

Responses to Frequently Asked Questions - Page Index:

Why is Lee County proposing these amendments?.....	2
What is the review and adoption process for these amendments?.....	2
What state requirements apply to the Lee Plan?	2
Does state law require the County to have community plans in the Lee Plan?.....	3
How can the public participate?.....	3
What is being deleted, relocated, or consolidated, and how can the public determine where an existing Lee Plan provision will be found under the proposed amendments?	3
What will happen to existing community plans and community-specific policies? Will those communities retain the same protections under the proposed Lee Plan?	3
How will rural, agricultural, and existing residential areas be protected?	4
Will the amendments change allowable density, intensity, zoning, or development rights?.....	4
Have potential impacts to roads, traffic, drainage, flooding, hurricane evacuation, schools, emergency services, water, and sewer infrastructure been evaluated?	4
How will environmental and natural-resource protections be affected?	4
If a protection is removed from the Lee Plan and placed in the Land Development Code, why does the County consider that merely a relocation when the provision will no longer have the legal status of a comprehensive-plan policy and future changes will not require the same comprehensive-plan amendment and state-agency review process?	8

Why is Lee County proposing these amendments?

The proposed amendments are County-initiated, following Board of County Commissioners' (BoCC) direction on April 1, 2025. In accordance with the direction provided, staff drafted the amendments for review and consideration with established decision-making processes. The minutes from this meeting can be found [online](#).

What is the review and adoption process for these amendments?

The proposed **Lee Plan** amendments follow the State Review Process, which requires:

- Local Planning Agency - One public hearing
- Board of County Commissioners - Two public hearings
 - State Reviewing Agencies, including Florida Commerce, Florida Department of Transportation, the South Florida Water Management District, and the Florida Department of Environmental Protection, review the proposed amendments before the 2nd public hearing in front of the Board.

The proposed **Land Development Code (LDC)** amendments follow a slightly different process. The LDC amendments are reviewed by the County's Land Development Code Advisory Committee, Local Planning Agency, and Executive Regulatory Oversight Committee. After committee review, two public hearings will be held by the Board of County Commissioners to adopt the LDC amendments.

What state requirements apply to the Lee Plan?

The Lee Plan is the County's comprehensive plan. The State requires comprehensive plans include specific elements, and for each element to be based on relevant and appropriate data and analysis. Lee County is a coastal county, and must include elements that address each of the following:

- Future Land Use - describes the general land use categories and their appropriate locations
- Transportation - describes the County's transportation guidelines
- Sanitary Sewer/Solid Waste/Drainage/Potable Water/Aquifer Recharge - describes how the county will develop and maintain needed infrastructure and resources
- Conservation - describes the methods and strategies the County will use to support conservation of land and resources
- Recreation and Open Space - describes how the County will develop, maintain, and distribute public parks
- Housing - describes how the County will support housing affordability, specialty housing, and diverse housing stock
- Coastal Management - describes how the County will protect its coastal areas

- Intergovernmental Coordination - describes how the County will interact with other jurisdictions and non-county entities, like the School Board
- Capital Improvements - Outlines the infrastructure projects the County intends to fund and how that occurs
- Property Rights - describes the property rights given to all property owners in Lee County as it relates to land use decisions

Does state law require the County to have community plans in the Lee Plan?

A community plan is a goal in the Lee Plan specific to a defined area of the County. The State does not require community plans.

How can the public participate?

Members of the public may provide comments at each public hearing scheduled for the proposed amendments. If a member of the public wants to speak at a meeting, they should complete a Speaker Card, after which they will be called to speak for a maximum of 3 minutes each. Rules of Procedure can be found in Lee County Administrative Code AC-1-3 ([link](#)).

What is being deleted, relocated, or consolidated, and how can the public determine where an existing Lee Plan provision will be found under the proposed amendments?

The full extent of the edits can be found attached to the Staff Report for the Lee Plan Amendments ([CPA2026-00005](#)). Additional resources are being prepared to assist the public in navigating the changes.

What will happen to existing community plans and community-specific policies? Will those communities retain the same protections under the proposed Lee Plan?

The proposed amendments delete community plans. Protections for all of Lee County are retained in the Lee Plan.

How will rural, agricultural, and existing residential areas be protected?

The proposed amendments do not erode protections for rural, agricultural, and existing residential areas. The Lee Plan has land-use protections in Goals 5 through 11, now augmented by policies retained from community plans, and by other policies throughout the Lee Plan, that safeguard existing development from incompatible new development types.

Will the amendments change allowable density, intensity, zoning, or development rights?

No. The proposed amendments do not change the allowable density, intensity, land use category, or zoning of any property. There are no proposed changes to any future land use categories or zoning Districts with these amendments. For example, property within the Rural future land use category will remain in the Rural future land use category. To change a future land use category, an application would be filed and reviewed through the required public hearing process.

Have potential impacts to roads, traffic, drainage, flooding, hurricane evacuation, schools, emergency services, water, and sewer infrastructure been evaluated?

The proposed amendments do not result in impacts to roads, traffic, drainage, flooding, hurricane evacuation, schools, emergency services, water, or sewer infrastructure. The proposed amendments also do not change the decision-making processes for new development. All development applications must be reviewed for their impact on public infrastructure.

How will environmental and natural-resource protections be affected?

The proposed amendments do not delete the County's protections for environmental or natural resources. The Lee Plan and the Land Development Code include environmental and natural resource protection requirements that apply throughout unincorporated Lee County. The Lee Plan's Conservation and Coastal Management Element contains Goals applicable to Development in Coastal Areas (Goal 101), Estuarine Water Quality (Goal 122), Resource (Habitat and Wildlife) Protection (Goal 123), Wetlands (Goal 124), Water Quality (Goal 125), Water Resources (Goal 126), and Shoreline Management (Goal 127).

Below are some examples of existing Lee Plan policies that are currently in place and not proposed for amendments:

Flood Hazard:

GOAL 59: PROTECTION OF LIFE AND PROPERTY. To reduce the hazards to life, health, and property created by flooding due to rainfall in a manner consistent with the community's criteria for the preservation of environmental values and the conservation of natural resources.

OBJECTIVE 59.1: Lee County will continue its efforts in developing a surface water management planning process designed to produce and maintain an up-to-date body of technical information, and, based on that information, the necessary surface water management plans, regulatory mechanisms, and facility proposals that will improve the protection of present and future uses of real property from stormwater flooding, while preserving or enhancing the environmental and natural resource values of both land and water.

POLICY 59.1.1: The County will update and implement the Lee County Surface Water Management Master Plan, with full attention to issues of regional water quality and environmental integrity.

POLICY 59.1.2: From technical data underlying the surface water management plan, criteria will be established and utilized to identify floodways and other areas of special flood risk not already identified by the Federal Flood Hazard Map and Flood Insurance Study.

POLICY 59.1.3: Maintain floodplain regulations in accordance with the most recently adopted Flood Insurance Rate Map (FIRM) and other available sources.

Surface Water Systems:

OBJECTIVE 61.3: GENERAL SURFACE WATER MANAGEMENT STANDARDS. Lee County will continue to provide sufficient performance and/or design standards for development protective of the function of natural drainage systems.

POLICY 61.3.1: Provide sufficient performance and design standards to require post-development runoff to approximate the total characteristics of the natural flow prior to development.

POLICY 61.3.2: Maintain floodplains to minimize the potential loss of life and damage to property by flooding.

POLICY 61.3.3: Keep floodways as unobstructed as possible.

POLICY 61.3.4: Natural flow patterns will be publicly restored where such action is of significant public or environmental benefit, and feasible.

POLICY 61.3.5: The County will maintain regulations which provide for the management and protection of floodplains, consistent with state and federal regulations.

POLICY 61.3.6: Require developments to provide surface water management systems, acceptable programs for operation and maintenance, and post-development runoff conditions that reflect the natural surface water flow rate, direction, quality, hydroperiod, and drainage basin.

POLICY 61.3.7: Channelization of natural streams and rivers is prohibited; channelization of other natural watercourses is discouraged.

POLICY 61.3.8: The banks of wet retention and detention areas must be sloped to promote growth of vegetation and safeguard against accidents.

POLICY 61.3.9: Protect the natural functions of riparian systems from incompatible development practices.

POLICY 61.3.10: New artificial drainage systems must not channel runoff directly into natural waterbodies.

POLICY 61.3.11: Runoff must be routed through retention or detention areas and vegetated swales in order to reduce flow velocity, allow for percolation, and trap and remove suspended solids and pollutants.

POLICY 61.3.12: The design of shorelines of retention and detention areas and other excavations must be sinuous rather than straight.

POLICY 61.3.13: Installation of erosion control devices for development activities adjacent to waterbodies, water courses, and wetlands will be required. Such control devices must be maintained to ensure operational effectiveness.

Coastal Protection Areas:

OBJECTIVE 101.1: COASTAL AREA PLANNING. Improve the function of natural systems as a defense against coastal flooding.

POLICY 101.1.1: Require that development within the Coastal High Hazard Area be compatible with natural systems, such as, water retention and purification, wildlife habitat, primary productivity, and defense against coastal flooding.

POLICY 101.1.2: Protect and conserve the following environmentally sensitive coastal areas: wetlands, estuaries, mangrove stands, undeveloped barrier islands, beach and dune systems, aquatic preserves, wildlife refuges, undeveloped tidal creeks and inlets, critical wildlife habitats, benthic communities, and marine grass beds.

OBJECTIVE 101.5: BEACH AND DUNE SYSTEMS. Maintain a beach preservation and management plan through the Lee County Coastal Advisory Council or successor agency.

POLICY 101.5.1: Maintain a beach and dune management program which includes:

1. Preparing beach and dune management plans, with priority to areas designated by the Florida DEP as critically eroded in the report entitled Critically Eroded Beaches in Florida.
2. Coordinating with local municipalities and the Captiva Erosion Prevention District in preparing beach and dune management plans.
3. Coordinating with governments and private entities to identify sources of beach-quality sand for renourishment projects, concentrating on areas that will have minimal impacts on the County's aquatic resources.

GOAL 122: ESTUARINE WATER QUALITY. Manage estuarine ecosystems in order to conserve productivity through maintaining or improving water quality, protecting wildlife diversity and reducing or maintaining current pollution loading and system imbalances.

OBJECTIVE 122.1: Maintain an ongoing water quality monitoring program with local, state, and federal estuarine water quality agencies to ensure that the latest data and recommendations are available.

POLICY 122.1.1: Monitor estuarine water quality through the following:

1. Establish and operate a network of water quality sampling sites to fill in gaps in the state sampling program including monitoring of surface water resources for federal and state water quality standards compliance and NPDES permit compliance.
2. Maintain liaisons with local, state, and federal agencies engaged in water quality monitoring, and review their data, conclusions, and recommendations.
3. Develop a system for reporting on water quality conditions and trends on a regular basis.
4. Recommend actions intended to maintain or improve water quality in the estuaries to meet DEP's criteria for the water body and preserve the "approved for shellfish harvesting" classification where applicable. Attempt to return viable "closed" (due to water quality) shell fishing areas to an "approved" status.

POLICY 122.1.2: Require development affecting coastal and estuarine water resources to maintain or enhance the biological and economic productivity of those resources.

POLICY 122.1.3: Cooperate with SFWMD, local utilities, and other appropriate agencies for monitoring and review of freshwater discharge affecting estuarine areas in order to maintain the biological and chemical balances necessary for optimum productivity.

POLICY 122.1.4: Cooperate with state and federal agencies to enforce pollution control standards for marinas, marine dumping, and illegal discharges from water craft.

POLICY 122.1.5: Require installations of shoreside pumpout stations at marinas that serve live-aboards provide adequate facilities for subsequent transfer and treatment of boat sewage.

Wildlife:

GOAL 123: RESOURCE PROTECTION. Manage coastal, wetland and upland ecosystems and natural resources in order to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.

OBJECTIVE 123.3: WILDLIFE. Maintain and enhance the fish and wildlife diversity and distribution within Lee County for the benefit of a balanced ecological system.

POLICY 123.3.1: Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation.

POLICY 123.3.2: Participate in the development of a regional plan to identify and protect areas utilized by wildlife, including panthers and bears, so as to promote the continued viability and diversity of regional species.

POLICY 123.3.3: Protect wildlife from impacts of new non-agricultural development in non-urban areas through the creation and implementation of a human-wildlife coexistence plan for each new development requiring a development order.

Wetlands:

GOAL 124: WETLANDS. To maintain and enforce a regulatory program for development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems.

OBJECTIVE 124.1: Protect and conserve the natural functions of wetlands and wetland systems by maintaining wetland protection regulations.

Water Quality:

GOAL 125: WATER QUALITY. To ensure that water quality is maintained or improved for the protection of the environment and people of Lee County.

OBJECTIVE 125.1: Maintain high water quality, meeting or exceeding state and federal water quality standards.

POLICY 125.1.1: Sources of water pollution will be identified, controlled, and eliminated wherever feasible.

POLICY 125.1.2: New development and additions to existing development must not degrade surface and ground water quality.

POLICY 125.1.3: The design, construction, and maintenance of artificial drainage systems must provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems.

The Lee Plan contains existing policies specific to endangered species, potable water and sanitary sewer, transportation, housing, and other Goals, Objectives, and Policies. The examples above are not meant to be an exhaustive list.

If a protection is removed from the Lee Plan and placed in the Land Development Code, why does the County consider that merely a relocation when the provision will no longer have the legal status of a comprehensive-plan policy and future changes will not require the same comprehensive-plan amendment and state-agency review process?

The Lee Plan creates a long-term vision of how the county will develop. The LDC establishes the requirements for development to facilitate that vision. Regulations in the Land Development Code are legally binding. All zoning actions are reviewed by County Staff, and those that require public hearing are heard by the Hearing Examiner. The Hearing Examiners are Land Use Attorneys who apply strict scrutiny of the Code in their decision-making and recommendations. The quasi-judicial process that the Hearing Examiners apply is often much stricter than the legislative process in which comprehensive plan amendments are made.

Any changes proposed to the Land Development Code require public hearings before Local Planning Agency, Executive Regulatory Oversight Committee, Land Development Code Advisory Committee and the Board of County Commissioners. There is an opportunity for public input during each of those meetings.
