
-  Southeast Lee County
-  City Limits



Map Generated: April 2018
 City Limits current to date of map generation
 Adopted by Ord 90-43 (9/6/90)
 Amended By: 10-20, 10-43, 17-23



FUTURE LIMEROCK MINING OVERLAY

Lee Plan Map 14

TABLE 1(b) Year 2030 Allocation

Future Land Use Category	Lee County Totals		Northeast Lee County	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/Airport	Daniels Parkway
	Existing	Proposed											
Intensive Development	1,361	1,361				5		27		250			
Central Urban	14,766	14,766				225				230			
Urban Community	17,021	17,021	520	485		637						250	
Suburban	16,623	16,623				1,810				85			
Outlying Suburban	3,843	3,843	30			40	20	2	500				1,438
Sub-Outlying Suburban	1,955	1,955				547						227	
Commercial													
Industrial	79	79								39		20	
Public Facilities	1	1							1				
University Community	850	850											
Destination Resort Mixed Use Water Dependent	8	8											
Burnt Store Marina Village	4	4					4						
Industrial Interchange													
General Interchange	151	151										11	58
General Commercial Interchange													
Industrial Commercial Interchange													
University Village Interchange													
Mixed Use Interchange													
New Community	2,100	2,100	1,200									900	
Airport													
Tradeport	9	9										9	
Rural	8,313	8,313	1,948			1,400	636						1,500
Rural Community Preserve	3,100	3,100											
Coastal Rural	1,300	1,300											
Outer Island	202	202	5			1			150				
Open Lands	2,805	2,805	250				590						120
Density Reduction/ Groundwater Resource	6,905	6,905	711									94	
Conservation Lands Upland													
Wetlands													
Conservation Lands Wetland													
Unincorporated County Total Residential	81,296	81,396	4,664	485		4,665	1,250	29	651	604		1,511	3,116
Commercial	12,793	12,793	177	52		400	50	17	125	150		1,100	440
Industrial	13,801	6,620	26	3		400	5	26		300		3,100	10
Non Regulatory Allocations													
Public	82,565	82,565	7,100	421		2,000	7,000	20	1,961	350		7,752	2,477
Active AG	17,027	24,208	5,100			550	150						20
Passive AG	43,786	43,786	12,229			2,500	109					1,241	20
Conservation	81,933	81,933	2,214	611		1,142	3,236	133	1,603	748		2,947	1,733
Vacant	23,874	23,874	1,953			61	931	34		45		300	151
Total	357,176	357,176	33,463	1,572		11,718	12,731	259	4,340	2,197		17,951	7,967
Population Distribution (unincorporated Lee County)	495,000	495,000	9,266	1,531		30,861	3,270	225	530	5,744		18,333	16,375

TABLE 1(b) Year 2030 Allocation

Future Land Use Category		Iona/ McGregor	San Carlos	Sanibel	South Fort Myers	Pine Island	Lehigh Acres	Southeast Lee County Existing Proposed		North Fort Myers	Buckingham	Estero	Bayshore
Residential By Future Land Use Category	Intensive Development				660	3	42			365		9	
	Central Urban	375	17		3,140		8,179			2,600			
	Urban Community	850	1,000		860	500	11,359				110	450	
	Suburban	2,488	1,975		1,200	675				6,690		1,700	
	Outlying Suburban	377				600				382		454	
	Sub-Outlying Suburban		25							140	66		950
	Commercial												
	Industrial	5	5		10								
	Public Facilities												
	University Community		850										
	Destination Resort Mixed Use Water Dependent	8											
	Burnt Store Marina Village												
	Industrial Interchange												
	General Interchange							15	15	31		6	30
	General Commercial Interchange												
	Industrial Commercial Interchange												
	University Village Interchange												
	Mixed Use Interchange												
	New Community												
	Airport												
	Tradeport												
	Rural		90			190	14			500	50	635	1,350
	Rural Community Preserve										3,100		
	Coastal Rural					1,300							
	Outer Island	1				45							
	Open Lands									45			1,800
	Density Reduction/ Groundwater Resource								4,000	4,000			2,100
	Conservation Lands Upland												
Wetlands													
Conservation Lands Wetland													
Unincorporated County Total Residential		4,104	3,962		5,870	3,313	19,594	4,015	4,015	10,753	3,326	3,254	6,230
Commercial		1,100	1,944		2,100	226	1,300	68	68	1,687	18	1,700	139
Industrial		320	450		900	64	300	7,246	65	554	5	87	5
Non Regulatory Allocations													
Public		3,550	3,059		3,500	2,100	15,289	12,000	12,000	4,000	1,486	7,000	1,500
Active AG						2,400		7,171	14,352	200	411	125	900
Passive AG						815		17,521	17,521	1,532	3,619	200	4,000
Conservation		9,306	2,969		188	14,767	1,541	31,210	31,210	1,317	336	5,068	864
Vacant		975	594		309	3,781	9,880	470	470	2,060	1,000	800	530
Total		19,355	12,978		12,867	27,466	47,904	79,701	79,701	22,103	10,201	18,234	14,168
Population Distribution (unincorporated Lee County)		34,538	36,963		58,363	13,265	153,011	1,270	1,270	71,001	6,117	25,577	8,760

(Amended by Ordinance No. 02-02, 03-19, 05-19, 07-13, 09-15, 09-16, 10-15, 10-16, 10-40, 10-43, 14-14, 15-10, 16-02, 16-17, 17-12, 17-23, 18-06)
 Printed 12/7/2018



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

June 20, 2019

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

Attention: Missy Flint

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Ordinance No. 19-13, which was filed in this office on June 19, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb